

CANADA / JUDGMENT

R. v. Campbell

2026 ONCA 58

COURT

Court of Appeal for Ontario

DECIDED

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R. v. Campbell Collection Decisions of the Court of Appeal Date 2026-01-29 Neutral citation 2026 ONCA 58 Docket numbers COA-24-CR-0414 Judges Tulloch, Michael H.; Copeland, Jill M.; Madsen, Lene Subject Criminal Decision Content COURT OF APPEAL FOR ONTARIO CITATION: R. v. Campbell, 2026 ONCA 58 DATE: 20260129 DOCKET: COA-24-CR-0414 Tulloch C.J.O., Copeland and Madsen JJ.A. BETWEEN His Majesty the King Respondent and Dajour Campbell Appellant Jassi Vamadevan, for the appellant Ildiko Erdei, for the respondent Heard: January 22, 2026 On appeal from the conviction entered by Justice R. Cary Boswell of the Superior Court of Justice, on September 20, 2023. REASONS FOR DECISION Overview

- [1] The appellant appeals his convictions for dangerous driving, flight from police, possession of fentanyl, and possession of fentanyl for the purpose of trafficking. The sole issue on appeal is whether the trial judge erred in concluding that the appellant was the driver of the BMW involved in the police pursuit on May 29, 2020 and, therefore, the person in possession of the fentanyl found in the trunk of the vehicle.
- [2] For the reasons that follow, we are not persuaded that the trial judge committed any reversible error. When the evidence is assessed as a whole, the verdicts were reasonable and supported by the record. The appeal is dismissed. The Trial Judge's Findings
- [3] The trial judge was required to determine identity in circumstances where no police officer directly observed the driver's face during the pursuit and where the appellant was not arrested at the scene. The Crown's case rested on circumstantial evidence, including video surveillance, documentary evidence linking the appellant to the vehicle, drug-related exhibits, and evidence of recent control of the BMW.
- [4] The trial judge carefully reviewed and summarized the evidence. He expressly acknowledged the limits of each individual item of proof and cautioned himself against relying on any single piece of evidence in isolation. Instead, he assessed the cumulative force of the evidence, consistent with established principles governing circumstantial cases. The Circumstantial Evidence of Identity

- a. Tim Hortons Video Evidence [5] The trial judge considered CCTV footage showing the BMW at a Tim Hortons drive-through shortly before the pursuit. He compared the appearance of the driver in the video to the appellant's Ministry of Transportation photograph and to the appellant's appearance in court over the course of a four-day trial.
- [6] Importantly, the trial judge was alive to the limitations of the video. He noted that the driver was wearing a toque and glasses, that the driver was seated, and that height, build, and hairstyle could not be assessed. He expressly acknowledged that these constraints prevented the video from constituting definitive identification evidence on its own.
- [7] Nonetheless, the trial judge found that the driver bore a "strong resemblance" to the appellant in facial shape, nose, mouth, eye spacing, and skin tone. He emphasized that these similarities, while not compelling in isolation, formed part of a broader assessment. The trial judge did not treat the video as conclusive proof of identity, but as circumstantial resemblance evidence capable of assisting in the overall determination.
- b. Documentary Evidence Connecting the Appellant to the BMW [8] The trial judge placed significant weight on the documentary evidence recovered from the BMW. This included the appellant's temporary driver's licence and multiple auto repair receipts bearing his name, address, and contact information.
- [9] The trial judge drew the reasonable inference that a driver's licence is a personal document typically kept by the driver of a vehicle, and that its presence in the BMW supported the conclusion that the appellant regularly drove that car. Similarly, the repair receipts demonstrated an ongoing and meaningful connection to the vehicle, including responsibility for costly maintenance and repairs over an extended period.
- [10] The trial judge found that this evidence established recent and continuing possession or control of the BMW by the appellant. There was no evidence that any other person had a comparable connection to the vehicle.
- c. Drug Evidence and Personal Effects [11] The trial judge also relied on the contents of a backpack found in the trunk of the BMW. The backpack contained a large quantity of fentanyl pills, digital scales, packaging materials, and a prescription pill bottle bearing the appellant's name. The single pill inside the bottle was identical to the fentanyl pills seized.
- [12] The trial judge drew a common-sense inference that individuals do not ordinarily leave prescription medication containers bearing their name in another person's backpack or vehicle. This evidence further connected the appellant to the drugs in the trunk of the BMW.
- [13] In addition, the trial judge considered the evidence of a police officer who had observed the appellant exiting the driver's seat of the same BMW three days earlier, with the same passenger present. While the trial judge appropriately assigned this evidence limited weight, he was entitled to consider it as additional circumstantial evidence of recent control of the vehicle. The Legal Framework Applied

- [14] The trial judge correctly recognized that this was not a case in which the video evidence stood alone. He did not purport to identify the appellant as the driver beyond a reasonable doubt based solely on the Tim Hortons footage. Rather, he treated the video as one component of a broader circumstantial case.
- [15] The trial judge explicitly rejected a piecemeal approach to the evidence. He stepped back and assessed whether the totality of the evidence, viewed through the lens of logic, common sense, and human experience, established guilt beyond a reasonable doubt: *R. v. Smith*, 2016 ONCA 25, 333 C.C.C. (3d) 534, at paras. 81-82.
- [16] This approach accords with binding authority. Circumstantial evidence need not exclude every speculative or fanciful alternative explanation. It must exclude only reasonable alternatives grounded in the evidence: *R. v. Lights*, 2020 ONCA 128, 149 O.R. (3d) 273, at para. 38. The trial judge correctly applied this principle. Appellate Deference and Reasonableness of the Verdict
- [17] The appellant's submissions largely amount to a disagreement with the weight the trial judge assigned to the evidence. However, absent a palpable and overriding error or a misapprehension of material evidence, such assessments are entitled to deference.
- [18] The trial judge's findings were supported by the record and were reasonably open to him. The inference that the appellant was the driver of the BMW and, therefore, responsible for the dangerous driving, flight from police, and possession of fentanyl, was grounded in a coherent and mutually reinforcing body of circumstantial evidence. The verdict was not unreasonable.

Disposition

- [19] The appeal is dismissed. "M. Tulloch C.J.O." "J. Copeland J.A." "L. Madsen J.A."

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