

CANADA / JUDGMENT

R. v. Donawa

2025 SCC 10

COURT

Supreme Court of Canada

DECIDED

26 March 2025

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R. v. Donawa Collection Supreme Court Judgments Date 2025-03-26 Neutral citation 2025 SCC 10 Case number 41287 Judges Martin, Sheilah; Kasirer, Nicholas; Jamal, Mahmud; O'Bonsawin, Michelle; Moreau, Mary On appeal from Ontario Subjects Criminal law Notes Case in Brief SCC Case Information Decision Content SUPREME COURT OF CANADA Citation: R. v. Donawa, 2025 SCC 10 Appeal Heard: March 26, 2025 Judgment Rendered: March 26, 2025 Docket: 41287 Between: Amari Donawa Appellant and His Majesty The King Respondent

- and - Director of Public Prosecutions Intervener Coram: Martin, Kasirer, Jamal, O'Bonsawin and Moreau JJ. Unanimous Judgment Read By: (para. 1) Martin J. Note: This document is subject to editorial revision before its reproduction in final form in the Canada Supreme Court Reports. Amari Donawa Appellant v. His Majesty The King Respondent and Director of Public Prosecutions Intervener Indexed as: R. v. Donawa 2025 SCC 10 File No.: 41287. 2025: March 26. Present: Martin, Kasirer, Jamal, O'Bonsawin and Moreau JJ. on appeal from the court of appeal for ontario Criminal law — Evidence — Firearm — Definition — Police finding handgun containing magazine and ammunition in bag belonging to accused during roadside stop — Police sending handgun for forensic examination without magazine or ammunition — Forensic expert testifying at trial that handgun of type found could not be fired without magazine — Trial judge acquitting accused of several firearms offences on basis that Crown had not met onus to prove beyond reasonable doubt that handgun was firearm as defined in Criminal Code because making firearm operable, according to testimony of expert, required special expertise, considerable time, and parts not readily available — Court of Appeal allowing appeal, entering convictions for careless storage of firearm and possession of firearm with altered serial number and ordering new trial on other firearms offences — Court of Appeal concluding trial judge erred by failing to consider fact that there was magazine in handgun when found, to consider evidence accused had previously fired handgun, and to consider whether handgun as found was operable based on evidence — Court of Appeal also concluding trial judge erred in law in failing to consider all evidence in relation to ultimate issue of guilt or innocence — Convictions and order for new trial upheld — Criminal Code, R.S.C. 1985, c. C-46, s. 2 “firearm”. Statutes and Regulations Cited Criminal Code, R.S.C. 1985, c. C-46, s. 2 “firearm”. APPEAL from a judgment of the Ontario Court of Appeal (Lauwers, Hourigan and Nordheimer JJ.A.), 2024 ONCA 279, 501 D.L.R. (4th) 195,

[2024] O.J. No. 1651 (Lexis), 2024 CarswellOnt 5477 (WL), setting aside the acquittals entered by Edward J., entering convictions for careless storage of firearm and possession of firearm with altered serial number and ordering new trial on other firearms offences. Appeal dismissed. Maxime Bédard and Mark C. Halfyard, for the appellant. Andrew Hotke, for the respondent. Jeanette Gevikoglu and Éric Marcoux, for the intervener. The judgment of the Court was delivered orally by

- [1] Martin J. — The only issue on this appeal as of right is whether the handgun found by the police in the appellant's car was a firearm as defined in s. 2 of the Criminal Code, R.S.C. 1985, c. C-46. We are unanimously of the view it was a firearm. We substantially agree with the decision of the Ontario Court of Appeal (2024 ONCA 279, 501 D.L.R. (4th) 195). Accordingly, we would dismiss the appeal. Judgment accordingly. Solicitors for the appellant: Daniel Brown Law, Toronto. Solicitor for the respondent: Attorney General of Ontario, Toronto. Solicitor for the intervener: Public Prosecution Service of Canada, Toronto.

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