

CANADA / JUDGMENT

R. v. Francois

2026 ONCA 117

COURT

Court of Appeal for Ontario

DECIDED

17 February 2026

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R. v. Francois Collection Decisions of the Court of Appeal Date 2026-02-17 Neutral citation 2026 ONCA 117 Docket numbers COA-25-CR-1105 Judges Miller, Bradley; Dawe, Jonathan; Wilson, Darla A. Subject Criminal Decision Content COURT OF APPEAL FOR ONTARIO CITATION: R. v. Francois, 2026 ONCA 117 DATE: 20260217 DOCKET: COA-25-CR-1105 Miller, Dawe and Wilson JJ.A. BETWEEN His Majesty the King Respondent and Augustus Francois Appellant Alaina Britney and Marianne Salih, for the appellant Brett Cohen, for the respondent Heard and rendered orally: February 11, 2026 On appeal from the sentence imposed by Justice Brian G. Puddington of the Ontario Court of Justice on January 16, 2025. REASONS FOR DECISION

- [1] The appellant pleaded guilty to robbery and attempted robbery in the context of a carjacking spree conducted with three other individuals. He was sentenced to 2.5 years' incarceration. He has served the majority of his custodial sentence and has been released on parole. He has nevertheless pursued the sentence appeal because of the potential immigration consequences of his sentence.
- [2] He appeals primarily on the basis that (1) the sentencing judge erred in treating denunciation and deterrence as primary to the sentencing of a youthful first-time offender; and (2) on the basis that the sentencing judge failed to take into account the collateral immigration consequences of a custodial sentence of six months or more.
- [3] On the first ground, the Crown concedes that the trial judge misstated the law but argues that he nevertheless considered all relevant sentencing principles and did not treat denunciation and deterrence as primary. In any event, he imposed a sentence well below the range for this type of offence, and indeed below the sentences imposed on the other perpetrators (who were not first-time offenders).
- [4] We agree that despite his misstatement of the law, the sentencing judge did not overemphasize denunciation and deterrence. On a reading of the reasons as a whole, it is apparent that he appropriately took into account the appellant's status as a youthful first-time offender, as evidenced by the imposition of a sentence below the range.

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- [5] We also do not accept the submission that the sentencing judge failed to properly account for the Morris factors: *R. v. Morris*, 2021 ONCA 680. The appellant did not advance an argument on sentencing that he had been disadvantaged as a consequence of growing up in a racialized community, and the sentencing judge was not required to speculate that any Morris factors affecting his degree of moral responsibility were satisfied.
- [6] We would not give effect to this ground of appeal.
- [7] With respect to the immigration consequences argument, once it was determined that a fit sentence exceeded incarceration of under two years, a conditional sentence was not available. Immigration consequences could only have been avoided by the imposition of what the sentencing judge found would have been an unfit sentence. Accordingly, we reject this ground of appeal.
- [8] The appeal is dismissed. “B.W. Miller J.A.” “J. Dawe J.A.” “D.A. Wilson J.A.”
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