

CANADA / JUDGMENT

R. v. G.C.

2026 ONCA 94

COURT

Court of Appeal for Ontario

DECIDED

9 February 2026

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R. v. G.C. Collection Decisions of the Court of Appeal Date 2026-02-09 Neutral citation 2026 ONCA 94 Docket numbers COA-26-CR-0066, M56642 Judges Lauwers, Peter D. Subject Criminal Decision Content COURT OF APPEAL FOR ONTARIO CITATION: R. v. G.C., 2026 ONCA 94[1] DATE: 20260209 DOCKET: M56642 (COA-26-CR-0066) Lauwers J.A. (Motion Judge) BETWEEN His Majesty the King Respondent and G.C. Applicant/Appellant Deniz Sarikaya, for the applicant/appellant Maria Anghelidis, for the respondent Heard: January 30, 2026 REASONS FOR DECISION

- [1] On February 4, 2026, I granted bail on the terms agreed between the parties, with reasons to follow. These are the reasons.
- [2] The applicant was convicted of making sexually explicit material available to a child, sexual assault, sexual interference, and invitation to sexual touching, arising from persistent sexual abuse of his step-daughter beginning when she was four or five years old. He received a custodial sentence of five and a half years. The applicant seeks judicial interim release pending his conviction and sentence appeals.
- [3] The notice of appeal sets out two grounds of appeal related to his conviction: sufficiency of reasons and material misapprehension of the evidence.
- [4] First, the applicant argues that the reasons for judgment – quite sparse, at six pages – are insufficient. The reasons fail to explain basic aspects of the case such as the charges the applicant was facing, the elements of each offence, and how the trial judge concluded that the Crown had proven the elements of the offence beyond a reasonable doubt. The applicant argues that that reasons fail to address the key issue of credibility and reliability of the complainant's evidence. Accordingly, they do not permit effective appellate review.
- [5] Second, the applicant argues that the trial judge misapprehended the only contested issue analyzed in the reasons for judgment. After stating the defence theory – that the complainant made up the allegations to avoid getting punished for having access to a porn site on her laptop – the trial judge inadequately addressed the complainant's motive to lie.

- [6] For bail pending a conviction appeal, the applicant must establish the three elements set out in s. 679(3) of the Criminal Code, R.S.C. 1985, c. C-46: (1) that the appeal or application for leave to appeal is not frivolous; (2) that he will surrender himself into custody in accordance with the terms of the order; and (3) that his detention is not necessary in the public interest.
- [7] The Crown argues that the appeal fails the first and third elements of the test. She submits that the grounds of appeal are frivolous. She also submits that the applicant should remain incarcerated on the third ground alone: that his detention is necessary in the public interest to preserve public confidence in the administration of justice. The Crown did not submit that the applicant's release posed public safety concerns or that he was a flight risk.
- [8] As the Supreme Court noted in *R. v. Oland*, 2017 SCC 17, [2017] 1 S.C.R. 250, at para. 41, the "not frivolous" criterion "operates as an initial hurdle" that "allow[s] for the immediate rejection of a release order in the face of a baseless appeal". The court must conduct a preliminary assessment of the strength of the grounds of appeal, based on judicial knowledge and experience: *R. v. Ruthowsky*, 2018 ONCA 552, at para. 15.
- [9] The adequacy of a trial judge's reasons is rarely the basis of a successful appeal. The principles are set out in *R. v. Wolynech*, 2015 ONCA 656, 330 C.C.C. (3d) 541, at paras. 51-60, citing *R. v. J.J.R.D.* (2006), 215 C.C.C. (3d) 252 (Ont. C.A.), leave to appeal refused, [2007] S.C.C.A. No. 69; *R. v. R.E.M.*, 2008 SCC 51, [2008] 3 S.C.R. 3, at paras. 15 and following; *R. v. Sheppard*, 2002 SCC 26, [2002] 1 S.C.R. 869, at paras. 46, 50; *R. v. Vuradin*, 2013 SCC 38, [2013] 2 S.C.R. 639, at para. 12; and *R. v. G.F.*, 2021 SCC 20, [2021] 1 S.C.R. 801, at paras. 68-82.
- [10] It will be for the panel hearing the appeal to determine whether the reasons are adequate, but in my view the applicant's argument that the reasons are inadequate is not frivolous even in light of that jurisprudence. The argument puts into question the fairness of the trial. I decline to explore the second ground of appeal beyond noting that it relates to whether the reasons are adequate.
- [11] With respect to enforceability, "[p]ublic confidence in the administration of justice requires that judgments be enforced": *R. v. Farinacci* (1993), 86 C.C.C. (3d) 32, [1993] O.J. No. 2627 (C.A.), at para. 42. The seriousness of the crime figures in the assessment of the enforceability interest: *Oland*, at para. 37. This court has identified sexual offences relating to children as being on the higher end of the gravity spectrum in the context of bail pending appeal applications: *R. v. J.B.*, 2023 ONCA 264, at para. 17, citing *R. v. M.S.*, 2022 ONCA 348, at para. 15; see also *R. v. C.M.*, 2023 ONCA 700, at para. 5; *R. v. G.B.*, 2023 ONCA 621, at para. 10; and *R. v. J.C.*, 2023 ONCA 617, at para. 6.

- [12] However, there is weight in the applicant's argument that the reasons do not explain basic aspects of the case, such as the charges the applicant was facing, the elements of each offence, and how the trial judge concluded that the Crown had proven the elements of the offence beyond a reasonable doubt. On the applicant's defence, the reasons do not address the credibility and reliability of the complainant's evidence in light of the argument around the complainant's motive to lie.
- [13] In this application, given the lower confidence in the justice of the conviction generated by the sparse reasons, the public interest in keeping the applicant imprisoned plays a lesser role: *R. v. Ahmed*, 2020 ONCA 572, at paras. 7-9; *R. v. McFarlane*, 2026 ONCA 45, at paras. 11-12.
- [14] I therefore grant bail on the terms agreed between the parties. "P. Lauwers J.A."
- [1] This appeal is subject to a publication ban pursuant to s. 486.4 of the Criminal Code, R.S.C. 1985, c. C-46.

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