

CANADA / JUDGMENT

R. v. Gomez

2026 ONCA 330

COURT

Court of Appeal for Ontario

DECIDED

7 May 2026

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R. v. Gomez Collection Decisions of the Court of Appeal Date 2026-05-07 Neutral citation 2026 ONCA 330 Docket numbers COA-25-CR-0329 Judges Rouleau, Paul S.; Wilson, Darla A.; Madsen, Lene Subject Criminal Decision Content COURT OF APPEAL FOR ONTARIO CITATION: R. v. Gomez, 2026 ONCA 330 DATE: 20260507 DOCKET: COA-25-CR-0329 Rouleau, Wilson and Madsen JJ.A. BETWEEN His Majesty the King Respondent and Renzo Gomez Appellant Lydia Riva and Elysia Nocida, for the appellant Matthew Morley, for the respondent Heard: May 1, 2026 On appeal from the sentence imposed by Justice Leonard Ricchetti of the Superior Court of Justice, on January 9, 2025, with reasons reported at 2025 ONSC 2039. REASONS FOR DECISION

- [1] The appellant appeals from the sentence imposed following his guilty pleas to dangerous driving causing death and dangerous driving causing bodily harm. The sentencing judge imposed a 6-year sentence for the offence of dangerous driving causing death and a 4-year sentence for the offence of dangerous driving causing bodily harm, to be served concurrently, plus a 16-year driving prohibition.
- [2] The appellant submits that the sentence imposed is demonstrably unfit and that the sentencing judge erred in his weighing of mitigating and aggravating factors. He argues, further, that the sentencing judge failed to properly consider a psychological report that was filed in evidence.
- [3] After hearing submissions, we dismissed the appeal with reasons to follow. These are our reasons. A. Background Facts [4] On July 2, 2022, the appellant, who had consumed alcohol earlier that evening, rapidly accelerated in his Corvette to a speed of 164 km/h in a 60 km/h zone in an attempt to “beat” a yellow traffic light ahead of him. He was not successful. As he entered the intersection against a red light, he struck a vehicle which was turning left across his path, killing the passenger and seriously injuring the driver.
- [5] This was not a momentary lapse in judgment. Moments earlier, the appellant had cut off another vehicle while making a “coasting” turn, forcing the driver to brake to avoid an accident. He had then “floored” his Corvette while switching lanes to pass slower vehicles.

- [6] The appellant's driving record includes a number of convictions for speeding and other infractions under the Highway Traffic Act, R.S.O. 1990, c. H.8 (the "HTA"). Just three months prior to the accident, the appellant had been ticketed for travelling 168 km/h in a 100 km/h zone. An illegal radar detector, designed to alert the driver to nearby police speed traps, was in the appellant's Corvette at the time of the accident. B. The Decision of the Sentencing Judge [7] The Crown sought a global sentence of 8 years' imprisonment. The appellant asked for a conditional sentence. The sentencing judge considered the circumstances of the appellant, including the psychological report tendered by the defence and his HTA record, and the gravity of the offences, including its impact on the victims and their families. He concluded that while the psychological report demonstrated that the appellant was remorseful, it also indicated that the appellant lacked insight into his responsibility for the offences. Considering all the mitigating and aggravating factors, the sentencing judge concluded that the appropriate sentence in the circumstances was 6 years' imprisonment for the offence of dangerous driving causing death and 4 years for dangerous driving causing bodily harm. C. Analysis [8] Absent an error in principle which impacts the sentence, an appellate court cannot intervene unless the sentence is demonstrably unfit. The weight to assign to mitigating and aggravating factors is a matter for the sentencing judge: *R. v. Lacasse*, 2015 SCC 64, [2015] 3 S.C.R. 1089, at paras. 49, 78. The appellant does not take issue with what the sentencing judge considered but only the manner in which he considered it.
- [9] The sentencing judge carefully reviewed the evidence and the principles and objectives of sentencing. He considered the sentences that had previously been imposed for similar offences and appropriately noted that these precedents had to be approached with caution, given Parliament's decision to increase the maximum penalties for dangerous driving offences: *R. v. Georgopoulos*, 2026 ONCA 27, at paras. 25-26; *R. v. Robertson*, 2026 ONCA 281, at para. 50. His decision is thorough and well-reasoned, reflects a careful balancing of the mitigating and aggravating factors, and is entitled to deference.
- [10] It was open to the sentencing judge to find that the appellant's consumption of alcohol was aggravating even though he was acquitted of impaired driving: *Lacasse*, at para. 84. Likewise, he was entitled give minimal weight to the appellant's guilty pleas given their lateness: *Lacasse*, at para. 81. There is no merit to the appellant's argument that the sentencing judge misapprehended the psychological report. The conclusions he drew from it, and the weight he assigned to it, reveal no reviewable error.
- [11] A sentence is not demonstrably unfit simply because it is unprecedented: *Robertson*, at para. 58. This is particularly true when the sentence is a response to a legislative increase to the maximum sentences for the offence. It cannot be said that a 6-year sentence was demonstrably unfit given the appellant's egregious conduct, his pattern of disregard for the rules of the road, and the devastating impact that his actions have had on the victims and their families. D. Disposition [12] Leave to appeal sentence is granted, but the appeal is dismissed. "Paul Rouleau J.A." "D.A. Wilson J.A." "L. Madsen J.A."

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