

CANADA / JUDGMENT

R. v. Mansoor

2025 ONCA 842

COURT

Court of Appeal for Ontario

DECIDED

5 December 2025

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R. v. Mansoor Collection Decisions of the Court of Appeal Date 2025-12-05 Neutral citation 2025 ONCA 842 Docket numbers COA-25-CR-0651 Judges Tulloch, Michael H.; Coroza, Steve A.; Madsen, Lene Subject Criminal Decision Content COURT OF APPEAL FOR ONTARIO CITATION: R. v. Mansoor, 2025 ONCA 842 DATE: 20251205 DOCKET: COA-25-CR-0651 Tulloch C.J.O., Coroza and Madsen JJ.A. BETWEEN His Majesty the King Respondent and Ahmad Mansoor Appellant Ahmad Mansoor, acting in person Ian Kasper, appearing as duty counsel Étienne Lacombe, for the respondent Heard: December 2, 2025 On appeal from the conviction entered by Justice Robert Gattrell of the Ontario Court of Justice on January 16, 2025. REASONS FOR DECISION Overview

- [1] This is an appeal from a conviction entered in the Ontario Court of Justice on January 16, 2025, following the appellant's guilty plea to assault causing bodily harm, contrary to s. 267(b) of the Criminal Code. The appellant also entered a plea to failing to remain under the Highway Traffic Act. He received a six-month conditional sentence, twelve months' probation, and ancillary orders.
- [2] The sole issue on appeal concerns the validity of the plea to assault causing bodily harm. Both Crown and defence counsel now advise that the conviction does not reflect the agreement the parties had reached. It is jointly submitted that the appellant intended to plead guilty to common assault under s. 266, and that the plea to the more serious offence occurred because of a mutual misapprehension in court.
- [3] For the reasons that follow, we allow the appeal, set aside the conviction for assault causing bodily harm, and substitute a conviction for common assault.

Background

- [4] The appellant and his then-wife had been separated for several months at the time of the incident. On December 2023, the appellant attended her residence and assaulted three individuals inside the home. One complainant, R.S., suffered a broken nose. The appellant fled the scene and sideswiped a parked vehicle while leaving.

- [5] At the commencement of the plea, the facts were read in by the Crown, and defence counsel clarified that the appellant believed he was still in a monogamous relationship with his wife. The appellant then entered a guilty plea, which the court recorded as a plea to assault causing bodily harm.
- [6] However, it is now accepted by both parties that their agreement had been that the appellant would plead guilty to common assault only. The Crown confirms that this was the resolution offered and accepted, and that the plea entered in court did not reflect the parties' shared intention. Issues on Appeal
- [7] The question is whether the conviction for assault causing bodily harm should stand where the plea was entered on the basis of a mutual mistake concerning the charge to which the appellant intended to plead.

Analysis

A. The Law on Pleas Entered in Error [8] A plea of guilty must be voluntary, unequivocal, and informed. Where a plea is entered based on a misunderstanding of the nature of the charge, the plea is not truly informed or unequivocal and cannot stand. Appellate courts routinely intervene where the record demonstrates that the plea does not reflect the agreement of the parties or the intention of the accused.

[9] Courts have also recognized that where both Crown and defence counsel confirm that a plea was entered due to a shared misapprehension about the charge or consequences, and the record supports this conclusion, appellate intervention is appropriate to prevent a miscarriage of justice. B. Application to This Case [10] We are satisfied on this record that the plea to assault causing bodily harm was the product of mistake on the part of all participants. The Crown acknowledges that the resolution discussions contemplated a plea to common assault, not assault causing bodily harm. Defence counsel confirms the same. There is no dispute on this point.

[11] The appellant, therefore, pleaded guilty to an offence more serious than that which he had agreed to admit. That error undermines the validity of the plea. It cannot be said that the plea was informed or voluntary as required by law. C. appropriate remedy [12] Both parties submit that the proper remedy is to substitute a conviction for common assault under s. 266. We agree.

[13] The factual basis underlying the plea supports a conviction for common assault. The Crown expressly indicates its intention to proceed on that charge. Substituting the conviction avoids the need for further proceedings while giving effect to the resolution originally reached.

[14] The parties also advised that the sentence imposed by the trial judge reflected a joint submission that anticipated a plea to the less serious offence. As such, no further sentencing is required.

Conclusion

[15] The appeal is allowed.

[16] The conviction for assault causing bodily harm is set aside. A conviction is entered for common assault under s. 266 of the Criminal Code.

[17] The sentence imposed on January 16, 2025 applies to the substituted conviction and is effective as of the date when sentence was imposed by the sentencing judge. “M. Tulloch C.J.O.” “S. Coroza J.A.” “L. Madsen J.A.”

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