

CANADA / JUDGMENT

R. v. Potter

2025 ONCA 750

COURT

Court of Appeal for Ontario

DECIDED

4 November 2025

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R. v. Potter Collection Decisions of the Court of Appeal Date 2025-11-04 Neutral citation 2025 ONCA 750 Docket numbers COA-25-CR-0585 Judges Miller, Bradley; Paciocco, David M.; Favreau, Lise G. Subject Criminal Decision Content COURT OF APPEAL FOR ONTARIO CITATION: R. v. Potter, 2025 ONCA 750 DATE: 20251104 DOCKET: COA-25-CR-0585 Miller, Paciocco and Favreau JJ.A. BETWEEN His Majesty the King Respondent and Timothy Wayne Potter Appellant Timothy Wayne Potter, acting in person Jacob Millns, for respondent counsel Heard and rendered orally: November 3, 2025 On appeal from the convictions entered by Justice Stephen D. Brown of the Ontario Court of Justice, on February 8, 2022, and from the sentence imposed on March 19, 2025. REASONS FOR DECISION

- [1] Mr. Potter pled guilty to operation of a vehicle while disqualified and obstruction of an officer. He was sentenced to 18 months in custody. He appeals his conviction and sentence.
- [2] In his notice of appeal, Mr. Potter appears to seek to strike his plea on the basis that he did not understand the consequences of pleading guilty. We see no basis for allowing the conviction appeal. On the plea inquiry, Mr. Potter acknowledged that he understood that the Crown was seeking custodial time and the other consequences of pleading guilty. Mr. Potter has provided no fresh evidence on appeal that would explain the basis for his claim that the plea was uninformed. We further observe that the trial judge delayed sentencing by three years to give Mr. Potter a chance to retain counsel for the purpose of bringing an application to strike his plea, but he never did so.
- [3] We also see no basis for allowing the sentence appeal. Given Mr. Potter's twenty prior similar convictions for operating a vehicle while disqualified, we see no error in the 18 month sentence imposed. At the hearing before us, Mr. Potter asked for leniency on the basis of a recent assault while in custody and because of ongoing medical issues. While these circumstances are unfortunate, there is no evidence that Mr. Potter is not receiving adequate medical treatment. Moreover, these circumstances do not detract from the fitness of the sentence imposed by the trial judge.
- [4] The appeal from conviction is dismissed. Leave to appeal the sentence is allowed, but the sentence appeal is dismissed. "B.W. Miller J.A." "David M. Paciocco J.A." "L. Favreau J.A."

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