

CANADA / JUDGMENT

R. v. Salvati

2026 ONCA 294

COURT

Court of Appeal for Ontario

DECIDED

27 April 2026

Source: norma.lexum.com · Research copy typeset by Esheria. Not court-issued or certified.

R. v. Salvati Collection Decisions of the Court of Appeal Date 2026-04-27 Neutral citation 2026 ONCA 294 Docket numbers C70876 Judges Roberts, Lois B.; Miller, Bradley; Rahman, Moiz Subject Criminal Decision Content COURT OF APPEAL FOR ONTARIO CITATION: R. v. Salvati, 2026 ONCA 294 DATE: 20260427 DOCKET: C70876 Roberts, Miller and Rahman JJ.A. BETWEEN His Majesty the King Respondent and Gianluca Salvati Appellant Gianluca Salvati, acting in person Howard Krongold, appearing as duty counsel Nicholas Hay, for the respondent Heard: April 16, 2026 On appeal from the convictions entered by Justice Paul B. Schabas of the Superior Court of Justice on December 10, 2021. REASONS FOR DECISION

- [1] Mr. Salvati was convicted of a series of firearm, driving, and drug trafficking offences. His convictions arose from an incident in which he followed a former intimate partner, Ms. Ricketts (the complainant), to the parking lot of a fast-food restaurant late at night. Video evidence showed him boxing in the complainant's car with a white Honda Civic and walking towards the driver's side of the complainant's car while reaching into a satchel on his chest. The complainant testified that the appellant, who was very angry with her, said he would "shoot up" her door.
- [2] The appellant returned to his car and drove away. Ms. Ricketts moved her car to a different part of the parking lot. The appellant returned and pulled up beside her car. Ms. Ricketts later told the police that he rolled down his window and pointed a handgun at her.
- [3] Ms. Ricketts was shaken and immediately placed a 9-1-1 call to report the encounter. The police attended and located a white Honda Civic nearby. A high speed chased ensued, which the police discontinued for public safety reasons. The police were unable to identify the driver, but subsequent text and snapchat messages from the appellant supported a finding at trial that the appellant was the driver.
- [4] The police placed a residence connected to the appellant under surveillance, looking for the appellant and the firearm. The white Honda Civic was parked out front when they began their surveillance. At 6:43 AM, a red Lincoln pulled into the driveway with the appellant's friend, Paolo Sacco, in the passenger seat. The Lincoln was driven by Mr. Sacco's girlfriend, Alison Kohne. Ms. Kohne and Mr. Sacco entered the house. At one point, Mr. Sacco was observed returning to the Lincoln, entering the passenger side and staying there for a few

minutes before returning to the house. At 11:34 AM, the police executed a warrant to search the residence. When they deployed a “flashbang”, two white baggies were thrown from a second-floor window and landed on the lawn. One contained cocaine and the other a cutting agent. The police later found the keys to the Lincoln on a ledge outside the same window. Mr. Sacco and Ms. Kohne were found inside the second-floor room and were placed under arrest for possession of cocaine.

- [5] The police located the appellant outside a bedroom in the basement of the house. A black satchel matching the one seen on the parking lot video was found in the bedroom, and inside it were two baggies containing cocaine.
- [6] The police later obtained a warrant to search the Lincoln, which had been rented by Ms. Kohne. They found a black, loaded handgun in the glove compartment.
- [7] Ms. Kohne gave two statements to the police. Both were given at a time when she was facing charges stemming from the discovery of the gun and drugs. The two statements were not entirely consistent, although in both statements she maintained that the firearm belonged to the appellant. In the first, she maintained that the appellant had called Mr. Sacco for a ride. When they picked him up, he sat in the front seat of the Lincoln and she sat in the back. She said she saw a gun in his black bag. In the second statement – a cautioned, involuntary statement given in the presence of counsel – she said that the appellant had sat in the back seat of the Lincoln and had placed the gun beside him. She said that she overheard Mr. Salvati on a phone call saying that the police were looking for him and he needed to get rid of the gun. After they stopped briefly at Mr. Sacco’s home, she said that she went inside to use the bathroom and when she came out the gun was no longer there.
- [8] The appellant and Mr. Sacco were tried and sentenced together. The appellant received a total sentence of ten years, comprised of seven years for the firearms offences, two years for the drug trafficking offences, and one year for the driving offences. Several other convictions were stayed on the Kienapple principle: *Kienapple v. The Queen*, [1975] 1 S.C.R. 729.
- [9] The appellant appealed from his convictions. The sentence appeal was abandoned. The issue on appeal
- [10] Mr. Krongold ably advanced one ground of appeal on behalf of the appellant: that the trial judge’s assessment of Ms. Kohne’s credibility was flawed by a failure to address Ms. Kohne’s motive to lie. Had the trial judge rightly apprehended that Ms. Kohne was not a credible witness, Mr. Krongold argued, the trial judge could not have convicted the appellant of the firearm offences.

Analysis

- [11] Ms. Kohne gave two statements. One was given shortly after her arrest on drugs and firearm possession charges. The second was made four months later, shortly after which her criminal charges were stayed or withdrawn.

- [12] At trial, Ms. Kohne claimed to have no memory of the relevant events. The trial judge permitted the Crown to cross-examine her on her two statements. Under cross-examination, Ms. Kohne adopted her prior statements as the truth about what happened. The trial judge concluded that the statements were truthful, and that Ms. Kohne feigned a lack of memory at trial out of fear of the appellant. The trial judge was aware of the inconsistencies in Ms. Kohne's two statements as to where in the car the appellant was sitting, and whether she saw the gun in the satchel or on the seat, but resolved the inconsistencies on the basis that these were details of secondary importance to the central fact that she had seen a firearm in the appellant's possession in the car, and that its description was consistent with the one described by the complainant.
- [13] The trial judge was invited by counsel for the appellant to conclude that Ms. Kohne had a motive to lie: by pointing the finger at the appellant she was able to have the charges against her stayed. On the appeal record, it is not clear to what extent Ms. Kohne was cross-examined on this point, but the trial judge noted in his reasons that Ms. Kohne had testified that "her statements to the police were true and she had no reason to lie." Beyond reporting that Ms. Kohne had stated that she had no reason to lie, the trial judge did not address the issue directly.
- [14] That is not to say that the trial judge did not consider Ms. Kohne's credibility carefully. He was well aware that he was dealing with a witness who was not entirely forthcoming. This emerged particularly in his treatment of her testimony when confronted by counsel for Mr. Sacco with a photograph of a handgun taken from inside the Lincoln, pointed at her crotch area. When shown the photograph she reacted, angrily, and testified that she was unaware that it had been taken and objected to it. She suggested it must have been taken while she was passed out, but admitted on cross-examination that it was possible that she had handled the handgun. The trial judge concluded that she was "a reluctant and frightened witness, and may have engaged in conduct she does not wish to admit". He ultimately concluded that he was satisfied that her evidence was reliable.
- [15] We agree that it would have been preferable for the trial judge to have addressed the issue of the motive to lie head on. It was a prominent theme in defence counsel's closing submissions. Nevertheless, we are satisfied from the trial judge's reasons that he was fully aware of the frailties of Ms. Kohne's evidence and the incentives she had to minimize her involvement and direct blame away from herself. He did not err in relying on her evidence. Furthermore, Ms. Kohne's evidence, while supporting the complainant's evidence in an important respect – that Mr. Salvati had possession of a handgun – was not the central plank in the prosecution of Mr. Salvati. There was a significant body of evidence besides, including the testimony of the complainant, her 9-1-1 call, her subsequent statement to the police, the parking lot video, and the text messages.

DISPOSITION

[16] The appeal against conviction is dismissed. The sentence appeal is dismissed as abandoned.
“L.B. Roberts J.A.” “B.W. Miller J.A.” “M. Rahman J.A.”

Source & reproduction note

Judgment wording, source notices and original paragraph numbers are retained. Esheria supplies the layout and this PDF's page numbers; these are not the source pagination. This is a research copy, not an official or certified court document. Check quotations, citations and publication restrictions against the original source before relying on it.

ORIGINAL SOURCE <https://norma.lexum.com/coa/coa/en/item/24124/index.do>

CASE PAGE <https://chat.esheria.ai/case-law/canada/r-v-salvati-2026>

Prepared on 25 October 2026 · Esheria