

CANADA / JUDGMENT

# R. v. Wallace

2026 ONCA 105

## COURT

Court of Appeal for Ontario

## DECIDED

13 February 2026

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R. v. Wallace Collection Decisions of the Court of Appeal Date 2026-02-13 Neutral citation 2026 ONCA 105 Docket numbers COA-25-CR-1501 Judges van Rensburg, Katherine; Thorburn, Julie; Gomery, Sally A. Subject Criminal Decision Content COURT OF APPEAL FOR ONTARIO CITATION: R. v. Wallace, 2026 ONCA 105 DATE: 20260213 DOCKET: COA-25-CR-1501 van Rensburg, Thorburn and Gomery JJ.A. BETWEEN His Majesty the King Respondent and Jason Wallace Appellant Jason Wallace, acting in person Geoff Haskell, appearing as duty counsel Jacob Millns, for the respondent Heard: February 2, 2026 On appeal from the sentence imposed by Justice Fergus C. O'Donnell of the Ontario Court of Justice, on November 7, 2025, with reasons reported at 2025 ONCJ 663. REASONS FOR DECISION

- [1] Jason Wallace appeals from his sentence of 12 months in custody, less pre-sentence credit of 5 months, leaving 7 months to serve. He was also ordered to serve two years of probation.
- [2] The appellant pled guilty to disobeying a court order issued under the Prevention of and Remedies for Human Trafficking Act, 2017, S.O. 2017, c. 12, Sched. 2. That order prohibited him from contacting or communicating with, or being within 500 metres of, the complainant. The appellant admitted that, upon seeing the complainant in a casino, he approached her, tapped her on the shoulder, and asked her if she was winning. He remained standing behind the complainant for ten minutes before walking away.
- [3] The appellant contends that the sentencing judge failed to respect the jump principle. He argues that, since he had never received a sentence longer than 90 days for past breaches of court orders, a 12-month custodial sentence was unwarranted.
- [4] We disagree. As the sentencing judge correctly observed, the jump principle is not iron-clad. In certain circumstances, it is appropriate to impose a significantly more onerous sanction for an offence than an offender has previously received for the same or similar offences. Departure from the jump principle may be merited where rehabilitation is not a significant factor; where the offender has a lengthy criminal record; or where previous sanctions have been ineffective in deterring the offender: R. v. Simeunovich, 2023 ONCA 562, 168 O.R. (3d) 632, at para. 22, leave to appeal refused, [2024] S.C.C.A. No. 48.

- [5] All three circumstances arise here. The appellant has a lengthy criminal record that includes 18 convictions for disobeying court orders, including orders with respect to the complainant. According to a psychologist who has counselled the appellant, although the appellant exhibited some insight into his behaviour, “he rigidly defended his actions and beliefs” and “appeared to enjoy challenging social policies and laws and living a lifestyle that may often straddle the law.”[1]
- [6] We endorse the sentencing judge’s observation that: At a certain point, an offender with multiple breach convictions ought not to be surprised if a subsequent sentencing leads to a leap rather than a step. Such a leap represents a realization that for some offenders incremental increases (or even sentences matching previous sentences for similar offences) are incapable of bringing out any awareness on the offender’s part of the seriousness of his or her pattern of disregard for court orders. This is such a case.
- [7] The appellant contends that the sentence is unfit. We again disagree. The sentence falls within the range of sentences that may be imposed for a non-technical breach of a court order: see e.g., *R. v. Duivenvoorde*, 2018 ONCA 158; *R. v. Exell*, 2015 ONCA 704; and *R. v. Jacobson*, 2006 CanLII 12412 (ON CA).
- [8] Specific deterrence and public safety are important sentencing objectives in this case. In a victim impact statement, the complainant described how the appellant’s actions and behaviour had caused her “significant emotional distress, financial hardship, and a pervasive sense of fear.”
- [9] We find no basis to interfere with the sentencing judge’s decision. He made no errors in law or principle, and the sentence imposed is not demonstrably unfit.
- [10] The appeal is dismissed. “K. van Rensburg J.A.” “Thorburn J.A.” “S. Gomery J.A.”
- [1] This is an extract of a letter submitted by Mr. Wallace’s forensic psychologist, cited in para. 13 of the sentencing reasons.

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