

CANADA / JUDGMENT

R. v. Watts

2025 ONCA 885

COURT

Court of Appeal for Ontario

DECIDED

18 December 2025

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R. v. Watts Collection Decisions of the Court of Appeal Date 2025-12-18 Neutral citation 2025 ONCA 885 Docket numbers COA-25-CR-0243 Judges Fairburn, J. Michal; Monahan, Patrick J.; Pomerance, Renee M. Subject Criminal Decision Content COURT OF APPEAL FOR ONTARIO CITATION: R. v. Watts, 2025 ONCA 885 DATE: 20251218 DOCKET: COA-25-CR-0243 Fairburn A.C.J.O., Monahan and Pomerance J.J.A. BETWEEN His Majesty the King Respondent and Christopher Watts Appellant Joseph Wilkinson, for the appellant Stephanie Pak, for the respondent Heard and rendered orally: December 17, 2025 On appeal from the from the sentence imposed by Justice David Berg of the Ontario Court of Justice, on May 30, 2024. REASONS FOR DECISION

- [1] The appellant pleaded guilty to breaching his Long-Term Supervision Order (LTSO) and was sentenced to three years imprisonment, less pre-sentence custody credited at a rate of 1:1. The appellant worked at a garden centre that employed female high school students, in breach of a condition in his LTSO preventing him from being in the presence of girls under the age of 18 unless supervised by an approved person who knows his criminal history.
- [2] He seeks leave to appeal his sentence alleging that the sentencing judge made 3 errors in principle, with counsel focused on one in oral submissions, specifically, the failure to award enhanced credit for pre-sentence custody, particularly in light of harsh custodial conditions.
- [3] Despite the able submissions of Mr. Wilkinson, the sentencing judge did not err in refusing to grant enhanced credit for pre-sentence custody. We note that the LTSO continued to run while the appellant was held in custody. Nor do we find that the harsh conditions of pre-sentence custody, even if they had been raised before the sentencing judge, would have affected his decision not to award enhanced credit. It was open to the trial judge to find that granting enhanced credit for pre-sentence custody would decrease the appellant's necessary period of separation from society to an unacceptable level. We owe deference to that discretionary determination and decline to intervene.
- [4] Accordingly, while we grant leave to appeal sentence, the sentence appeal is dismissed. "Fairburn A.C.J.O." "P.J. Monahan J.A." "R. Pomerance J.A."

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