

COURT OF APPEAL FOR ONTARIO

CITATION: R. v. Beauparlant, 2026 ONCA 395

DATE: 20260608

DOCKET: COA-25-CR-0137

Zarnett, Favreau and Madsen JJ.A.

BETWEEN

His Majesty the King

Respondent

and

Cadence Gordon Beauparlant

Appellant

Stefan Rinas, for the appellant

Kelvin Ramchand and Brandt Chu, for the respondent

Heard and rendered orally: June 4, 2026

On appeal from the convictions entered by Justice David A. Broad of the Superior Court of Justice, on March 4, 2022.

REASONS FOR DECISION

[1] A police officer arrested the appellant, subjectively believing that he was the driver of a vehicle who had left the scene of an accident in which a person had been injured. In a search incident to arrest, the police found fentanyl in his jacket pocket; a prohibited knife, money, and illicit pills in his satchel; and additional

money in his vehicle. He was charged with possession of drugs for the purpose of trafficking, possession of a prohibited weapon, and possession of proceeds of crime.

[2] The trial judge found the appellant's rights under ss. 8 and 9 of the *Charter* had been violated. The police officer's subjective belief that he had grounds for arrest were not objectively reasonable. As there was no lawful arrest, the search incident to arrest was also unlawful.

[3] The trial judge, nonetheless, admitted the evidence under s. 24(2) of the *Charter* after consideration of the factors of *R. v. Grant*, 2009 SCC 32, [2009] 2 S.C.R. 353. The appellant was convicted on all counts. The appellant challenges the trial judge's s. 24(2) ruling.

[4] A trial judge's assessment of the *Grant* factors is normally afforded considerable deference on appeal. When all proper factors have been considered and no unreasonable findings have been made, an appellate court must show deference to the trial judge's ultimate determination. Deference is displaced by an error in principle, a palpable and overriding factual error, or an unreasonable determination. In such circumstances, a fresh s. 24(2) analysis must be undertaken, having regard to the trial judge's factual findings.

[5] In our view, no error that displaces deference has been shown.

[6] On the first *Grant* factor, the trial judge was entitled to find that the breaches were not at the serious end of the spectrum, which the appellant fairly concedes was his core finding. Although the trial judge used an inapt phrase in saying this factor favoured admission, a finding with the more accurate terminology--that the factor only weakly pulled toward exclusion--remains consistent with his reasoning.

[7] The appellant does not challenge the finding that the police officer had a sincere subjective belief that the appellant matched the description he had been given in police dispatches based on 911 calls, on which he concluded he had reasonable and probable grounds to make an arrest. We see no error in the trial judge's consideration of this and the additional circumstances—that the appellant was walking away on a rural road as evening approached and did not stop when the officer called out to him and flashed his lights. The officer's error in not verifying the information he was given was found by the trial judge to be just that: an error that was not willful or reckless.

[8] The trial judge found that the second *Grant* factor favoured exclusion, while the third *Grant* factor favoured admission given the reliability of the evidence and the gutting effect on the Crown's case if it was excluded. The appellant challenges, however, the balancing of the three factors.

[9] We do not give effect to that complaint. The public interest in adjudication on the merits was strong and the offences serious. Moreover, the trial judge did

consider the cumulative effect of the breaches both under ss. 8 and 9 of the *Charter* in his overall assessment.

[10] The appeal is therefore dismissed.

“B. Zarnett J.A.”

“L. Favreau J.A.”

“L. Madsen J.A.”