

# COURT OF APPEAL FOR ONTARIO

CITATION: R. v. Trudel, 2026 ONCA 403

DATE: 20260608

DOCKET: M56910 and COA-23-CR-0184

George, Monahan and Pomerance JJ.A.

BETWEEN

His Majesty the King

Respondent

and

Jacques Trudel

Appellant

Jacques Trudel, acting in person

Melody Izadi, for the appellant<sup>1</sup>

Sarah Egan, for the respondent

Heard and rendered orally: June 4, 2026

On appeal from the convictions entered by Justice Sally A. Gomery of the Superior Court of Justice, on March 29, 2022, and from the sentence imposed on January 25, 2023.

## REASONS FOR DECISION

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<sup>1</sup> The appellant was granted a limited order under s. 684 of the *Criminal Code*, R.S.C. 1985, c. C-46, for the appointment of counsel to assist with his ineffective assistance of counsel claim. The appellant was self-represented on his sentence appeal.

[1] The appellant appeals his convictions for possessing crystal methamphetamine for the purpose of trafficking, possessing hydromorphone, and possessing property obtained by crime. He also seeks leave to appeal his sentence.

[2] On his conviction appeal, the appellant claims that he received ineffective assistance from his trial counsel. He seeks leave to appeal sentence on the basis that he did not receive sufficient credit for the time spent subject to strict bail conditions.

[3] With respect to the claim of ineffective assistance of counsel, the appellant and his trial counsel filed affidavits, and each was cross-examined on their contents. Both the affidavits and cross-examination transcripts are before us and are admitted as fresh evidence.

[4] In our view, none of the allegations the appellant makes against his trial counsel amount to incompetence, and in any case there is no reasonable probability that the verdict would have been different had his counsel made different tactical choices. The appellant has therefore failed to establish that he received ineffective assistance from counsel.

[5] There is also no basis to interfere with the sentence. At para. 24 of her reasons the sentencing judge expressly adverts to the appellant's position on how to treat the time he spent subject to strict bail conditions, and then addresses that

issue directly at paras. 53 to 57. The sentencing judge's approach, which was to consider the strict bail conditions as a mitigating factor and not deduct it as a credit against sentence, is consistent with this court's guidance in *R. v. Downes* (2006), 79 O.R. (3d) 321 (C.A.), and *R. v. Joseph*, 2020 ONCA 733, 153 O.R. (3d) 145.

[6] For these reasons the conviction appeal is dismissed. While we grant leave to appeal sentence, the sentence appeal is dismissed.

"J. George J.A."

"P.J. Monahan J.A."

"R. Pomerance J.A."