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COURT OF APPEAL FOR ONTARIO

CITATION: R. v. Abdalla, 2019 ONCA 831

DATE: 20191021

DOCKET: M50654

Watt, Lauwers and Paciocco JJ.A.

BETWEEN

Her Majesty the Queen

Respondent

and

Jabril Abdalla

Applicant

Leora Shemesh, for the applicant

Holly Loubert and Nicole Rivers, for the respondent

Heard and released orally: October 7, 2019

On review of a detention order made on May 24, 2019 by Justice Dale Parayeski of the Superior Court of Justice.

REASONS FOR DECISION

[1] At the direction of the acting Chief Justice under s. 680(1) of the *Criminal Code*, the applicant seeks an order setting aside the detention order made by a judge of the Superior Court of Justice, and substituting an order for the release of the applicant pending his trial on two counts of first degree murder and single counts of attempted murder and conspiracy to commit murder.

[2] We see no reason to interfere with the decision of the application judge. In our view, the applicant has failed to demonstrate any error of law or of principle; any palpable and overriding error in any factual determinations made; or a conclusion that was plainly unreasonable. The findings of fact made by the application judge are owed deference in this court. There is no palpable and overriding error in those findings, in particular those which grounded his determination on the primary and secondary grounds. He reached reasonable conclusions about the strength of the case for the Crown and the fragility of the proposed plan of release, especially the adequacy of the supervision proposed.

[3] The application is dismissed.

“David Watt J.A.”

“P. Lauwers J.A.”

“David M. Paciocco J.A.”