

COURT OF APPEAL FOR ONTARIO

CITATION: R. v. Shaw, 2026 ONCA 161

DATE: 20260304

DOCKET: COA-24-CR-0688

Fairburn A.C.J.O., Paciocco and Wilson JJ.A.

BETWEEN

His Majesty the King

Respondent

and

Leabert Shaw

Appellant

Leabert Shaw, acting in person

Chris Rudnicki, appearing as duty counsel

Jacob Millns, for the respondent

Heard and rendered orally: March 2, 2026

On appeal from the sentence imposed by Justice Joseph Di Luca of the Superior Court of Justice, on June 19, 2024.

REASONS FOR DECISION

[1] The appellant was convicted of firearm and drug-related offences. He was driving while having in his possession a handgun with a laser sight and a round in the chamber. He also had extra ammunition, fentanyl and crack cocaine along with drug paraphernalia in his possession. This is an appeal from a four-year sentence

less pre-sentence custody. The appellant argues that the sentencing judge erred by failing to take into account the consequences that would arise from family separation. He asks for a three-month decrease in sentence to reflect these consequences.

[2] In our view, the sentencing judge was well versed in the fact that the appellant is a father of two children, that he had a relationship with the children, and that incarceration would inevitably interrupt that relationship including his ability to contribute to the family. In these circumstances, including having regard to the submissions made before the sentencing judge that did not mention family consequences beyond what was evident in the reasons, we see no error in principle. Nor could this be called a demonstrably unfit sentence.

[3] Accordingly, leave to appeal from sentence is granted, but the appeal is dismissed.

“Fairburn A.C.J.O.”
“David M. Paciocco J.A.”
“D.A. Wilson J.A.”