

In the Court of Appeal of Alberta

Citation: R v Aarons, 2026 ABCA 309

Date: 20260929
Docket: 2603-0020A
Registry: Edmonton

Between:

His Majesty the King

Respondent

- and -

Zachary Ja Sean Aarons

Appellant

The Court:

**The Honourable Justice Bernette Ho
The Honourable Justice Kevin Feth
The Honourable Justice Karan M. Shaner**

Memorandum of Judgment Delivered from the Bench

Appeal from the Sentence by
The Honourable Justice A.K. Akgungor
Sentenced on the 19th day of December, 2025
(Docket: 230573909Q1)

**Memorandum of Judgment
Delivered from the Bench**

The Court:

[1] The appellant pleaded guilty to one count of aggravated assault contrary to section 268 of the *Criminal Code*, RSC 1985, c C-46. The appellant was sentenced to four years incarceration for his participation in a brutal and violent group assault that left a 19-year-old male with devastating and life altering injuries.

[2] The sentencing judge declined to give the appellant one-to-one credit for the time the appellant was on judicial interim release, concluding the release conditions were not sufficiently strict or onerous. Instead, the sentencing judge indicated that she considered the time spent under the release conditions as a mitigating factor in setting the sentence at four years.

[3] The appellant submits the sentencing judge committed an error in principle or materially misapprehended the evidence and failed to give adequate effect to a relevant factor because the sentencing judge failed to give the appellant sufficient credit for the time spent on stringent terms of pre-trial release when imposing sentence.

[4] Appellate courts must defer to sentencing judges' decisions unless the sentence is demonstrably unfit, or the sentencing judge made an error in principle that had an impact on the sentence: *R v Friesen*, 2020 SCC 9 at paras 25-26; *R v Lacasse*, 2015 SCC 64 at paras 39-44. Errors in principle include an error of law, a failure to consider a relevant factor, or an erroneous consideration of a mitigating or aggravating factor: *Friesen* at para 26; *R v Sheppard*, 2025 SCC 29 at para 39. A sentencing judge's weighing and balancing of relevant factors will not give rise to an error in principle unless the sentencing judge exercises their discretion unreasonably: *Friesen* at para 26; *R v Lugela*, 2026 ABCA 10 at para 7.

[5] This Court has recognized that a sentencing judge may consider strict bail conditions and treat them as akin to pre-trial custody when awarding credit in determining a sentence. Whether and how much credit to give is a matter of judicial discretion: *R v Lau*, 2004 ABCA 408 at paras 15-16; *R v Hoelscher*, 2017 ABCA 406 at para 12.

[6] The appellant's release conditions required him to be in his residence 24 hours a day subject to the usual exceptions, including advance written permission from his bail supervisor, attendance at medical and professional appointments and required court appearances, or in the case of a medical emergency of a family member. The appellant was also permitted to leave his residence at any time provided he was with one of his parents.

[7] The sentencing judge was provided with evidence suggesting the release conditions made it difficult for the appellant to connect with his peers or church, and he had difficulty adjusting to

living under the conditions. He was prevented from developing friendships, engaging in social life, attending a recreational centre to play basketball, being in nature or pursuing dating and a love life.

[8] The sentencing judge considered the release conditions and concluded they were not so strict or onerous to persuade her to give credit for the time the appellant spent on house arrest. Specifically, she considered the fact that the appellant could leave the residence anytime he wished if he was in the immediate presence of one of his parents, and he had full access to online resources including his phone.

[9] We are not persuaded the sentencing judge committed an error in principle in any fashion.

[10] The sentencing judge recognized she could give credit to the appellant for time spent under house arrest. She then considered where credit had been given and found that the release conditions imposed on the appellant were not as strict or onerous. The sentencing judge clearly considered the intrusiveness of the terms of release on the appellant in deciding not to give credit on a one-to-one basis. Her exercise of discretion was reasonable in the circumstance of this case and is owed deference.

[11] The fact that the sentencing judge considered the terms of release as a mitigating factor but did not quantify the amount of credit or reduction in sentence does not invite appellate intervention. The sentencing judge's reliance on 431 days of time as opposed to 483 days would not change the outcome of the appeal.

[12] The appeal is dismissed.

Appeal heard on September 22, 2026

Memorandum filed at Edmonton, Alberta
this 29th day of September, 2026

Ho J.A.

Feth J.A.

Shaner J.A.

Appearances:

R.A. Fata
for the Respondent

K. MacLeod
for the Appellant