

In the Court of Appeal of Alberta

Citation: R v Haddad, 2026 ABCA 306

Date: 20260928
Docket: 2601-0262A
Registry: Calgary

Between:

His Majesty the King

Respondent

- and -

George Elias Haddad

Applicant

**Reasons for Decision of
The Honourable Justice Jane Fagnan**

Application for Judicial Interim Release

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[1] The applicant was convicted of offences relating to trafficking in anabolic steroids and laundering the proceeds of crime. He applies for judicial interim release pending his conviction appeal.

[2] The applicant bears the burden on this application of establishing that each of the three statutory criteria set out in s 679(3) of the *Criminal Code*, RSC 1985, c C-46 are met on the balance of probabilities: *R v Oland*, 2017 SCC 17 at para 19. Those criteria are: (i) the appeal is not frivolous; (ii) he will surrender himself into custody in accordance with the terms of the release order; and (iii) his detention is not necessary in the public interest.

[3] The first criterion requires only that the applicant show the appeal is realistically arguable. This is a very low bar: *Oland* at para 20.

[4] The applicant attempted to bring a s 11(b) *Charter* application before the trial court after the Crown had closed its case and before closing submissions. Relying on Rule 2.5 of the *Criminal Rules of the Alberta Court of Justice*, the trial judge did not permit the application to proceed on the basis that it was not brought in a timely fashion.

[5] Crown submits the ground of appeal is so weak that it does not meet the low bar of “not frivolous”. Following considerable argument by counsel and a review of the available transcripts, I conclude that the appeal is arguable.

[6] The applicant meets the second criterion, being that he will surrender himself into custody in accordance with the terms of the release order. Prior to this conviction, he had no criminal history and has complied with all release conditions during three years on release.

[7] That leaves the issue of whether the applicant’s detention is not necessary in the public interest. The first component of public interest is public safety. The circumstances of the offence are serious, involving a multi-year, sophisticated steroid trafficking and money laundering operation. However, the applicant has complied with the terms of his release and he had no prior criminal record. His detention pending appeal is not necessary for public safety.

[8] The second component of public interest is public confidence. This involves weighing enforceability and reviewability, considering factors such as the seriousness of the charges, the strength of the appeal, the standard of review, the risk to reoffend, the applicant’s compliance, and public confidence measured through the eyes of a reasonable member of the public: *Oland* at paras 37-47.

[9] On this application, the applicant no longer enjoys the presumption of innocence. The charges are serious. Although the decision is entitled to deference, the case was complex and the decision not to allow a s 11(b) application to be heard was informed in part by what had occurred over the course of lengthy and somewhat convoluted proceedings. Again, the applicant has complied with his release conditions for three years and had no prior criminal history so there is nothing at this point to suggest a risk of reoffending pending appeal.

[10] The relevant factors overall lead to the conclusion that reviewability outweighs enforceability in the circumstances of this case. It follows that the applicant has met the third requirement.

[11] The application for judicial interim release pending appeal is granted. Counsel are directed to prepare and forward a draft order outlining the conditions and terms of release. If counsel are unable to agree on the terms of an order, they are directed to contact Registry to arrange a mutually convenient attendance before me to address the terms and conditions of the release plan.

Application heard on September 22, 2026

Reasons filed at Calgary, Alberta
this 28th day of September, 2026

Fagnan J.A.

Appearances:

L. Cammack
for the Respondent

P. Sankoff
for the Applicant