

5 ONTARIO COURT OF JUSTICE  
IN THE MATTER OF THE *PROVINCIAL OFFENCES ACT*, R.S.O. 1990

10 HIS MAJESTY THE KING

v.

15 ROBERT MORRISON

20 P R O C E E D I N G S

25 BEFORE HER WORSHIP JUSTICE OF THE PEACE J. MUMBY  
on October 29, 2025,  
at 860 William Street, COBOURG, Ontario

30 APPEARANCES:

T. Benny  
R. Swalm

Municipal Prosecutor  
Counsel for Robert Morrison

**ONTARIO COURT OF JUSTICE**

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Legend

[sic] Indicates preceding word has been reproduced verbatim and is not a transcription error.

(ph) Indicates preceding word has been spelled phonetically.

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1.  
R. v. Morrison  
Proceedings

WEDNESDAY, OCTOBER 29, 2025

5 T. BENNY: Good morning, Your Worship. For the record, the last name is Benny, first initial T. I do appear on your 29th of October 2025 docket, starting at the nine o'clock tier. The first matter, if we could please address is line number 5, that being the Robert Morrison matter.

10 R. SWALM: Thank you. Good morning, Your Worship. For the record, Swalm, initial R, appearing on this matter on behalf of Mr. Morrison who is not before the court this morning, with instructions. Your Worship, we do have a resolution for your consideration, subject to submissions on one particular portion.

15 T. BENNY: So, Your Worship, in this matter, we're asking that that count please be amended to read 136(1) (a), that be disobey stop sign, fail to stop.

R. SWALM: That is correct, Your Worship. That amendment is on consent.

20 THE COURT: Thank you. And is this an informed plea?

25 R. SWALM: Yes, Your Worship. It is fully informed. The defendant's aware that they're giving up a right to a trial on the original offence and by pleading guilty to this amended offence, they'll be found guilty of this amended offence and they will suffer any consequences associated with this amended offence. The defendant's been advised that there will be a conviction on the driving record, as well as the applicable demerit points, relating to this  
30 offence, and he is fully prepared to accept that

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and I have my instructions in writing.

THE COURT: Thank you. Madam Clerk, if you could please read the amended charge.

CLERK REGISTRAR: Thank you. Robert Morrison is charged on or about the 28th day of August 2024, at the Township of Alnwick/Haldimand, in the County of Northumberland, did commit the offence of disobey stop sign, fail to stop, section 136(1)(a) of the *Highway Traffic Act*. How do you plead to this amended charged on behalf of the defendant, guilty or not guilty?

R. SWALM: Guilty to the amended offence on behalf of the defendant.

CLERK REGISTRAR: Thank you.

T. BENNY: We do have some facts to read into the record, Your Worship.

THE COURT: Go ahead.

T. BENNY: On August the 28th, 2024, at approximately 10:04 a.m., OPP attended a collision at the intersection at County Road 18 and Minnetonka in Alderville First Nations. Upon arrival found that two vehicles had collided with each other, resulting in personal injury. The investigation revealed that the defendant, Robert Morrison, was operating a 2014 Hyundai Santa Fe with Ontario marker of CYTD 153 and was travelling northbound on Minnetonka Road. As the defendant approached the intersection, he failed to stop for a stop sign, resulting the defendant's vehicle entering the intersection and colliding with a 2014 GMA Arcadia with Ontario marker DDKV 136, being driven by Patrick Crowe (ph). Both the victim and

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the defendant were transported to Northumberland Hills Hospital with injuries. The victim's injury included a fractured left ankle and minor bruising. Those are the facts, Your Worship.

R. SWALM: Those facts are substantially correct and accepted, Your Worship.

THE COURT: Thank you. And has the victim been informed of the plea?

T. BENNY: Yes, Your Worship. And there was also a request for any victim impact statements and it was declined.

THE COURT: Okay, thank you. Good to know. That was my next question. All right, and based on those facts and your plea on behalf of your client, a finding of guilt is made. A conviction will be registered. Submissions on penalty?

T. BENNY: Seeking a \$1000 fine as a joint submission. The prosecutor though, however, is also asking for a one-year non-reporting probation, which is not joint, Your Worship.

R. SWALM: That's correct, Your Worship. So the position on fine is jointly agreed. With respect to the probation, Your Worship, defence understands that, you know, the original offence was a serious offence. The matter is resolved to this amended offence, which I do feel is appropriate and does capture the, the driving conduct that was alleged on the date of the offence.

Your Worship, it's our position that imposing a further penalty and a 12-month probation order is unnecessary. The defendant, himself, was impacted

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5 by this. He's, he's paid significant legal fees in  
defending this matter. He's paying a maximum fine  
of \$1,000. This is not something that will soon be  
forgotten. In addition, the probation order is  
concerning because he's on a probation order not to  
commit a like or similar offence, which is the, the  
disobey - which is now disobey...

THE COURT: Mm-hmm.

10 R. SWALM: ...stop sign, and if the defendant  
arguably has any offence whatsoever, even a 10 over  
speeding ticket, he could potentially be found in,  
in breach, which is a jailable offence. So that's,  
that's my concern. Is it, is it really necessary  
to add that additional peril and, and I would  
15 suggest that it's not. Those are my submissions,  
and I'll leave it for Your Worship to decide.

THE COURT: Thank you. And is there any record,  
driving record?

T. BENNY: No, Your Worship.

20 THE COURT: So considering the submissions of  
Swalm, any reply, Mr. Benny?

T. BENNY: No, Your Worship.

R E A S O N S F O R S E N T E N C E

25 MUMBY, J.P. (Orally):

30 From the submissions of the prosecution, I do take  
into consideration as a mitigating factor, the  
early plea that Mr. Morrison has made through  
counsel, through his representative. I also take  
into account general deterrence and specific  
deterrence. I think the amount of the fine is

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certainly going to be a deterrent and set an example for others.

Obviously, it is an aggravating factor that there were injuries experienced by Mr. Crowe (ph). Given the fact that Mr. Crowe has not provided a victim impact statement, has declined to do, it is hard to determine how that has impacted him.

With respect to the request for a probation order, given that Mr. Morrison does not have a driving record and any indication that he has had issues prior....

And what is his date of birth?

T. BENNY: Nineteen....

R. SWALM: Your Worship....

T. BENNY: 998-07 - oh, sorry, I'm reading the wrong date of birth for Mr. Morrison.

R. SWALM: It's 1967-11-09. November 9, '67.

THE COURT: Okay. I take it your client has been driving for a while?

R. SWALM: That's my understanding.

THE COURT: Looking at the request for probation, I do not think it is proportionate to the gravity of the offence that he has pled guilty to do. And certainly, considering all the circumstances together, I do not think it is appropriate to put him on a one-year probation for a first offence such as this.

I will just be issuing the fine of \$1000. Would

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your client like time to pay that, Mr. Swalm?

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R. SWALM: Yes, Your Worship. With, with the victim fine surcharge being added, that's going to add up to about \$1200. I'm wondering if Your Worship would consider 12 months. That would be an equal monthly payment of a \$100 a month, which I think should be affordable to the defendant and he's made a - he's indicated to me that he will do his best to make monthly payments, and if he can't make monthly payments, that he would make lump sum payments every several months.

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THE COURT: Okay, thank you. I am satisfied to give him 12 months to pay. You can also explain to your client, if, for some reason, he hits some unfortunate financial circumstances, he can apply for an extension of that 12 months at the end of the 12 months, but in order to get that extension, he would have to be showing a good faith attempt to pay.

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R. SWALM: Yes, Your Worship. I'm very familiar with that process. I, I do a lot of those types of applications and for something such as this, I would extend the courtesy to my client that I would assist him with that...

THE COURT: Okay.

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R. SWALM: ...for no additional charge, if that became an issue.

THE COURT: All right, thank you. And thank you to both representatives for working through this matter and coming to a resolution.

R. SWALM: Thank you, Your Worship. Appreciate those comments. Thank you to Mr. Benny. That's my

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only matter, if I could be excused.

THE COURT: Thank you. Yes, have a good day.

R. SWALM: Okay, take care. Bye-bye.

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**FORM 3**

**ELECTRONIC CERTIFICATE OF TRANSCRIPT (SUBSECTION 5 (2))**

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DATE: December 3, 2025



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Electronically Signed

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