

In the Court of Appeal of Alberta

Citation: R v Collins, 2026 ABCA 340

Date: 20261026
Docket: 2503-0081A
Registry: Edmonton

Between:

His Majesty the King

Respondent

- and -

Kevin Terrence Collins

Applicant

The Court:

**The Honourable Justice Jo'Anne Strekaf
The Honourable Justice Anne Kirker
The Honourable Justice Jane Fagnan**

Memorandum of Judgment

Application for Court Appointed Counsel

Memorandum of Judgment

The Court:

[1] Partway through a trial on a charge of first-degree murder, Mr. Collins pleaded guilty to second-degree murder, signing an agreed statement of facts and confirming he was waiving his right to a trial on the merits. He was represented by experienced criminal defence counsel.

[2] The sentencing judge accepted a joint submission of life imprisonment without parole eligibility for 17 years: see, *Criminal Code*, RSC 1985, c C-46, ss 745(c), 745.4.

[3] Mr. Collins has appealed his sentence and asks for a reduction in his period of parole ineligibility “possibly based on a constitutional challenge”. In his oral submissions, Mr. Collins added that he “misconstrued” the full 17-year period of parole ineligibility in the context of his second-degree murder guilty plea. He suggests he ought to have been sentenced to “manslaughter 17” so that he would be eligible for parole sooner.

[4] Mr. Collins has been denied Legal Aid coverage for his sentence appeal. In the application now before us, he applies for an order requiring the state to fund his legal representation.

[5] Section 684 of the *Criminal Code* grants this Court discretion to “assign counsel to act on behalf of an accused who is a party to an appeal ... where, in the opinion of the court... it appears desirable in the interests of justice that the accused should have legal assistance and where it appears that the accused has not sufficient means to obtain that assistance.”

[6] In deciding an application for the appointment of publicly funded counsel, this Court considers:

- a) whether the appellant demonstrates insufficient means to obtain representation;
- b) whether there is sufficient arguable merit to the appeal to justify public funding of counsel;
- c) whether the issues transcend the interests of this particular appellant and engage broader societal concerns; and
- d) whether the submissions to be made are sufficiently complex that the appellant would be unable to advance them without assistance.

R v McKechnie, 2021 ABCA 257 at para 4.

[7] We accept that Mr. Collins has insufficient means to obtain counsel; however, we are not persuaded the remaining three factors weigh in favour of granting his application.

[8] The well-established standard of review that applies to a sentence appeal involving parole ineligibility prevents this Court from interfering unless the sentence is demonstrably unfit or there is an error in principle that had an impact on the sentence: *R v Yellowfly*, 2025 ABCA 381 at para 29. We also note that in the context of joint sentencing submissions like in Mr. Collins’ case, “a trial judge should not depart from a joint submission on sentence unless the proposed sentence would bring the administration of justice into disrepute or is otherwise contrary to the public interest”: *R v Anthony-Cook*, 2016 SCC 43 at para 32; see also, *R v Naslund*, 2022 ABCA 6 at paras 57-58. Based on the written material filed and the submissions presented, Mr. Collins has failed to demonstrate that his proposed sentence appeal involving a joint submission on parole ineligibility has sufficient arguable merit to justify the public funding of counsel.

[9] Further, the issues Mr. Collins seeks to raise appear to be specific to his circumstances and not of broader societal concern.

[10] Finally, we are not satisfied Mr. Collins’ proposed appeal is of such complexity that he is unable to advance the arguments he seeks to make without the assistance of counsel. Given the agreed statement of facts in support of his guilty plea and the joint submission on sentencing, the record is unlikely to be onerous or particularly complicated. After hearing from Mr. Collins today, we are of the view that he can put forward his sentence appeal arguments on his own.

[11] It is not in the interests of justice to appoint publicly funded counsel in this case. Mr. Collins’ application is dismissed.

Application heard on October 20, 2026

Memorandum filed at Edmonton, Alberta
this 26th day of October, 2026

Strekaf J.A.

Kirker J.A.

Fagnan J.A.

Appearances:

K.A. Joyce
for the Respondent

Applicant K. Collins