

CITATION: R. v. Orozcobarrera, 2011 ONCA 326

DATE: 20110426

DOCKET: C52731

COURT OF APPEAL FOR ONTARIO

Rosenberg, Rouleau and Karakatsanis JJ.A.

BETWEEN

Her Majesty The Queen

Respondent

and

Fernando Orozcobarrera

Appellant

Fernando Orozcobarrera, in person

Paul Burstein, for the appellant

Marie Comiskey, for the respondent

Heard and endorsed: April 12, 2011

APPEAL BOOK ENDORSEMENT

[1] This appellant with the assistance of duty counsel submits that the charge to the jury was confusing with respect to wilful blindness. The trial judge initially instructed the jury that wilful blindness applied to the charge of possession for the purpose of trafficking and possession of weapon for the purpose of committing an offence. However,

the trial judge later instructed the jury in the clearest terms that wilful blindness could not found convictions for those offences. The decision trees that were given to the jury to assist them in their deliberations also made the distinction clear.

[2] We are satisfied that the jury would not have been confused as to the application of wilful blindness. Accordingly, the appeal is dismissed.