

CITATION: R. v. Loy, 2011 ONCA 340
DATE: 20110429
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COURT OF APPEAL FOR ONTARIO

Laskin, Juriensz and MacFarland JJ.A.

BETWEEN

Her Majesty the Queen

Respondent

and

May Loy

Appellant

Daniel C. Santoro, for the appellant

Joseph Selvaratnam, for the respondent

Heard: April 29, 2011

On appeal from the conviction entered on September 10, 2009 and the sentence imposed on December 9, 2009 by Justice William A. Gorewich of the Ontario Court of Justice.

APPEAL BOOK ENDORSEMENT

[1] Ms. Loy was convicted of possession of a substantial amount of methamphetamine for the purpose of trafficking and was sentenced to five years in prison (less eight months credit for onerous bail conditions). She appeals both her conviction and sentence.

[2] On her conviction appeal, she submits that the conviction was unreasonable. Alternately, she submits that the trial judge reversed the burden of proof. We do not accept Ms. Loy's submissions.

[3] We accept that the trial judge slightly misstated Officer Williamson's evidence about where he found the purse. However, looking at the trial judge's reasons as a whole it is evident he found that there was only one purse, that he accepted Officer Williamson's evidence the drugs were in the purse, and that the purse belonged to Ms. Loy. On these findings of facts and credibility, the verdict was reasonable. We see no basis for the argument that the trial judge reversed the burden of proof.

[4] The sentence of five years for drugs with a street value of approximately \$200,000 was not unreasonable.

[5] Both the conviction and sentence appeals are dismissed.