

CITATION: R. v. Thom, 2011 ONCA 401

DATE: 20110524

DOCKET: C52370

COURT OF APPEAL FOR ONTARIO

Rosenberg, Lang and Watt JJ.A.

BETWEEN

Her Majesty the Queen

Respondent

and

Kevin Thom

Appellant

Robert Sheppard, for the appellant

James Clark, for the respondent

Heard: May 18, 2011

On appeal from the conviction entered by Justice Wolfram Tausendfreund of the Superior Court of Justice dated December 14, 2009 and from sentence imposed dated April 7, 2010.

APPEAL BOOK ENDORSEMENT

[1] The appeal from sentence is dismissed as abandoned.

[2] The Crown's case depended upon proof that the jacket belonged to the appellant.

Given the value of the drugs, it was unlikely that they had been accidentally left in

someone else's jacket. In our view, given the nature of the documents found in the wallet in the jacket, it was open to the trial judge to infer that the jacket belonged to the lawful owner of the wallet, the appellant. On this record, it was no more than speculation that the wallet came to be in the jacket through misadventure or because it was stolen.

[3] Accordingly, the conviction was not unreasonable and the appeal is dismissed.