

CITATION: R. v. Malaj, 2012 ONCA 21
DATE: 20120111
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COURT OF APPEAL FOR ONTARIO

Winkler C.J.O., Doherty and Goudge JJ.A.

BETWEEN

Her Majesty the Queen

Respondent

and

Edi Malaj

Appellant

P. Andras Schreck and Lucy Sanders, for the appellant

Scott Latimer, for the respondent

Heard: January 10, 2012

On appeal from the conviction entered on May 19, 2009 by Justice P.A. Daley of the Superior Court of Justice.

APPEAL BOOK ENDORSEMENT

[1] The appellant does not contest the trial judge's finding of fact. The trial judge reviews them in detail in para. 37 of his reasons, to which we would only add the fact that the male seen at the parking lot matched the description of the male who pointed the

handgun. The trial judge took all these circumstances into account. We find no error in his conclusion that they constitute reasonable and probable grounds for arrest. Because of this the stop and the search were lawful.

[2] The arguments concerning ss. 10(a) and (b) of the Charter were not pressed before us and we find no merit in them. In the circumstances it is unnecessary for us to deal with s. 24(2).

[3] The appeal is dismissed.