

COURT OF APPEAL FOR ONTARIO

CITATION: R. v. Edwards, 2012 ONCA 882

DATE: 20121213

DOCKET: C54673

Goudge, Rouleau JJ.A. and Ray J. (*ad hoc*)

BETWEEN

Her Majesty the Queen

Respondent

and

Ian Edwards

Appellant

Richard A. Fedorowicz, for the appellant

Beverly J. Wilton, for the respondent

Heard and released orally: November 30, 2012

On appeal from the conviction entered on April 21, 2011 by Justice B. Wein of the Superior Court of Justice.

ENDORSEMENT

[1] In our view, the appeal must be allowed. The trial judge relied on hearsay in reaching the conclusion that the appellant had knowledge of the contents of the package. The Crown concedes that she erred in doing so. This constituted an important part of her reasoning both at paras. 22 and 28 of her reasons. The proviso cannot therefore be applied to maintain this conviction.

[2] This said, however, there was other evidence that might be sufficient to sustain a conviction. As a result, we do not conclude that the verdict is unreasonable.

[3] In conclusion, therefore, the appeal is allowed and a new trial is ordered.

“S.T. Goudge J.A.”
“Paul Rouleau J.A.”
“T. Ray J. (ad hoc)”