

# COURT OF APPEAL FOR ONTARIO

CITATION: R. v. Hoad, 2018 ONCA 528

DATE: 20180608

DOCKET: C64735

Lauwers, Pardu and Miller JJ.A.

BETWEEN

Her Majesty the Queen

Respondent

and

Brother James R. Hoad

Appellant

Brother James R. Hoad, in person

Kevin Wilson, for the respondent

Heard and released orally: June 5, 2018

On appeal from the decision of Justice D. Nadeau of the Superior Court of Justice dated, November 24, 2017.

## REASONS FOR DECISION

[1] The appellant challenges the decision made on his application in *certiorari* refusing to quash the decision of the Ontario Court of Justice, which in turn refused to return marijuana seized from the appellant to him after charges of possession and possession for the purpose of trafficking in marijuana were withdrawn.

[2] Justice Rogers of the Ontario Court of Justice was not satisfied on the evidence before him that the appellant was lawfully entitled to the seized cannabis.

[3] The appellant did not establish before Rogers J. that he obtained the marijuana from a licenced producer or that he was lawfully entitled to possession of the substance.

[4] On appeal, the appellant acknowledges that he did not have a licence authorizing the possession of the marijuana at the time it was seized. The *certiorari* judge did not err in concluding that Rogers J. did not commit any error or excess of jurisdiction permitting review by way of certiorari.

[5] The appeal is dismissed.

“P. Lauwers J.A.”

“G. Pardu J.A.”

“B.W. Miller J.A.”