

**DATE: 20040219**  
**DOCKET: C39604**

**COURT OF APPEAL FOR ONTARIO**

**RE: HER MAJESTY THE QUEEN (Respondent) v. ROBERT  
COURSOL (Appellant)**

**BEFORE: DOHERTY, GOUDGE JJ.A. and CAVARZAN J. (*ad hoc*)**

**COUNSEL: Gregory Lafontaine  
for the appellant**

**John McInnes  
for the respondent**

**HEARD &  
ENDORSED: February 19, 2004**

**On appeal from the convictions entered by Justice Hennessy, of the Superior Court  
of Justice, dated November 15, 2002.**

**APPEAL BOOK ENDORSEMENT**

[1] There are three grounds of appeal:

- (1) The trial judge was required to determine whether the alleged prior inconsistent statement was made by the complainant. The factors she considered were relevant to that determination and appropriately considered by her. We cannot interfere with her conclusion on this issue.
- (2) When the reasons are read in their entirety, they satisfy us that the trial judge properly applied the burden of proof as articulated in *R. v. W.(D.)*.
- (3) The trial judge's reasons satisfy us that she did consider and reject the appellant's evidence because it was entirely inconsistent on the central issue with the evidence she found credible and worthy of belief beyond a reasonable doubt.

[2] The appeal is dismissed.