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COURT OF APPEAL FOR ONTARIO

**RE: HER MAJESTY THE QUEEN (Respondent) – and MICHAEL
CARSON (Applicant/Appellant)**

BEFORE: MACPHERSON, CRONK and GILLESE JJ.A.

**COUNSEL: Sarah Egan
for the appellant**

**Christine Tier
for the respondent**

**HEARD &
ENDORSED: May 21, 2004**

**On appeal from the sentence imposed by Justice Charles E. Purvis of the Ontario
Court of Justice on June 4, 2003.**

A P P E A L B O O K E N D O R S E M E N T

[1] On May 23, 2003, the appellant entered into several vehicles in the Orillia area and removed a cell phone, money and change. At 4:00 a.m., the appellant stole a van. A police pursuit followed when an O.P.P. officer attempted to pull the van over. At least four police cruisers were damaged as a result of the chase. Ultimately, the van came to a stop when it hit a median in a parking lot, lost control and crashed into a York Regional police cruiser.

[2] These events occurred after the appellant was absent without leave on May 12, 2003, while on parole for other offences. An arrest warrant by the National Parole Board had been issued against the appellant between May 12 and the date of the offence. The appellant was at the time also under a driving prohibition and a driver's licence suspension. The appellant's criminal record was long, continuous and serious, even though he is a young man.

[3] In light of these factors, we cannot say that the sentence of three years was unfit. The fact that the result of the conviction is that the appellant will have to serve the

remnant of his previous sentence is not entitled to much weight: see *R. v. Gorham* (1987), 22 O.A.C. 237. Nor, in the awful circumstances of the incident which led to these charges, can we conclude that the trial judge overemphasized deterrence and denunciation.

[4] Leave to appeal sentence is granted and the appeal is dismissed.