

Case Name:
R. v. Fazlic

Between
Her Majesty the Queen, and
Salih Fazlic

[2009] O.J. No. 1802

Information No. 77407828

Ontario Court of Justice
Brantford, Ontario

K.G. Lenz J.

Heard: February 12, 2009.
Oral judgment: February 12, 2009.

(4 paras.)

Charges: Speeding - S. 128 Highway Traffic Act

Counsel:

I. Lagden, Counsel for the Respondent.

M. Riddell, Counsel for the Appellant.

1 K.G. LENZ J. (orally):-- The Crown concedes that the learned Justice of the Peace misapprehended the evidence in finding that the officer tested the radar device to manufacturer specifications. It is clear from the transcript that the officer failed to conduct the tracking history component of the manufacturers testing procedures. Therefore, the accuracy and reliability of the radar device was not proven beyond a reasonable doubt.

2 All right, so the appeal is allowed on consent, the conviction is quashed and a verdict of acquittal is entered. The fine paid by the Appellant should be returned to him.

3 Mr. Riddell: Thank you, Your Honour.

4 Mr. Lagden: Thank you, Your Honour.

qp/s/qlloxr/qlpxm