

Post-it FAX TRANSMITTAL MEMO 7671		1
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Court File No. C14231

COURT OF APPEAL FOR ONTARIO

BEFORE: Brooke, Arbour and Abella JJ.A.

RE: HER MAJESTY THE QUEEN (Appellant) v. DANIEL LAMOUREUX (Respondent)

COUNSEL: Roger A. Pinnock for the Appellant
Lisa Silver for the Respondent

DATE: September 22, 1994

AMENDED ENDORSEMENT

We are all of the opinion that this appeal fails. There was ample evidence to support the findings of fact made by the trial judge. Indeed the findings are not attacked. He believed the evidence of the respondent. He concluded he could not find that there was any indicators which should have alerted the respondent that he was vulnerable to falling asleep at the wheel, nor that the respondent was or should have been alert to such a risk.

In the circumstances, the acquittal cannot be doubted. The appeal is dismissed.

Released: October 11, 1994

[Handwritten signatures]
P. Smith JA
M. G. JA
P. Smith JA

Post-it... FAX TRANSMITTAL MEMO 7671 1
TO: Bruce S. ... NO. OF PAGES
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Court
PHONE: 416-327-5199
FAX: 905-641-2761

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Lisa Silver for the Respondent
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John A. ...
... 416-
PSV ...
JA

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Pinnock JA
Silver JA
Pinnock JA