



**BATEMAN, J.A.: (Orally)**

Mr. Stone appeals his conviction on two counts of driving while impaired by alcohol and thereby causing death contrary to **s.255(3)** of the **Criminal Code**. He submits that the verdict is unreasonable or cannot be supported by the evidence (**s.686(1)(a)(i)**).

In reviewing a verdict for unreasonableness the Court is not to substitute itself for the trier of fact, but to decide whether the verdict is one which a properly instructed jury could reasonably have rendered. (**Corbett v. The Queen** (1974), 14 C.C.C. (2d) 385 (S.C.C.)) We must re-examine, to some extent re-weigh, and consider the effect of the evidence. (**R. v. Yebes** (1987), 36 C.C.C. (3d) 417 (S.C.C.))

Taking into account the Trial Judge's findings of credibility, and considering the direct and inferential evidence of impairment that was before the Court, we are satisfied that the verdict is not unsupported by the evidence, and is one that a properly instructed jury could reasonably have rendered.

Accordingly, the appeal is dismissed.

Bateman, J.A.

Concurred in:

Freeman, J.A.

Pugsley, J.A

