

CITATION: R. v. Delong, 2008 ONCA 525
DATE: 20080627
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COURT OF APPEAL FOR ONTARIO

ROSENBERG, SIMMONS JJ.A. and SPEYER J. (*ad hoc*)

BETWEEN:

HER MAJESTY THE QUEEN

Respondent

and

GRAYSON DELONG

Appellant

Leslie Maunder for the appellant

Joan Barrett for the respondent

Heard and endorsed: June 26, 2008

On appeal from conviction and sentence by Justice Bruce J. Young of the Ontario Court of Justice dated September 29, 2006

APPEAL BOOK ENDORSEMENT

[1] The trial judge rejected the appellant's version of events and in particular rejected the position of the defence that the appellant was merely defending himself from what he claimed was unnecessary force. The only question then was whether the appellant caused unnecessary suffering to the dog. In our view, there was an evidentiary basis for the trial judge's finding in that the appellant choked the dog.

[2] Accordingly, the appeal is dismissed.