

CANADA / JUDGMENT

R. v. Corbett

2025 ONCA 681

COURT

Court of Appeal for Ontario

DECIDED

1 October 2025

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R. v. Corbett Collection Decisions of the Court of Appeal Date 2025-10-01 Neutral citation 2025 ONCA 681 Docket numbers COA-24-CR-0010 Judges van Rensburg, Katherine; Paciocco, David M.; Wilson, Darla A. Subject Criminal Decision Content COURT OF APPEAL FOR ONTARIO CITATION: R. v. Corbett, 2025 ONCA 681 DATE: 20251001 DOCKET: COA-24-CR-0010 van Rensburg, Paciocco and Wilson JJ.A. BETWEEN His Majesty the King Respondent and Fallon Corbett Appellant Paul Genua, for the appellant Sam Weinstock, for the respondent Heard: September 22, 2025 On appeal from the convictions entered by Justice Melanie A. Sopinka of the Ontario Court of Justice, on May 11, 2023. REASONS FOR DECISION

- [1] Fallon Corbett was convicted of one count of possession of fentanyl for the purpose of trafficking, one count of possession of methamphetamine for the purpose of trafficking, and two counts of weapons-related offences. The narcotics and weapons were discovered in her bedroom during the execution of a search warrant at her home on February 3, 2021. Also found in the bedroom were smaller quantities of various narcotics, \$5,700 in cash, and drug trafficking paraphernalia, including digital scales, dime bags, a drug packaging kit, a cutting agent, and food colouring.
- [2] The fentanyl was found in a disinfecting wipes container located on top of the bed between two pillows and in a Quaker oatmeal box located on top of an artificial fireplace, also in the bedroom (the “two containers”). The bulk of the methamphetamine was in the disinfecting wipes container. The fentanyl had been mixed with a cutting agent and dyed various colours. The police located a quantity of the same cutting agent and food colouring of the same colours elsewhere in the bedroom.
- [3] Ms. Corbett focused her written and oral submissions on the two counts of possession for the purpose of trafficking. First, she argues that the trial judge arrived at unreasonable verdicts and failed to give proper effect to the evidence by finding that the only reasonable inference on the evidence was that Ms. Corbett was in possession of the narcotics. She argues that there was a reasonable alternative inference that the narcotics in the two containers were actually possessed by Mr. Pedersen, who was found with her in the bedroom when the search warrant was executed. Ms. Corbett argues that an acquittal was therefore required pursuant to the principles in R. v. Villaroman, 2016 SCC 33, [2016] 1 S.C.R.

1000. Her theory is that Mr. Pedersen may have removed the two containers of narcotics from his backpack upon noticing the arrival of the police on a security camera screen in the bedroom, before the police confronted them. She emphasizes that methamphetamine and cash were found in his backpack, which was open and unzipped, located under the fireplace proximate to the Quaker oatmeal box.

- [4] Second, Ms. Corbett advances the supplementary but redundant argument that by not giving this evidence its proper effect, the trial judge also erred by misapprehending the evidence.
- [5] Finally, Ms. Corbett argues that the trial judge erred by accepting Mr. Pedersen's testimony that the two containers were not his, despite inconsistencies in his evidence, by becoming "unduly preoccupied with the credibility of [Mr.] Pedersen at the expense of reliability".
- [6] We dismissed Ms. Corbett's appeal after oral submissions, for reasons to follow. These are our reasons.
- [7] First, the trial judge was entitled to accept Mr. Pedersen's testimony denying possession of the two containers. She was aware of the inconsistencies in his evidence but chose to believe him. We are not persuaded that she became preoccupied with his credibility in doing so. In her reasons, she describes his lapses in memory and his heavy drug use at the time of events, both of which are reliability concerns. It is evident that this experienced trial judge turned her mind to the reliability of his evidence. Her credibility and reliability findings are entitled to deference, absent a recognized error of law or a palpable and overriding error: *R. v. Kruk*, 2024 SCC 7, 433 C.C.C. (3d) 301, at para. 82. Ms. Corbett has failed to demonstrate any such error.
- [8] Second, the trial judge found that the circumstantial evidence leaves no doubt that Ms. Corbett's possession of the narcotics was the only reasonable inference available, even without Mr. Pedersen's testimony. She identified the principles in *Villaroman* correctly and gave them full consideration. She concluded that the theory that Mr. Pedersen may have removed the two containers from his backpack was not a reasonable inference to be drawn. Her reasons disclose the implausibility of this theory. She found that Mr. Pedersen had a very limited opportunity to remove the two containers from the backpack and to place them in the two different locations where they were discovered, and that it defies logic that he would do so without also removing from the backpack the remaining and significant quantity of methamphetamine as well as documents that could clearly link the backpack to him. These are reasonable considerations. Moreover, the items found in various locations in Ms. Corbett's bedroom, aside from the two containers, linked her circumstantially to drug trafficking, and the cutting agents and food colouring linked her circumstantially to the fentanyl in the two containers. The trial judge was entitled to conclude on this evidence that the only reasonable inference is that Ms. Corbett possessed the narcotics located in the two containers. That conclusion is not only reasonable but cogent, and it reflects no misapprehension of the evidence.

[9] For these reasons we dismissed the appeal. “K. van Rensburg J.A.” “David M. Paciocco J.A.”
“D.A. Wilson J.A.”

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