

AMENDED

<u>CASE NO.</u>	<u>VOL. NO.</u>	<u>PAGE</u>
BRADLEY JUDE CAMERON (Appellant)	- and -	HER MAJESTY THE QUEEN (Respondent)
CAC 178674	Halifax, N.S.	Freeman, J.A.

[Cite as: *R. v. Cameron*, 2002 NSCA 123]

APPEAL HEARD: October 2, 2002

JUDGMENT DELIVERED: October 15, 2002

SUBJECT: Criminal Law, *Controlled Drugs and Substances Act*, ss. 5(2) and 7(1), Possession for the Purpose of Trafficking Marijuana, Producing Marijuana, Burden of Proof, Elements of Possession, Unreasonable Verdict.

SUMMARY: The appellant was one of three persons found in an apartment by police acting under a search warrant where marijuana was being produced. He testified that he lived elsewhere and had come to the apartment less than an hour earlier to wait for a friend, the third occupant of the apartment, who owed him money. The trial judge preferred the police evidence as to where he was situated in the apartment when they burst in, and convicted him of possession for the purpose of trafficking and producing marijuana. He has appealed both convictions.

ISSUE: Whether the trial judge erred in applying the burden of proof, in interpreting and applying the law of possession and that the verdict was unreasonable.

RESULT: The appeal was allowed and acquittals entered. The trial judge

simply accepted the police evidence in preference to that of the appellant and did not follow the three-step approach set out in *R. v. W.(D) [D.W.]*, [1991] 1 S.C.R. 742 (S.C.C.). The evidence of possession or production was dangerously weak and incapable of safely sustaining a conviction.

This information sheet does not form part of the court's judgment. Quotes must be from the judgment, not this cover sheet. The full court judgment consists of 9 pages.