

<u>CASE NO.</u>	<u>VOL. NO.</u>	<u>PAGE</u>
HER MAJESTY THE QUEEN		RICARDO SPARKS and TYRONE SINCLAIR DOWNEY
	- and -	
(Appellant)		(Respondents)
CAC 155286	Halifax, N.S.	BATEMAN, J.A. (Orally)

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**Cite as: R. v. Sparks, 2000 NSCA 105]**

**APPEAL HEARD:** September 22, 2000

**JUDGMENT DELIVERED:** September 22, 2000

**WRITTEN RELEASE OF ORAL:** September 25, 2000

**SUBJECT:** Co-accused found driving vehicle containing 107 rocks of crack cocaine divided into pill bottles and found under the car seat and in the passenger well. Each accused denied knowledge and, inferentially, one blamed the other. Judge, in acquitting, found one accused not credible; was unable to infer that both had the requisite knowledge; and was left in a reasonable doubt as to individual possession for the purposes, as between the two accused.

**SUMMARY:** Crown appealed acquittal of co-accused on a joint trafficking charge. Appeal under s.676(1)(a) of the **Criminal Code of Canada**, R.S.C. 1985, c. C-46, limited to a question of law alone. Crown's appeal amounted to a claim that the verdict was unreasonable. Such is not a question of law.

**ISSUES:** Did the trial judge err at law?

**RESULT:** Appeal dismissed.

<p>This information sheet does not form part of the court's decision. Quotes must be from the judgment, not this cover sheet. The full court judgment consists of 2 pages.</p>
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