

**NOVA SCOTIA COURT OF APPEAL**

**Citation: *R. v. Beals*, 2011 NSCA 42**

**Date:** 20110512

**Docket:** CAC 334813

**Registry:** Halifax

**Between:**

Her Majesty the Queen

Appellant

v.

Kaylen Jermal Beals

Respondent

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**Judge:** The Honourable Mr. Justice Jamie W.S. Saunders

**Appeal Heard:** April 6, 2011

**Subject:** **Crack Cocaine. Directed Verdict. Circumstantial Evidence. Standard of Review.**

**Summary:** Responding to a reported grease fire in an unoccupied apartment, Halifax firefighters found a loaded handgun and what appeared to be drugs and assorted paraphernalia. The police were notified. The scene was secured and a search warrant was obtained. Laboratory analysis confirmed that the drug found was cocaine. A number of exhibits were seized including items of identification which tied Beals to the premises. He and Murphy were jointly charged with possession of cocaine for the purpose of trafficking. They were tried together, each represented by different counsel. At the close of the Crown's case, Beals moved for a directed verdict. The trial judge granted the motion and acquitted Beals. The Crown appeals.

**Held:** Appeal dismissed. When faced with a motion for a directed verdict, the trial judge will, to a limited extent, be obliged to weigh the evidence. Here, the Crown's case against Beals was

entirely circumstantial. To prove constructive possession pursuant to s. 4(3) of the **Code**, the trier would ultimately be asked to draw inferences as to the essential elements of proof of knowledge, and control.

The trial judge understood and respected the judicial restraints attached to his analysis. He stayed within the limited bounds of his assignment and did not err by sliding into the jury's exclusive preserve.

**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 12 pages.**