

PROVINCIAL COURT OF NOVA SCOTIA

Citation: *R v Cameron, Odo*, 2023 NSPC 62

Date: 20231220

Docket: 8715720-8715767

Registry: Truro

Between:

His Majesty the King

v.

Gary Phillip Cameron and Brittany Lynn Odo

Judge: The Honourable Judge Mark Heerema

Heard: November 10 & 17, 2023 in Truro, Nova Scotia

Decision December 20, 2023

Charge: s. 5(2) x 2 of the *Controlled Drugs and Substances Act*, ss. 86(1), 88(2) x 3, 91(1), 92(1), 94(2), 88(2), 145(4)(a), 117.01(1) x 4, 145(5)(a) x 2 of the *Criminal Code*

Counsel: Jude Hall, for the Crown,
Robert Sutherland for Gary Phillip Cameron, and
Maria Mikhailitchenko for Brittany Lynn Odo

By the Court:

Introduction

[1] In the early morning hours of June 25, 2023, Mr. Gary Cameron and his girlfriend, Ms. Brittany Odo, were found asleep by the police in a vehicle parked facing the wrong direction on a residential street in Truro, Nova Scotia.

[2] Between the legs of the driver, Mr. Cameron, was a loaded .22 calibre rifle. Found near the front passenger seat that Ms. Odo was occupying was a purse containing her identification, a collapsible pink baton and a digital weigh scale with cocaine and methamphetamine residue. In the centre console between the two occupants was a small glass jar containing cocaine.

[3] Mr. Cameron and Ms. Odo were immediately arrested. Found on Mr. Cameron was \$220 cash and a set of plastic knuckles in his pockets. He advised police that there were more guns in the vehicle. The police conducted a subsequent search of the vehicle and located an inoperable revolver, a large bag of ammunition, a loaded magazine and over 1 kilogram of crystal methamphetamine and cocaine stored in different bags and containers alongside cutting agents.

[4] Some matters are not contentious in this case.

[5] What is not disputed is that if someone knowingly possessed this large cache of drugs and cutting agents, they did so for the purposes of re-selling them, or trafficking them. Uncontested expert evidence in this case clearly supports this conclusion and notably puts the street value of these drugs and substances at a range of between \$55,000 - \$100,000.

[6] Similarly, there is no dispute that the rifle seized between the legs of Mr. Cameron is a firearm and that the ammunition found in the vehicle, is in fact, ammunition.

[7] Likewise, it is uncontested that Mr. Cameron and Ms. Odo did not hold licenses to possess a firearm and at the time were both subject to Court orders prohibiting them from doing so.

[8] The central issue is whether the Crown has proven that Ms. Odo and Mr. Cameron had sufficient knowledge and control of the weapons and drugs to possess them.

[9] The Crown alleges that the place and circumstances in which these items were found prove this beyond a reasonable doubt.

[10] Mr. Cameron and Ms. Odo strongly disagree.

[11] They claim they are only guilty of being at the wrong place at the wrong time. They point to a lack of forensic evidence linking them to these items through DNA and fingerprints. Furthermore, they rely upon evidence called by Mr. Cameron which suggests they were effectively framed and set up by a hitchhiker who they picked up earlier that evening. They dispute that knowledge and control have been proven by the Crown.

General Principles

[12] I will review some basic concepts that apply to this trial.

[13] Ms. Odo and Mr. Cameron are presumed to be innocent. The presumption of innocence is only displaced once the Crown has proven all elements of any alleged offences against them beyond a reasonable doubt.

[14] The Crown's burden to prove an offence beyond a reasonable doubt is not a light one. It is insufficient for the Crown to demonstrate that an accused is likely guilty, or more probably guilty. While proof beyond a reasonable doubt escapes precise, mathematical definition, the Supreme Court of Canada has held that it lies much closer to absolute certainty than a balance of probability.

[15] Where an accused testifies, if the Court accepts the evidence of the accused that is inconsistent with their guilt, the Court must acquit. Or, even if the Court does not believe the evidence of the accused that is inconsistent with their guilt, but it nevertheless leaves a reasonable doubt, a finding of not guilty must be entered. Even if the evidence of the accused does not leave the Court in doubt, a Court must still ask whether the evidence it does accept proves beyond a reasonable doubt that the accused is guilty.

[16] Simply put, a criminal trial is not a credibility contest. A criminal trial is not resolved merely by which side of an argument the Court favours most. A conviction in a criminal case can only be found where the Court is satisfied of the guilt of the accused beyond a reasonable doubt for all essential elements of the offences charged. Nothing less.

[17] In evaluating the testimony of witnesses, Courts engage in assessing two related, but different concepts: the credibility of a witness and their reliability.

The credibility of a witness generally refers to a desire and willingness to testify truthfully. The reliability of a witness generally refers to the ability of a witness to provide accurate testimony, despite a willingness to testify truthfully.

[18] In assessing a witness's testimony, Courts are entitled to consider their demeanour while testifying; however, it should not be used as the sole determinant of credibility and must be treated and approached with caution.

[19] In assessing evidence, Courts must not 'piecemeal' the evidence; that is, a court should not scrutinize evidence in isolation from other pieces of evidence and consider whether that evidence alone can satisfy proof beyond a reasonable doubt. Rather, a court must consider all the evidence in its totality.

[20] Lastly, Courts are entitled to accept some, none, or all of a witness's evidence.

A Review of the Evidence

[21] I will now review the salient evidence called in this matter.

[22] In the early morning hours of June 25, 2023, the Truro Police Service was alerted to a suspicious vehicle parked on the wrong side of Brunswick Street in Truro, NS. Cst. Tyler Shipley and his partner, Cst. Brent Bowden, were first on scene. Cst. Shipley approached the vehicle and noticed the driver's door had been left ajar. He peered into the vehicle and observed two occupants, a male and female, who appeared to be asleep. The male, later identified as Mr. Cameron, was occupying the driver's seat and had a firearm between his legs with the muzzle of the gun pointing toward the floor. Cst. Shipley observed a loaded magazine in the firearm.

[23] Cst. Shipley took a few steps backward and radioed for backup. After doing so, he again approached the vehicle with the intention of securing Mr. Cameron away from the firearm. He grabbed the left arm of Mr. Cameron and pulled him out of the vehicle, while simultaneously identifying himself as police and directing that Mr. Cameron not grab for anything. Mr. Cameron was compliant and cooperative and was secured with handcuffs. He was arrested for possession of a firearm. A search incident to his arrest found a pair of plastic knuckles and \$220 of Canadian currency in his pants' pocket.

[24] At the time Cst. Shipley was involved with Mr. Cameron, Cst. Brent Bowden arrested Ms. Odo without incident.

[25] As Cst. Shipley was reading Mr. Cameron his “*Charter* and police cautions”, Mr. Cameron volunteered that there were more guns in the vehicle. A short *voir dire* was held in relation to this utterance at the conclusion of which it was conceded that the Crown had proven that the statement was voluntarily offered by Mr. Cameron.

[26] The police subsequently searched the vehicle both at the scene and later pursuant to a search warrant. The following items of note were found in the vehicle:

- The loaded .22 calibre rifle from between the legs of Mr. Cameron. The rifle had a bullet in the chamber, and a loaded magazine. When the rifle was found by the police, it was missing its buttstock, which was subsequently located in a compartment of the driver’s side front door.
- 3.3 grams of cocaine found in a small glass jar in the front, centre console.
- A purse near the front passenger seat containing, amongst other items, a driver’s license for Brittany Lynn Odo, a digital weigh scale containing residue of cocaine and methamphetamine on it, and a pink collapsible baton.
- A magazine loaded with .22 calibre cartridges found in a compartment of the front passenger’s side door.
- A black backpack located in the rear hatch of the vehicle containing a large plastic bag filled with varying sizes and types of ammunition.
- A large duffle bag located in the rear hatch of the vehicle containing numerous items, including:
 - a loaded .22 calibre Sauer Western Six-Shooter revolver,
 - a large Ziplock bag containing just over 1 kilogram of crystal methamphetamine,
 - a Ziplock bag containing 594 methamphetamine tablets weighing 245.75 grams,
 - a large Ziplock bag containing benzocaine (a common adulterant or “cutting” agent),
 - two Ziplock bags containing sodium bicarbonate (or baking soda, which is a necessary ingredient to convert cocaine to crack cocaine),

- a small glass jar containing 36.7 grams of cocaine,
 - a small glass jar containing 13.5 grams of crystal methamphetamine,
 - a Ziplock bag containing 45 grams of boric acid.
- A small black tool-kit bag containing amongst other things, an identification card for Mr. Jessie Myers, a Ziplock bag of methamphetamine, and a Ziplock bag of ammunition.

[27] Mr. Crestani was called by the Crown and qualified to provide expert opinion evidence in relation to firearms. He examined the .22 calibre rifle. His examination revealed that this gun was an operable firearm.

[28] Mr. Crestani also examined the .22 calibre Sauer Western Six-Shooter revolver. He found that the gun was inoperable as it was missing a firing pin and could not easily be repaired without utilization of a special tool given some cross-threading. Moreover, while the lab in which Mr. Crestani is employed had a reference firing pin for this particular revolver, he testified that he was unable to locate one in stock on the commercial market.

[29] D/Cst. Jeffrey Seebold was called by the Crown and qualified to provide expert evidence concerning matters related to drugs and drug trafficking. He testified that the amount of drugs found in the various packaging that were located in this vehicle is consistent with mid-level trafficking and not personal consumption. He described the cutting process used by traffickers, and identified substances found in the vehicle consistent with this process. He identified how individuals who traffic and sell drugs often use scales and possess weapons.

[30] The potential use of the scale found in the purse was probed in cross-examination. Ms. Odo asked the officer whether a scale could also be possessed by an end user. D/Cst. Seebold testified that in his opinion, scales are possessed by traffickers and sellers as opposed to end users. He mentioned two examples where he had heard of purchasers using a scale and being met with violence.

[31] After the Crown closed its case, Mr. Cameron elected to call evidence and both himself and his father testified.

[32] Mr. Gary Steeves is the father of Gary Cameron. Mr. Steeves testified that his son, who had been estranged from him for some years, reached out to him to make amends. On June 24, 2023, he met with his son and his son's girlfriend, Ms. Odo, at the Dingle Park in Spryfield. He testified that they were at the park for a

few hours, left together in their red SUV to go to Tim Horton's, and returned to the park. He testified that he sat in the back seat of the vehicle and did not notice any guns, drugs, or bags. He claimed to have been able to see the whole rear hatch area.

[33] After parting company that evening, he said he received a call from his son around 9:00pm or 10:00 pm indicating that they had picked up a hitchhiker.

[34] Mr. Gary Cameron testified. He confirmed that he had been estranged from his father, and had reached out to make amends, and that he, along with his girlfriend, Ms. Odo, met with him at the Dingle Park. He confirmed they went to Tim Hortons at some point before returning to the park.

[35] After leaving his father's company that evening, he stated that he and Ms. Odo went to visit the mother of one of his children. While there he said Ms. Odo smoked marijuana. He testified that she did not use any other drugs.

[36] They left Halifax between 8:00pm - 9:00pm to return to New Glasgow.

[37] Halfway to Truro, Mr. Cameron stated that Ms. Odo fell asleep. He pulled over at the Stewiacke exit for gas, snacks, and a bathroom break. While there, he picked up a "hard-looking fella" who was hitchhiking. The male, who did not provide his name, had many bags with him which he put in the rear hatch of the SUV. The hitchhiker told Mr. Cameron that he wanted to go to the "Millbrook Reservation". Mr. Cameron said he would take him as far as Truro (which I note is beyond the "Millbrook Reservation", or the Millbrook First Nations Community as I will refer to it as)

[38] Mr. Cameron testified that they drove through the Millbrook First Nations Community and ended up in Truro near Victoria Park. He claimed that the male passenger, who was in the back seat, became upset that he had not been taken to the Millbrook First Nations Community, and began to raise his voice and get argumentative. Mr. Cameron told him to keep his voice down as he did not want Ms. Odo to wake. The next memory Mr. Cameron has is being woken by the police as he was being removed from his vehicle. He believes that he was hit on the back of the head and knocked unconscious by the hitchhiker. He claimed that he suffered a gash to his head that was treated at the hospital in the following days.

[39] He testified that he had no knowledge of the bags, weapons, drugs, or ammunition in the vehicle as found by police, with the exception of his plastic knuckles which were for his protection while in Spryfield, NS.

[40] He was shown a picture of an identification card belonging to a Jessie Myers that was found within one of the recovered bags in the rear hatch of the SUV. Mr. Cameron testified that he did not know if this was the hitchhiker but was pretty sure it was him.

Assessment of the Evidence

[41] There was little dispute about much of the evidence called by the Crown in this case. Simply put, who was in the vehicle, where various items were found, or the nature of them, were not contentious.

[42] The evidence of Mr. Crestani was not disputed and was well supported.

[43] Similarly, D/Cst. Seebold's evidence was also largely not in dispute. He provided estimates of the value of the substances found and provided his opinion that the amount of drugs found in the vehicle were not for personal consumption but were consistent with mid-level trafficking. He noted items such as the packaging, the presence of cutting agents, weapons, and a scale and testified that these were consistent for use by traffickers. I accept his evidence on this point.

[44] I now turn to the evidence called by Mr. Cameron.

[45] I do not believe that his father, Mr. Gary Steeves, was being honest with the Court.

[46] If Mr. Steeves was in the SUV earlier that day, I do not believe he craned his head to the extent that would have been needed to ensure that the hatch area was empty. Moreover, his description that there was nothing in the car that day is difficult to reconcile with the mess in the vehicle as demonstrated by the photographs of it.

[47] Mr. Steeves was visibly and audibly impatient with the Crown in his cross-examination.

[48] Mr. Steeves has a criminal record, including offences for dishonesty.

[49] I believe that Mr. Steeves was testifying untruthfully because he believed it would help his son.

[50] I now turn to the evidence provided by Mr. Cameron.

[51] Mr. Cameron testified in a calm, collected manner.

[52] He acknowledged that he had been driving the vehicle that day without a license.

[53] While I accept that there are aspects of Mr. Cameron's evidence that were truthful, I do not believe he was being honest with the Court for the material parts.

[54] In particular, I do not believe that he picked up a hitchhiker on the evening of June 24, 2023, who assaulted him, left him unconscious and left behind the cache of drugs, weapons and ammunition that were found by the police.

[55] His testimony defies belief and is inherently implausible.

[56] It makes no sense for Mr. Cameron to have picked up a hitchhiker, for the purposes of taking him to the Millbrook First Nations Community, only then to drive through it and proceed to Victoria Park in Truro.

[57] I disbelieve that Mr. Cameron suffered a head injury that night. There was no evidence offered by the attending officers that Mr. Cameron had sustained any injuries. According to Mr. Cameron, the wound he suffered was still bleeding the following day. I believe that if Mr. Cameron suffered an injury such as he described, it would have been readily apparent on the night in question.

[58] I also do not believe that anyone would leave behind drugs, weapons, and ammunition as he claimed. The sheer value of these items makes this highly unlikely (See *R. v. Lola*, 2020 SKCA 103 at para. 13 and *R. v. Richardson*, 2023 BCCA 29 at paras. 19 and 42).

[59] Further, I do not believe that anyone could have elaborately staged the vehicle in the manner it was found with drugs, weapons, and ammunition spread throughout the vehicle. A theory offered by the defence was that perhaps the unknown occupant became startled by something, or someone, and decided to leave their products in the SUV. I do not believe this occurred. The staging required to accomplish this feat would have taken a significant amount of time. This is inconsistent with a fast exit precipitated by being startled.

[60] I also question the plausibility of Mr. Cameron's claim that an unknown hitchhiker was upset, began to yell, and became violent and despite this, Ms. Odo remained asleep. While I accept that people can be heavy sleepers, the plausibility of this evidence gives me significant pause.

[61] Moreover, Mr. Cameron's testimony about the bags being placed in the back of his SUV by the hitchhiker, and therefore unaware of their contents, is belied by his advising Cst. Shipley that there were more guns in the vehicle.

[62] Lastly, I note that Mr. Cameron has a criminal record, which includes crimes for dishonesty.

[63] I reject the material aspects of Mr. Cameron's evidence, along with the evidence of Mr. Steeves. I am not left in a reasonable doubt by it. Despite this, I must now determine whether the Crown has proven that Mr. Cameron and Ms. Odo possessed the contraband materials.

Applicable Legal Principles

Possession

[64] Each of the offences entail the Crown proving possession by the accused of the contraband materials, whether they be weapons, drugs, or ammunition.

[65] Section 4(3) of the *Criminal Code* recognizes three means of possession: personal possession, constructive possession, and joint possession.

[66] The Crown in this case alleges both personal and constructive possession of the contraband.

[67] To prove *personal* possession, knowledge and control must be established. The two knowledge elements that must be established are (i) that the accused is aware that he or she has physical custody of the thing in question, and (ii) the accused is aware of what that thing is. These two elements must co-exist with an act of control (See *R. v. Morelli*, 2010 SCC 8 at para. 16).

[68] The Supreme Court of Canada succinctly defined *constructive* possession in *Morelli* as follows:

17 Constructive possession is established where the accused did not have physical custody of the object in question but did have it "in the actual possession or custody of another person" or "in any place, whether or not that place belongs to or is occupied by him, for the use or benefit of himself or of another person." (*Criminal Code*, s.4(3)(a)). Constructive possession is thus complete where the accused: (1) has knowledge of the character of the object, (2) knowingly puts or keeps the object in a particular place, whether

or not that place belongs to him, and (3) intends to have the object in the particular place for his "use or benefit" or that of another person.

[69] A review of the jurisprudence reveals the following principles applicable to this area of law:

- Tenancy or occupancy of a place where an object is found does not create a presumption of possession (*R. v. Choudhury*, 2021 ONCA 560 at para. 19; *R. v. Lights*, 2020 ONCA 128 at para. 50).
- The Crown need not prove that the accused(s) had exclusive access to the contraband to be in possession of it (*Choudhury*, at para. 22).
- Proof of handling of the object is not required (*R. v. Fisher*, 2005 BCCA 444 at para. 24).
- Whether possession is established is based on the totality of the facts (*R. v. Ahmadzai*, 2012 BCCA 215 at para. 34).
- Ownership of the object, while relevant, is not equivalent to possession; a person may possess what they do not own (*Fisher*, at para. 33; *R. v. St John*, 2023 NBCA 28).
- The knowledge element may be established through actual knowledge or wilful blindness (*Lights*, at paras 51-52).

Circumstantial Evidence

[70] The case presented by the Crown rests largely upon the circumstances in which the contraband was located by the police in the red Mitsubishi SUV.

[71] In such cases, the Court must be satisfied beyond a reasonable doubt that the guilt of the accused is the only reasonable inference to be drawn from the evidence as a whole: *R. v. Villaroman*, 2016 SCC 33 at para. 20. That assessment is done, not by isolating each piece of evidence and considering it individually, but rather by applying the standard of proof against the evidence in its entirety (See *Ahmadzai*, at para. 34).

[72] The Court is permitted to consider inferences inconsistent with guilt that do not arise from proven facts. Indeed, they may flow from the absence of evidence. They may flow from what are considered plausible and reasonable possibilities,

provided that such possibilities are grounded in logic and experience. In such instances, the Crown must negate these inferences or possibilities before a Court can make a finding of guilt. This does not require the Crown to disprove *all* possibilities. Fanciful or irrational possibilities need not be overcome, but only ones that are considered reasonable and plausible (*Lights*, at paras. 127-129).

Analysis

[73] I will focus upon the evidence as a whole before addressing the individual counts specifically.

[74] I believe that both Ms. Odo and Mr. Cameron had knowledge and control of the drugs, firearms, and ammunition in the vehicle they were found in. I believe that is the only reasonable inference that can be drawn in these circumstances.

[75] I accept the evidence offered by D/Cst. Jeffrey Seebold that traffickers of drugs often possess large quantities of drugs, along with cutting agents, weapons, and scales. These items are not randomly gathered. Simply put, it is not coincidental that a large amount of drugs, found in different packaging, was in close proximity to cutting agents, a scale, weapons and ammunition. Each of these individual components are tools of the trafficking trade. The significance of each item is that they are found together.

[76] I accept that Ms. Odo and Mr. Cameron were girlfriend and boyfriend. I base this on the testimony I did accept of Mr. Cameron and Mr. Steeves.

[77] I accept that Mr. Cameron and Ms. Odo had been driving this red Mitsubishi vehicle as their vehicle, as opposed to it being a vehicle that they had just entered moments before they were observed.

[78] I accept that the purse found in the front passenger seat containing an electronic scale and pink baton belonged to Ms. Odo. I base this on its proximity to the front passenger seat where Ms. Odo was located and the fact that it contained her identification.

[79] I believe that the gun found between the legs of Mr. Cameron was placed there by him and not anyone else.

[80] I accept that when Mr. Cameron advised Cst. Shipley that there were more guns in the vehicle, he did so because he was aware of the revolver that was found in the duffle bag within the hatch of the SUV.

[81] I accept that the small glass jar containing cocaine in the front console area of the vehicle was the same type as some of the small glass jars containing drugs in the large duffle bag found in the rear hatch. This strongly suggests that the cocaine in the front console area came from this duffle bag.

[82] While the vehicle was otherwise messy with garbage, with the exception of some alcoholic beverages and a few loose items of clothing, there was nothing else notable in the vehicle. Put differently, this was not a vehicle loaded down with luggage or other items such that an occupant of the vehicle could likely be made unaware of some contraband material hidden within it.

[83] I accept that an identification card belonging to a Mr. Jessie Myers was located in one of the small bags contained in the vehicle. Mr. Jessie Myers was not called as a witness in this matter.

[84] Could Mr. Myers have owned some of the drugs or contraband? Could Mr. Myers have an interest in some of these items? Could Mr. Myers be an associate of Ms. Odo and Mr. Cameron?

[85] I am mindful that the absence of evidence regarding Mr. Myers does not prevent the accused from offering plausible and reasonable explanations that are inconsistent with guilt.

[86] For the reasons noted above, I have rejected Mr. Cameron's evidence that he picked up a hitchhiker, possibly Mr. Myers, or someone else.

[87] Nevertheless, I do think it is possible and reasonable that Mr. Myers may have some involvement with the contraband. Perhaps he owned some of the drugs. Perhaps he asked Ms. Odo and Mr. Cameron to transport them. Perhaps he was an associate, business partner or friend of Mr. Cameron or Ms. Odo. However, these possibilities are not inconsistent with guilt. Ownership is not a prerequisite for proof of possession; more specifically, the fact someone else may have owned or had an interest in these substances is not incompatible with Ms. Odo and Mr. Cameron having knowledge and control of the contraband when they were found.

[88] I must also consider whether the contraband have been only possessed by one of them, but not the other.

[89] As an example, could the contraband have been Mr. Cameron's and Ms. Odo had no knowledge or control over them; or conversely, the contraband was Ms. Odo's and Mr. Cameron had no knowledge or control over them?

[90] I reject both possibilities. I find that both had knowledge and control.

[91] Mr. Cameron had a gun, directly between his legs, and was sitting beside a console with a glass jar of cocaine – packaging which matched the packaging of drugs found in the rear hatch. Furthermore, he spontaneously offered that there were more guns in the car. Notably, the other revolver found in the vehicle was in the bag which contained most of the drugs.

[92] For her part, Ms. Odo was found seated beside the same glass jar of cocaine, again, the packaging of which matched the packaging of drugs found in the rear hatch. Moreover, a loaded .22 calibre magazine was found in a compartment of the front passenger's door next to her. In her purse was found a collapsible baton, and a digital scale containing residue of both methamphetamine and cocaine. Notably, the residue matched the type of drugs found in the rear hatch of the SUV. Further to the evidence of D/Cst. Seebold, I accept that it is traffickers, as opposed to users, who typically carry scales to weigh substances.

[93] I find both were in constructive possession of the drugs, the rifle, the ammunition, and the revolver found in the SUV.

[94] In reaching this conclusion, I have considered that the Crown has not led any forensic evidence - whether that be DNA evidence, fingerprint evidence, or cellphone evidence connecting either Mr. Cameron or Ms. Odo to the contraband in this case. I find in the entirety of the circumstances in which the items were located, the absence of such evidence does not raise a reasonable doubt as to possession.

[95] Given my findings, I now turn to the specific counts. In doing so, I note again that much, if not all of submissions of counsel, were focused on whether possession of the contents of the vehicle, at a global level, could be established. That was the central issue argued in this case.

Counts #1 and #2 – Possession for the Purpose of Trafficking Methamphetamine and Cocaine contrary s. 5(2) of the *CDSA*

[96] It was not contested that some of the substances found in the SUV were cocaine and methamphetamine, both of which are controlled substances under the *Controlled Drugs and Substances Act*. I readily accept that both accused knew the nature of these substances.

[97] As noted at the outset of this decision, *who* possessed the drugs was in dispute, but not whether the large amount of either substance supports that possession was for the purposes of trafficking.

[98] I accept the evidence of D/Cst. Seebold in this regard. Given the large amount of separately packaged substances, in varying forms, along with cutting agents and a scale, I accept that both Mr. Cameron and Ms. Odo unlawfully possessed cocaine and methamphetamine for the purposes of trafficking these substances.

[99] Accordingly, I find both accused guilty of counts #1 and #2.

Count # 3 – Without lawful excuse, transport a firearm in a careless manner contrary to s. 86(1) of the *Criminal Code*

[100] Mr. Cameron and Ms. Odo transported a loaded .22 calibre firearm between the legs of Mr. Cameron. I accept that by doing so both accused demonstrated a marked departure from the standard of care of a reasonably prudent person in the circumstances. This was extremely dangerous and risky for all involved. I accept that in transporting it in this manner both individuals did not turn their mind to this duty of care and thus to the risk likely to result from transporting the firearm in this manner (See *R. v. Gosset*, [1993] 3 SCR 76). There was no lawful excuse for this.

[101] I find both accused guilty of this offence.

Count #5 – Possess the .22 calibre firearm for a purpose dangerous to the public peace contrary to s. 88(2) of the *Criminal Code*

[102] I accept that both accused possessed the .22 calibre rifle as an accessory to their trafficking of drugs and substances. This was their purpose in possessing the rifle. I accept the evidence of D/Cst. Seebold that traffickers often possess weapons for purposes which include intimidation, protection and, at times, to be used against police. I accept that this purpose is objectively dangerous (See *R. v. Kerr*, 2004 SCC 44).

[103] I find both accused guilty of this offence.

Count #8 – Possess the .22 calibre firearm without holding a valid license contrary to s. 91(1) of the *Criminal Code*

[104] I find that both Mr. Cameron and Ms. Odo possessed the .22 calibre firearm without holding a valid license to possess it. Exhibits #5 and #6 confirm that

neither Mr. Cameron nor Ms. Odo possessed a license allowing them to possess firearms. No contrary evidence was led pursuant to s. 117.11.

[105] As to the *mens rea* for this particular offence, while perhaps not strictly speaking necessary, I do find that both accused knew they were not licensed. Both were subject to court orders prohibiting them from possessing firearms. These orders were signed by Mr. Cameron and Ms. Odo.

[106] I find both accused guilty of this offence.

Count #11 – Possess the .22 calibre firearm knowing that they did not possess a licence to possess it, contrary to s. 92(1) of the *Criminal Code*

[107] I find that both Mr. Cameron and Ms. Odo possessed the .22 calibre firearm knowing they were not licensed to possess it. Again, exhibits #5 and #6 confirm that neither Mr. Cameron nor Ms. Odo possessed a license allowing them to possess firearms. Additionally, on the date of the alleged offence, both accused were subject to Court orders preventing them from possessing firearms. These court orders were signed by both accused. I find both accused guilty of this offence.

[108] Given my findings in relation to count #11, and the rule against multiple convictions, I will conditionally stay the finding of guilt with respect to count #8.

Count #12 – Being an occupant of a motor vehicle in which they knew there was a rifle, contrary to s. 94(2) of the *Criminal Code*

[109] I have found that both Ms. Odo and Mr. Cameron possessed the rifle, and both knew it was in their vehicle. The rifle was not concealed. Ammunition was stored in various places in the vehicle. The buttstock was hidden in a compartment on the driver's door.

[110] I find that none of the exceptions listed in s. 94(1)(a) are applicable in this case. I accept that both accused were aware that neither were lawfully entitled to possess this .22 calibre rifle. I do not find there exists any reasonable grounds to believe otherwise. Moreover, there were no reasonable grounds for either to believe that the other person was exempt by virtue of the provisions of ss. 117.07 to 117.1 of the *Criminal Code*.

[111] Accordingly, I find both accused guilty of this offence.

Charges related solely to Brittany Odo

Count #16 – Have in her possession a baton for a purpose dangerous to the public peace, contrary s. 88(2) of the *Criminal Code*

[112] The pink baton was found in close proximity to the digital weigh scale in Ms. Odo's purse. As discussed above in relation to count #5, I accept that she possessed it for a purpose which included aiding her in trafficking drugs and substances. This purpose is objectively dangerous.

[113] I find Ms. Odo guilty of this offence.

Count #17 – Without lawful excuse, violated a condition of an undertaking by possessing a firearm, contrary to s. 145(4)(a) of the *Criminal Code*

[114] Ms. Odo was bound by a condition of the Court dated May 9, 2022, which prohibited her from possessing firearms. She signed this document. Her initials appear before the specific clause prohibiting her from possessing a firearm. I am satisfied that she knowingly, and without lawful excuse, violated a term of her undertaking.

[115] I find Ms. Odo guilty of this offence.

Charges related solely to Gary Cameron

Count #21 – Carry glass or plastic knuckles for a purpose dangerous to the public peace, contrary to s. 88(2) of the *Criminal Code*

[116] Mr. Cameron testified that he carried these knuckles on his person on the date of the alleged offence because he would be in Spryfield, N.S. and wanted them for his protection. I reject his evidence on this point, and do not believe him. As discussed in relation to Count #5, I believe that he carried these knuckles as another weapon to assist him in trafficking drugs and substances. This was his purpose in possessing the knuckles. I accept that this purpose is objectively dangerous (See *Kerr*).

[117] I find Mr. Cameron guilty of this offence.

Count #22 – Have in his possession a weapon, a baton, for a purpose dangerous to the public peace, contrary to s. 88(2) of the *Criminal Code*

[118] I note that Ms. Odo was not charged in relation to the knuckles found in the pocket of Mr. Cameron. Count #22 entails Mr. Cameron being charged in relation to the pink baton that was located inside the purse which I found belongs to Ms. Odo.

[119] While I believe it likely that Mr. Cameron had constructive possession over this baton, and could use it if needed, I am inclined to believe that this weapon was more of a personal weapon that was controlled by Ms. Odo, much like I believe the knuckles found in Mr. Cameron's pockets were used and controlled by him.

[120] Accordingly, I find him not guilty of this offence.

Count #24 – Have in his possession a rifle, while prohibited by a s. 109 weapons prohibition order, contrary s. 117.01(1) of the *Criminal Code*

[121] On the date of the alleged offences, Mr. Cameron was bound by a section 109 weapons prohibition order dated April 14, 2010. This order was signed by him and prohibits him from having any firearms (amongst other things) in his possession for life. I find he knowingly possessed the .22 calibre rifle in contravention of this order and find him guilty of this count.

Count #25 – Have in his possession a rifle, while prohibited by a s. 515 release order, contrary to s. 117.01(1) of the *Criminal Code*

[122] On the date of the alleged offences, Mr. Cameron was bound by a release order made pursuant to s. 515 of the *Criminal Code* dated February 24, 2022. This order was signed by him and prohibits him from possessing firearms (amongst other things). I find that he knowingly possessed the .22 calibre rifle in contravention of this release order and find him guilty of this count.

Count #27 – Have in his possession ammunition, while prohibited by a s. 515 release order, contrary to s. 117.01(1) of the *Criminal Code*

[123] On the date of the alleged offences, Mr. Cameron was bound by a release order made pursuant to s. 515 of the *Criminal Code* dated February 24, 2022. This order was signed by him and prohibits him from possessing ammunition (amongst other things) for life. I find Mr. Cameron guilty of this count.

Count #29 – Have in his possession ammunition, while prohibited by a s. 109 weapons prohibition order, contrary s. 117.01(1) of the *Criminal Code*

[124] On the date of the alleged offences, Mr. Cameron was bound by a section 109 weapons prohibition order dated April 14, 2010. This order was signed by him and prohibits him from having ammunition (amongst other things) in his possession for life. I find he knowingly possessed ammunition in contravention of this order and find him guilty of this count.

Count #31 – Without lawful excuse, failed to comply with a release order dated February 24, 2022, by possessing a weapon or ammunition, contrary to s. 145(5)(a) of the *Criminal Code*

[125] On the date of the alleged offences, Mr. Cameron was bound by a release order made pursuant to s. 515 of the *Criminal Code* dated February 24, 2022. This order was signed by him and prohibits him from possessing ammunition (amongst other things) for life.

[126] I find him guilty of this count.

Count #32 – Without lawful excuse, failed to comply with a release order dated February 24, 2022, requiring house arrest, contrary to s. 145(5)(a) of the *Criminal Code*

[127] On the date of the alleged offences, Mr. Cameron was bound by a release order made pursuant to s. 515 of the *Criminal Code* dated February 24, 2022. This order was signed by him and requires him to abide by a house arrest condition. There are various exceptions to this house arrest condition none of which would authorize him being in parked vehicle with Ms. Odo in Truro, NS. in the early morning hours of June 25, 2023.

[128] I find him guilty of this count.

Mark Heerema, JPC