

**SUPREME COURT OF NOVA SCOTIA**

Citation: R. v. Sampson, 2009 NSSC 133

Date: 20090420  
Docket: CR. No. 301011  
Registry: Halifax

**Between:**

**Her Majesty the Queen**

-and-

**Victor John Sampson and Chantelle Lynn Anderson**

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**LIBRARY HEADING**

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**Judge:** The Honourable Justice Robert W. Wright

**Heard:** April 15, 16, 17 and 20, 2009 in Halifax, Nova Scotia

**Oral**

**Decision:** April 20, 2009

**Written**

**Decision:** May 5, 2009

**Subject:** Section 5(2) of the *Controlled Drugs and Substances Act* - whether accused in possession of cocaine for the purpose of trafficking.

**Summary:** Upon executing a search warrant at the apartment rented by the accused Sampson, the police found both accused together in the bedroom. In conducting their search, they then found a bulk amount of approximately 10 grams of cocaine hidden in the lining of a jacket hanging in the bedroom closet. They also found in the closet digital scales and small quantities of other illicit drugs. In searching the bathroom, the police found another set of digital scales with cocaine residue on it along with packaging materials, namely, tinfoil and plastic bags. The police did not find any cash, scoresheets, or packaged product. Both were charged with possession of cocaine for

the purpose of trafficking. Neither accused testified at trial.

**Issue:** The main issue for determination was whether the two accused, or either one of them, was in possession of the cocaine found in the lining of the jacket.

**Held:** Notwithstanding that the jacket in which the cocaine was found appeared to be a ladies jacket and did not fit the accused Sampson, the court was satisfied beyond a reasonable doubt, based on the other physical evidence found and its rejection of the testimony of the only defence witness called, that the accused Sampson was in constructive possession of the cocaine.

Being further satisfied beyond a reasonable doubt that the accused Sampson knew that the substance was cocaine and that he was in possession of it for the purpose of trafficking, he was convicted of the offence as charged.

The Crown was unable to prove beyond a reasonable doubt, however, that the co-accused Anderson was in possession of the cocaine, either under the doctrine of constructive possession or joint possession. There was no evidence whatsoever that the jacket belonged to her or that she also resided in the apartment. The only established link between the accused Anderson and the cocaine was her mere presence in the apartment at the time the search warrant was executed. She was therefore acquitted of the offence charged.

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**THIS INFORMATION SHEET DOES NOT FORM PART OF THE COURT'S DECISION. QUOTES MUST BE FROM THE DECISION, NOT THE COVER SHEET.**

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