

SUPREME COURT OF NOVA SCOTIA

Citation: *R. v. Emmerson*, 2014 NSSC 225

Date: 20140618

Docket: Halifax No. 412094

Registry: Halifax

Between:

Her Majesty the Queen

v.

Steven Charles Emmerson

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Judge: The Honourable Justice Allan P. Boudreau

Heard: May 29, 2014, in Halifax, Nova Scotia

Oral Decision: May 29, 2014

Subject: Burden of Proof

Summary: Steven Charles Emmerson is charged on a four count indictment dated February 14, 2013; that, on November 5, 2010 he had in his possession the following drugs for the purpose of trafficking;

Count #1 – Cannabis Resin

Count #2 - Hydromorphone

Count #3 – Morphine

Count #4 - Diazepam (or valium)

There is no evidence that “hydromorphone” was found in Mr. Emmerson’s possession, therefore, as directed by both the Crown and defence, a verdict of not guilty is entered on count 2.

The only issue is whether the Crown has proven beyond a

reasonable doubt that he had those drugs in his possession for the purpose of trafficking.

The drugs were found in three condom packages inserted in the accused's rectum.

Issues: (1) Has the Crown proven beyond a reasonable doubt that the accused possess the drugs for the purpose of trafficking?

Result: Accused testified and denied that he possessed the drugs for the purpose of trafficking in the Burnside Jail. Accused found guilty.

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