

CANADA / JUDGMENT

R. v. Kernaz

2019 SCC 48

COURT

Supreme Court of Canada

DECIDED

18 October 2019

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R. v. Kernaz Collection Supreme Court Judgments Date 2019-10-18 Neutral citation 2019 SCC 48 Report

[2019] 3 SCR 640 Case number 38642 Judges Abella, Rosalie Silberman; Moldaver, Michael J.; Rowe, Malcolm; Martin, Sheilah; Kasirer, Nicholas On appeal from Saskatchewan Notes SCC Case Information Decision Content SUPREME COURT OF CANADA Citation: R. v. Kernaz, 2019 SCC 48, [2019] 3 S.C.R. 640 Appeal Heard: October 18, 2019 Judgment Rendered: October 18, 2019 Docket: 38642 Between: Nicholas Gregory Kernaz Appellant and Her Majesty The Queen Respondent Coram: Abella, Moldaver, Rowe, Martin and Kasirer JJ. Reasons for Judgment: (para. 1) Abella J. (Moldaver, Rowe, Martin and Kasirer JJ. concurring) R. v. Kernaz, 2019 SCC 48, [2019] 3 S.C.R. 640 Nicholas Gregory Kernaz Appellant v. Her Majesty The Queen Respondent Indexed as: R. v. Kernaz 2019 SCC 48 File No.: 38642. 2019: October 18. Present: Abella, Moldaver, Rowe, Martin and Kasirer JJ. on appeal from the court of appeal for saskatchewan Criminal law — Controlled drugs and substances — Possession of controlled substances for purpose of trafficking — Accused charged with possession of methamphetamine and cocaine for purpose of trafficking — Trial judge acquitting accused on trafficking charges but convicting accused of lesser included offence of simple possession — Court of Appeal finding trial judge applied wrong legal test as to possession for purpose of trafficking and entering conviction on trafficking charges — Conviction upheld. APPEAL from a judgment of the Saskatchewan Court of Appeal (Caldwell, Schwann and Barrington-Foote JJ.A.), 2019 SKCA 37, 377 C.C.C. (3d) 150, 439 D.L.R. (4th) 92, [2019] 7 W.W.R. 101, [2019] S.J. No. 153 (QL), 2019 CarswellSask 199 (WL Can.), setting aside the accused's acquittal for possession of methamphetamine and cocaine for the purpose of trafficking and entering a conviction. Appeal dismissed. Thomas Hynes, for the appellant. Wade McBride, Q.C., and Kevin Wilson, for the respondent. The judgment of the Court was delivered orally by

- [1] Abella J. — The appeal is dismissed substantially for the reasons of the Court of Appeal. Judgment accordingly. Solicitors for the appellant: Gerrand Rath Johnson, Regina. Solicitor for the respondent: Public Prosecution Service of Canada, Toronto.

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