

184966-1  
Surrey Registry

**IN THE PROVINCIAL COURT OF BRITISH COLUMBIA**

**REGINA**

**v.**

**DANNY NGUYEN**

**REASONS FOR JUDGMENT  
OF  
THE HONOURABLE JUDGE GILLESPIE**

**COPY**

Federal Crown Counsel:	M. Le Dressay
Counsel for the Accused:	J. Solomon
Place of Hearing:	Surrey, B.C.
Date of Judgment:	June 3, 2013

**VERBATIM WORDS WEST LTD.**

260 - 13711 72nd Avenue, Surrey, B.C. V3W 2P2  
t. (604) 591-6677 f. (604) 591-1567  
transcript@verbatimwords.ca

[1] THE COURT: At the beginning of the trial Crown counsel stayed Counts 1 and 2 so Mr. Nguyen is now charged with the remaining counts, Counts 3 and 4 on the Information that allege possession of cocaine and heroin for the purpose of trafficking, contrary to s. 5(2) of the *Controlled Drugs and Substances Act*.

**INTRODUCTION:**

[2] Surveillance was conducted by Langley RCMP and several police officers made observations of what they described collectively as hand-to-hand drug transactions taking place at the passenger side window of the Chevy Cavalier vehicle.

[3] The accused Mr. Nguyen was the driver of that Chevy. No police officer actually observed drugs or money exchange hands. None of the purchasers were ever arrested and/or searched, and accordingly there is no direct evidence of actual drug transactions. Within 1.5 hours of these observed and alleged hand-to-hand drug transactions occurring, the Chevy Cavalier was observed at a parking lot in a mall in Langley.

[4] The passenger, Mr. Hough, left the Chevy and went inside a green van where he and three others were arrested. A quantity of cocaine and heroin and crack in individualized small quantities were located on Mr. Hough's person, as well as cash, as well as a cellphone that subsequently received calls from individuals looking to purchase drugs. A machete was also found wedged into the area

between the passenger seat and the centre console. Drug paraphernalia, including crack pipes, were located inside the green van.

[5] Mr. Nguyen was arrested in the driver's seat of the Chevy. He had no drugs or money or other drug-related paraphernalia on his person. As I noted, the machete was not visible from the driver's seat. There were rolling papers located in the car but also no evidence those were visible from the driver's seat.

**POSITIONS OF THE PARTIES:**

[6] The Crown alleges Mr. Nguyen and Mr. Hough were engaged in the joint enterprise of a dial-a-dope drug selling operation where Mr. Hough, the passenger, was the seller and Mr. Nguyen was the driver of the mobile drug dispensary. The Crown argues that the evidence of what the police describe as hand-to-hand transactions at the passenger window of the Chevy, together with the drugs and money located on Mr. Hough and the telephone calls received on Mr. Hough's phone subsequent to his arrest is circumstantial evidence from which I should draw an inference that Mr. Nguyen either had both knowledge and control over the drugs, or that pursuant to s. 4(3)(b) he had knowledge and was a joint participant in that transaction. The Crown submits that all the evidence is consistent with that conclusion.

[7] Mr. Nguyen submits that the evidence of the police officers' observation of the alleged hand-to-hand transactions is unreliable given they all collectively refreshed their memory from a single surveillance report which was altered and the

original report was destroyed. They reviewed this report both before giving evidence and at trial. Further, none of these police officers actually observed any money or drugs exchange hands and they never arrested any of the alleged purchasers, and therefore the Crown has failed to meet its burden of proof beyond a reasonable doubt. Further with respect to the issue of 4(3)(b) one of the inferences that Mr. Solomon says on behalf of Mr. Nguyen is that there is a break in continuity of observations, if you will, or continuity of presence I guess is the better way to phrase that, where Mr. Nguyen and Mr. Hough were together in the Chapters parking lot but Mr. Hough left Mr. Nguyen's car and went to a green van where he was subsequently arrested. There is no way to find that the Mentos tin with the assorted variety of drugs were in Mr. Hough's possession at the time that he was with Mr. Nguyen and Mr. Nguyen was driving the Chevy.

**ISSUES:**

[8] The issue then is has Crown proven beyond a reasonable doubt that the accused was involved in a joint venture or was otherwise wilfully blind or in constructive possession somehow of the drugs such that he was involved as a party or in joint possession in a joint venture with Mr. Hough who was actually found to be in physical possession of quantities of drugs that were suitable for use for trafficking. No drugs were found in the possession of Mr. Nguyen, nor in the car he was driving, nor is there any direct evidence that any purchaser was actually ever stopped by police. Accordingly, this is essentially a circumstantial case and I must apply the law relating to circumstantial evidence.

[9] As I have noted, possession is defined in s. 4(3) of the *Criminal Code*.

Possession is actual, constructive or joint. Actual possession occurs where a person either actually has it in his or her physical possession or has it in a place for the use or benefit of himself of another person; or:

Where one or more persons with the knowledge and consent of the rest, has anything in his . . . possession, it shall be deemed to be in the custody and possession of each and all of them. (4(3)(b)).

[10] Parties' liability is also defined in s. 21 of the *Criminal Code* and 21(1)(b) deals with aiding an offence. With respect to that, Crown has to prove that the accused intended to assist the principal in the commission of the offence. It is not required that the accused desired the offence to be successfully completed, but the aider must have knowledge that the person intends to commit the crime although they need not know the precise details about how it would be committed. Wilful blindness can substitute for knowledge and is an aspect of *mens rea* where in cases where knowledge is required an accused whose suspicion should be aroused to the point that he should have made inquiries deliberately chooses not to make those inquiries.

[11] The primary thrust of the Crown's position is actual possession in the context of -- or constructive joint possession, which is 4(3)(b). That is:

Where one or more persons with the knowledge and consent of the rest, has anything in his . . . possession, it shall be deemed to be in the custody and possession of each and all of them.

Mr. Le Dressay's position is that Mr. Hough possessed those items and he did so with the knowledge and consent of Mr. Nguyen and that they were jointly involved in the drug transactions that were observed by the police.

[12] Courts are often reminded about the caution of Mr. Justice McEachern, Chief Justice in *R. v. To* that we are not expected to treat real life cases as completely intellectual exercises. The criminal law requires a very high degree of proof, especially for inferences consistent with guilt, but does not demand certainty. Mr. Justice Bauman also referenced that in *He*, but also said that each circumstantial case was unique and fact-dependent.

**REVIEW OF THE EVIDENCE:**

[13] I will review the evidence. The Langley police were conducting surveillance on September 16th, 2010 and their attention was drawn to a Chevy Cavalier operated by an Asian male, Mr. Nguyen, with a passenger who was seated in the front passenger seat who was subsequently identified as Mr. Hough.

[14] Sgt. Wilde made observations of the Chevy Cavalier at a gas station at 1128 hours located at 200th Street and 56th Avenue. He said he observed an exchange between the passenger and a bike at the passenger window that he believed was a hand-to-hand transaction. He said it occurred at a school at 1203 hours at the location of 204th and 40th Avenue.

[15] He said he then next saw the Cavalier, which would be his third observation, at an apartment complex at 1218 hours at 198th Street and 56th Avenue. The

passenger was out of the car, and the Asian male subsequently identified as Mr. Nguyen was in the driver's seat. The passenger returned and the Cavalier was then stopped by a train.

[16] At 1241 hours at 206th and 56th Sgt. Wilde observed what he described as another transaction between the passenger and a person at the passenger side conducting what he believed was a hand-to-hand transaction, although he agreed he saw nothing actually exchange hands in any of these transactions.

[17] At 1254 hours at 200th and 56th Avenue, also known as the Langley Bypass, at a shopping or strip mall the Chevy Cavalier was parked and the passenger, not Mr. Nguyen, approached a van and got into it. Sgt. Wilde attended before Cst. Cooke did and arrested the occupants with the assistance of Cst. Cooke, who arrived after him.

[18] None of the alleged drug purchasers were ever stopped after the police discovered the transactions, nor is there any evidence of their identity or if they were associated to any type of drug use.

[19] In total, Cst. Wilde saw what he called two suspicious transactions. He testified that he read over the surveillance report before testifying on February 28th, 2013. [Page 20, line 22 through 45 in the transcript] I had permitted all police officers to refresh their memory from the surveillance report and Sgt. Wilde did on several occasions to determine certain details of his evidence, including the time he made observations, licence plate of the car and other details. He testified about the

manner in which the surveillance report was created. It was the scribe, Cst. Greason's job and how those reports come into existence. [Page 4, 5, 6 of the February 28th, 2013 transcript relate those observations].

[20] Cst. Greason testified that he was the scribe and that he prepared typewritten notes from memory and from the audiotape of the surveillance that he created. He then made a typed will-say from the notes and the surveillance reports. He had no handwritten notes. The tape recorder he used to record his observations is what he used to record his observations on and the observations of others that were communicated to him.

[21] Cst. Greason had very little independent recollection and consulted his various notes and the surveillance report frequently during his direct examination. [Page 32, line 22 through 32 of February 28th transcript refers to that]. He said he first saw the Chevy Cavalier at 11:44 a.m. on September 16th in the 20600 block of Logan Avenue in Langley. At 11:51 the brown Chevy Cavalier was at Grade Crescent and then onto 201st Street and parked on the west side of 201st Street.

[22] He describes a transaction between an Asian male at the passenger side of the Chevrolet. It is three to five seconds in length and the Asian male put his hand inside the passenger side window. He said at page 39 in cross-examination, lines 28 through 47, that a male approached the vehicle and put a hand into the passenger side of the vehicle.

A That's correct.

Q You did not see the passenger do anything, correct?



- A No, I could not.  
Q . . . you did not see any exchange between the two parties, correct?  
A No, I did not. I just saw the person who approached the passenger side, his hand go into the car.  
Q And which hand was that, his right hand or his left hand?  
A Sorry, I talk with my hands. I couldn't tell you if it was his right hand or his left hand.  
Q Was there any jewellery on this hand?  
A I don't recall.

[23] At 1158 hours, he saw the Chevy Cavalier approach and park in a school parking lot at the 3900 block of 204th and that is all that he observed. In the 20100 block he attended at the Langley Bypass for the arrest and he assisted in the arrest of two of the occupants of the green van and he processed Mr. Nguyen at the detachment. He said there were no drugs or money found on Mr. Nguyen. He did conduct a strip search of Mr. Nguyen. He did not recall seeing any abrasions on Mr. Nguyen's face even though he took the book-in photo at the time. The photo does reveal the presence of a cut to Mr. Nguyen's face.

[24] Cst. Greason was the scribe. He testified he made the original recording on September 16th, 2010. It was his voice and the police officers called in their observations. He would write down their observations. He transcribed the report from the original tape and then he erases that tape. The reason he did not keep a record is noted in the transcript February 28, 2013 at page 37, lines 5 through 11. But he testified he creates a report from the tape. He transcribes the tape into his report. The original surveillance report was created from the tape and edited by other members of the team. [Page 37, February 28th evidence, line 34 to 37]. He

cannot say what changes were made to that report. [February 28th transcript, page 37, lines 40 to 45]. It is impossible to know what changes members made to the surveillance report. They would have to be asked personally, he said. The only way to know what changes have been made is to look at the individual members' notes, as Cst. Greason testified. Individual members took their own notes during surveillance. This evidence was contradicted by all the other officers who testified that they did not keep any notes of the actual surveillance. In cross-examination, as noted, he said he did not see any abrasions on Mr. Nguyen's face.

[25] Cst. Sears testified on September 16th, 2010 that she was a member of the drug detachment Langley RCMP. She surveilled the Chevy Cavalier. She reviewed the surveillance report before testifying, she consulted it at various times during her testimony to refresh her memory on such things as times and locations. She may have made changes to the surveillance report but she could not recall what those had been. She made no independent notes and no notes of when she reviewed the surveillance report, although she thinks it would have been within a few days of it being created.

[26] Her observations were she first saw the brown Chevy Cavalier at 1051 hours at the Petrocan at 56th and 200th Street. She saw it again pull into a Super Save gas station. She took photos there. She did not document in her surveillance report but this photo was taken minutes before her observation at the elementary school, therefore taken sometime between 1151 and 1201 hours. She observed the vehicle at the elementary school parking lot between 1201 and 1203 hours but

she lost visual observation of it. She did not see any hand-to-hand transactions, she just saw a brief meeting at the window.

[27] After 12:03, she said sometime later, around 12:13, she saw a meet in the 5400 block of 198th Street. A male approached the passenger side door and there appeared to be an exchange between him and the passenger of the car. It appeared to be a handshake. The same two males were in the car as at the gas station and they were identified as Nguyen as the driver and Hough the passenger.

[28] She said that she had made no specific note of any observations, or any changes that she made to the surveillance report because she was fairly new, even though she had been a six-year police officer and two-and-a-half years experience with the Langley Drug Section.

[29] She saw the vehicle again but needed to look at the surveillance report to refresh her memory and then noted that she could not see anything. At 1232 hours the vehicle was waiting in line for a train to pass. In cross-examination she said she could not see anything exchanged, it could have been a handshake. There was no clear recollection in her mind and no specific note.

[30] She participated in the arrest. The Asian male remained in the driver's seat when the passenger approached the green van. There were three people at the van.

[31] Cst. Cooke testified that he was also surveilling the brown Chevy Cavalier. He was with Sgt. Wilde. He first saw the vehicle at the Petrocan station around

11:00 to 11:30. He prepared the RCC. He also consulted the surveillance report several times to refresh his memory, both before and during the course of his testimony. He had no notes of the actual surveillance. His own notes commenced at the time of the arrest. His recollection is that he and Sgt. Wilde maintained constant observation of the Chevy at the Petrocan and again at the school at 204th and 40th. He saw a male on a bike ride up to the passenger side of the car but he testified he missed the transaction because he was attempting to take a photo of it.

[32] The next event he observed was behind Mama's Pizza at 206th and 56th Avenue. A male rode up on his bike on the passenger side window and was there for five to ten seconds. That is all he recalls. He had no other information about the transaction.

[33] The next event is the takedown at Langley Chapters. His evidence was a bit different than Sgt. Wilde. Sgt. Wilde said he went to the driver's side where Cst. Cooke went to the wrong car and Sgt. Wilde had to wait for Cooke as Cooke came to the van. But Cst. Cooke says that he and Sgt. Wilde went to the passenger side, Cst. Cooke opened the passenger sliding door and arrested Hough while Sgt. Wilde called the arrest. He searched Hough and seized the Mentos tin and the narcotics.

[34] He answered the phone several times back at the detachment where people were looking for drugs. One caller was looking for 40 hard and another call looking for 80 to a hundred hard and East Indian Ray was looking for 20 hard and to meet at the IGA Brookwood. In cross-examination he agreed that he reviewed the

surveillance report after the surveillance, but he does not remember when. He does not remember making any changes to it, but he may have.

[35] Cst. MacNeil did not make observations of any of the substantive offences before the court.

[36] Cst. Lamontagne was the exhibit officer. He seized the pipes that were later identified by Cst. Schnerch as crack cocaine pipes. They came from the green van.

[37] Cst. Lamontagne testified that the drugs that were located in the Mentos container were cocaine and heroin. They were individually wrapped and they were different-coloured balls, depending on what type of drugs they were. There was a machete in the front passenger seat jammed in beside the passenger seat console, and that these are sometimes used for a weapon to protect drug traffickers from rips. There were ten packs wrapped in white and those were a total of 1.8 grams, 11 packs of substance wrapped in black for a total of 1.5 grams, and seven little packs in blue for a total of 2.7 grams.

[38] Cst. Schnerch gave evidence about the machete. He was qualified as an expert in the area of jargon use for drug-dealing and dial-a-dope trafficking. Dial-a-dope trafficking he testified typically occurs where the drug user/purchaser telephones the drug trafficker, identifies himself and orders product, and the seller and purchaser agree upon the price and location to meet. The location is usually secluded and easy to drive in and out of. There's a very quick exchange between the purchaser and seller as everything regarding quantity and price has already

been prearranged and agreed upon. Typically, two or more people are engaged in the drug trafficking he says for protection against and lookout for protection against rip-offs. The driver usually does not engage in any transaction, rather the passenger engages in hand-to-hand transactions at the car window. These drugs are packaged according to the type and increases the efficiency of the transaction because they do not have to be weighed or processed at the time. "Hard" is a term for crack cocaine, "40 hard" is .4 grams, typically costs \$40.

[39] So, applying those terms to each conversation that Cst. Cooke had, the 40 hard at 1311 hours was for \$40 or four grams of crack, in his opinion. 1327 hours the conversation for 80 to a hundred hard was .8 to one gram of crack for 80 to \$100. "A point of down" was heroin. A point is .1 gram, which sells for \$20.

[40] He said Mr. Hough's inventory was approximately \$700 worth of crack cocaine, cocaine and heroin.

[41] In cross-examination Cst. Schnerch acknowledged the importance of note-taking and specifically the need to write down and record police officers' actions so that months later they would be able to refresh their memory for the purpose of testifying at trial. He also agreed that the practice followed by Cst. Greason was the practice of the Langley Drug Section regarding surveillance at that time.

**ANALYSIS:**

[42] As noted and in submissions, Mr. Solomon stated that I should attach little or no weight to the evidence of the surveillance officers, in part because they did not

take independent notes of the surveillance, rather they relied on notes of the scribe and each of them refreshed their memory from it and therefore their evidence is not reliable.

[43] All the police officers have referred to the same document that was created by an amalgamation of their initial observations and then edited in a fashion that no one can account for, which therefore must result in me finding their evidence is now tainted by reference to a group document that is unreliable given none of the witnesses can account for how they may have changed the document. Nor do the police officers have individual notes of their own to refresh their individual recollection. It follows then if that evidence is unreliable, in the process of drawing inferences from all of the evidence I should place little or no weight on those observations.

[44] A s. 7 application was made and I did find that the destruction of the tape and the original report amounted to unacceptable negligence. I declined to enter a judicial stay and also to exclude the surveillance evidence. I, however, did rule that it would clearly be preferable for Mr. Solomon to have had the original tape and surveillance report to cross-examine the police officers who conducted the surveillance, but I did not find that Mr. Nguyen's ability to make full answer and defence was impaired to the extent a fair trial was not possible and did not find that this was one of those cases where a stay was necessary in the interest of justice. I did also not think that the exclusion of the evidence was necessary for the accused to have a fair trial. I said that because I believe that the appropriate remedy is for

me to explicitly caution myself when reviewing all of the evidence in this circumstantial case that I must be mindful that the police officers who testified they made observations of suspicious transactions at the passenger window of the Chevy were made after they refreshed their memory from a common report that was prepared from original notes that have been subsequently destroyed after those police officers collectively edited. Accordingly, the accuracy of the document they refreshed their memory from is of questionable accuracy and the accused has no way of testing the degree to which that report was altered.

[45] Further, I must also be mindful when assessing the police evidence that all of the police officers who testified about the surveillance refreshed their memory from the same document that had been altered in unknown ways. Accordingly, any submission that suggests that the police officers made similar observations of hand-to-hand transactions, and thus these observations corroborate the others' testimony, must be viewed in the context that all these police officers refreshed their memory using the same document and therefore their observations are not independent of another. The weight I attach to their evidence must reflect this concern when I consider the evidence in this case and determine what inferences can be drawn.

[46] In analyzing the facts and applying them to the law, there is no doubt that Mr. Hough the passenger was arrested with \$700 worth of small bundles of heroin and cocaine and crack cocaine that was packaged for sale. I also accept his telephone



rang after his arrest and I find that those calls were made by people looking to purchase small quantities of heroin, "down" and cocaine which is "hard".

[47] Sgt. Wilde testified that he made two observations of what he described were hand-to-hand transactions where an individual came up to the passenger side of the car and he said that they engaged in what he believed were hand-to-hand transactions. He provides specific evidence about that at page 23, 24 and 25 of the February 28th transcript. He agreed the transactions went on for a few seconds, that he had seen hundreds of them before, this was no different. The car was parked facing away from him, he was some distance away and he saw nothing exchanged.

[48] Also of note is that Sgt. Wilde needed to refresh his memory several times in the weeks before he came to court, from the collective surveillance report that no one knows the degree to which it was changed, although all police officers testifying did consult it. I also find based on the evidence that I have heard that he, along with the other officers, needed to consult the report for times and locations. I have no way again of knowing the degree to which the officers relied on the report to refresh their collective memories, however, I infer based on Sgt. Wilde's evidence that he has seen hundreds of these transactions, the fact that this event occurred two-and-a-half years previously and his lack of recall of the exact times and locations, that his reliance on the report to assist his memory was significant in order to refresh his memory.

[49] None of the other police officers differed markedly from the observations made by Sgt. Wilde. None of the police officers actually saw anything exchange hands, they never pulled over any of the alleged purchasers and their degree of recollection -- I should say in the perhaps four purchases that were observed, Cst. Greason seeing one, Sgt. Wilde seeing two and there was a fourth one allegedly observed.

[50] I do not attach any significant weight to the fact that all of the police officers made similar observations of hand-to-hand transactions because, as I noted, they all refreshed their memories from the same document, the surveillance report which was altered by each of them to some degree perhaps but without any recollection as to what alteration was made and no ability to track that. Nor did Cst. Greason have that ability, given the original was destroyed.

[51] Accordingly, given the absence of detail, effluxion of time, distance from the transaction, absence of any other evidence corroborating that these purchases actually were made and were drug transactions I cannot find that the quality of evidence is particularly high or reliable.

[52] There is no direct evidence that Mr. Nguyen ever conducted any of the purchases or that he was ever in actual physical possession of any of the drugs or money. The alleged transactions took place two-and-a-half years ago. Police observations were vague, they made no individual notes about their observations and they all refreshed their memories before and during testimony from a surveillance report that was collectively created by Cst. Greason who then

discarded the original tape and the original report. Each member altered the report in an undocumented fashion, and that is the document upon which each of these police members refreshed their memory. No purchasers were arrested, nothing was seen exchanging hands.

[53] Sgt. Wilde said he had seen hundreds of these transactions before, there was nothing remarkable, he was some distance away at the time he made observations. In one situation I recall his evidence was that he was positioned behind the car and the car obstructed a portion of his view of the transaction. I find his individual memory was not particularly good. I do not mean that as a criticism, given the number of investigations he is involved with and the degree to which this was otherwise not particularly different or noteworthy.

[54] None of the officers except Cst. Greason made any individual notes. Cst. Greason made notes. His memory was not good either. He does not remember what changes were made to the report. He did not remember times and locations and for much of his evidence appeared to be reading from his surveillance report when giving evidence.

[55] To be found guilty in this matter I must be satisfied that the Crown has established beyond a reasonable that Mr. Nguyen was jointly participating, a co-principal, a party or wilfully blind when Mr. Hough was conducting what the police characterize as hand-to-hand transactions.

[56] It is trite law that mere presence at the scene of a crime is not sufficient. However, I find that when I consider all of the evidence that Mr. Hough would at some point have been engaged in drug trafficking. I have no doubt about that. He had the phone and the drugs that were individually packaged. But as noted by Mr. Solomon, on the evidence there is a break in terms of when he leaves that car and when he is arrested and I cannot find, on all of the evidence that is before me, that he necessarily was in possession of that Mentos tin with the drugs in the manner in which they were. I cannot say precisely when Mr. Hough came into possession of the phone either.

[57] The question is, is there sufficient evidence to conclude that Mr. Nguyen was present and knew? In other words, can I accept that the meets that the officers testified about are actually drug transactions?

[58] In the present case, for the reasons I have identified, I do not find that the police officers' evidence about what they say, when I consider all of the evidence, were apparent hand-to-hand transactions taking place between Mr. Hough and purchasers when Mr. Nguyen was driving is sufficiently reliable to find that those observations were hand-to-hand transactions. The officers were some distance away, some had partially obstructed views, the transactions were brief, no officers made any individual notes, they did not recall specific details about which hands, jewellery, there was no specific observation of anything ever exchanged, money or drugs, all refreshed their memory from a single document that had been altered in inexplicable ways, these transactions are two-and-a-half years old.

[59] I do not find one officer's evidence is capable of corroborating the other officers on the basis that they all refreshed their memory from one altered document which they cannot explain how it was altered.

[60] Sgt. Wilde also said he had seen hundreds of these transactions and this, in and of itself, was not remarkable to him.

[61] In all of the circumstances I do not find, when I consider their evidence collectively, that it is sufficiently reliable for me to find that what occurred when Mr. Nguyen and Mr. Hough were driving together were hand-to-hand transactions.

[62] Also, as I have noted there is a break in terms of the continuity of Mr. Nguyen and Mr. Hough being constantly in each other's company, so I cannot say with any degree of certainty that what was ultimately located in Mr. Hough's pocket is what was in there when he left the car and went into the green van from which he was arrested.

[63] Accordingly, while I can find Mr. Hough is in possession of those items, I cannot say that the evidence when I consider it in its totality is sufficient to satisfy me beyond a reasonable doubt that Mr. Nguyen was a party to, was in joint possession, was aiding and abetting or otherwise wilfully blind to the drug transactions. Accordingly, I find that the Crown has not met its burden of proof beyond a reasonable doubt and I acquit you, sir, on both counts on the Information.

(REASONS FOR JUDGMENT CONCLUDED)

