|  |
| --- |
| **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 KernazAppellantandHer Majesty The QueenRespondent |
| **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.*