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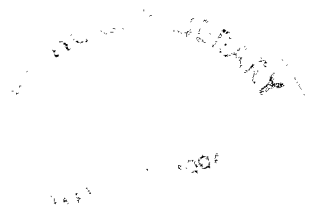
IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

VS

GRANT ROSS WONG



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Transcript of the Reasons for Judgment Delivered by The Honourable Mr. Justice J. Z. Vertes, sitting at Norman Wells in the Northwest Territories, on October 27th, A.D., 1995.

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APPEARANCES:

1995

MR. S. COUPER:

Counsel for the Crown

MR. B. GORIN:

Counsel for the Defence

1 THE COURT:

2 In the matter of The Queen and Grant  
3 Ross Wong. In this trial, the Crown's evidence, taken  
4 on its own, presents an overwhelming case.

5 The police located a knapsack in the accused's  
6 residence containing a bag with 160 grams of  
7 marihuana. Also in there was a bag with 51 individual  
8 tinfoil wrapped one-gram packets of a substance that  
9 was not analyzed, but which I am satisfied was  
10 marihuana. Constable McVarnock's evidence that it had  
11 the consistency and odour of marihuana, together with  
12 the witness Riley's admission that he purchased that  
13 marihuana, satisfies me of that fact. Taken together  
14 with the scales and cash and considering the method of  
15 packaging, I am satisfied that the drugs were not  
16 simply for personal use. The question is whether it  
17 was the accused who had possession of these drugs for  
18 the purpose of trafficking.

19 In this case the accused chose to put forth a  
20 defence that the drugs were not his, and indeed he had  
21 no knowledge of them.

22 I was told by Riley that he purchased the drugs  
23 both loose and already wrapped up from another person.  
24 He said this was for his personal use because he uses  
25 a lot, and this was a good deal. Riley said that he  
26 never told the accused, in whose residence he was  
27 staying at the time, that he had these drugs. Riley  
said that when he left Norman Wells in late October or

1 early November he left the knapsack with the drugs and  
2 a black duffel bag in the accused's room at the foot  
3 of the bed. The police when they searched the room on  
4 November 21st found the knapsack at the foot of the  
5 bed. The accused said that he never saw the knapsack  
6 before it was produced as evidence by the police. So  
7 either Riley is lying, or the police planted the  
8 knapsack. Or perhaps the knapsack was lost in the  
9 clutter of his room. That I find unbelievable.

10 The witness Rogers said that she never saw the  
11 knapsack either. This also I find unbelievable. She  
12 also identified the hash pipe seized in her room as one  
13 she had for some time. Yet the accused claims he did  
14 not know of it even though it was in open view.

15 The accused, Ms. Rogers and Riley all say that the  
16 accused and Rogers were on holiday during the month of  
17 October. Yet the accused's payroll record shows that  
18 he was away from work during the month of September.  
19 No challenge to the accuracy of these records was  
20 mounted by the Defence. This obviously goes to the  
21 weight I assign to the Defence evidence.

22 The police officers testified that when they went  
23 into the accused's room, the accused readily pointed  
24 out the hash pipe and scales. In court the accused  
25 denied doing so. The police say they found \$155 cash  
26 in the same container as the drugs. The accused  
27 suggested that this money may have been in his wallet

1 since he says he had money when he was arrested, but  
2 it was not there when he was released. The police say  
3 they found a pay stub for a salary advance for the  
4 accused in the container with the drugs. The accused  
5 said that this was in his wallet. Finally, there are  
6 the seeds that were found, albeit seeds that were not  
7 analyzed in any way, but of these seeds, the accused,  
8 Rogers and Riley all disavowed knowledge.

9 So, we have a none too subtle charge against the  
10 police that they lied under oath, planted evidence and  
11 possibly stole money. Yet not one of these  
12 allegations was put to the police officers on  
13 cross-examination. The failure to do so goes very  
14 much to the weight I place on this evidence. I find  
15 these allegations to be without substance.

16 Now on to the matter of the pay stub found along  
17 with the drugs in the knapsack. It is dated November  
18 15, 1994, and has the accused's name on it. The  
19 accused admitted that the notations on the back of it  
20 are in his handwriting. I accept the evidence of his  
21 employer when he said that the pay stub would be  
22 handed out the same day, or at the earliest, the  
23 afternoon before of the date on the stub. That is  
24 because the cheque and the stub would bear the same  
25 date. I find it incredible to think that this stub  
26 which the accused says he normally carried in his  
27 wallet, was part of a cheque handed out two or three

1 weeks earlier and then would be mistakenly picked up  
2 by Riley and put into the knapsack. The only  
3 rational conclusion to draw is that the accused  
4 received that pay stub after Riley left Norman Wells,  
5 and he himself placed it in the knapsack with the  
6 drugs. The notations on that stub are consistent with  
7 street sales of small quantities such as the one-gram  
8 packets, and I reject the accused's explanations.

9 Now I fully recognize that there is no burden on  
10 the accused to prove anything. I also recognize that  
11 rejection of the Defence evidence is not in and of  
12 itself proof of guilt. But I am satisfied beyond a  
13 reasonable doubt that the accused knew about the drugs  
14 in the knapsack and had possession of it. It may very  
15 well be that the drugs were originally purchased and  
16 held by Riley. But it stretches plausibility to the  
17 breaking point to think that the accused had no  
18 knowledge of its presence in his room.

19 Furthermore, I am also satisfied on the totality  
20 of the evidence that the purpose of the possession was  
21 trafficking - whether for himself alone, or for him  
22 and Riley is immaterial.

23 I have, for the record, disregarded the evidence  
24 as to Constable Olson's alleged sighting of the  
25 accused two days before the search, as well as the  
26 utterances made by the accused at the police station.  
27 I do not find them to be necessary for my decision.

1 Stand up, Mr. Wong. Mr. Wong, to put it as simply  
2 as possible, I don't believe you. And I am satisfied  
3 beyond a doubt that you knew the drugs were there, and  
4 that the purpose that the drugs were there, whether  
5 alone or in conjunction with others, was for the  
6 purpose of trafficking. I therefore convict you as  
7 charged.

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11 Certified Pursuant to Practice Direction #20  
12 dated December 28, 1987.  
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16 Laurie Ann Young  
17 Court Reporter  
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