

**SUPREME COURT OF CANADA**

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| **Citation** : R. *v.* Eastgaard, 2012 SCC 11, [2012] 1 S.C.R. 393 | **Date** : 20120319  **Docket** : 34337 |

Between:

Hans Jason Eastgaard

Appellant

and

Her Majesty The Queen

Respondent

**Coram :** McLachlin C.J. and LeBel, Deschamps, Fish, Abella, Cromwell and Moldaver JJ.

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| **Reasons for Judgment** :  (para. 1) | McLachlin C.J. (LeBel, Deschamps, Fish, Abella, Cromwell and Moldaver JJ concurring) |

R. *v.* Eastgaard, 2012 SCC 11, [2012] 1 S.C.R. 393

Hans Jason Eastgaard *Appellant*

v.

Her Majesty The Queen *Respondent*

**Indexed as:** R. *v.* Eastgaard

2012 SCC 11

File No.: 34337.

2012:  March 19.

Present: McLachlin C.J. and LeBel, Deschamps, Fish, Abella, Cromwell and Moldaver JJ.

on appeal from the court of appeal for alberta

*Criminal law — Firearms — Possession of prohibited or restricted firearm with ammunition — Elements of offence — Mens rea — Trial judge inferring from circumstances of case that accused had knowledge that firearm was loaded — Conviction based on inference drawn from circumstantial evidence not unreasonable — Criminal Code, R.S.C. 1985, c. C-46, s. 95*.

APPEAL from a judgment of the Alberta Court of Appeal (Ritter and Bielby JJ.A. and Phillips J. (*ad hoc*)), 2011 ABCA 152, 50 Alta. L.R. (5th) 196, 510 A.R. 117, 276 C.C.C. (3d) 432, 527 W.A.C. 117, [2011] A.J. No. 591 (QL), 2011 CarswellAlta 886, affirming a conviction entered by Hawco J., 2009 CarswellAlta 2348. Appeal dismissed.

Jennifer Ruttan and Michael Bates, for the appellant.

Goran Tomljanovic, Q.C., for the respondent.

The judgment of the Court was delivered orally by

[1] The Chief Justice — Despite the very complete and able argument of counsel for the appellant, we agree with the majority of the Court of Appeal that the verdict was not unreasonable. The appeal accordingly is dismissed.

*Judgment accordingly.*

Solicitors for the appellant:  Ruttan Bates, Calgary.

Solicitor for the respondent:  Attorney General of Alberta, Calgary.