

**COURT OF APPEAL FOR THE YUKON TERRITORY**

ORAL REASONS FOR JUDGMENT:

CORAM: The Honourable Chief Justice Finch  
The Honourable Mr. Justice Donald  
The Honourable Mr. Justice Low

BETWEEN:

HER MAJESTY THE QUEEN

APPELLANT

AND:

BRIAN KEITH BERG

RESPONDENT

KEVIN DROLET

Appearing for the Appellant

MICHAEL COZENS

Appearing for the Respondent

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**REASONS FOR JUDGMENT**

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[1] FINCH C.J.Y.T. (Oral): My colleagues concurring, there will be orders adjourning the appeal to a date to be fixed, an order extending the time for the filing of facts, an order that the Crown have leave to adduce fresh evidence with respect to the issue arising under s.1 of the *Charter*, and an order for directions as to

the manner in which that fresh evidence is to be adduced in the terms described by counsel.

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FINCH C.J.Y.T.