



University of
**Southern
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**Secondary Schools Moot Competition 2024
Grounds of the Appeal**

UniSQ Secondary Schools Moot Competition 2024

Grounds of the Appeal

The grounds of the appeal are as follows:

1. On the evidence received by the court, it was not open to conclude that the place where the drugs were found, being the motor vehicle, was occupied by or under the management or control of the defendant and therefore s 129(1)(c) of the *Drugs Misuse Act 1986* did not apply. In the absence of the application of s 129(1)(c) of the *Drugs Misuse Act 1986* the defendant cannot be found guilty of the offences based upon the evidence received by the court.
2. The judge erred in finding the defendant guilty of possession of the water pipe on the basis that some of the cannabis was contained in the water pipe. There was no evidence to conclude that the water pipe was in the possession of the defendant.

Order sought: Appeal allowed, convictions quashed, and verdict of acquittal entered on both counts.



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