

Action No.: 170318752P1
E-File Name: CVP19 [REDACTED]
Appeal No.: _____

IN THE PROVINCIAL COURT OF ALBERTA
JUDICIAL CENTRE OF CALGARY

HER MAJESTY THE QUEEN

v.

[REDACTED]

Accused

TRIAL
(Excerpt)

Calgary, Alberta
June 25, 2019

Transcript Management Services
1901-N, 601 - 5 Street SW
Calgary, Alberta T2P 5P7

Phone: (403) 297-7392 Fax: (403) 297-7034

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1 Proceedings taken in the Provincial Court of Alberta, Calgary Courts Centre, Calgary,
2 Alberta

3
4 June 25, 2019

Morning Session

5
6 The Honourable
7 Judge Tyndale

Provincial Court
of Alberta

8
9 R. A. Sigurdson
10 P. C. Fagan, QC
11 K. Macken

For the Crown
For the Accused
Court Clerk

12
13
14 (PORTION OF PROCEEDINGS OMITTED BY REQUEST)

15
16 **MITCHELL YOUNG, Sworn, Examined by Mr. Sigurdson**

17
18 Q Constable, I understand that you're a member of the Medicine Hat police department?

19 A Correct.

20
21 Q And can you tell us, sir, how long you have been with the Medicine Hat police?

22 A I've been with the Medicine Hat police for almost eight years, since November of
23 2011.

24
25 Q And I understand in December of 2016 you were assigned to the ALERT unit, which I
26 understand to be a combined group between Medicine Hat and the RCMP?

27 A Correct. Sorry, was this on January of 2016?

28
29 Q Well, I -- I was asking about December of 2016. I mean, if I said January, I -- I didn't
30 mean to, but --

31 A I thought you said when I was assigned. Sorry.

32
33 Q Well, were you assigned in -- I -- I don't mean did it happen in December, but in
34 December, were you a member of the ALERT group?

35 A I -- I was, yes.

36
37 Q All right. When did you --

38
39 THE COURT:

I -- I think the answer was he was assigned in
40 January; he was still a member in December.

41

1 A Yeah, correct. Sorry.

2

3 Q MR. SIGURDSON: All right.

4 A My -- my mistake.

5

6 Q So -- so when did you start with ALERT?

7 A January 2016.

8

9 Q Okay. Thank you. And prior to joining the ALERT group, can you tell us what you
10 did with the Medicine Hat Police Service?

11 A Sure. I was assigned to the patrol section for approximately four and a half years, and
12 for two of those summers I was also part of the mountain bike unit, so kind of a
13 downtown beats unit.

14

15 Q And in that time frame, sir, did you have any experience dealing with drug
16 investigations?

17 A I did. That was kind of a -- a passion of mine, I guess you would say. I -- I recruited
18 and -- and handled a number of source -- confidential informants or sources. I took
19 part in a number of drug investigations, whether it was small-time street-level stuff or
20 larger scale that involved search warrants on residences. I also assisted the -- the
21 ALERT team prior to being a member of it with providing source information for
22 them to act upon or -- or executing search warrants along their side.

23

24 Q And can you tell me what type of drugs you would have investigated during that
25 period?

26 A During that time, marihuana, cocaine, crack cocaine, and methamphetamine.

27

28 Q And prior to joining ALERT in January of 2016, did you take any courses relating to
29 -- to drug investigations or -- or surveillance or undercover operations?

30 A Prior to being part of ALERT?

31

32 Q Yes.

33 A I took a -- an ISEPT (phonetic) course that involved just some minor source-handling
34 and search warrant-drafting.

35

36 Q Okay. I'm sorry, what's ISEPT?

37 A ISEPT is -- I can't think of what the acronym stands for at the time, but it's sort of a --
38 a program -- or a -- a teaching -- or learning program, I guess, designed to help police
39 officers kind of start from the basics. There's different levels. There's 100, 200, 300,
40 400, and you kind of start out from minor investigations into source-handling and
41 search warrant-drafting to major case management as you move along.

- 1
2 Q Okay. And -- and I'm sorry. Who teaches this? Is this -- is this a classroom that you
3 attend, or is it online, or -- or...
- 4 A This is a classroom that I attended.
5
- 6 Q And where would you have gone for these courses?
7 A For those course during patrol section, I attended the Medicine Hat Police Service
8 (INDISCERNIBLE).
9
- 10 Q So they were internal courses at --
11 A There was. This one was, yes.
12
- 13 Q All right. And after January of 2017, did you take additional training, then, relating to
14 drug investigations?
15 A After January 2016, yes. I -- I did.
16
- 17 Q Yeah. Sorry. I meant '16, but what -- what course did you take, or what courses?
18 A I took an undercover techniques course in Edmonton, Alberta, and I also took a
19 surveillance techniques course. That's held in Calgary.
20
- 21 Q How long was the undercover course in Edmonton?
22 A That was two weeks.
23
- 24 Q Two weeks? Yeah.
25 A Yes.
26
- 27 Q And what did it consist of?
28 A That consisted of learning about the -- about note-taking as an undercover operator, as
29 -- (INDISCERNIBLE) case laws as an undercover operator, and we got into the
30 practical, which was purchasing controlled substances on the street.
31
- 32 Q Yeah. Just to clarify for my friend and I, the -- the undercover course you took was
33 after January 2016. Correct?
34 A Correct. It was in the spring of January 2016.
35
- 36 Q All right. And who -- who put on this course? Do you know?
37 A Yeah. That was the Edmonton Police Service.
38
- 39 Q And you indicated there's some practical experience dealing with -- I believe you
40 described as street purchase of controlled substances?
41 A Yes.

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Q Can you tell us what type of controlled substances you personally would have dealt with, that is, made purchases of?

A I purchased marihuana, methamphetamine, powder cocaine, and crack cocaine.

Q And during the course of this training and during the course of these undercover purchases that you -- and during the course of your experience in uniform at Medicine Hat Police Service, did you become familiar with the street names of various drugs?

A Yes, I did.

Q And when I say street names, I'm -- I'm dealing specifically with either powder or crack cocaine and methamphetamine. Is -- are those items you would have become familiar with through your experience?

A Yes.

Q Have you had experience during the course of your uniform duties in -- in dealing with this substance through searches and seizures?

A Yes.

Q And then after taking these courses in the spring of 2016, did you work as an undercover operator when you were in the ALERT group?

A I did.

Q Can you tell us, between the time you started there, after these -- this -- these courses in -- in the spring of 2016 and December of 2016, how many undercover operations you would have been involved in?

A I would say approximately 10 or 11 drug purchases.

Q And, again, what type of drugs would you have purchased?

A I purchased powder cocaine, methamphetamine, crack cocaine, marihuana, and Dexedrine.

Q All right, sir. If I can take you up to -- well, the other issue -- have you ever been qualified as an expert in -- in the use and methodology of drug trafficking?

A Yes, I have.

Q When would that have been?

A That was in 2018, I believe.

Q All right. And do you know what level of court?

1 A Provincial Court.

2

3 Q In Medicine Hat?

4 A Yes.

5

6 MR. FAGAN: I trust --

7

8 MR. SIGURDSON: I'm not qualifying him as an expert --

9

10 MR. FAGAN: Thank you.

11

12 MR. SIGURDSON: -- just so my friend knows that. I'm just going in
13 terms of his background and experience.

14

15 Q MR. SIGURDSON: Now, constable, taking us, then, into December
16 of -- of 2016, I understand you were working in ALERT and -- and became familiar
17 or were -- or worked with a staff sergeant by the name of Bannerholt?

18 A I did.

19

20 Q And ultimately, an investigation, I understand, commenced into drug trafficking
21 related to the Gleichen and Medicine Hat area?

22 A Correct.

23

24 Q Can you tell me how you became involved in that investigation?

25 A Yes. I was asked to be an undercover operator while in Gleichen. There was some --
26 there were some targets that they were interested in investigating in Gleichen, and I
27 was provided some phone numbers of -- believed to be drug traffickers and asked to
28 make some cold calls or -- or phone calls to these -- these people and inquire about
29 purchasing drugs.

30

31 Q All right. And the decision to target these particular phone numbers, was this
32 something you came up with or something someone else came up with?

33 A No, it wasn't me. I believe it was Corporal Mercer.

34

35 Q All right. So if I understand your -- well, in fact, you tell us. What's your role as a UC
36 in this circumstance? You're -- you're working with ALERT. There's an investigation
37 ongoing. Do you direct it as a UC?

38 A I am directed by a cover manager.

39

40 Q No, no. I said do you direct it as the UC?

41 A Sorry --

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Q Are you in charge?

A I'm not in charge.

Q All right. So what's your role? How -- how is it you -- you determine who you're going to approach and what you're going to buy?

A I'm more -- we're more or -- more or less used as a tool, I guess you would call us. We're brought in, and we follow direction, and that's usually the direction of a cover manager, and I believe he kind of follows direction of the primary or the command of the investigation, so it's kind of -- trickles down, and I'm kind of at the bottom.

Q Okay.

A I just follow the direction, do what I'm told.

Q And -- and in and around December the 14th, were you directed to target particular phone number?

A I was.

Q Can you tell us about that?

A Yes. I was directed to -- I was provided a -- a phone number, a couple of phone numbers, by Corporal Mercer. They were believed to belong to a Samantha Red Gun (phonetic). I believe the phone number was a 1-403-612-8617, and I was directed to contact that number and attempt to purchase methamphetamine, and I was made aware that they were calling it tic.

Q Had you been familiar with that term before?

A I was, yes.

Q Did you know this Samantha Red Gun?

A I did not.

Q All right. And what happened, then? Did you call this number?

A Yeah. I placed a phone call to that number. A male answered. I knew the name to be Samantha, but -- so I was expecting a female. I was a little surprised, so I asked for Sam, and the male responded that they were Sam. So I continued on a conversation asking to purchase tic. I used the word tic. The male told me that they didn't have or sell tic but that they had hard parts. So at that time, I knew a street term for crack cocaine to be hard, and when he said hard parts, I just simply asked, Are you talking about boys, which I also know to be a street term for crack cocaine. The male kind of laughed and -- and said yes.

- 1 Q All right. Then what happened?
2 A We continued on a little further conversation. The male wanted me to meet in -- in
3 Calgary. I believe it was around McKnight and Barlow. I advised the male that I was
4 actually in Gleichen. He didn't seem to know where that was. We had some further
5 conversation kind of about where Gleichen was, why I was calling -- or how I got the
6 number. And then the conversation kind of ended with he was going to do some
7 checking, I guess, and -- and maybe call me back.
8
- 9 Q I'm sorry. That -- who -- who said that?
10 A The male on the -- on the phone.
11
- 12 Q Then what happened?
13 A I spoke to my cover manager, just advised what was going on, that it had switched
14 from meth to crack conversation, and I was advised that I was okay to continue
15 conversation about purchasing crack. So then I believe I engaged in some text
16 message conversation with the -- with the -- that phone number.
17
- 18 Q Okay. And when you say that phone number, are you talking about this 8617 number?
19 A Yes.
20
- 21 Q And --
22
- 23 THE COURT: To be clear, I think it's 612 number.
24
- 25 MR. SIGURDSON: Oh, 612-8617. I was just using --
26
- 27 THE COURT: Yeah.
28
- 29 MR. SIGURDSON: -- the last four --
30
- 31 THE COURT: Oh, I see.
32
- 33 MR. SIGURDSON: -- digits, so --
34
- 35 THE COURT: Right. Correct. I misunderstood.
36
- 37 MR. SIGURDSON: Sir, I want to approach the witness if I might. I
38 have provided my friend a copy of a -- a book of exhibits, but not -- not exclusively but
39 certainly predominantly text messages that I understand relate to this officer's dealing
40 with that particular phone number, and it sets out the actual conversations.
41

1 THE COURT: You may approach.

2

3 MR. SIGURDSON: That's for the Court.

4

5 THE COURT: Thank you.

6

7 Q MR. SIGURDSON: Sir, I'm providing you a document headed
8 Regina and [REDACTED]. It's text photo -- text and photo exhibits,
9 Constable Mitch Young, and I'm -- I'm showing you page 1 of that document.

10 A Okay.

11

12 Q Do you recognize it?

13 A I do.

14

15 Q Could you tell us what the text messaging is?

16 A These are text -- text messages on my undercover operating phone between myself
17 and the 8617 phone number.

18

19 Q And how do you -- are these a screen capture, or did you photo your phone, or how
20 did these documents come to be created?

21 A Yeah. These are -- these are photographs taken from a separate phone, so I have the --
22 the actual UC phone, and I just snapped the photograph, and then I'll e-mail them to
23 myself.

24

25 Q All right. So then as the conversations exist on -- on the telephone that you're using,
26 you snapped the picture of the screen?

27 A Yes.

28

29 Q All right. And these aren't necessarily the clearest pictures, but if I can refer you to the
30 top on page 1 --

31 A M-hm.

32

33 Q -- in the blue banner at the top, it appears to indicate Sammy Calgary?

34 A Yes.

35

36 Q Where does that come from? Like, how does that information get put onto the phone?

37 A Yeah, some -- at some point in the investigation when I meet who I believe was
38 operating the phone, they provided me with the name of Sammy. So when I -- when I
39 get that information, I basically create a contact in my phone. Instead of just having a
40 phone number, I have -- I create the contact to be Sammy Calgary so I know who I'm
41 talking to. I can get to it quick on my phone. But when I do that, it'll -- it switches the

1 name from the past conversations that I had.

2

3 Q All right. So -- so when you start telephoning this number, you're -- you're
4 telephoning this 403-612-8617, or you're texting that number?

5 A Yes.

6

7 Q An as I understand it, as your investigation progresses and you gather more
8 information, you do an input on your phone to reflect who it belong -- who you
9 believe it belongs to, which would be somebody named Sammy from Calgary?

10 A Correct.

11

12 Q All right. And the phone displays when you send a text to that number or you receive
13 a text from that number every time that you see either the phone number or the name
14 associated to that phone number?

15 A Yes.

16

17 Q All right. Now, you started to indicate you -- you had a phone call -- or a phone
18 conversation with an individual who responded to Sam and -- and that the male was
19 going to do some checking and call you back?

20 A Yes.

21

22 Q And I believe you -- you then indicated in your evidence that you texted back or
23 texted. Is that correct?

24 A So some time went by after we -- we hung up on one another. I'm not sure. If I can
25 refer to my notes, I'd be able to tell you -- I may have placed a call prior to sending
26 this text message.

27

28 Q Okay. Just before we go to your notes, sir, I understand that as an undercover officer
29 -- well, I suppose when you're on your own, you could make notes at the time, but --

30 A M-hm.

31

32 Q -- generally speaking, you're not in a position to make notes while you're dealing with
33 a -- a target, for example?

34 A Right.

35

36 Q So I understand that what you've done is you've prepared a report in respect of each
37 transaction you were involved in the investigation of?

38 A Yes.

39

40 Q And when were the reports made relative to when the events happened?

41 A Shortly thereafter.

1

2 Q Okay. What does that mean? A week after? A month after? How long after?

3 A No. It would be -- so we were working a -- a separate investigation in Strathmore, so
4 we were away from the office. The reports were made at the office. So sometimes
5 there may be a day or two, but I was making crib notes on my phone during the time I
6 was in Strathmore or dealing with -- with this investigation.

7

8 Q All right. And -- and the crib notes are also part of your notes, are they not?

9 A They are.

10

11 Q So if I understand, you make these -- what you call a crib note, which is data that you
12 would put into your -- your phone.

13 A Yes.

14

15 Q And then from your crib notes, you then make your report?

16 A Yes.

17

18 Q And when you make your crib notes, again, when -- when do you make your crib
19 notes relative to the event? Again, I'm asking you, is it something that's an hour later
20 or days later?

21 A No. They were right after, right after I'm -- I'm free, so within an hour, I would say.

22

23 Q All right. So the events are -- are fresh in your memory still?

24 A They are, yeah.

25

26 Q And you record the notes accurately?

27 A Yes.

28

29 Q And between the time you made these notes and the time you're giving your evidence
30 today, have the notes changed?

31 A No, they haven't.

32

33 Q Have you made any changes or edits to them?

34 A No, I have not.

35

36 MR. SIGURDSON: All right. Sir, I'm asking he be permitted to refer
37 to his -- his typewritten notes, which would include -- include his crib notes and -- and his
38 reports.

39

40 THE COURT:

Mr. Fagan?

41

1 MR. FAGAN: I'll have questions, but I'll save them. Right now
2 in answer to your question, I -- no objection.
3

4 THE COURT: All right. Thank you. So, officer, you have
5 leave to refer to your notes whenever you need to to refresh your memory as to dates or
6 times or whatever it happens to be. When you do refer to your notes, I'm going to ask that
7 you preface that answer with a phrase such as from my notes at the time of 5:25, for
8 example, so we can distinguish those answers from your independent recollection.
9

10 A Okay. Thanks, Sir.
11

12 THE COURT: Thank you.
13

14 Q MR. SIGURDSON: Now, so just -- now that we have your notes,
15 you indicated you -- you initially placed a phone call looking for tic. What time was
16 that call placed?

17 A From my notes, 3:22 PM
18

19 Q On what day?

20 A December 14th, 2016.
21

22 THE COURT: And, officer, just so I'm clear, if I might, you --
23 at 3:22 in the afternoon, December 14th, was your first phone number to the 61 -- sorry,
24 your first contact to the 617 number?
25

26 A Yes.
27

28 THE COURT: All right. Thank you for that.
29

30 A No problem.
31

32 Q MR. SIGURDSON: All right. So we -- we've gone through the
33 conversation, no tic, and you related confirming what you believe to be boys and that
34 he says he's going to call you back or check something. Now, what -- what happens
35 next?

36 A Now from looking at my notes, it was -- it was a text message that I received next
37 from -- from that phone number.
38

39 Q All right. And is that text message in the --
40

41 MR. SIGURDSON: If my friend doesn't object, I'm going to ask

1 now to mark this exhibit. If my friend does object, I'll wait until the end.

2

3 MR. FAGAN: I'm going to suggest, subject to your leave and
4 direction, Your Honour, that we wait until the end because it would appear to me that
5 there's more than text messages in this package.

6

7 MR. SIGURDSON: And that -- and that's fine. I -- I'm happy to do
8 that.

9

10 THE COURT: So how about about Exhibit B for
11 identification?

12

13 MR. SIGURDSON: (INDISCERNIBLE).

14

15 MR. FAGAN: Fine, Sir. Thank you.

16

17 **EXHIBIT B FOR IDENTIFICATION - 15 Pages, Text and Photo Exhibits Between**
18 **Mitchell Young and Sammy**

19

20 Q MR. SIGURDSON: Sir, then, dealing with what -- what we're now
21 referring to as Exhibit B, there -- there's a text message on page 1. It starts with, I
22 think you got the wrong number, bro. Do you see that?

23

A I do.

24

25 Q Is that something you sent or something you received?

26

A That's something I received. So the yellow box will be text messages that I receive
27 from the Sammy Calgary number, and then the blue box will be messages that I send.

28

29 Q All right. And can you indicate us, then, the -- the conversation that took place at this
30 time?

31

A Yes. I received a message saying, I think you got the wrong number, bro. Then I
32 reply. I send a text message saying: (As read)

33

34 Yeah, I don't know. This what I was told. You good to come out
35 to Gleichen?

36

37 And then I send another message, I could do 100 hard. And then I receive a message
38 saying, Sorry, don't know what that is. And then at that point, there's a phone call
39 made.

40

41 Q All right. When you say 100 hard, what did you mean by that?

- 1 A I meant a hundred dollars' worth of crack cocaine.
2
- 3 Q All right. And what happens, then, after Let me know?
4 A Actually, before Let me know -- so we ended at, Sorry, don't know what that is.
5
- 6 Q Okay.
7 A And then I placed a phone call to that phone number, and then -- so that -- from my
8 notes, 3:49 PM was -- was when I -- I called that number back, and I spoke to who I
9 believed to be the same male I spoke to initially. We kind of discussed further who I
10 was, how I got the number.
11
- 12 Q Okay. But rather than telling -- tell us, sort of, conclusionary what you did, can you
13 tell us what you actually said to him? Like, what -- what did you tell him in terms of
14 how you got the number? What was the actual conversation?
15 A Yeah. So I guess my backstory -- what -- what I was telling him is that I was in
16 Gleichen. It was kind of -- I guess you'd call it their downtown, but it's very small.
17 It's, like, a liquor store. I spoke to a -- a Native -- younger Native male with, like, a
18 red bandanna. I was asking about tic and -- and meth, and he -- this younger Native
19 male gave me this phone number. That's how I got the phone number. They told me to
20 ask for Sam.
21
- 22 Q All right. And then what happened?
23 A Yeah, we had conversation with that story, and then -- finally said -- and that -- that
24 also happened in the first phone call that we had.
25
- 26 Q And this is the call at 3:22?
27 A Yes. So now at 3:49, this call, we kind of -- got a little bit into that story again, and
28 then finally he said if I come to Calgary that he would treat me good, and then he said
29 he would do 2 and a half for 200, which I understood to be 2 and a half grams of
30 crack cocaine for \$200. So I told him that I -- I'd get back to him. I'd have to find a
31 vehicle to get me there.
32
- 33 Q All right. And -- so after this conversation at 3:49, what happens?
34 A We had some text messaging in between.
35
- 36 Q Okay. Let's -- tell us -- you have the text messages in front of you?
37 A I do.
38
- 39 Q Yeah. Let's -- tell us what happened.
40 A I received -- so there -- some time went by. He -- he sent me a message asking, Let
41 me know. And I -- and I was trying to call him, and no one was picking up, so I sent

1 him a message and said: Tried. It goes to voice mail. And then I sent him another
2 message saying I got a wheel, meaning I have a vehicle. Sent him another message:
3 Can you call? And then I believe I received a phone call at 4:01 -- from my notes,
4 4:01 PM, I received a phone call from that number again.
5

6 Q All right. So -- so effectively, you're talking to him, texting, talking with him. This is
7 the sort of scenario?

8 A Yes.
9

10 Q All right. So what happens, then, at 4:01?

11 A At 4:01, I -- Sam calls me back. I tell him that I found a vehicle, but I can only go as
12 far as Strathmore. Sam doesn't know where that is, so I'm kind of -- trying to give him
13 directions over the phone. And then we -- we finally come to an agreement to meet in
14 Strathmore for the 2.5 grams of crack cocaine for \$200.
15

16 Q All right. And then what happens?

17 A We -- we hung up after that, so we started -- I went to Strathmore. At 4:29, I -- sorry.
18 From my notes at 4:29, Sam called me asking for directions.
19

20 Q And -- and did you provide them?

21 A I just want to make sure I didn't miss a text message. Yeah. So he called me. I spoke
22 to him on the phone at -- at 5:05, gave him directions. That was a short conversation,
23 and then I believe I sent him a couple text messages after that.
24

25 Q Okay. Sir, if I understood initially, you -- you're interested to buy 2 and a half grams
26 for \$200.

27 A Yes.
28

29 Q And then you said at 4:29 you got the phone call?

30 A Yeah. Sorry. 4:29, Sam calls for directions.
31

32 Q All right. And what happens next? Is there a text or a phone call next?

33 A Then there's text message.
34

35 Q Okay. And what's the text message?

36 A I sent him, I here at Husky in front. And then I asked, What you drive? So I'm asking
37 what he's driving in. And I receive, I'm still on the way, hang tight.
38

39 Q Can you tell me -- and it's difficult from -- from the copy, and maybe you'll have a
40 note or recollection, or -- or you can read your copy better than my eyes, but is there
41 an indicator of time that these messages come and go?

1 A Unfortunately, with the printout, I don't think I can make out any of the times.
2

3 Q All right. That's fine. So I understand, then, we have a phone call at 5:05 PM?

4 A Yeah. At 5:05, I receive a phone call from the same number, and we just discussed
5 further direction, how to get to the Husky in Strathmore.
6

7 Q Okay. And the person you speak to on that occasion, how does that compare to the
8 person you spoke to on the earlier phone calls you -- you referenced?

9 A I -- I believed it was the same male the whole time I was talking.
10

11 Q All right. And then what happens?

12 A At 5:05 from my notes -- sorry. We're past 5:05, right? At -- at 5:19 from my notes,
13 Sam calls me and says that he's behind me, and then I -- I look behind me, and I see a
14 gray SUV parked there.
15

16 Q All right. And do you recall that?

17 A I do.
18

19 Q What happens?

20 A So we're on the phone. He says he's behind me. I look behind me. I tell him I see him.
21 I -- he tells me to come back and get in with him. I get out of the UC vehicle, and I
22 see that there's a male driver in the gray SUV, and there's a female passenger. So I go
23 to the back passenger-side door, and I open it up. I kind of talking to the driver while
24 I'm still outside the vehicle. Try -- I don't want to get in the vehicle with him, but he
25 assures me that it's okay, it's safe, get in, and we're not going far, he says.
26

27 So at that time, I get into the gray SUV, and I'm sitting on the back passenger side,
28 and we start to drive, and we just drive around to the east corner or east side of the
29 Husky. I recall there was a bunch of transport trucks parked there, and we kind of tuck
30 in around the -- where the transport trucks were parked.
31

32 Q All right. Who -- were there others in the vehicle?

33 A Yes. There was a female in the front passenger seat.
34

35 Q And then what happens?

36 A When we park, the male asked me how much I have. I told him 200. I provide him
37 with the \$200. At that time, I can -- he takes the \$200 from me, kind of turns around
38 in the front seat. I can see -- I can see his -- his right arm start moving around. I can
39 hear in his lap some -- it sounded like plastic ruffling around, but I couldn't see it, and
40 then I could hear kind of some cracking and snapping, and I could see his right arm
41 making a motion like he was pushing and breaking something.

1
2 And then the male turned around and handed me three pieces of what I believed to be
3 crack cocaine. Two were about the size of a nickel, one was about the size of a dime.
4 And he asked me if that was good. I took it in my hand and said yes, and then we --
5 we slowly drove back to where the UC vehicle was parked in the Husky parking lot.
6

7 And as I was getting out, the male said something along the lines of I should order
8 more if they're going to travel so far, and that -- assured me that my -- my number was
9 in his phone now so I could call back and to call him Sammy.
10

11 And I -- I left the vehicle and got back into my UC vehicle, and from my notes, I
12 returned to the safe house, and that's where I began typing out my crib notes. I kept
13 the exhibit with me the entire time, and from my notes at 6:03, I turned over the
14 exhibits to Constable Bobby Bambury.
15

16 Q All right. And in terms of making your -- your crib notes, these are the notes that you
17 rely on ultimately to -- to, A, refresh your memory today but also to create the reports
18 that you -- you rely upon. Is that right?

19 A That's right.
20

21 Q And the safe house, assuming you can tell me this without sort of any disclosure of
22 trade secrets, was it just a local hotel or -- or where would you go? What was the safe
23 house?

24 A It was a local hotel.
25

26 Q All right. So you go back to the room, and then you begin to make your notes? Is that
27 fair?

28 A That's fair.
29

30 Q Okay. And this Constable Bobby Bambury, can you tell us who he is?

31 A At that time, Constable Bobby Bambury was a member of the RCMP and also a
32 member of our ALERT team.
33

34 Q Had you worked with him previously?

35 A I had.
36

37 Q Had you worked with him previously as -- as an exhibit handler of exhibits that you'd
38 seized?

39 A Yes, I have. Yeah.
40

41 Q And within the ALERT unit, was there standard practice in terms of dealing with

1 exhibits?

2 A Yes, there is.

3

4 Q Are you familiar with that practice?

5 A I am.

6

7 Q And what was it in December of 2016?

8 A Typically, the -- the exhibit would be received, and the continuity would begin. The
9 exhibit handler would --

10

11 Q Sorry, just one moment.

12 A Sure.

13

14 THE COURT: Mr. Fagan?

15

16 MR. FAGAN: I just need about a 3-minute adjournment, and I
17 mean three minutes.

18

19 THE COURT: All right. Well, we'll take a brief adjournment
20 and come back shortly.

21

22 MR. FAGAN: Thank you.

23

24 THE COURT CLERK: All rise. This court is in a short adjournment.

25

26 (ADJOURNMENT)

27

28 THE COURT CLERK: Order in court. All rise.

29

30 THE COURT: Thank you very much. Please be seated.

31

32 MR. FAGAN: Thank you, Your Honour.

33

34 (WITNESS RE-TAKES THE STAND)

35

36 THE COURT: And, Constable Young, at the start you took an
37 oath to tell the truth. Do you acknowledge that's still binding on you, sir?

38

39 A I do.

40

41 THE COURT: Thank you. Please continue.

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Q MR. SIGURDSON: Thank you. So just before we broke out, I asked you if you're familiar with Bambury and -- and to describe the procedure used by your ALERT team to deal with exhibits.

A Yes.

Q So you just go on with your -- your answer.

A Okay. So -- yeah, what we do is we take the exhibit. We would weigh it, record weight. A sample would -- would be removed from the drug. That would also be weighed. It would be placed into a sealed package and then into an envelope that would be mailed to Health Canada for analysis. The remainder of the exhibit or the drug would be, again, placed into a sealed package. It would be labeled and -- and submitted into our evidence, a secure property area at the Medicine Hat Police Service.

Q Okay. Where's the secure property area?

A In the Medicine Hat Police Service.

Q So on this occasion at 6:03, you gave the exhibit you'd acquired earlier that day to Constable Bambury?

A I did.

Q Okay. Sir, in terms of the exhibit you received, you indicated I believe there was three packages or -- not packages but -- but three items that you were given. Is that fair?

A Yes.

Q Can you tell me from your experience dealing in other instances where -- where you purchased cocaine, how did this compare to what you've dealt with on prior occasions?

A Yeah. I identified right away to be crack cocaine based on the -- it's a hard -- hard substance --

MR. FAGAN: I'm sorry, Your Honour. I don't know why we're doing this. My friend has indicated that he's not having this witness qualified as an expert to give opinion evidence in these proceedings, and yet he appears, with respect, to be leading some type of evidence relative to the identification based on experience of the item that was purchased. So...

THE COURT: I think the question properly phrased would be in this officer's experience, what did he believe that he had purchased, and -- and from his experience he can say it looked like this.

- 1
2 MR. FAGAN: As part of the narrative, yes.
3
4 THE COURT: Okay.
5
6 MR. FAGAN: Yes.
7
8 THE COURT: I agree. Yeah.
9
10 MR. FAGAN: Thank you.
11
12 THE COURT: You okay with that, Mr. Sigurdson?
13
14 MR. SIGURDSON: Yeah, I am. Yeah.
15
16 THE COURT: Okay.
17
18 Q MR. SIGURDSON: Sir, you -- you'd, as I understand it, purchased
19 crack cocaine on prior occasions?
20 A Yes.
21
22 Q What you obtained on the 14th of December, how did it compare to what you -- you
23 had dealt with on prior occasions or prior experiences?
24 A I purchased crack. It looked basically identical, same form.
25
26 Q And -- we'll move on, then, from the 14th of December. I understand ultimately you
27 take a bit of a break over the Christmas season? Is that fair?
28 A Yes.
29
30 Q Can you tell us when you left and when you came back from holidays?
31 A I don't know exactly when we stopped working. I know on the 14th was the last time I
32 had contact with this phone number, and we weren't working that file until the 4th of
33 January --
34
35 Q All right.
36 A -- 2017.
37
38 Q Yeah. That's fine. And then what happens then?
39 A On the 4th of -- of January, I returned to work, and I checked my UC phone and see
40 that I had a text message from Sammy Calgary. And if I refer to my notes here, the
41 text message, it says: (As read)

1
2 G. Happy New Year's. I got good deals, good parts. Let me
3 know.
4

5 And then I replied, saying: (As read)
6

7 Hey, bro. Happy New Year. Good to hear. I think we will be up
8 that way in a few days. I'll get a hold of you.
9

10 And then I received a reply saying, Sounds good.
11

12 Q All right. And I -- and I'm sorry, these -- the conversation you referred to, is it
13 contained in Exhibit B?

14 A Yes.
15

16 Q What page?

17 A Page 5.
18

19 Q All right. Actually, just before we move on to that, I understand that after you passed
20 the exhibit on December the 14th -- well, in fact, let me take you to page 3 of
21 Exhibit B.

22 A Okay.
23

24 Q There -- there appears to be a -- a map acquired from Google Maps, and there's some
25 handwriting on it. Are you familiar with this document?

26 A Yes. I created this document.
27

28 Q Is the handwriting your handwriting?

29 A It is.
30

31 Q And what does it depict?

32 A This shows the meeting spot at the Husky in Strathmore. In a diagram labeled UCV
33 parked here, that's where I was parked. I was in a parking stall with my -- I was facing
34 the Highway number 1. Then there's a line drawn showing Pickup Here by V1, so
35 directly behind where my vehicle was parked, the silver -- or the gray SUV pulled up
36 and parked. That's where I got into the vehicle. And then the third line in the diagram
37 says Buy Here in V1. So V1's referring again to the gray SUV, so that's in behind
38 where some transport trucks were parked.
39

40 Q All right. And where it indicates TransCanada Highway, that accurately depicts the
41 location of the TransCanada relative to your location?

1 A Yes.

2

3 Q And, sir, when you -- after this transaction on the 14th of December, did you receive
4 information relating to who you might have been dealing with?

5 A I was made aware that there was a traffic stop conducted on the gray SUV. I was
6 made aware that the driver of that gray SUV provided a name of [REDACTED] to a
7 police officer. When I was made aware of the name [REDACTED], I typed it into
8 the open source Facebook search --

9

10 Q I'm sorry, you typed into what?

11 A Facebook.

12

13 Q Okay. Right. And what happened?

14 A I noted that there was a -- a Facebook profile page under the name [REDACTED],
15 and I immediately -- immediately recognized the profile picture to be of two males.
16 One of the males was a -- was the male that had sold me the 2.5 grams of
17 crack cocaine.

18

19 Q Okay. And -- and did you know that person by a particular name?

20 A Sammy.

21

22 Q And if I can get you to turn to page 4. Do you recognize that picture?

23 A I do.

24

25 Q And what -- can you tell us where that comes from or what it is?

26 A Yeah. This is a picture from the Facebook page of [REDACTED] that I searched.

27

28 Q And as between the two individuals, which is the person you -- you referred to as --
29 that you knew as Sammy?

30 A The male on my right wearing the long-sleeved white shirt, black pants with the -- the
31 beard with his arms crossed.

32

33 Q And the person you dealt with on -- on the 14th of December, I understand you had
34 additional dealings with him on the 6th of January? Is that fair?

35 A Yes.

36

37 Q And are those the only two times you met that individual?

38 A Yes.

39

40 Q All right. And in court today, are you able to identify that person?

41 A Yes. The gentleman sitting in the -- the box.

- 1
2 MR. SIGURDSON: Thank you. Indicating --
3
4 THE COURT: Identifying the accused by pointing.
5
6 MR. SIGURDSON: Thank you.
7
8 Q MR. SIGURDSON: Now, then, let's go on to the -- I believe -- is it
9 the 4th of January you came back? We're on page 5 now.
10 A Yeah. 4th of January, I -- I checked my phone and learned that I had received some
11 text message over the break from Sammy.
12
13 Q And as I understand it, the -- these pictures were a little bit clearer than we initially
14 saw.
15 A Yes.
16
17 Q And there's a phone number shown under the name Sammy. It appears to be
18 403-612-8617?
19 A Correct.
20
21 Q And it's very difficult for me to make out. Can you see a date on -- on the copy of
22 Exhibit B that you have?
23 A No. No.
24
25 Q All right. So these text messages, are you able to tell us when they arrived on -- on
26 your phone?
27 A Yeah. They were on December 31st, New Year's Eve.
28
29 Q And how do you know that?
30 A It's in my notes. I don't -- I do remember that it was New Year's Eve.
31
32 THE COURT: Mr. Fagan. There is a gentleman who just
33 arrived. That's no potential witness, I take it?
34
35 UNIDENTIFIED SPEAKER: No, I'm just here quick. I'm just --
36
37 THE COURT: No problem. I'm just asking Mr. Fagan.
38
39 MR. FAGAN: No concern, Sir.
40
41 THE COURT: Okay. Thank you.

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Q MR. SIGURDSON: All right. So you get these e-mails
December 31. You -- and you respond to them?

A I -- I did, yes.

Q And --

A On January 4th.

Q All right. And -- and what's your response?

A I -- I said: (As read)

Hey, bro, happy New Year. Good to hear. I think we'll be up that
way in a few days. I'll get a hold of you.

And I received, Sounds good.

Q Okay.

A And then on to January 5th.

Q And so that ends the -- the conversation from what day?

A January 4th.

Q And then go on.

A Then on January 5th, I sent a text message to Sammy. I asked, Are you around
tomorrow afternoon? And I received a reply, 4:52 PM from my notes, Yeah, bro. And
then another reply at 5:36 PM, Call me in the afternoon, I'll hook you up nice. I reply
at 6:50: (As read)

Okay, bro. I can get away from work on break tomorrow.
Looking for more this time.

Q All right. Then what happened?

A Nothing on January 5th, and then on January 6th, I was directed to contact Sammy
and set up a purchase of upwards of \$900 crack cocaine, and that was a direction from
Corporal Mercer, I believe.

Q And did you do that?

A I did. So from my notes, at 11:20, I place a call to Sammy. Speak to a -- a male. To
me, it sounds like the same male again, Sammy. I tell him that I have \$800. He said he
would hook me up real nice with hard parts, and we arrange to meet at the same
location as last time, at the Husky. Tells me he'll need one hour and then he'll get a

1 hold of me.
2

3 Q Now -- when he says I'll hook you up real nice with hard parts. Did -- what did you
4 understand that to mean?

5 A I understand that he'll give me a good deal on crack cocaine.
6

7 Q All right. And when you bought -- was it -- it was 2 and a half grams, as I recall, on
8 December the 14th?

9 A Yes.
10

11 Q For \$200?

12 A It was held out to be 2 and a half grams.
13

14 Q All right. That -- that's what you negotiated, 2 and a half grams --

15 A Yes.
16

17 Q -- for \$200?

18 A Yes.
19

20 Q Based on -- on your experience at this time in terms of having made other undercover
21 purchases, did the quantity you were being offered correspond to the dollar amount
22 requested?

23 A It looked a little light, but that's often the case.
24

25 Q What do you mean it looked light?

26 A It looked like it wasn't going to weigh 2.5 grams as promised, and -- but that's often
27 the case with drug purchases. You arrange for a certain weight, and it always seems to
28 be less than what you are expecting.
29

30 Q All right. But -- but in -- in terms of -- assuming a deal, 2 and a half grams, \$200, is it
31 -- I'm asking, is that price consistent, or is that high or low?

32 A Oh, sorry. No. It actually -- 2 and a half grams for \$200 would have been a deal. I
33 would have getting more product for a sale price, you would say.
34

35 Q All right. And so you -- you indicate you're going to -- you have \$800, going to hook
36 you up real nice, then what happens?

37 A He tells me that he'll need an hour, and then he'll get -- get a hold of me. At 12:11 PM
38 from my notes, Sammy calls me and tells me he's going to pick it up and then they
39 were leaving for Strathmore, and he wants to make sure that I'll be there, ready,
40 because he doesn't want to waste any time.
41

1 Q All right.

2 A Doesn't want to have to wait for me.

3

4 Q All right. Sir, when you get an incoming call, do you know what number that call is
5 coming from?

6 A I do. The contact is created to be Sammy Calgary, so my text message will say
7 Sammy Calgary. Also, the -- the phone calls will say Sammy Calgary.

8

9 Q So it also indicates this same number, the 612 -- the --

10 A 8617.

11

12 Q Yes.

13 A Yeah.

14

15 Q All right. What happens, then, after this initial call at 2:11 (sic)?

16 A So at 12:11, yeah, he -- he told me that he wants me there, ready. At 12:45 from my
17 notes, I receive a text message from Sammy, and it says, On 16, bro. And I reply,
18 saying, K, I'll be there right away, I'll be waiting.

19

20 Q All right. And is that message on page 6 of -- of Exhibit B?

21 A Page 6, yes.

22

23 Q Okay. Go ahead.

24 A From my notes at 1:03, I send a message saying, Here, to Sammy, and then at 1:04,
25 Sammy calls me and tells me the roads are really bad but he's on his way, and then
26 again at 1:35, from the exhibit here, I send a text message saying: (As read)

27

28 We're going to have to be -- we have -- we're going to have to be
29 quick. Got to get back to work. You close?

30

31 Q Okay. And your indication to him you have to get back to work, can you tell us what
32 that relates to?

33 A That was just part of my cover story. I just wanted to make sure that they were
34 coming. I was telling him -- I was hoping that he would hurry up.

35

36 Q Okay. And then what happened?

37 A From my notes, at 1:48, Sammy sent me a text message saying, Just past
38 Chestermere; and then a second message saying, On the way, G. At 1:49 PM, I'd
39 replied to Sammy with a text message saying, K. And then at 2:08, from my notes,
40 Sammy pulls into the Husky gas station. They're in the same vehicle as last time,
41 silver SUV. They park behind my UC vehicle, and I receive a -- a phone call just

1 telling me to get in the vehicle.
2

3 So I get out of my UC vehicle, and I approach the silver SUV. This time, I see the
4 same male driving the silver SUV as last time. There is an unknown male in the front
5 passenger seat, and then I open the back door and see -- so I'm on the passenger side. I
6 open the back door and see that there's a female sitting behind the driver, and that
7 looked like the same female that was in the passenger seat from the first meet.
8

9 Q All right. So was anyone else in the vehicle?

10 A No. There was three occupants, and then I made the fourth.
11

12 Q All right. And then what happened?

13 A The male -- the new male in the front seat kind of turned around, introduced himself
14 as something. I didn't understanding what he introduced himself as at the time. Then
15 we started driving. We drove through the parking lot east along the highway, crossed
16 over a side street, and into the -- I believe it's called the Strathmore Station Restaurant
17 parking lot. We parked behind the Strathmore Station, and -- so at that time, we park.
18 The unknown front passenger turns around, and he kind of starts questioning me on
19 who I am, how I got the number. He's -- he's pretty aggressive. He's fast-talking and
20 basically asking me if I'm a -- I'm a cop or if I use, and he's telling me about -- he's
21 trying to get me to smoke it or put it in my mouth --
22

23 Q Okay. What -- what's he saying to you to -- to the best of your recollection?

24 A I'll refer to my notes here if there's some quotes. I don't believe -- yes, it's just basic
25 questioning my cover story.
26

27 Q All right.

28 A And then -- but during that, I see that the -- the driver is -- Sammy is prying open this
29 centre console. So there's a -- the gear shift is located in the middle between the front
30 passenger and driver, and there's a plastic casing around it. I can see that he's prying
31 that open. I can see some wires are exposed, and then Sammy pulls out a -- a plastic
32 bag, and I can see that there's some -- some white substance. I notice it's -- there's
33 rounding to it, like, a circular shape of this white substance.
34

35 And then I see Sammy -- and this is all while I'm having a conversation with the front
36 passenger. I see Sammy break pieces off of this -- what I would call a crack cookie,
37 and he has a scale out, and he starts weighing -- or placing pieces of this crack cookie
38 onto the scale, stacking pieces on top of each other. And then at one point, Sammy
39 actually turns to me and says, Are you a cop? And then I replied, from my notes, No,
40 I'm not a fucking cop.
41

1 Both Sammy and the unknown -- unknown male kind of question me a little further.
2 They're speaking back and forth to each other in a different language, and then
3 eventually the unknown male apologizes to me and says that it's all good. We
4 fist-bump, and they ask for my money, for \$800. I provided the -- provided the front
5 passenger, unknown male, with the \$800, and I received what I believed to be a
6 half-ounce of crack cocaine from Sammy. I actually asked him if he could put it in
7 something this time because last time he just gave it to me in my bare hand, and he
8 wrapped it in some kind of a tissue paper, I believe it was.
9

10 Q All right. So when you met these -- when you met this vehicle initially on the 14th of
11 December, can you describe generally what the lighting conditions were?

12 A The 14th? So the 14th, I believe it was -- it was cold the entire time, but the -- the
13 lighting -- it was dark. It was getting dark pretty early that time of year, so I remember
14 it being dark. I remember the parking lot's well lit and the highway, with vehicles
15 coming and going, there's a lot of light. I also remember that when we parked -- I
16 don't know if it was Sammy or the female on December 14th. They turned on the
17 dome light in -- inside the vehicle.
18

19 Q And how far would you have been away from this person you describe as Sammy?

20 A I'm sitting diagonal to him, about -- I'd say two feet, two and a half feet.
21

22 Q And, again, when you meet on the 6th of December -- well, for -- can you tell me how
23 long you were with him roughly on December 14?

24 A It always seems longer than it is. I would say, like, two minutes.
25

26 Q And -- and when you are conducting an undercover drug investigation and you meet
27 with somebody, do you -- do you have particular objectives in mind?

28 A Yes. Yeah.
29

30 Q And -- and what would you be looking for or looking at in -- in this type of scenario?

31 A Well, identity is a big thing, just remembering what the male looked like, trying --
32 anything that would stand out, I guess, if there were scars, tattoos, anything like that.
33

34 Q All right. And taking you, then, back to January the 6th, again, could you tell us what
35 the lighting was like at -- at this particular meeting?

36 A January 6th, I believe it was in the middle of the afternoon, so it was -- it was daylight
37 out.
38

39 Q Again, roughly, what distance would you have been from the person you described as
40 -- as the driver or Sammy?

41 A I was situated in the exact same position as the first time, so diagonally about two and

1 a half feet away.
2

3 Q And did you make any description of -- of this individual?

4 A On the 6th?
5

6 Q Yes.

7 A Yeah. The driver Sammy was wearing a black tuque, and he had a neatly trimmed
8 black beard.
9

10 Q All right. So you give up the \$800. You indicated that you received a substance in a --
11 I believe you described it as a tissue. Is that fair?

12 A Yeah. Like tissue paper, I think it was. I think it was a pink or orange colour.
13

14 Q Okay. And once you receive that, what do you do with it?

15 A I put it on my person. If I can refer to my notes here, I believe I -- might have put it in
16 my jacket pocket. Yeah, the -- I placed it into my left jacket breast pocket.
17

18 Q All right. And once you get the product, what happens?

19 A We returned to my UC vehicle. I -- I kind of tell them that -- well, actually, the
20 unknown male I remember kind of -- as we're driving back, he was kind of coaching
21 me a little bit on that if I'm selling it, I could make potentially \$400 profit. I could
22 probably make \$1,200 on this -- on the \$800 I paid for. I told him that I'll keep in
23 touch with him. I'll be calling for more. They said that'd be great. They seemed
24 excited about it, and -- and then I left the vehicle and got into my UC vehicle and
25 drove to the safe house.
26

27 Q And you drove where?

28 A To the safe house.
29

30 Q All right. And what happens at the safe house?

31 A I provide Constable Sean McGuigan with the exhibit.
32

33 Q And he's a member of the Medicine Hat Police Service?

34 A Yes.
35

36 Q He was here yesterday to give evidence?

37 A Yes.
38

39 Q Okay. And then what happens?

40 A I received a phone call from that number, Sammy's number, but this time it sounded
41 like the male from the front passenger seat.

1
2 Q Okay. How can you -- how do you distinguish the two voices?

3 A So Sammy is -- he's calm on the phone. He's actually kind of nice, kind of sounds
4 kind of smooth when he talks. He -- he would pronounce my name kind of, like,
5 Mitch, like, drawn out. And then the -- the other male was -- like, he was kind of high
6 strung and aggressive the way he talked, and he would say my name fast, kind of like,
7 Mitchy-boy, hey, Mitchy-boy, kind of thing. So it was kind of -- and that was kind of
8 consistent throughout the phone calls.
9

10 Q So you received a phone call from the number that you'd been dealing with Sammy,
11 but you believe it to be the other --

12 A I believed it was --

13
14 Q -- person?

15 A -- the other male, yeah.
16

17 Q And -- and what's the conversation about?

18 A Yeah, he -- he was just asking me kind of, like, follow up to see if I'd tried the product
19 yet and if I liked it. I told him that I -- I hadn't got back to work yet, so I didn't have an
20 answer for him yet.
21

22 Q All right. And then -- and then what happened?

23 A Then I received another call -- so from my notes, 5:16 PM, I received a call -- a call
24 again, this time from a -- a private name, private number, and I believed again this to
25 be the same unknown front passenger, and again, he was asking me if I had tried the
26 product yet. I told him I was still working, so no, I hadn't.
27

28 Q All right. When you say private number, does that mean the -- the number's blocked
29 when it comes into your screen, or -- or does it say private number? How -- how does
30 it work?

31 A Yeah. It's a -- it says -- you know what? I believe it says private name, private
32 number. I've seen that multiple times, but I -- I can't recall exactly if that's what I'm
33 looking at on my UC phone at this time. I just know it was a blocked number. No
34 number showed up.
35

36 Q All right. And then what happened? I understand there was a further call that evening?

37 A Yes. From my notes at 7:05 PM, I -- I placed a call back to Sammy, and I spoke to a
38 male who I believed this time was Sammy. It was the -- it was the driver, and I just let
39 him know that the product's getting good feedback.
40

41 Q All right.

1 A And that I'll be in touch.
2

3 Q And when you said you called Sammy, what number did you call?

4 A That was the 8617.
5

6 Q All right. Sir, page 7 of the -- Exhibit B, there's a -- a map. It says appendix 1 in
7 handwriting, and there's some other handwriting on -- on this picture of a map. Are
8 you familiar with that?

9 A Yes, I am.
10

11 Q Okay. Can you tell us what it depicts?

12 A Yeah. I created this map. Once again, this shows the -- the meet location, which was
13 the Husky in Strathmore just off the highway. It'll -- it shows where my UC vehicle
14 was parked, so it was pretty much in the same spot, not quite the same stall, but I was
15 parked facing the highway once again in the Husky parking lot. There's a dotted line
16 that runs behind the UC vehicle where I was picked up in the -- in the SUV, and the
17 dotted line travels over into the Strathmore Station parking lot. You'll see a little
18 square. That's the silver SUV where we parked. There was kind of a fence along there
19 where we (INDISCERNIBLE) through the fence. And yeah, that -- that's labeled
20 Location of Deal. So that's where the deal took place.
21

22 Q All right. Sir, are you -- your next dealings on the 18th of January?

23 A Yes.
24

25 Q And just before you go on to the 18th, let me just clarify. On the 14th and the 6th, you
26 -- you indicated you -- I think you spent \$200 and that \$800 to make these drug
27 transactions. Is that fair?

28 A Yes.
29

30 Q Where does that money come from?

31 A That's provided to me from my cover manager, Corporal -- at the time, Corporal Scott
32 Mercer.
33

34 Q All right. And that's the practice every time you go to make a buy, your cover
35 manager provides you with the money that you anticipate needing for that particular
36 day?

37 A Yes.
38

39 Q All right. And on the 18th of January, then, what happens? I understand there was a
40 decision to take further action in respect of that 8617 number?

41 A Yes. So -- at this time, we were having a briefing at 8 AM So this is from my notes.

1 And I'm actually instructed by Sergeant Bannerholt to make contact with -- with
2 [REDACTED] or Sammy that afternoon.
3

4 So at 11:16 from my notes, I send a text message to the 8617 number, say, Hey, bro,
5 you around to do same as last time today? And then at 11:58 from my notes, I
6 received direction from Corporal Mercer to contact the 8617 number, to order half an
7 ounce of crack cocaine again for \$800, so same as last time.
8

9 Q Okay. Again, the -- the quantity of a half-ounce of crack cocaine for the dollar value
10 of 800, can you tell me how that compares to -- to your experience in terms of prior
11 drug investigations or drug transactions that you conducted as an undercover officer?

12 A Yeah. So I guess we usually go off of an ounce, and then you just break it in half, so
13 an ounce is usually between 16 and \$2,400. So 16 for a full ounce, half of that's 800,
14 so it was -- it was relative. It made sense.
15

16 Q All right. And the -- the text you indicated, Hey, bro, you around to do the same as
17 last time, is that found in Exhibit B?

18 A Oh, sorry. I might be on the wrong page here. I don't see it here, actually. So
19 January 18th?
20

21 Q That's the date you indicated, yeah.

22 A Yeah.
23

24 Q If -- if it's not, that's fine.

25 A I don't see it there.
26

27 Q I -- I just --

28 A So...
29

30 Q I didn't see it, so I thought I would ask you if you had seen it.

31 A Oh, January -- maybe I skipped ahead.
32

33 Q So on -- I'm looking at page 8.

34 A Oh.
35

36 Q And at the top of page 8, there appears to be a date on the text. Do you see that?

37 A Yeah, that's -- that's February 1st.
38

39 Q Okay. So obviously, that's after the 18th of January. Let's just deal with the 18th of
40 January, then.

41 A Yeah.

1
2 Q And there appears not to be a copy of the text, but in any event, you indicated you
3 sent the text to him, and your -- your plan was to -- to acquire a half-ounce of cocaine.
4 What -- what happens next, then, in this scenario?

5 A So at 11:58 from my notes, I received direction -- okay. So they -- I went over that. At
6 12:01 from my notes, I called the 81 -- or 8617, and there was no answer, and then at
7 12:03 from my notes, I sent another text to the 8617. I said: (As read)

8
9 Let me know when you're around. I'm back up your way again.

10
11 And then at 4 PM from my notes, I sent another text, it says, Sammy? At 4:08 PM
12 from my notes, I receive a -- a phone call from the 8617. This time, I recognize the
13 voice to be -- who I believed to be Sammy. Just the way -- this time, the way he
14 greets me by my name like I explained. He kind of laughs and says I always catch him
15 at a bad time. And then I asked him if we could meet for the same as last time, \$800.
16 He says that he can get it, but he will need an hour to get it ready.

17
18 And then I receive a phone call at 5:13 PM from my notes here that he calls me and
19 tells me that -- that he's good to go and that he's on his way from Calgary soon. At --
20 from my notes, 5:15, well, he's -- sorry. Sammy, the phone number calls me, tells me
21 that he will see me at the same spot. I ask him this time if he could just get into my
22 vehicle, but he says that's -- they're -- they have rules and they don't get into other
23 people's vehicles outside of town. And then at 5:26 from my notes, I receive another
24 call, asked if I can do him a favor this time and put the money in, like, an envelope or
25 Tim Hortons bag.

26
27 So at this time, I'm -- I'm in Strathmore. I was ready to meet them at the Husky. I start
28 driving there in the UC vehicle, and I realized that I'd left my UC phone back at the
29 safe house. So I race back there, and when I get it, I realize that I've missed three calls
30 from Sammy's 8617 number, one at 5 -- this is from my notes: One at 5:53, 5:54,
31 5:56. And then from 5:57 to 6:01, I missed six text messages from 8617. And then at
32 8 -- at 6:03, I missed a call from a new number. It was a 587-215-0082. And then
33 from my notes at 6:05 and 6:06, I missed two more calls from Sammy Calgary
34 number, 8617.

35
36 At 6:07 PM from my notes, I receive another text message from the 8617 number.
37 Says, I am near you, gonna reply or what? At this time, I have my phone and I call. So
38 this is 6:07 PM from my notes. I call the 8617 number, believing I'm speaking to -- to
39 Sammy again. I apologize for the missed calls. He was upset. He sounded worried,
40 thought maybe something was up. He told me that I have to answer the calls or they
41 won't come anymore, they'll turn around. And I kind of asked him if they're showing

1 up and what they're going to be driving. He tells me it's a -- it's a Volkswagen this
2 time, not an SUV. From my notes at 6:43 PM --
3

4 Q Okay. So I'm just going to stop you for one moment --

5 A Okay.

6
7 Q -- before you go on because I know you said at -- From my notes, and you referred to
8 6:07 in terms of the time. Do you have a recollection of the conversation?

9 A Yeah, I do. I -- yeah.

10
11 Q All right. And then I'll get you to go on. I'm sorry. I think you went on to 6:43?

12 A Okay. Yeah. So from my notes at 6:43, I sent a text message saying -- asking, Are you
13 close, I'm at the same spot. And I receive a message right back at the same time, 6:43,
14 says, Yeah, pretty close.
15

16 Now, from my notes at 6:51 PM, I receive a phone call from that 587-215-0082. I
17 missed the call from that number earlier, and this time I recognized the voice and the
18 enthusiasm in the voice to be the unknown male from the last time we met in the front
19 passenger seat. He calls me Mitchy-boy, and he kind of greeted me the same time --
20 or the same way last time when we met in the vehicle. And he says they're -- they're
21 pulling in the parking lot.
22

23 So at that time, I observed a black Volkswagen or dark-coloured Volkswagen pull
24 into the -- into the parking lot, and they park pretty close to me, either the stall next to
25 me or one over. I see that there's an older male driving, and I see that it's the -- it's the
26 same unknown male from the front passenger seat last time we met. He's in the
27 passenger seat of this Volkswagen. He gets out and gets into my -- passenger side of
28 my UC vehicle.
29

30 So we -- we kind of (INDISCERNIBLE). We kind of laughed about what happened,
31 but he was kind of nervous because I had missed so many calls and he was worried.
32 So I was apologizing for that, and I -- I just kind of asked what his name was because
33 I didn't get it last time, and he told me it was Marco (phonetic).
34

35 Q All right.

36 A So he pulls out something from kind of his -- his waistband area. It was, like, a -- kind
37 of like an egg-shaped item wrapped in plastic. And he -- he hands it over to me, and
38 we're just kind of talking during that time, and then I -- I believe I give him my -- I
39 hand -- yeah, I hand him over the money, and it's in a -- in a Tim Hortons cup, so
40 that's what I ended up putting it in was a Tim Hortons cup with the cover on it. I hand
41 him that, and he kind of laughs at it.

1
2 So it's enclosed. You can't see the money, and he asked me, Can I trust you? So I was
3 assuming, like, can I trust that the money's all there? And I said, Yeah, it's all there.
4 Count it if you want. That's fine. And he doesn't even look at it. He's just kind of
5 staring right at me and just says, No, can I trust you? And I assure him that I -- that I
6 -- that he can.

7
8 And so he starts talking to me about kind of their operation. He tells me that he works
9 with a crew of people in Calgary, that him and Sammy are part of the same crew.
10 Sammy runs the phone that I've been calling, and then he tells me that he can kind of
11 get me anything he want -- or anything that I want, and then he starts listing off -- he
12 calls it H, which I know to be the street term for heroin. He says crack, and he -- and
13 then he says -- he's talking about the crack that he's been selling me. He says, I -- like,
14 they can do more. They can do six-packs. And I know that to be a street term for 6
15 ounces. And he says -- and -- or even more than a six-pack.

16
17 And then he kind of looks at me, and he makes a -- keeps it down kind of by his waist,
18 but he makes a gun shape with his hand, with two fingers, and he says he could even
19 do that, and that kind of piqued my interest, and I asked him a little bit about that.
20 And he said that, well, he could do it right now, and he kind of nodded his head over
21 towards the vehicle that was parked towards me, the Volkswagen, and I kind of told
22 him I'm interested but not right now. I didn't -- I didn't want him, obviously, for safety
23 reasons to go get a gun and bring it into my vehicle if we weren't prepared for that. So
24 we don't go any further on that, and then he also explains to me that they could cuff or
25 float me drugs, which I know to be street terms for giving me drugs without me
26 paying until I -- I've sold and made profit.

27
28 So after that conversation, the male now I noted -- call him Marco gets out of my
29 vehicle and gets into the Volkswagen. The Volkswagen kind of parks in front of the
30 Husky, I believe. The gentleman driving, the older male, goes inside, and Marco's
31 kind of standing outside the passenger side, and I'm -- I back out and I drive away,
32 and I kind of wave or head-nod to him, and he acknowledges, and -- and I drive away.
33 I leave the area and return to the safe house. And from my notes, at 7:11 PM, I turn
34 the exhibit held out to be a half-ounce of crack cocaine to Constable Sean McGuigan.

35
36 Q And I take it when you give it to McGuigan, is it in the same condition as when you
37 received it from this person you knew as Marco?

38 A Sorry?

39
40 Q When -- when you gave McGuigan the half-ounce you described as a half-ounce --
41 A Yes.

1
2 Q -- of substance, was it in the same condition as when you received it?

3 A Yes.

4
5 Q And then -- what time did that happen? Sorry.

6 A That was at 7:11 PM from my notes.

7
8 Q All right. All right. And then what happens?

9 A From my notes at 7:37 PM, I receive a -- a call from Sammy, so the 8617 number, and
10 he was asking me if everything was okay, if everything went well. Obviously there
11 was some confusion before the -- the buy, missed calls and whatnot, so they were --
12 they were worried. So I told him yes, everything was okay and what had happened. I
13 kind of told them that I -- I was talking to him so much on the phone that I was
14 expecting him. It was kind of a shock that it was -- it was the other guy, it was Marco.
15 And -- so I just kind of confirmed with him, like, am I still talking to you? Should I
16 keep calling you? And he assured me, yes, just keep calling that same number. And
17 then -- then we kind of left it at that. I told him I'd be in touch.
18

19 MR. SIGURDSON: All right. Your Honour, I'm going to suggest
20 this would be perhaps an appropriate time to break for the noon recess.
21

22 THE COURT: I agree. All right. We'll see everybody back at
23 2:00. Thank you very much.
24

25 THE COURT CLERK: All rise. This court is in a short adjournment.
26

27
28 PROCEEDINGS ADJOURNED UNTIL 2:00 PM
29
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41

1 **Certificate of Transcript**

2

3 I, Jenessa Leriger, certify that

4

5 (a) I transcribed the record, which was recorded by a sound-recording machine, to the
6 best of my skill and ability and the foregoing pages are a complete and accurate
7 transcript of the contents of the record, and

8

9 (b) the Certificate of Record for these proceedings was not included orally on the record.

10

11 Jenessa Leriger, Transcriber

12 Order Number: AL-JO-1003-8662

13 Dated: September 12, 2019

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1 Proceedings taken in the Provincial Court of Alberta, Calgary Courts Centre, Calgary,
2 Alberta

3
4 June 25, 2019

Afternoon Session

5
6 The Honourable
7 Judge Tyndale

Provincial Court
of Alberta

8
9 R.A. Sigurdson

For the Crown

10 P.C. Fagan, QC

For the Accused

11 K. Macken

Court Clerk

12
13
14 THE COURT:

Good afternoon, counsel. Please be seated.

15
16 MR. SIGURDSON:

Afternoon. Sir, thank you. I apologize for
17 starting a little late. I stopped by the EPSC office, and I -- the -- the material I was
18 waiting for from Banbury's (phonetic) actually just arrived over the noon hour. So I -- I
19 made a copy for my friend, and I'll deal with it later in the case.

20
21 THE COURT:

All right. Thank you very much. Constable
22 Young, this morning, you took an oath to tell the truth. Do you acknowledge that's still
23 binding on you, sir?

24
25 A I do.

26
27 THE COURT:

Thank you very much. So whenever you're
28 ready.

29
30 MR. SIGURDSON:

Thank you.

31
32 **MITCHELL YOUNG, Previously Sworn, Examined by Mr. Sigurdson**

33
34 Q MR. SIGURDSON:

So if I might have just one second?

35 A Sure.

36
37 THE COURT:

If it's of any help, I think we were on January
38 18th. The last entry was a 7:37 PM phone call with Sammy (phonetic), making sure that
39 everything was okay.

40
41 MR. SIGURDSON:

Thank you. No, that's actually not what I was

1 going to --
2
3 THE COURT: Okay.
4
5 MR. SIGURDSON: I -- I appreciate that, because I -- that was my
6 first question to the officer, would be, Where did we finish off?
7
8 MR. FAGAN: Where were we, yeah.
9
10 MR. SIGURDSON: But there's Exhibit B that was marked.
11
12 THE COURT: Yes.
13
14 MR. SIGURDSON: I understand madam clerk marked it?
15
16 THE COURT CLERK: Yes, and I returned it to the witness, Sir.
17
18 MR. SIGURDSON: And what I'd like to do, with the permission of
19 the Court and my friend, is the other thing I did over the noon hour is I printed a -- what I
20 would call a Queen's copy. The copy the officer has made reference to is the copy that I
21 had collated paragraph numbers to the photos --
22
23 THE COURT: Sure.
24
25 MR. SIGURDSON: -- for my use and reference. And I -- I didn't
26 have a -- a copy to mark as an exhibit copy. So I'd like this one marked as the Exhibit B.
27 I'll take the one from the officer.
28
29 THE COURT: Sure. Just to substitute that so there's no
30 editorials in the margin?
31
32 MR. SIGURDSON: Exactly.
33
34 THE COURT: If you provide that to madam clerk, she'll
35 switch the tag over.
36
37 MR. SIGURDSON: Thank you.
38
39 THE COURT: And at some point in time, you were going to
40 talk about a chart of envelope numbers and certificates and stuff as well?
41

- 1 MR. SIGURDSON: We've done that. We've prepared it. I --
2
- 3 THE COURT: Okay.
4
- 5 MR. SIGURDSON: -- I just haven't had time to go through it. I
6 would have -- I talked to Mr. Fagan, who knows what I've done, and -- and get his
7 concurrence before we --
8
- 9 THE COURT: All right.
10
- 11 MR. SIGURDSON: -- give it to the Court, if that's satisfactory.
12
- 13 THE COURT: Thank you.
14
- 15 Q MR. SIGURDSON: So we finished on January the 18th?
16 A We finished January 18th, yes.
17
- 18 Q And moving on, then, to February the 1st. Is -- is that the next day there?
19 A There's -- yes. There was some communication on the 1st.
20
- 21 Q All right. What happened on February 1st, sir, if you could tell us?
22 A February 1st, I was asked to reach out to Sammy at the 8617 phone number, and I sent
23 some -- some text messages from my UC phone to that number. And from my notes
24 here, I can read them to you. I sent, Hey, bro, I'll be up your way tomorrow. You
25 around for -- for same spot? I received a reply, Yes. Then I sent,
26
27 Okay, man, I'll get a hold of you. Might need a little more for
28 parts. I'm looking for a little H, if you've got it.
29
- 30 And --
31
- 32 Q Okay, I'm just going to stop you for one sec so I can take the Court there as well.
33
- 34 MR. SIGURDSON: Fagan, are you -- do you have page 8 of Exhibit
35 B before you?
36
- 37 MR. FAGAN: Sure. I do now.
38
- 39 Q MR. SIGURDSON: And are these the same texts that you're making
40 reference to from your notes?
41 A Yes, they are.

1
2 Q All right. I'll get you to carry on, then. You -- I think you last -- well, you -- you
3 started with, Hey, bro, I'll be up -- up -- I'll be up your way tomorrow. You around
4 for some --

5 A For --

6
7 Q -- same spot?

8 A Yes, and I received a reply from Sammy saying, Yes. Then I wrote, (as read)

9
10 Okay, man, I'll get a hold of you. Might need a little more for
11 parts and looking for -- looking for a little H, if you've got.
12

13 I received, Yeah, and then I received, Let me know what you need, I'll get it ready.
14 And then I sent a message saying, Okay, getting paper together, call you tomorrow.
15 And that was it for February 1st.
16

17 Q Okay. And then what happened on February 2nd?

18 A On February 2nd, I was directed by my cover manager, Corporal Scott Mercer. He
19 asked me to call Sammy and arrange a purchase of one ounce of crack cocaine and
20 two grams of heroin. I -- I made the three -- attempted three phone calls. From my
21 notes, 11:17, 11:18, 11:25. I didn't receive any answers. And that was to Sammy's
22 8617 number. And from my notes, at 11:29, I sent a text message saying, Hey, bro,
23 shoot me a text when you're working, I'm good to go.
24

25 Then, at 11:24, from my notes, or 11:24 AM, I called the (587) 215-0082 that had
26 called me on previous dates, and I believe it was Marco (phonetic) operating that
27 phone. I called trying to get a hold of Marco. A male answered, but I didn't recognize
28 his voice, and basically, we didn't understand each other, and the male hung up.
29

30 Then, at 11:41, from my notes, I received a call from a private number. I asked if it
31 was Sammy, and a male said it was Marco, and he apologized for missing my number
32 and for calling from a blocked phone number. We had a conversation about ordering
33 up the full ounce of -- of crack and some heroin. He told me he'd get the crack and
34 not the -- but would let me know, I guess, on the heroin.
35

36 Q Okay, what did -- what did he actually tell you then -- then in -- in this 11:40 call?

37 A At 11:41, yeah, he said -- so I told Marco -- from my notes, I tell Marco, I can't get a
38 hold of Sammy, but I was talking to him the day prior. Marco said, No problem, and
39 asked what I wanted. I told him, A full zip of hard, so a zip meaning -- in street terms,
40 means a -- an ounce, and hard, again, is crack cocaine. And some H, which, I know, in
41 street terms, means heroin.

1
2 He told me he can get the hard, but not sure about the H, but he would let me know.
3 We discussed price for the -- for the crack. He was telling me, for a full ounce,
4 \$1,500. I try and debate around 1,200 or 14, but he's firm on 1,500, so that's what we
5 decide on price, \$1,500 for one ounce of crack. During the phone call, you can hear
6 him arguing with another male in the background. And they tell me that he's going to
7 put it together and then they'd be on their way or he'd be on his way, and he'd need
8 about an hour and a half.
9

10 Q Okay.

11 A Some -- so some time went by, so I made a phone call at 1:21, from my notes. I called
12 that 587 number because I had just spoken to Marco, so I assumed that was his phone
13 number. I spoke to an unknown male again. I asked for Marco and I was told I had the
14 wrong number. At 1:23, from my notes, I call Sammy on the 8617 number and no one
15 answered, and then, at 1:24, so a minute later, I receive, Yo, from Sammy's 8617
16 number, and, I'll be ready to go soon. Those are text messages.
17

18 And then at 1:25, from my notes, I received a text message. Or sorry, I sent a -- a text
19 message saying, Hey, bro, I talked to Marco. And I sent another one saying, He's
20 helping, that good? No reply. And at 1:55, from my notes, I call Sammy's 8617
21 number, and I did not -- or no one picked up. Then, from my notes, at 2:01 again, I
22 text Sammy's 8617 number and I sent, Yo, where are you at the moment? Or sorry, I
23 received a text, yeah, from Sammy, saying, Yo, where are you at the moment?
24

25 Q Okay. What is -- I -- I'm sorry. You sent him the -- the Exhibit 8? Or not Exhibit 8,
26 but Exhibit B?

27 A It is on page 8 of -- in the bottom -- the bottom left-hand corner square. It says, Yo,
28 and then underneath that, it says, Where are you atm? And I know that's the sort of
29 acronym -- acronym text for at the moment.
30

31 Q All right. And that -- and that's what I -- I wanted to know. I didn't see, At the
32 moment, so that's --

33 A Sorry, yeah.
34

35 Q -- how you interpret atm?

36 A That's how I interpret it, yes.
37

38 Q Okay.

39 A I -- I sent a text message saying, Still -- still working, waiting to hear from you. Or,
40 (as read)
41

1 Still waiting to hear from one of you guys. I can meet right away.
2 When's going to be good?
3

4 And I received -- and then I sent -- or sorry, I received a text message from Sammy's
5 8617 number. I will have it, head out around 3, okay? At 2:25, from my notes, I
6 replied, Kk, and I just -- and I asked, This for full, for 1,500, and you find any H? So,
7 This for full, meaning a full ounce. And just to confirm, For 1,500, meaning asking
8 for \$1,500. And then I asked if he had any H, meaning heroin.
9

10 From my notes, at 3:20, I received \$2,000 in -- in buy money from Corporal Mercer.
11 From my notes, at 3:38 PM, I received a -- a thread of text messages from Sammy's
12 8617 number. So he's replying to my message that I sent, asking about the -- sorry. At
13 2:25, asking if it's full for 1,500, and he replies, Yeah, yes, primo, I'll be heading
14 your way.
15

16 Q All right. And this -- these texts start at the top of page 9?

17 A Yeah, at the bottom of page 8 into page 9.
18

19 Q Thank you.

20 A So at 3:39, from my notes, I reply, Kk, I'll leave. And right away, I receive a reply
21 from Sammy's 8617 number saying, Wait up, I'll tell you when. And I reply, Okay. I
22 receive a text message at 3:49 PM, from my notes, You able to come a bit closer, and,
23 Just getting ready. At 3:53, from my notes, I reply, Got the same piece of shit van and
24 back for work. Same spot works best. And I receive a reply saying, Okay.
25

26 At 4:15 PM, from my notes, I receive a call from Sammy's 8617 number. He says
27 he's coming and to have his stuff ready for him. He doesn't mention any money or
28 anything. He's kind of talking guarded at this time. I ask him about the heroin, calling
29 it H. He's kind of mumbling and -- and redirecting the conversation. He says he's --
30 he's working on it, but he'll -- he'll do something for me. So we never really confirm
31 anything about the heroin.
32

33 At 4:51, from my notes, I send a text message to Sammy's 8617 number. I send, Be
34 there right away, you close? I receive a text message saying, Omw 16, which I
35 interpret to be, On my way, and 16 to mean the highway or 16th Avenue, Calgary.
36

37 Q All right.

38 A I reply, K. At 5:13 PM, from my notes, I receive, We'll be there shortly -- well be
39 there shortly. And I reply, Here now, you drive an SUV or that car? And I -- I receive
40 a text, Kk, almost there, in Jeep. I reply, Kk. From my notes, at 5:39 PM, I receive a
41 phone call from a (587) 888-1171. I recognize the voice on the other end to be Marco.

1 He's asking where I'm at because he can't see me, and at that time, I see a -- a dirty
2 Jeep, kind of a gold colour, pulling into the Husky parking lot from the west side. And
3 I kind of -- or then I -- he says he sees me at that time.
4

5 The Jeep parks one stall away from me. There's a vehicle between us. Marco gets into
6 my -- gets out of the Jeep and gets into my UC vehicle. When he gets in the vehicle,
7 we have some -- some conversation. He pulls out a -- pulls out a -- like, a piece of
8 shirt. It looked like a piece of cloth. And he opens the cloth. Inside is a -- inside of the
9 cloth is a clear plastic sandwich baggie containing a round, thin, white cookie, which I
10 believed to be the crack -- the ounce of crack cocaine. And he hands that to me.
11

12 I pull out a Tim Hortons Timbit bag and I hand him that, and that's containing the
13 \$1,500. I -- I place the crack that he provides me in my left jacket pocket, and then
14 Marco tells me that he couldn't find any heroin, but he's getting three zips, meaning 3
15 ounces, the next day, and he'll give me two grams to sample. He tells me not to tell
16 anyone. We have further conversation about his life and lifestyle.
17

18 Q Okay. I -- I'm going to just stop you for a moment.

19 A Okay.

20
21 Q And I appreciate you -- you have conversations about other matters --

22 A M-hm.

23
24 Q -- with -- with Marco?

25 A Yes.

26
27 Q And then we go on. What -- let me take you to the end of your meeting with Marco.
28 How do the two of you depart?

29 A Yeah, the last -- I just kind of asked him a final question. I just asked him why
30 Sammy wasn't answering his call and -- or answering my calls and who I should be
31 calling to get -- get a hold of him. Marco explains to me that the phone that I've been
32 calling, so the 8617 number, is -- is a main phone and they're working all night
33 sometimes, so it's hard to wake up in the morning, so sometimes they'll miss calls
34 that are early in the morning.
35

36 Q Okay. And if you take -- after this bit of conversation, the two of you go your separate
37 ways?

38 A Yeah. Marco exits my UC vehicle, and then I go to the safehouse with the exhibit.
39

40 Q All right, and what happens at 6:27 PM?

41 A At that time, I hand over the exhibit, held to be an ounce crack cocaine, to Constable

1 Sean McGuigan.
2

3 Q And I'm at page 10 of your -- of Exhibit B. The -- the communications relating to
4 February the 2nd, where do we end in -- in this series of texts?

5 A February 7th?
6

7 Q Yeah.

8 A Okay. Where it says -- they actually end on page 9, I believe.
9

10 Q Okay, that's fine.

11 A Yeah.
12

13 Q So on page 9, in the Jeep? Oh, I'm sorry, did we go up to the next page? You --
14 you're indicating, Be there right away, is the last email -- or last text between the --
15 you and -- and this 8617 number?

16 A Sorry, just -- can you say that again?
17

18 Q Yeah.

19 A Okay.
20

21 Q Page 9?

22 A Yes.
23

24 Q You -- you're texting back and forth to this 8617 phone number, right?
25 A Yes.
26

27 Q And the calls relating to that day, that's February the 2nd. Where -- when's the last
28 text between you and -- and the 8617 number?

29 A On page 9, where it says, Kk.
30

31 Q All right. So just below, it says, In Jeep, and then, Kk?

32 A Right.
33

34 Q All right.

35 A Yeah, I guess it would --
36

37 Q That's --

38 A -- yeah, 5:15, yeah.
39

40 Q Thank you. So I'll take you, then, to February the 7th.

41 A Looks -- looks like there's another acronym I don't recognize.

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Q ATM?

A The -- no, at the end.

Q Oh, oh.

A No, at the end of February 7th. We'll get there. Maybe it's Wednesday, Thursday, Friday, in the --

Q Oh, yes, yes, yes. I'm still stuck with atm. I hadn't heard that one before. But --

A Yeah, it's popular.

Q -- taking you now to the 7th of February.

A Yes.

Q 2017. I -- I understand that yet another plan is made for you to make contact and to endeavour a -- a drug buy. Is that fair?

A Yes.

Q And what happens? I understand, ultimately, about 3:00, you begin attempting this.

A Yeah, so I send him a couple text messages, and then at 3:00 -- or 3:01 PM, from my notes, I receive a call from the 8617 number. And I recognize in my notes that there's a typo. It doesn't actually -- I think I'm missing a number in there, but that was the Sammy 8617 number that --

Q I see.

A -- called me.

Q Yeah?

A But this time, I recognized the voice to be Marco. So like I said, I had -- I had sent some -- I had called and sent a couple text messages, so Marco apologized for missing those.

Q Can --

A He gives me --

Q -- can I take you to page 10? Text messages are set out therein?

A Yes. So do you want me to read what I said?

Q Yeah. You -- you said, Hey, bro, you around?

A Yeah, I said, Hey, bro, you around? And I received, Yo, and -- well, sorry. Yeah, 3:00, I received a, Yo, and then I sent, I'm good to go, let me know. And then I sent

1 again, You good? You around? I don't want to wait around all night again.
2

3 Q Okay, so sorry, let me just stop you, though. So at 3:00, you receive, Yo, by text?

4 A Sorry, yeah, and then immediately, I received that phone call.
5

6 Q Okay.

7 A At 3:01.
8

9 Q Okay. So after you -- you get this text saying, Yo, you get this incoming phone call
10 from 8617, and -- and you said you believe it was Marco who spoke to you?

11 A Yes. Yeah, that's correct.
12

13 Q Okay, and then tell us what happened in that call.

14 A He -- he tells me that they can meet today -- or that he can meet today. He'll need an
15 hour and a half. I let him know that I'm looking for an ounce, and then I bring up the
16 conversation about a toy, and that's meaning a gun. He just says, Yeah, and kind of
17 brushes it off. He says he can get what I need, but he's going to talk to me about it
18 when -- when he gets to me.
19

20 He's talking very fast. He's guarded on the phone. I can hear him talking to a different
21 male in a different language, and I'm -- and that's kind of part of how I separate
22 Marco from -- from talking to Sammy, is he is a very fast talker and kind of has an
23 aggressive tone to him. He's strictly business. So that was the end of the conversation.
24

25 Q All right. And can I just stop you before we go on? How much were you looking to
26 buy?

27 A I believe that day was -- yeah, I guess that -- at that point in the conversation, I asked
28 for half of an ounce and a gun.
29

30 Q Okay, but did you use that word?

31 A A toy.
32

33 Q All right. All right, that -- that's fine. So you have this conversation at 3:01, and then
34 what happens?

35 A From my notes, at 4:28, I sent a text message, I'm good to go, let me know. I received
36 200 -- or \$2,500 of -- of buy money from Corporal Mercer. And then at 5:14, from my
37 notes, I sent a text saying, You around? I don't want to wait around all night again.
38 And at 5:22 from my notes, I -- I received a text saying, Yeah, hang tight.
39

40 From my notes, at 5:29, I receive a call from Sammy. This time, I recognize the voice,
41 and he says it's Sammy. He asked what I need, and I tell him that I want the half --