

1 half of an ounce and a toy for 2,000. So Sammy's telling me that he'd have to come
2 talk to me in person to kind of talk about the toy, and he'd have to bring his
3 collection, he calls it, and with the price tags on and -- and choices. I ask him if he
4 could bring them that night. He said no, he couldn't do that.
5

6 So then he asked me why don't I just do another full? So meaning a full ounce of
7 crack, and he said he would hook me up real nice. He tells me he can do a full for
8 1,400 this time. So we agree on doing a full ounce of crack cocaine for the 1,400 and
9 that we would talk about the gun when we meet.
10

11 Six-oh-seven, from my notes, I receive three messages from the 8617 number. My
12 man, and, On the way to you on 16. And I reply, K, hurry, I'm here and the heater is
13 busted in this fucking ride. Six-thirteen, from my notes, I receive three messages,
14 Where are you parked, same place? And then at 6:14, Call me.
15

16 So at 6:15, from my notes, I call Sammy. I can -- again, I -- I believe it's Sammy
17 talking on the phone based on his voice and how he's talking. He says, They are in
18 Chestermere. And I can kind of hear him talking to someone else in the background.
19 I'm trying to talk to him, he's kind of ignoring me, and then I can hear him answering
20 someone else's question and not mine.
21

22 I -- I ask him if it's going to be him or Marco, and he says he's sending his guy, and I
23 kind of clear that up, if it's going to be someone I know or someone new. And he
24 says -- assures me it's going to be the same guy that I met before. But he's just -- he
25 wasn't using any names or anything. He was guarded on the phone.
26

27 From my notes, at 6:38, I receive another call from Sammy. Again, I recognize the
28 voice and the tone to be Sammy. Again, he's -- yeah, he's calmer. He's a lot calmer
29 than Marco on the phone. And he's just reassuring me not to worry, they're on their
30 way, they're past Langdon. And this time, he tells me they'll do 32 grams for 2,000.
31 And I had already talked to them and told them I had \$2,000, so I was assuming they
32 were just trying to be good salesmen and get \$2,000 for giving me 32 grams. But I
33 told them, The 2 grand is not for me, I only have the 14. So we agree that we're still --
34 I'm still going to go ahead with the -- the ounce of crack cocaine for 1,400.
35

36 So time goes by. At 7:07, from my notes, I send, WTF, bro, this is way too long. And
37 WTF means what the fuck. At -- from my notes, at 7:15, I receive a phone call, and
38 it's Sammy again. He says he's going to be there in 30 seconds and just to make sure
39 that I'm in the same spot. And from my notes --
40

41 Q I'm sorry, at 7:15, what happened?

1 A At 7:15, I -- I receive a phone call from the 8617 number, the Sammy number, and he
2 just lets me know they're 30 seconds out, they're going to be there right away --
3

4 Q Okay.

5 A -- and just to make sure that I'm parked in the same spot.
6

7 Q And who was it you were speaking to then?

8 A Sammy. So at 7:16, from my notes, I see that Marco arrives in a dark Volkswagen
9 Jetta that I recognize to be the same or very similar to the one that he showed up in
10 before. And they park in the same row as me, just one parking stall to the west. Marco
11 gets into the UC vehicle, we bro shake, and he pulls out a -- a blue -- blue plastic bag,
12 wrapped -- wrapped up. It's knotted, it's clear -- or there's a clear bag inside of it
13 containing a white, circular, thin, cookie-shaped substance. Again, kind of the same
14 thing as what I would call a crack cookie. But this one's kind of cracked into a few
15 pieces.
16

17 Q All right. Just before you go back to the -- the drugs in this case, did you have any
18 other conversation with the individual?

19 A Yeah, I did. So when he first get in, we bro shake, I kind of ask him about the delay
20 because they were taking so long. Yeah, and I -- I remember, actually, I was in a -- I
21 was in a pretty crappy vehicle and it -- the heater was broken. It was very iced up.
22 Like, I was freezing, so he showed up and I told him about that and why I was upset.
23 He offered to help defrost it with me. I just told him, No. Just, You go, I'll fix it after.
24 And then that's when he pulled out the -- the clear -- there was a clear plastic bag with
25 a crack cookie inside, but that was wrapped in, like, a blue plastic bag as well.
26

27 And he handed that to me, the -- he handed the -- the crack to me in his right hand and
28 I took it with my right hand. I kind of looked at it and then I put it in my jacket
29 pocket. And then Marco asked how much I had, how much money I had, and I told
30 him, 1,400. He asked me if I had another 100. He -- I think he was expecting 1,500,
31 but I told him that, no, the deal was 14 and that's all he's getting, and that I was
32 waiting so long, too bad. He kind of laughed and said, Okay for this time, and he took
33 the money.
34

35 I had a little bit further conversation about the gun, and he said he -- he can help hook
36 me up with a gun, but he's -- he deflected and he said the guns weren't his, that that
37 was kind of Sammy's -- that was Sammy's deal, he would take care of that. And then
38 he -- and then he leaves. He -- he says he has to go, but keep in touch, and he tells me
39 to give them a -- try and give them a day of advance notice so I don't have to wait as
40 long, and then he leaves. And that's at 7:21, from my notes. He gets out of the UC
41 vehicle and we depart ways.

1
2 From my notes, at 7:41, I receive a call from Sammy. He's kind of checking in to see
3 how everything went and apologizes for the wait. I bring up the gun again, and again,
4 Sammy says that we need to meet in person to talk about something like that. He also
5 tells me to call a day in advance to make things go faster. Sammy also tells me that --
6 that they cook it themselves, so they need a little more time to -- to prepare the crack.
7 And then he also has to arrange a driver to come all the way to meet me.
8

9 So I -- from my notes, at 8:11 PM, that's when I was at the safehouse and I had turned
10 over the exhibit to Constable Sean McGuigan. And from my notes, at 10:07, I was
11 instructed by my cover manager, Corporal Mercer, to attempt to set a meet with
12 Sammy for the following day for a -- for the gun. So at 10:07, from my notes, I call
13 Sammy. He says he needs at least three to four days for something like that. He -- he's
14 deflecting a lot, doesn't really have a solid answer for me. He -- he'd have to meet me
15 in person to talk about it. So we kind of just leave it at that, and I tell him, if I need --
16 when I need crack again, I will call him about that.
17

18 Q All right. What -- what number do you call to have that conversation?

19 A That's the 8617 number.
20

21 Q Okay, thank you. Which takes us, I believe, to February the 15th?

22 A Yeah. I -- I do know that I made some contact, I believe, on February 14, just over the
23 phone.
24

25 Q Okay. What happened?

26 A I just received some instruction to -- by Corporal Mercer to contact Sammy, like they
27 asked, to give a day's notice because I -- we planned on meeting on the 15th. So at
28 8:11 PM on the -- on February 14th, I placed a call to Sammy on the 8617 number.
29 But this time, it was actually calling from a different phone -- I was. So -- and a -- a
30 male picked up. I recognized the voice to be Sammy. I even asked, Is this Sammy,
31 and the male said, Yeah, what's up, who is this? Because I was calling from a new
32 number. I explained that it was a different number, but it's Mitch, and my old phone
33 broke.
34

35 So Sammy, right away, asked if I needed to meet that night. I explained that I was just
36 giving him the one-day heads up and that I wanted to meet the next day. At that point,
37 Sammy passed the phone off to another male. I recognized the different voice right
38 away. They switch people, and I believe that was Marco who was talking the second
39 time, based on the change in the voice and the enthusiasm.
40

41 So between both of them, I just -- I discussed about meeting for the same as usual,

1 and I was referring to amounts of crack cocaine. And then I asked if I could get some
2 H, meaning heroin. They said they could do the first thing, but they would let me
3 know the next day about the second, which is the heroin. And then I asked about --
4 and I called it the thing, so I was acting guarded as well on the phone because that's
5 how they were acting. So I didn't say gun, I said, The thing.
6

7 Sammy, on the phone, kind of stumbled around it and said he'd have to get back to
8 me the next day, but they would have the first thing, meaning the crack cocaine, no
9 problem. So we arranged to meet the next day after 4 PM. And I was instructed by
10 who I believed to be Sammy to just give him two hours in advance when I called him
11 the next day.
12

13 The following day, February 15th, from my notes, at 3:03 PM, I placed a call to
14 Sammy on the 8617 number and I spoke to a male who I believed was Sammy. He
15 sounded like I woke him up, that he was sleeping. He was tired. I asked him if we
16 were good to go today like we discussed the day prior. He said he'd need a couple
17 hours, and I asked -- I was asking, like, Do you have everything that I asked for the
18 day before? And he just kind of said, Yeah, yeah, yeah, I'll call you and update you in
19 30 to 45 minutes.
20

21 From my notes, at 4:14, I call Sammy again on the same number. He says he will be
22 there in 45 to an hour. He told me he was just bagging it up. He said he doesn't have
23 the other stuff, but he's going to come and talk to me about it in person. I -- at 4:25,
24 from my notes, I received the buy money from Corporal Mercer.
25

26 At 5:12, from my notes, I receive a call from Sammy on the 8617 number. He tells me
27 they're in Chestermere, they're heading my way. He asked me if I knew the tag. I ask
28 what that meant, and he kind of laughed and said it's the price. And I just told him
29 that I understand it's going to be the same as last time, so I was assuming 1,400 for an
30 ounce of crack cocaine.
31

32 From my notes, at 5:27 PM, I arrive at Husky and I park in the same parking stall as --
33 as I have all the other times, or in the same row, at least, facing the highway. And I
34 send a text message at 5:46, from my notes, asking, Are you close? At 5:48, from my
35 notes, I receive, Yes, hang tight. So at 6:13 PM, from my notes, I send a text message
36 saying, Bro, I can't be here all night. And then right away, at 6:13, I receive a call
37 from (587) 888-1171, and I recognize the voice and enthusiasm to be Marco. And he
38 tells me he's two minutes away.
39

40 From my notes, at 6:22, I observe the same gold Jeep Cherokee. I recognize there's
41 some dents near the back gas cap. He parks beside me and Marco gets into the UC

1 vehicle. I ask him right away where Sammy is because I was expecting Sammy to talk
2 about the gun. He says, Sammy's busy in town and couldn't make it. We get into a
3 dumb conversation. I explain that it's not for me, I need answers, somebody's
4 expecting answers. And then Marco says he needs to talk to Sammy about it because
5 that's Sammy's thing, not his.
6

7 I ask him about the heroin. He asks how much, and I just -- I just tell him, I'm looking
8 for a couple grams to try. And then this time, he says, You'd rather do more than less,
9 because he'd have to change me -- charge me the same price that he's paying for it.
10 And then Marco kind of gets into a rush. He says, Okay, let's make this quick. He
11 pulls out a white, balled-up grocery bag out of his right sweats pocket. He hands that
12 to me. I put that in my left jacket pocket. I take the -- the buy money, so the 1,400,
13 and I hand it to Marco. He asks, How much? I tell him, 1,400. He says, Okay, and he
14 puts it in his right pants pocket.
15

16 I question him a little further about what we're going to do about the gun, and he just
17 keeps deflecting. He won't give me a straight answer, and then he goes into a story
18 about how he got punched out the night before and shot at. Finally, he says he'll call
19 me the next day and have more answers about the heroin and the gun.
20

21 From my notes, 6:24, Marco gets out and he gets back in his vehicle. They leave, and
22 from my notes, at 6:44, I provide Constable Sean McGuigan with the exhibit. At 7:05,
23 from my notes, my cover manager, Corporal Mercer, instructs me to contact Sammy
24 and discuss why he didn't show up, and then have more -- further discussion about the
25 gun and the heroin.
26

27 So at 7:07 PM, from my notes, I speak to Sammy on the phone. He tells me he's
28 really busy in -- in town, and he's the opposite way from me. That's why he didn't
29 come. He asked what I need heroin for -- or what I need for heroin, and that he says
30 he would just rather give me a sampler. So I just agree to the sampler and I tell him I
31 need answers about the gun. Sammy tells me he'll talk to Marco and just kind of find
32 out how our conversation went at the meet, and he'll call me back in a couple of
33 hours.
34

35 Q Constable, are -- are you sort of summarizing the conversation that you just gave us?
36 A Yes.
37

38 Q When you spoke to the person you believe to be Sammy at this 8617 phone number,
39 do you actually use the word gun, or -- or how would you have phrased your -- your
40 conversation?
41

A Well, I think at this point -- well, you know what, my notes say gun, but I don't recall

1 exactly the language I used during the call.
2

3 Q And -- and that's fair enough. I just --

4 A Yeah.
5

6 Q -- I just want to know because you -- you've spoken guarded, guarded, guarded, now
7 gun. So --

8 A Yeah, correct. I -- I can't recall if I did use the word gun or -- or a slang term.
9

10 Q All right. That's fine. And sir, the -- the texts for that day are found at page 10 of -- or
11 I'm sorry, page 11 of Exhibit B?

12 A Yes.
13

14 Q And then at page 12, there's a Google Map of the same general area of -- of the
15 Husky. Can you tell me what day this relates to? Does this relate to February the
16 15th?

17 A Yes. Yeah, that's the -- a map that I created. Again, it shows -- it's kind of hard to see,
18 but you can see there's a little -- so you see the Husky gas station. You see a little
19 box, a little square, nose towards the highway. That's my UC vehicle. And then the
20 'X' is where the -- it's right beside the square, and that's the -- or sorry, the -- the Jeep
21 that showed up.
22

23 Q Okay.

24 A Or --
25

26 Q And --

27 A -- or I guess, well, whatever mark was in there. I can't recall it myself.
28

29 Q Throughout the -- the evidence, we've -- we've heard UC vehicle or covert vehicle.
30 The vehicle that you used, was it the same vehicle every time?

31 A There -- there was one vehicle we used, I want to say, every time, but it might have
32 been one time we used something else. But I can't be 100 percent sure on that.
33

34 Q That's fine.

35 A Yeah. But for the most part, it was one vehicle. Yeah, so the square represents my
36 vehicle. The 'X' represents Marco's vehicle, and then the little dotted lines with the
37 arrows shows that they -- they came in off the highway, the direction they came and
38 parked. And that's where the deal took place.
39

40 Q So the next transaction and final transaction, I understand, occurs March the 8th?
41 A Yes.

1
2 Q And sir, on -- on that date, I -- again, I understand that you -- you had occasion to get
3 some direction from your team leader or your -- your cover handler, and the plan was
4 to attempt to make a -- a purchase of 4 ounces of cocaine from these individuals you'd
5 been dealing with?

6 A Yes.

7
8 Q And I'm just going to take you through your -- your conversations, and -- and I -- I
9 intend to lead. Again, I spoke to my friend just for the sake of expedience here,
10 because we're dealing with conversations that are -- are typed out in any event. But
11 sir, at -- at 9:06 that day, I understand you sent a text saying -- whoops, I'm sorry. Did
12 you have conversations on February 25th, first?

13 A Yeah. There's a couple days prior to March 8th where there's some conversation over
14 text and phone call.

15
16 Q All right. So on February 25th, I understand you -- you received a text from Sammy
17 at -- at 8617, 6:19 in the AM, and -- and he's -- asks you, Well, what's going on, bro?

18 A Yes.

19
20 Q And then, at 6:20, you receive a text saying, Haven't heard from you, bud, how are
21 you?

22 A Yes.

23
24 Q At 9:06, you reply, (as read)

25
26 Hey, boy -- hey, bro, all good. Oh, just away, working. You guys
27 good? Probably reach out to you next week if things go good
28 here.

29
30 And again, these conversations are set out on page 13 of Exhibit B?

31 A Yes.

32
33 Q And then you reply, Sound -- or you get -- get a reply from Sammy, or from this 8617
34 number, saying, Sounds good?

35 A Well, I -- I send the text message on March 6th.

36
37 Q Oh, I see. So on March 6th, you send a -- a text message saying, (as read)

38
39 All right, bro, I'll be back in a day or two. Going to need -- going
40 to need more, just putting paper together, and let you know.
41

- 1 A Yes.
2
- 3 Q Putting paper together? What does that mean?
4 A That just means I'm collecting money.
5
- 6 Q All right. And then at 11:41 PM on March 6, you -- you receive a reply, Sounds good,
7 from Sammy?
8 A Yes.
9
- 10 Q And then, on the 8th of March, I understand you attend Strathmore with your ALERT
11 crew and -- and there's a -- a briefing and -- and an operational plan is put into place?
12 A Yes.
13
- 14 Q And at around noon that day, you're instructed to contact Sammy. You send a text
15 at -- at around 12:00, saying, Hey, bro, you up? Good to go today.
16 A Yes.
17
- 18 Q And then at 1:32, you try calling Sammy. No answer?
19 A Yes.
20
- 21 Q And then at 1:33, you receive a text from Sammy saying, You still same area?
22 A Yes.
23
- 24 Q You reply at 1:34, Yeah, same place as last?
25 A Yeah.
26
- 27 Q One-forty-seven, you send a text, What's up, you good?
28 A Yes.
29
- 30 Q And then at 2:11, you receive a message saying, Yeah, I'll be ready around 4?
31 A Yes.
32
- 33 Q And then you send a text saying, Can you call? And you receive a text, Sounds good,
34 and -- and you send another text saying, I need more than last time?
35 A Yes.
36
- 37 Q You receive a text from 8617 indicating, Call you soon?
38 A Yes.
39
- 40 Q It -- it looks, Just caught -- just caught up here, it says?
41 A Yes.

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Q And then you respond at 2:16, saying, Kk, bro?

A Yes.

Q And then I understand at 2:19 PM, you receive a phone call from a -- a blocked number or private number?

A Yes, I did.

Q Okay. And what happens in that conversation?

A The phone's really muffled. I can't really understand what they're saying. I can't really make out the -- who I'm talking to. I recognize a similar accent to Sammy and Marco. I asked who it was, and they just said, It's Buddy (phonetic), what do you need? I said, I need more than last time. I asked where Sammy was, and then they got pretty angry with me, asking why I'm asking so many questions. I said, I didn't know who I was talking to and I don't like dealing with new people. And we kind of yelled at each other a little bit, and then the male told me Sammy was out of the picture.

Then the -- the male finally said it was the same buddy as last time, and I assumed it was Marco, but the phone sounded so bad I couldn't really identify the voice. Finally, the -- he just asked what I wanted this time. I said that I wanted more hard, so I wanted more crack cocaine. He asked how much, and I told him that I had five Gs, meaning \$5,000. He told me he would do five for five, and to me, that's 5 ounces of crack cocaine for \$5,000. And I said -- I was shocked. I said, Really, that's a good deal. And the male laughed. He said, Yeah, it's a good deal.

That male told me he'd meet me at 5 PM. I agreed and just told him to contact me before he was leaving Calgary, and the male agreed. So at 3:32 PM, from my notes, I received \$7,000 in pre-recorded buy money from Corporal Mercer. That was in case I was able to -- so 5,000 for the crack cocaine and -- and a potential 2,000 if there was gun talk or anything like that.

3:50 PM, from my notes, I received a call from Sammy's phone, the 8617. This time, I recognized the voice to be Sammy. So he asked me, Do you want five, or you have five Gs? And I said, I talked to someone else, and they said that they could do five for five. Sammy laughed at me and said he didn't know who I was talking to, but if he sold for that, he -- he wouldn't make any money.

So I asked what he could do for five Gs, meaning \$5,000, and he said he could do four for five, so I took that as 4 ounces for \$5,000. And I -- and we agreed on that. Sammy told me that they'd need about an hour and he would call me before they left -- or before he left.

1
2 At 5:08 PM, from my notes, I received a call from a private name and number. The
3 voice was a younger-sounding male with an accent. It was hard to tell who it was.
4 They said the guy -- their guy was leaving in ten minutes. The male asked where I
5 was. I told him Gleichen. He -- he asked, Is that about 40 -- or he said, That's about
6 40 minutes, and I -- and I agreed I could do it in 40, do the drive in about 40 minutes.
7

8 At 6:03, I received a call from a private name and a private number. It's kind of the
9 same-sounding young male, but this time, he kind of did sound like Sammy, the way
10 he was talking. The phone quality was a little better. And then he says, Hey, Mitchie,
11 my man, and just kind of smooth-talking. He asked where I was at. I say I was ten
12 minutes from Strathmore. He says his guy is about 25 minutes away. He says, Make
13 sure you're there when he gets there.
14

15 From my notes, at 6:27, I receive a -- another call from -- or sorry, I receive a call
16 from Sammy at the 8617. He asks where I'm at. I tell him, At the same spot as I've
17 always parked at the Husky, and he says his guy will be there right away. And at that
18 time, I observed a Volkswagen car again, similar to what has shown up before, and I
19 noted the passenger looked like Marco as they were pulling off the highway. And --
20 sorry.
21

22 From my notes, at 6:40, I see the -- the Volkswagen. So sorry, yeah, the Volkswagen
23 pulled off the highway and it kind of went around behind the Husky. I lost sight of it.
24 They were almost doing a loop around, and then they came back into the parking lot
25 of the Husky and parked beside my UC vehicle. I saw Marco get out of the
26 Volkswagen, and yeah, he was looking kind of angry that day. He was walking, he
27 was eyeballing my vehicle. He was kind of looking around a lot and he was looking at
28 other vehicles. He finally gets into my UC vehicle.
29

30 So we bro-shook, kind of greeted each other. Marco's kind of in a rush and seemed
31 very paranoid. He asked me right away if I had the money. Didn't want this to take
32 long. I asked him if he had what I asked for. He said he did, but he wanted to see the
33 money. I pulled out a white plastic grocery bag from my hoodie pocket. That was
34 containing the \$5,000 in police buy money. He took the money in both hands. He
35 asked if it was 5,000. I told him yes, it was, and I asked where my stuff was.
36

37 Yeah, Marco was -- he was acting super paranoid and he was acting weird. He -- he's
38 telling me at this point that he believes he was being followed in Calgary for the last
39 few weeks. So Marco had the money in his hand. At that time, he tried to get out of
40 the vehicle. I kind of just grabbed his arm and kind of put my arm around to stop him
41 and said, like, You can't get out with my money until I have my stuff. He apologized

1 right away. He said he wouldn't do that, he gave me the money back to me, he just
2 said he had to get out and grab what I needed.
3

4 So he got out of the UC vehicle, walked in behind my vehicle, and I saw him kind of
5 walk up to the Volkswagen and kind of motion to the driver, and he -- and he tapped
6 on the trunk. I'm assuming the driver popped the trunk. The trunk popped open and I
7 saw Marco kind of lean into the trunk. And I couldn't see what he was doing there,
8 but he came out with something that was wrapped in a white cloth, and he walked
9 back behind the UC vehicle and got back into the passenger side.
10

11 He immediately handed me the -- the package that was wrapped in -- in a white cloth.
12 It ended up being, like, a wifebeater shirt. I placed it in my lap and I handed the
13 money back to Marco. And Marco started going through a bunch of conversation that
14 he had -- had a bad feeling about me. He went on a big rant, kind of asked me if I
15 could, like, read between the lines.
16

17 He kept saying, I'm going to tell you something. He started telling me about his
18 lifestyle. He grew up in a gangster lifestyle, he doesn't really -- he doesn't do this to
19 make money. He said he does -- he has a job. He's a mechanic by trade. He's not a
20 big player in this game.
21

22 Q Okay, sir. I'm -- the reason I'm going to stop you --

23 A Sure.
24

25 Q -- is I know you had a conversation with Marco, and -- and Marco's not before the
26 Court, so --

27 A Okay.
28

29 Q -- I -- I'm just going to stop you there. My friend can ask you any questions he might
30 want about the conversation, but I'm -- I'm just going to ask you -- you -- ultimately,
31 you're dealing with him. He -- he appears, as you described him, to be a little bit
32 paranoid.
33

34 A Yeah.
35

36 Q Ultimately, you get a quantity of -- of drugs, he takes the money from you?
37 A Yeah.
38

39 Q Yeah? And did anything else, then, happen in -- specifically in relation to the drug
40 transaction itself?
41

A Not that I recall. I mean, he got out after that and he got back into the -- the
Volkswagen and -- and we departed ways. So at that point, I -- I just opened up the --

1 the package, the T-shirt, to check out and make sure I got the drugs. There was a
2 Wendy's bag taped closed inside the -- inside the T-shirt. Inside of that was four
3 individually wrapped plastic bags that were knotted at the top, containing, again,
4 four -- what I believed to be four ounces of crack cocaine.
5

6 So I -- I took the -- the -- what I believed to be four ounces of crack cocaine, put it in
7 the centre console beside me. I drove back to the safehouse. And from my notes, at
8 7:08, I turned the -- the exhibit over to Constable Sean McGuigan.
9

10 Q And I don't recall, I may have asked you this, but page 13 --

11 A Yeah?

12
13 Q -- I'm sorry, page 14 --

14 A M-hm.

15
16 Q -- are the text messages back and forth that occurred on March the 8th between you
17 and the 8617 number?

18 A Yes.

19
20 Q Now, sir, as I understand it, this last purchase occurring on the 8th of March was
21 planned to be the end of the investigation relating to the -- this Sammy and these buys
22 that had occurred in Strathmore at this Husky station? Is that fair?

23 A Yes.

24
25 Q And was there a -- a plan put in place, to the best of your knowledge, ultimately, to --
26 to make arrests and terminate the investigation on that date?

27 A Yeah. From what I understand, there was going to be an arrest made when they
28 returned to Calgary.

29
30 Q And to the best of your knowledge, did that ever occur? Oh, when I say, Did it ever
31 occur, I mean, did it occur on March the 8th of 2017?

32 A To the best of my knowledge, Marco or Sammy were not arrested that day.
33

34 Q All right. And that, then, other than preparing your notes and disclosure and -- and
35 getting ready for court here, terminated your involvement in this investigation?

36 A Yes.

37
38 Q All right. So I just want to take you down to -- or back to one last point. You met with
39 this person you call Sammy on the 14th of December and then again on January 6?

40 A Yes.
41

1 Q And you indicate that, at page -- I believe it's 4 of Exhibit B, that there's a photo of an
2 individual you identify as the person you met that you acquired -- or observed on the
3 Facebook. Is that -- that's fair?

4 A Yeah.

5
6 Q All right. What is there? And you identified earlier in court the -- the accused --

7
8 MR. FAGAN:

I'm -- I'm sorry, has he testified to that yet?

9
10 MR. SIGURDSON:

Yeah, he has. He pointed among and said,

11 That's him.
12
13 A Yeah. He's the gentleman on the right, white long-sleeved shirt --

14
15 MR. FAGAN:

Okay, we're --

16
17 A -- crossed arms.

18
19 MR. FAGAN:

Yeah.

20
21 Q MR. SIGURDSON:

Yeah.

22 A Yeah.

23
24 Q Can you tell me what it is that makes you say that, what -- why it is you -- you would
25 believe the person before the Court is the person you dealt with back in December of
26 2016 and January of 2017?

27 A So -- so the first time that I met Sammy, he -- he was not wearing a hat. He had a
28 similar haircut to what's in the photo, but his hair was a little more poufy on top and
29 his beard was a little shorter. But it's more the -- it's -- so I'm -- I'm sitting at an
30 angle to him, so I'm seeing the -- the outline of his face. His nose is -- is very skinny
31 and pointy, and then when he would look back at me and his -- he had thick eyebrows
32 and his eyes kind of sat like a -- kind of like a -- almost like an innocent or sad look to
33 him. Like, I always felt more comfortable with him based on his look and his
34 demeanour than -- than Marco, who kind of had, like, a mean appearance.

35
36 So I just kind of put all of that together. And again, on January 6, when he -- yeah,
37 January 6, when he showed up, he was wearing a toque that time. His beard was more
38 filled-in, like the photo. But again, I saw this photo after December 14th and
39 immediately recognized him as the same male in the vehicle.

40
41 Q As what?

1 A As the same male in the vehicle on December 14th, driving, providing me with the
2 crack cocaine.

3
4 Q All right. Okay, anything else about your -- your identification in court today?

5 A Well, I know the gentleman today, he's obviously aged a little bit, and he's a little
6 heavier than -- from what I remember, and he's shaved his beard. But I still recognize
7 the same nose and the look in his eyes and then the dark eyebrows.
8

9 MR. SIGURDSON: Thank you, sir. If you could answer any
10 questions that my -- do you want -- do you want to take a brief break? Because there's
11 something needing a (INDISCERNIBLE), so there's a lot.
12

13 MR. FAGAN: I'm ready to go.
14

15 MR. SIGURDSON: Okay.
16

17 THE COURT: All right. Away you go.
18

19 **Mr. Fagan Cross-examines the Witness**
20

21 Q MR. FAGAN: You've got your notes up there that you made,
22 crib notes and your lengthy notes, relative to your dealings with this Sammy on
23 December the 14th, 2016 and January the 6th, 2017?

24 A Yes.
25

26 Q Tell the Court, where in your notes do you make a single entry relative to the facial
27 characteristics of Sammy?

28 A In my notes? I don't --
29

30 Q In your notes, where do you make a single entry with respect to the physical
31 characteristics of Sammy? Let's say nose, eyebrows, something like that. Anything at
32 all?

33 A Not in my notes, no.
34

35 Q Not in your notes? Well, does it appear in any other report that you may have?
36 A No, it doesn't.
37

38 Q So the bottom line is, relative to your attendance on this Sammy, December the 14th,
39 2016, you never made a single entry in your notebook with respect to a single facial
40 characteristic of the suspect. Am I right or am I wrong?

41 A I believe I do make note of his beard in my January 6th notes.

1
2 Q Let's talk about December 14, 2016. I'll make it easy for you. Do you make a single
3 entry in your notes, report, crib notes, or anything else about any facial characteristic
4 of the suspect Sammy?

5 A No, I do not.

6
7 Q Absolutely nothing, right?

8 A No, I do not.

9
10 Q And you don't say anything about him having a beard, a full or close or even
11 whiskers, on December 14, 2014 (sic), do you?

12 A Not on December 14th.

13
14 Q No. So you took this undercover course in the spring of 2016, right?

15 A Correct.

16
17 Q And you testified that one of the things that they taught you as a neophyte undercover
18 officer is how to take proper notes as an undercover officer, right?

19 A Right.

20
21 Q And one of the things that they concentrated on and asked you to concentrate on as
22 a -- as a future undercover officer is, well, identifying the suspect in your notes.
23 Correct?

24 A Correct.

25
26 Q And in particular, you were instructed to record in your notes as much detail as you
27 could recall about the appearance of the suspect; correct?

28 A I don't know if that's my actual instruction from the course.

29
30 Q Well, I'm not asking your verbatim instruction, but that's something that you were
31 taught on the course, to record as much as you could recall in your notebook about the
32 appearance of the suspect, right?

33 A I would agree that we are told to make notes of the description of the suspect, yes.

34
35 Q Well, as much as you can recall, right?

36 A I -- I would agree, I guess. I don't know if those are the words that we're told, but yes.

37
38 Q But that's the general idea, right?

39 A It's -- yeah. The general idea is for me to pay attention to the appearance and to
40 remember that. And notes -- notes are a great way of doing that, but I also do recall.
41

1 Q Well, what do you mean, you do the call?

2 A No, sorry, I say, I do recall. I do remember further --

3
4 Q Oh, we'll get to --

5 A -- detail.

6
7 Q -- what you remember in a moment. We're talking about your notebook right now.

8 A Absolutely.

9
10 Q And the instruction that you received. What you were told is, look, when you meet
11 with a suspect on one or two occasions, you may not be called upon to try to identify
12 that suspect for maybe another two or two-and-a-half years. Right? You were taught
13 that in the course, right?

14 A Yeah. We're -- but you're saying words to me that I can't answer to say that's exactly
15 what they're telling me.

16
17 Q Let me make it easy for you, Constable. Were you not told on the course that
18 recording the appearance of the suspect in your notebook is real important?

19 A We're told to record the appearance of the suspect, yes.

20
21 Q Sure. And correct me if I'm wrong, but it's, colloquially speaking, a no-brainer. The
22 reason you're doing that is because you may not be called upon to try and identify the
23 suspect for another year or two or three, right?

24 A Okay.

25
26 Q Are you agreeing with me?

27 A I can agree with that statement, yes.

28
29 Q Sure you can. Because during that -- on this case, two-and-a-half years have passed,
30 right?

31 A Yes.

32
33 Q And you've dealt with a multitude of other suspects during the course of that two-and-
34 a-half years, right?

35 A Yes.

36
37 Q How many other undercover purchases have you made since December 14, 2016?

38 A I would say approximately 50.

39
40 Q Fifty? Sure. And same thing, it's important that you record the appearance as best you
41 can, what you recall of those people, right?

1 A Correct.

2

3 Q Because you may be required to try and identify them in court a year, two years, three
4 years down the line, right?

5 A Right.

6

7 Q So in the unique circumstances of this case, you never made a single entry in your
8 notebook relative to December 14, 2016, about the facial characteristics of Sammy?

9 A I did not make a note of the facial characteristics, no.

10

11 Q Right. And in terms of your meeting with Sammy on January 6, 2017, other than
12 reference to a beard, you don't make a single entry in your notebook with respect to a
13 singular facial characteristic of the accused?

14 A Correct.

15

16 Q Of Sammy?

17 A Of Sammy.

18

19 Q So -- and when I say facial characteristics, just so we're abundantly clear, you didn't
20 make a single entry in your notebook on the 14th of December or January the 6th
21 about the suspect's eyes, nose, chin, cheekbones, ears, teeth, lips, neck, hands,
22 nothing, right?

23 A Correct, I didn't make any notes of that.

24

25 Q And you didn't make a single entry in your notebook with respect to any -- well,
26 sometimes, when you're dealing with a suspect, they'll have a -- something weird or
27 peculiar to them. Right?

28 A Yes.

29

30 Q Like, you know, markedly protruding ears or a twisted nose or buck teeth, that -- that
31 kind of thing, right?

32 A Sure.

33

34 Q Right?

35 A Yeah, that's possible.

36

37 Q Right. Did you make a single entry in your notebook with respect to anything -- any --
38 anything peculiar to Sammy?

39 A I did not make any notes about him.

40

41 Q So no tattoos or scars or marks, deformities, that -- that type of thing? Nothing?

1 A There was nothing that stood out as far as those, no.
2

3 Q Okay. Moving away from physical details for a moment, what about just basics? Did
4 you record on either December the 14th, 2016 or January the 6th, 2017 the weight of
5 Sammy, approximately? I know there wasn't a scale. And by weight, you understand
6 me to mean approximate kilos or pounds, right?

7 A I describe him as a thin build on December 14th.
8

9 Q Okay. We'll talk about build in a moment, because the fellow you see sitting in the
10 box over there, the accused, he doesn't have a thin build, does he?

11 A No, like I said, he's heavier at this -- this time.
12

13 Q Yeah. You already told us that. Just answer my question. He doesn't have a thin build,
14 does he?

15 A Today, he does not.
16

17 Q No, he does not. So my other question was, did you make a single entry in your notes
18 with respect to the approximate weight of Sammy?

19 A Weight, no.
20

21 Q Weight, no, okay. What about height? Did you -- did you even attempt in your
22 notes -- by notes, and I mean any entry in your -- in your crib notes or in your more
23 detailed notes or anywhere else, about the height of Sammy?

24 A Yeah, the two occasions that I met Sammy, he was just -- he was sitting in the front
25 seat as opposed to --
26

27 Q I didn't ask where he was seated. Did you make a single entry in your notebook with
28 respect to the height of Sammy?

29 A I said at one point that he sat tall in his seat, but he was sitting down, so I couldn't
30 really estimate height.
31

32 Q So would the short answer to my question be, I didn't even attempt to estimate the
33 height of Sammy?

34 A I did not estimate his height.
35

36 Q So we've got -- you don't even have an estimate of the weight of Sammy, right?

37 A I put him as a thin build.
38

39 Q Do you want me to go through it again? Do you have an estimate in your note with
40 respect to the weight of Sammy?

41 A I don't have pounds or kilograms in my notes.

- 1
2 Q No, you don't. So you don't even have an attempt at the approximate weight of
3 Sammy, right?
4 A Not in pounds or kilograms.
5
6 Q No. And you don't have even an attempt in your notes with respect to the approximate
7 height of Sammy?
8 A Again, not in centimeters or inches, no.
9
10 Q And not a single entry in your notebook with respect to the facial characteristics of
11 Sammy?
12 A Correct.
13
14 Q And not a single entry in your notebook with respect to anything that stood out, any
15 peculiarity, any deformity, anything particular to Sammy?
16 A There was no scars, tattoos, or deformities that I noted.
17
18 Q What about this? Did you make a single entry in your notebook with respect to the
19 clothing that was worn by Sammy on December the 14th, 2016?
20 A No, I did not, no.
21
22 Q And you've got no recollection today as to what he was wearing?
23 A No, I do not.
24
25 Q And yet you looked right at him? You were, I think you said, two-and-a-half feet from
26 him, right?
27 A Correct.
28
29 Q So you would have been able to see what he was wearing?
30 A Correct.
31
32 Q You have no recollection in that regard at all?
33 A Correct.
34
35 Q How about colour of the eyes? You were only two-and-a-half feet from him. Did you
36 make a single entry in your notebook with respect to the colour of the eyes of
37 Sammy?
38 A I did not make notes on the colour of his eyes.
39
40 Q So given what the -- do you have the -- the notes in front of you there for December
41 14, 2016?

1 A I do.

2

3 Q Okay. Correct me if I'm wrong, but the transaction was over as between you and
4 Sammy on December 14th, 2016 by 5:24 PM?

5 A Yes.

6

7 Q And at 5:24 PM, you notified your cover man or cover team that the deal was over,
8 the transaction had been completed?

9 A I did.

10

11 Q Okay. Now, at that time, did you communicate or otherwise relay to your cover team
12 a description of any kind of Sammy to the cover team?

13 A No, I did not.

14

15 Q And did you know at that time that the cover team was going to try and effect what's
16 sometimes referred to as a uniform controlled stop of the SUV?

17 A I was aware, yeah.

18

19 Q So you were aware that -- that they were going to endeavour to do that?

20 A Yes.

21

22 Q And you were aware that they were going to endeavour to do that, well, immediately
23 after or at the same time as you said, Hey, transaction's over, good deal? And no one
24 asked you what the suspect looked like?

25 A Sorry, I may have misspoke. I said I didn't advise them. I didn't make notes that I did.
26 I can't say for sure that I did not. I just don't recall having a conversation with
27 anyone.

28

29 Q Now, your crib notes, you sent those to yourself December the 15th, 2016, at
30 approximately 11:19 AM, correct?

31 A Correct.

32

33 Q And I don't want to put you at a disadvantage. You have that email before you?

34 A Yes.

35

36 Q Okay. And that email contains your undercover notes for Wednesday, December the
37 14th, 2016, correct?

38 A Yes.

39

40 Q And those -- those crib notes that are contained in this email, they would have been
41 prepared all at one sitting?

1 A These would have, yes.
2

3 Q So at that one sitting where these crib notes were -- were prepared, before you ever
4 get to the notes relative to your dealings with Sammy on December 14, 2016, you're
5 making notes germane to other things that you did that day, December 14, 2016, as
6 early as 11:03 in the morning, right?

7 A Yes.
8

9 Q And in your two pages of notes, the last entry that you have are the entries germane to
10 your dealings with Sammy, right?

11 A Sorry, can you ask that again?
12

13 Q Yeah. I'm not trying to trick you. The last entries in your notebook, the crib notes,
14 they come at the end of your crib notes?

15 A Yes.
16

17 Q Now, in those crib notes, correct me if I'm wrong, but you reference, in the email, a
18 multitude of attachments, right?

19 A Yes.
20

21 Q What are those attachments?

22 A I believe those are text message photos.
23

24 Q Any other photos?

25 A What's that, sorry?
26

27 Q Any other photos?

28 A No, I didn't take any other photos.
29

30 Q Well, as of December 15, 2016, at 11:19 AM, when you email these crib notes to
31 yourself, you'd already been doing some Facebook searches, hadn't you?

32 A Yeah, on December 14th, I believe that's when I did the Facebook search.
33

34 Q Sure. So by the time that you mailed or emailed these crib notes to yourself, you're --
35 you've already done this Facebook searching, right?

36 A Right.
37

38 Q All right. And as of December 15, 2016, at 11:19 AM, you had -- you had already
39 made these Facebook inquiries, if you will, germane to what, someone by the name of
40 Kalo (phonetic)?

41 A So yeah, I -- yeah. That's a separate file, but yeah, I had made some Facebook

1 inquiries about that name.
2

3 Q So same investigation, different file?

4 A No, the investigation kind of started when we were in Gleichen, or there were some
5 different numbers to try and buy off of. That was one of them, one of the names I was
6 provided. I started to do a little background into that person, but I -- I don't think I
7 even tried -- attempted to make contact with that person.
8

9 Q Okay. So, and I think you may have already answered this question. I believe you
10 have. But you were never involved in the arrest of the accused?

11 A I was not.
12

13 Q And were you ever given an opportunity to partake in a photographic lineup of the
14 accused?

15 A No.
16

17 Q Or any other form of identification lineup?

18 A No.
19

20 Q But you did have an opportunity after the purchase from Sammy on December 14,
21 2016 to look at a number of single photographs of the accused, right?

22 A I did a Facebook search after I was made aware of the name of the driver in the
23 vehicle stop, and I located a profile with photos.
24

25 Q No, no. My -- my question's real easy.

26 A Okay.
27

28 Q After December 14, 2016, did you look at single photographs of the accused?

29 A What do you mean by single photographs?
30

31 Q The target sheet. Let's start there.

32 A Okay.
33

34 Q Okay. The target sheet. Tell the Court, what's a target sheet?

35 A A target sheet's this intel or information sheet made up by an investigator and analyst
36 of a target and provides --
37

38 Q The name?

39 A Name, details, age --
40

41 Q Sure.

1 A -- vehicle, yeah.

2
3 Q In this case, the name was the name of the accused, ██████████ right?

4 A Let me review my notes for that. So I did review a T-sheet, or a target sheet, provided
5 to me by Calgary on January 31st, 2017, but that was quite some time after --
6

7 Q Didn't ask you. Listen. Just answer the question. Did you look at a single photograph
8 of the accused after December 14th, 2016?

9 A On January 31st, the target sheet, I did look at that.

10
11 Q And was there a single photograph of the accused on that target sheet?

12 A I honestly don't even recall what photo was on the target sheet.
13

14 Q Just a second. Are you telling the Court that a) you looked at a target sheet of the
15 accused on what day?

16 A January 31st, 2017.
17

18 Q And you're telling the Court that you don't know if it had a photograph of the accused
19 on it or not? Is that what you're saying?

20 A I don't recall what or how many photographs were on it. Like, what photo it was,
21 what it looked like.
22

23 Q Was there a photograph of the accused on the target sheet --

24 A Oh, yes.
25

26 Q -- that you looked at?

27 A Yes, there was.
28

29 Q Sure. And you first looked at it on January the 31st, 2017?

30 A Yes.
31

32 Q Okay. When did you last look at it?

33 A I saw it on January 31st and I didn't see it again after that.
34

35 Q You haven't seen it again?

36 A No.
37

38 Q Now, do you have any photographs up there with you today of the accused?

39 A Yes, I have a Facebook photo.
40

41 MR. FAGAN:

May I approach the --

1
2 THE COURT:

You may.

3
4 MR. FAGAN:

-- witness? Thank you.

5
6 Q MR. FAGAN:

Okay, and that's the one that's -- you put in

7 the -- we put in B for identification in these proceedings, right?

8 A I believe so.

9
10 Q In with the text messages?

11 A I believe it is in there, yes.

12
13 Q Page 4.

14 A Okay. Yeah, that's the same one.

15
16 Q Okay, so let's talk about this. Let's talk about the face. So just a second, just come
17 back to the target sheet just for a second. Are you telling the Court that you haven't
18 looked at that target sheet since January 31st, 2017?

19 A Yes.

20
21 Q But you looked at other photographs of the accused since then, right?

22 A This one. This is the only one.

23
24 Q This one? Okay. And you would have looked at that photograph before entering the
25 courtroom and testifying here today, right?

26 A Yes.

27
28 Q You probably looked at it yesterday as well, preparing to testify in these proceedings,
29 right?

30 A Yes.

31
32 Q And you looked at that photograph knowing full well that you'd be asked up there on
33 the stand here today to look at the fellow sitting in the dock over there, the accused,
34 and try to identify him, right?

35 A I knew I'd be asked that question.

36
37 MR. FAGAN:

I know I'm under no pressure here from the
38 Court or my friend, Your Honour, but I know the officer's from out of town and I feel
39 confident that I can finish today.

40
41 THE COURT:

All right.

- 1
2 MR. FAGAN: If I can --
3
4 THE COURT: With that in mind, then, do you want to work
5 through an afternoon break, or do you want to take ten minutes now?
6
7 MR. FAGAN: In fairness to the officer, he's been up here for a
8 while.
9
10 THE COURT: Yeah.
11
12 MR. FAGAN: If the officer needs a break, I have no difficulty.
13 Otherwise --
14
15 THE COURT: All right.
16
17 MR. FAGAN: -- I'm prepared to continue on.
18
19 THE COURT: Well, I'm not going to ask the officer and put
20 him on the spot. I'm just going to say, let's take a ten-minute break right now and we'll
21 try to keep it to ten minutes. Officer, because you're now subject to cross-examination, I
22 have to instruct you not to discuss your evidence during the break. You can talk about the
23 Women's World Cup or the weather, but just not your evidence, okay?
24
25 A Okay. Thank you, Sir.
26
27 THE COURT: Thank you.
28
29 (ADJOURNMENT)
30
31 (WITNESS RE-TAKES THE STAND)
32
33 THE COURT: Good afternoon. Thank you. Please be seated.
34 Constable, just to confirm, you acknowledge the oath is still binding on you, sir?
35
36 A I do.
37
38 THE COURT: Thank you.
39
40 MR. FAGAN: Thank you, Your Honour. May I proceed?
41

1 THE COURT:

Please do.

2
3 MR. FAGAN:

Thank you.

4
5 Q MR. FAGAN:

Got some water up there now, Constable?

6 A I do, thank you.

7

8 Q Very good. So during the course of your testimony in direct, that is, when my friend
9 was asking the questions, you made reference to this Sammy having an innocent look.

10 A M-hm.

11

12 Q Or a sad look. Anywhere in your notes did you record anything about Sammy having
13 an innocent look or a sad look?

14 A I know I make reference to his demeanour, but not his look, physical look. I don't
15 make notes on that, no.

16

17 Q Okay. Question's real easy. Anywhere in your notes do you make any reference to
18 Sammy having an -- an innocent or sad look?

19 A No.

20

21 Q Now, getting back to this Facebook business, when did you -- when specifically did
22 you make your Facebook queries relative to the accused?

23 A It was the evening of December 14th, 2016.

24

25 Q So tell the Court about that. What -- what did you do? Walk us through it to the best
26 of your recollection.

27 A From what I remember --

28

29 Q Just say it. If we're going to start that with, From what I remember, did you make
30 notes?

31 A I do have notes that state I viewed it on December 14th on Facebook.

32

33 Q Are you talking about an email?

34 A Yes.

35

36 Q A short email?

37 A Yes.

38

39 Q I'm not talking about a short email telling somebody what you did months before or a
40 month before. What I'm asking you is, do you have notes with respect to these queries
41 that you'd made?

1 A No.

2

3 Q Do you keep a set of notes called identification notes?

4 A No.

5

6 Q Do you ever keep a set of notes called identification notes?

7 A They might be called something else. I've never heard that.

8

9 Q All right. So evening of December the 14, 2016, you do these Facebook queries?

10 A December -- yes.

11

12 Q Okay. Now listen, in fairness to you, as an undercover officer, this isn't something
13 that you'd ordinarily do, right?

14 A A Facebook query?

15

16 Q Yes.

17 A Yeah, it's actually pretty common.

18

19 Q So before you're given an opportunity to take place in a photographic lineup or
20 anything like that, you'll -- you'll go searching around for a single photograph of a --
21 of a suspect? Is that what you're telling the Court?

22 A Once we have a name. A lot of the times, we have the information of the person prior,
23 so we'll make queries beforehand.

24

25 Q No, no, let's -- listen. I'm asking what you had here. That's what I meant by "in
26 fairness to you." When you did these Facebook queries, you thought that there had
27 already been a traffic stop, right?

28 A I was aware of the traffic. That's how I became aware of the name.

29

30 Q Okay. And you were led to believe that the person that you had purchased from on
31 December the 14th, 2016 had been identified by way of a driver's license, right?

32 A I didn't know how he was identified. I knew there was a traffic stop, and I was
33 provided with the name of [REDACTED] and that's the name I put into Facebook.

34

35 Q All right. So you were led to believe before you did the Facebook search that there
36 had been a -- a positive ID of the person from whom you had purchased? I'm not
37 trying to trick you.

38 A No, I --

39

40 Q Was that your belief or not?

41 A Yeah, I was aware that a police officer identified the driver. However he did that, I

1 wasn't aware, but I was provided a name after that vehicle stop. From that, I guess,
2 whoever the police officer told and told me then.
3

4 Q Okay. So you were provided with a name? You were provided with the name of the
5 accused, [REDACTED] right?

6 A Yes.
7

8 Q And who provided you with that name?

9 A I don't recall who gave the name.
10

11 Q Did you make a note?

12 A No.
13

14 Q Somebody did, right?

15 A I -- I'm not sure.
16

17 Q But the -- when I say somebody, somebody gave you the name of the accused, right?
18 A Okay, yes.
19

20 Q And somebody gave you the name of the accused on December the 14th, 2016?
21 A Yes.
22

23 Q And you have absolutely no recollection as to who that person was?
24 A Correct.
25

26 Q Okay. And how was that name communicated to you?

27 A I don't recall that either.
28

29 Q No recollection whatsoever? And at what time was that information communicated to
30 you?

31 A I couldn't give you the -- a time.
32

33 Q Okay. And where were you when you received that information?

34 A In Strathmore, Alberta.
35

36 Q Were you in the car, were you in a hotel room, were you having a --

37 A I'm not sure.
38

39 Q -- bite to eat?

40 A I don't recall that.
41

- 1 Q Okay. And I take it that you recorded that name, then, as the name of the accused the
2 witness communicated to you?
- 3 A At that time, that's when I put it into the Facebook search.
4
- 5 Q Was there a break in time from the time that the name of the accused was
6 communicated to you and when you did the Facebook search?
- 7 A I don't recall how much time would have been in between. I believe I would have
8 read the name because I had put the proper spelling in. It's not a super-common name.
9 I believe I would have read the name to type it into Facebook, but I -- I don't recall.
10
- 11 Q Well, I'm not trying to trick you. I just thought, if somebody's communicating the
12 name to you --
- 13 A M-hm.
14
- 15 Q -- you would have either recorded it, you know, in handwriting, printed it, or maybe
16 put it into your phone or something. That -- that sound right?
- 17 A I --
18
- 19 Q You would have recorded the name somehow, right?
- 20 A I don't know --
21
- 22 Q And then --
- 23 A -- I don't even know if I would have recorded it. I would have maybe read it off
24 something and typed that right into Facebook, but I just don't recall.
25
- 26 Q Okay. Well, you had the name of the accused, and you -- and you put it into
27 Facebook?
- 28 A Yes.
29
- 30 Q Okay. Now, I just said you put it into Facebook. What did you do?
- 31 A Yeah, there's a search -- a search bar in the Facebook app. I typed in the name, and it
32 gives you sometimes one or -- or many different profiles attached to that name.
33
- 34 Q Okay.
- 35 A I viewed a profile with the pictures of a male who I believed was the male that I met
36 that day to purchase crack cocaine earlier.
37
- 38 Q Okay. So his Facebook profile page came up for the accused, [REDACTED]?
- 39 A Yes.
40
- 41 Q And along with the name on Facebook, [REDACTED] there was a photograph?

1 A There was multiple photographs, yes.

2
3 Q Okay. Multiple photographs of the accused?

4 A Yes.

5
6 Q Okay. You say multiple. Like 20, 30, 50, 100, 500?

7 A I don't recall how many there would have been.

8
9 Q Okay. Quite a few?

10 A More than ten.

11
12 Q More than ten? And out of those ten photographs of the accused -- no, I'm not being
13 critical -- you -- you chose one of them?

14 A Yes.

15
16 Q And is that the one that's made its way into B for identification?

17 A I don't recall if I was the person that put this photo into -- in for disclosure.

18
19 Q Oh, no, I'm not -- I'm not asking you who stapled that together. The photograph that
20 we're all looking at --

21 A M-hm.

22
23 Q -- in B for identification, page 4, is that the one that you chose from -- from
24 Facebook?

25 A I viewed that one on his Facebook profile, yes.

26
27 Q I know you viewed that one, and you viewed a bunch of other ones too, right?

28 A Right.

29
30 Q But is that the one that you took a photo of from Facebook?

31 A That's -- that's the thing. I -- I don't know if it was me that retrieved the photo from
32 the Facebook page or if it was another officer. I viewed this on there. I may have told
33 someone about the page and they took it off for -- for disclosure. I can't recall if that
34 was me or -- or another officer.

35
36 Q Okay. February 6, 2017, at approximately --

37 A Sorry, February 6?

38
39 Q Yes, February 6, 2017. At approximately 1:05 PM, you sent an email to Dave Fehr,
40 correct? Let me know when you have that email before you.

41 A Yeah, sorry.

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Q That's okay. Let me know. I'll just let you find it. So it's -- at the top of the page, it's actually an exchange germane to that email. At the top of the page, it says, From Mitch Young to Dave Fehr, February 6, 2017, 1:46 PM. So let me know when you find that.

A Okay. I think I have it. I have it now.

Q Okay. So what you're looking at is an email -- two emails. It's a -- a one-page document containing two email transmissions, right?

A I believe there's three.

Q Okay. And which one's first?

MR. FAGAN:

approach the witness?

Just to make sure we're on all fours, may I

THE COURT:

You may.

A I think I have it here.

Q MR. FAGAN:

same one.

Okay. Just to make sure we're all looking at the

A M-hm.

Q This is marked. This one says, Good luck, on the bottom.

A Yeah.

Q Okay. All right. So, well, tell the Court, what are -- what are we looking at?

A This appears to be an email thread between myself and Dave Fehr.

Q Okay. And Dave Fehr, he was one of the investigators who was involved in the investigation giving rise to this prosecution?

A I -- I'm not sure who Dave Fehr is, actually.

Q Well, what -- what were you doing sending emails to him, then?

A I believe it was -- looks like he was in communication with Chris Bannerholt. He's my sergeant on point. And I believe I was made aware that he's -- was a Calgary investigator.

MR. FAGAN:

Okay. Well, it's -- let's take a look at -- I have an extra copy here. It's going to get a little confusing if we don't all have a copy of this

1 email to follow along, Your Honour.
2

3 Q MR. FAGAN: This is a -- an email exchange that you were
4 involved in and -- and that you -- you authored, at least in part?
5 A Yes.

6
7 MR. FAGAN: Okay. Have you got a copy of that?
8

9 MR. SIGURDSON: I do, thank you.
10

11 MR. FAGAN: Okay. Your Honour?
12

13 THE COURT: Sure.
14

15 MR. SIGURDSON: Do you still have it?
16

17 MR. FAGAN: I've still got it.
18

19 MR. SIGURDSON: I'll give you this.
20

21 MR. FAGAN: That's good. Annemarie (phonetic), would you
22 like the --
23

24 UNIDENTIFIED SPEAKER: I'm all right.
25

26 MR. FAGAN: Okay.
27

28 UNIDENTIFIED SPEAKER: Thank you.
29

30 Q MR. FAGAN: All right. So the first email transmission, correct
31 me if I'm wrong, is sent from you to Dave Fehr, February 6, 2017 at 1:15 PM. Am I
32 correct?

33 A No, I believe it's the bottom one that's sent on Monday, February 6 at 1:05 PM. The
34 longest.
35

36 Q I'm sorry, did -- did I not say 1:05 PM?
37

38 A You said 1:15.
39

39 Q Oh, I'm sorry. Yes, February 6, 2017 at 1:05 PM. That's the first email transmission,
40 correct?
41

41 A Yes.

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Q And that's from you to Dave Fehr, with a CC to your -- your boss at the time, Staff Sergeant Chris Bannerholt, right?

A Yes.

Q And it's under the subject, ID of [REDACTED] right?

A Yes.

Q ID being short for identification, right?

A Yes.

Q And then you say, (as read)

Hey, Dave, I was directed by my cover manager to contact Sam. The male on the other end of the phone called himself Sammy, and the male that showed up on buy 1 verbally identified himself to me as Sammy.

And then the next paragraph, (as read)

After buy number 1, a traffic stop was conducted and Sammy was identified to be [REDACTED]

Do you see that?

A I do.

Q And by [REDACTED] you meant [REDACTED] right?

A Yes.

Q And then that paragraph goes on to say, you go on to say, (as read)

I know [REDACTED] and Sammy to be the same person. I observed Facebook photos under the name [REDACTED] and confirmed that to be Sammy.

Right?

A Yes.

Q That's what you wrote, and, well, that's what you gave, right?

A Yes.

1 Q Okay. And then you go on to say, (as read)

2
3 I also observed a T-sheet photo provided by CFSEU Calgary
4 AGET on January 31, 2017, and confirm that to be the same
5 male I had purchased cocaine off of, ██████████ AKA
6 Sammy.

7
8 See that?

9 A I do.

10
11 Q Now, the T-sheet, that's short for target sheet, right?

12 A Yes.

13
14 Q And correct me if I'm wrong, but you've already told us that. You told us that on
15 January 31st, 2017, you looked at a target sheet containing a photo of the accused,
16 right?

17 A Yes.

18
19 Q All right. And then the next email -- the next email is from Dave Fehr back to you at
20 1:15 PM, same day, right?

21 A Yes.

22
23 Q And there, he says, (as read)

24
25 Thanks, Mitch. That's exactly what I needed. I am assuming this
26 is all in notes as well, i.e. the Facebook check?

27
28 Do you see that?

29 A I do.

30
31 Q So he's asking you a question there where he says, I'm assuming all of this is in notes
32 as well, i.e. the Facebook check, et cetera. You understood that to be a question?

33 A I see that's a question, yes.

34
35 Q And I'm sorry, what is the answer to that question?

36 A I know I replied saying, Yeah, you bet, but he had also said, Thanks, Mitch, so that's
37 the common way I reply to someone saying thanks.

38
39 Q So, Yeah, you bet. So you're -- you're telling him that these Facebook checks are in
40 your notes as well, right?

41 A No, I can't agree that's what I'm telling him.

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Q Well, he was asking you.

A M-hm.

Q Right?

A Yes, he was.

Q If your Facebook checks were in your notes, right?

A He did ask that.

Q Right? And then you -- and you just -- did you just say that you told him they were in your notes?

A I -- I'm reading this and I can agree I wrote this. I don't recall where my mindset was when I did. I can say that I say, Yeah, you bet. If someone says, Thanks a lot, I'll say, Yeah, you bet. So I could have been replying to, Thanks, Mitch.

Q Well, the question's exceedingly clear, isn't it? He's -- he wants to know if these Facebook checks you did are in your notes, right?

A Yes, I see that.

Q And your response -- the question was asked at 1:15 PM, and your response went back to him at what time?

A At 1:46 PM.

Q One-forty-six PM. And your response was, You bet? Yes?

A Correct, that's what I wrote back.

Q You bet?

A Yeah.

Q So -- so where are the notes?

A I didn't make notes of that.

Q Why'd you tell him you did?

A Like I said, I don't think I was agreeing to the fact that they were notes. But again --

Q It sure looks that way, doesn't it?

A It -- it could look that way, yes.

Q No, not could. It does, doesn't it?

A I guess it depends who you ask.

1
2 Q Depends what you're reading. He asked a question, you give an answer, a
3 straightforward answer, right?
4

5 THE COURT: Mr. Fagan, I think you've made your point. You
6 can save it for argument.
7

8 MR. FAGAN: I have, Sir, and I'll move on. Very good, Sir.
9

10 THE COURT: Thank you.
11

12 MR. FAGAN: Thank you.
13

14 Q MR. FAGAN: Let me ask you this. You took a two-week
15 undercover course and you told us that you studied some case law. Is that -- is that
16 right?

17 A Yeah.
18

19 Q Case law germane to undercover investigations?
20 A Yeah.
21

22 Q The undercover role?

23 A I don't really recall case law of the undercover role.
24

25 Q Well, case law germane to undercover work.
26 A Yes.
27

28 Q In cases like this, involving an undercover officer?
29 A Yes.
30

31 Q All right. And do you recall receiving that instruction germane to the viewing of
32 single photographs of suspects?

33 A No, no case law on that that I recall.
34

35 Q No case law? Do you remember receiving any instruction during the course of that
36 two-week course that it's not a good idea to look at a single photograph of a suspect
37 as the undercover officer? Anybody ever tell you that?

38 A We had discussion on that, yeah.
39

40 Q And did you leave that discussion with the understanding is it's -- it's not a good idea
41 to look at a single photograph of a -- of a suspect?

1 A I guess it's all situational, dependent, and I can see where, in some situations, it would
2 be problematic, yeah.
3

4 Q I'm just about through, Constable.

5 A Sure. Thank you.
6

7 MR. FAGAN:

Your Honour.
8

9 Q Let me ask you this. Did you tell anybody, maybe team leader Bannerholt or Mercer
10 or McGuigan, that you were going to do Facebook searches?
11

12 A I don't recall.
13

14 Q And again, I'm not trying to trick you, but in fairness to you, you did these Facebook
15 searches where you looked at these multiple single photographs. At that time, you
16 thought ID of the suspect had already been provided?
17

18 A Sorry, what do you mean by that?
19

20 Q That -- that a controlled traffic stop during the course of which an Alberta operator's
21 license had been provided?
22

23 A Yeah, I wasn't aware of the detail that happened at the traffic stop. I was made aware
24 that the driver provided the police officer with his -- with his name, and that's all I
25 was provided of that. That's all I knew.
26

27 MR. FAGAN:

Hard to believe, Your Honour, but I have no
28 further questions.
29

30 **Discussion**
31

32 THE COURT:

Thank you, sir. Mr. Sigurdson, anything
33 arising?
34

35 MR. SIGURDSON:

If I might just have one moment, Your Honour?
36

37 THE COURT:

Sure. Thank you, Constable.
38

39 A Thank you, Sir.
40

41 MR. SIGURDSON:

No, nothing arising.
42

43 THE COURT:

Okay. Just before we end, I think the witness
44 has sufficiently identified the contents of Exhibit B that we can now mark as a full
45

1 exhibit. Are we agreed?
2

3 MR. FAGAN:

Agreed, Sir.

4
5 THE COURT:

6 And madam clerk, perhaps you can clarify for
7 me. Are we on Exhibit 2 now? Sorry to catch you unawares there. I think -- I'm sorry,
8 Exhibit 2 was already a certificate, so now I think this is Exhibit 3. Okay. So what was --
9 this is the -- the screenshots of the various texts along with maps and the photograph.
10 What was Exhibit B for identification is now Exhibit 3.

11 **EXHIBIT 3 - Screenshots of Various Texts, Maps, and Photograph (Formerly**
12 **EXHIBIT B - FOR IDENTIFICATION)**
13

14 MR. FAGAN:

M-hm.

15
16 THE COURT:

17 For the sake of completing the record, I have a
18 copy of the email thread that's referred to. Do you wish to make that an exhibit?

19 MR. SIGURDSON:

20 Yeah. I think we marked the first email as an
21 exhibit, did we not, between Bannerholt and the officer?

22 THE COURT:

23 I don't remember making a note of it.

24 MR. FAGAN:

25 I think that's one.

26 MR. SIGURDSON:

27 Yeah, that -- yeah. That's why I'm -- I'm going
28 to ask that we also mark this because --

29 MR. FAGAN:

30 I -- I agree, Sir. I've made --

31 THE COURT:

32 Okay.

33 MR. FAGAN:

34 -- extensive reference to it.

35 THE COURT:

36 And -- and I'm hoping we can check that,
37 because then my number on Exhibit 3 may be a mistake.

38 MR. SIGURDSON:

39 Okay, yeah.

40 THE COURT CLERK:

41 Exhibit 1 -- just one moment here. Exhibit 1 is a
two-page email from Chris Bannerholt --

1
2 THE COURT: Okay.
3
4 THE COURT CLERK: -- to Dave Fehr.
5
6 THE COURT: Perfect.
7
8 MR. SIGURDSON: And Exhibit 2 was the drugs, Sir.
9
10 THE COURT CLERK: Exhibit 2 is one-page certificate of --
11
12 MR. SIGURDSON: Analyst?
13
14 THE COURT CLERK: Yes.
15
16 THE COURT: Okay.
17
18 MR. SIGURDSON: Thank you. And then three would be this, and
19 then four, the email between Fehr and Constable -- Constable Young?
20
21 MR. FAGAN: Yes.
22
23 THE COURT: Yeah.
24
25 **EXHIBIT 4 - Email Exchange Between Dave Fehr and Cst. Mitch Young**
26
27 MR. SIGURDSON: And then -- I'm going to show my friend
28 something.
29
30 THE COURT: Sure.
31
32 MR. SIGURDSON: Before we have the officer stand down. I
33 apologize. Sorry. So I'm going to -- given that we've marked already --
34
35 THE COURT: Yeah.
36
37 MR. SIGURDSON: -- a series of emails, there's one more in this
38 series that I'd like to show this witness to verify, and I'm going to ask to mark it.
39
40 THE COURT: If --
41

1 MR. SIGURDSON:

It arises from my friend's cross-examination.

2
3 MR. FAGAN:

No issue.

4
5 THE COURT:

6 for it, or, Go for it, or --

I think if I overheard your friend say, Go ahead

7
8 MR. SIGURDSON:

Yeah.

9
10 THE COURT:

-- something like that, then you may.

11
12 MR. SIGURDSON:

Yeah, I just -- yeah, just so you know here.

13
14 **Mr. Sigurdson Re-examines the Witness**

15
16 Q MR. SIGURDSON:

Constable, I'm just going to show you an additional email. It's from you, I assume, Mitchell Young, to David Fehr. Facebook -- or FB photo, FB being Facebook photo, [REDACTED] It's dated February 6 at 4:45 PM, so it's a little bit after the first series of emails that you saw, which were around 1, 1:30 in the afternoon.

17
18
19
20
21 A M-hm.

22
23 Q And this is an email with an attachment, it says?

24 A Yes.

25
26 Q And I understand a PNG is generally a photo --

27 A Yes.

28
29 Q -- type image? And it says, (as read)

30
31 Viewed by me on December 14th via Facebook. I don't believe
32 this profile is open any longer.

33
34 And then there's a -- a copy of the photograph that was attached to the email
35 message?

36 A Yes.

37
38 Q Thank you.

39
40 MR. SIGURDSON:

If that might be marked as Exhibit 4? Or 5 -- 5.

41

1 THE COURT:
2 Mr. Fagan?

I think -- I think we're at 5 now. Any objection,

3
4 MR. FAGAN:

None, Sir.

5
6 THE COURT:

7 Exhibit 5. And can I take a -- just a quick look
8 at that when you're done, madam clerk? All right. So just before I let Constable Young
9 go back to Medicine Hat, is there anything else that you wish?

10 **EXHIBIT 5 - February 6, 4:45 PM Email**

11
12 MR. SIGURDSON:

No, Sir. Thank you.

13
14 THE COURT:

All right. Mr. Fagan, you're all good?

15
16 MR. FAGAN:

I'm good, Sir.

17
18 THE COURT:

19 All right. Thank you. Constable, thank you for
20 your time and your testimony. You're free to go about your business.

21 A Okay. Thank you, Sir.

22
23 (WITNESS STANDS DOWN)

24
25 (PORTION OF PROCEEDINGS OMITTED BY REQUEST)

26 _____
27
28 PROCEEDINGS ADJOURNED
29 _____
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1 **Certificate of Record**

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I, Anjan Jawandha, certify that this recording is the -- a record of the oral evidence of proceedings in Provincial Court held in courtroom 1405 in Calgary, Alberta on the 25th day of June, 2019, and that I was in charge of the sound-recording machine.

1 **Certificate of Transcript**

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I, Jessi L. Sandham, certify that

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

(b) the Certificate of Record for these proceedings was included orally on the record and is transcribed in this transcript.

Jessi L. Sandham, Transcriber
Order Number: AL-JO-1003-8662
Dated: September 12, 2019