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TO/A: DAVID REEVELY

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INFORMATION TO OBTAIN SEARCH WARRANT
DÉNONCIATION EN VUE D'OBTENIR UN MANDAT DE PERQUISITION

Form 1 Section 487
Formule (Article)

MELCHIORRE / Girault 23 Sept 09 issues

CANADA)
PROVINCE OF ONTARIO)
PROVINCE DE L'ONTARIO)
East)
REGION/RÉGION)

INFORMATION of Det. Dan Melchiorre
Les présentes consistent LA DÉNONCIATION de
of Ottawa Police Service
de _____
Peace Officer
(Occupation) / (Profession)

herein called the informant, taken.
ci-après appelé le dénonciateur, portée devant moi.

The informant says that he/she has reasonable and probable grounds to believe and does believe that there is (are) in a certain building, receptacle or place, namely, the
Le dénonciateur déclare qu'il (qu'elle) a des motifs raisonnables de croire qu'il y a dans un certain bâtiment, contenant ou lieu, savoir:

An office building

(Dwelling-House, Building, Receptacle, or Place)
(habitation, bâtiment, contenant ou lieu)

of/de

Canada Border Services Agency
(Owner or Occupant of Dwelling-House, Building, etc.)
(propriétaire ou occupant de l'habitation, bâtiment, etc.)

at
à/au

2265 St Laurent Blvd, Ottawa, Ont. 3rd floor, evidence locker.
(Address or Location of Dwelling-House, Building, etc.)
(adresse ou emplacement de l'habitation, du bâtiment, etc.)

in the said region,
dans ladite région

(Describe things to be searched for)
(décrire les choses à rechercher)

See Appendix "A" attached

which there is reasonable grounds to believe * will afford evidence with respect to the commission of an offence against the Criminal Code, namely, the offence of
dont on a des motifs raisonnables de croire * qu'elles fourniront une preuve souchant la perpétration d'une infraction au Code criminel, savoir:*

(Describe offence in respect to which search is to be made)
(décrire l'infraction à l'égard de laquelle la perquisition doit être effectuée)

See Appendix "B" attached

(State grounds of belief) and that his/her grounds for so believing are that
(énoncer les motifs) et que ses soupçons sur les motifs suivants:

See Appendix "C" attached

WHEREFORE the informant prays that a search warrant may be granted to search the said
IN CONSEQUENCE, le dénonciateur demande qu'un mandat de perquisition soit accordé pour perquisitionner dans ledit/ladite

for the said thing(s).

Office

(Dwelling-House, Building, etc.)
(habitation, bâtiment, etc.)

en vue de trouver lesdites choses.

Sworn before me at the _____ City

Assermenté devant moi, à/au _____
of Ottawa in the said East Region, this

de/dy 23 September 2009
le/du jour de _____ 20

[Signature]
A Justice of the Peace in and for the Province of Ontario
juge de paix dans et pour la province de l'Ontario

[Signature]
Informant
Dénonciateur

* or " is (are) intended to be used for the purpose of committing an offence against the person may which be arrested without warrant, namely, the offence of

APPENDIX A
THINGS TO BE SEARCHED FOR

- 1- Laptop computer; Toshiba Satellite A200, serial number 18160145K
- 2- Red Lgear USB Memory Stick
- 3- Blue Lgear Memory Stick
- 4- Sandisk Cruzer mini USB Memory Stick
- 5- Memorex USB Memory Stick
- 6- 3 SD Memory cards
- 7- Nokia Cellular Phone model 2310
- 8- Sanyo Cellular Phone Model Katana
- 9- Palm One Tungsten Media Device,

to search the
Contents of all above item for images of child pornography


APPENDIX "B"

This is **APPENDIX "B"** of an Information to Obtain a Search Warrant

Offence(s) in respect of which the search is to be made

That Raymond LAHEY, on or about the 15th September 2009, in the City of Ottawa, in the East Region, unlawfully did possess child pornography, to wit: graphic computer images, contrary to section 163.1(4) of the Criminal Code of Canada

And that Raymond LAHEY on or about the 15th September 2009, in the City of Ottawa, in the East Region unlawfully did import child pornography, to wit: graphic computer images, contrary to sec 163.1(3) of the Criminal Code of Canada.



APPENDIX C

Grounds for belief

Introduction

The following information is provided by the informant, Det. Dan Melchiorre, of the Ottawa Police Service:

I, Det. Dan Melchiorre, am a member of the Ottawa Police Service and I have been a police officer since March 1984. I am presently attached to the Criminal Investigations Branch in the High Tech Crime Unit and have been so since 2004.

Among some of the certificates and training received was the Ontario Police College's General Investigations Techniques Course, and Major Case Management Course, the Canadian Police College's, Advanced Internet Child Exploitation Course, the Cybercrimes Investigation Course, and the "Internet as an Intelligence Tool" course. I have also had training at the Internet Crimes Against Children Conference in San Diego.

Unless otherwise stated, the information contained in this application has been obtained directly from conversations with civilian and police witnesses or from reading statements, transcripts and reports that I have lawful access to.

Based on my collective and investigative experience coupled with the specific knowledge of the case referred to in this warrant application, the writer verily believes the information contained in this application to be true.

Overview of Investigation

1. On September 15, 2009 at approximately 15:43 hrs, Raymond LAHEY a resident of Antigonish, Nova Scotia, arrived at the Ottawa International Airport from a flight originating from London England. LAHEY approached Canada Border Service Agent Venessa Fairey's counter for screening. Agent Fairey inspected LAHEY'S passport and noted that LAHEY had made several trips to Indonesia, Malaysia, Thailand, Spain and Germany dating back to 2005. LAHEY was asked if he was in possession of any electronic media, specifically cellular phones, laptop computer or Blackberry devices. LAHEY replied that he did have 2 cellular phones. When Agent Fairey asked if he had a laptop computer, LAHEY hesitated and replied "yes". Agent Fairey and flagged him for secondary inspection for the following reasons:
 - Male traveling alone
 - Extensive travel to source countries for child pornography
 - Evasive responses to questions pertaining to his possession of electronic media
 - Changes in vocal tone during specific questions
 - Avoidance of eye contact during specific questions.
2. LAHEY arrived at the secondary counter at 15:55 hrs and was met by Canada Border Services Agent Caroline Anne Barnett. Agent Barnett confirmed that the baggages that LAHEY was traveling with did belong to him. Agent Barnett began the search of the laptop contents that LAHEY had in his possession. LAHEY gave Agent Barnett the password to access the laptop contents. Agent Barnett viewed 3 images and described them as follows:
 - a. 1st image of 2 adult males receiving fellatio from a young male. (determination was made by Agent Barnett to continue with search)
 - b. 2nd image of a young male with an erect penis with some hair growth (determination was made to continue with search)
 - c. 3rd image of a young male with no pubic hair development with his erect penis being held by another young male. Agent Barnett determined that this photo was child pornography and arrested LAHEY for smuggling prohibited material into Canada.
3. At Canada Border Services Investigator Coni Grills-Ried attended the Ottawa International airport and waited for the arrival of the Ottawa Police Detective Dion of the Criminal Investigations, Internet Child Exploitation Unit.

4. LAHEY was interviewed by Investigator Grills-Reid and Ottawa Police Detective Dion. After being cautioned, LAHEY admitted that the laptop belonged to him and that he was attracted to males aged 20-21. LAHEY did not indicate where he obtained the images that were in his laptop computer came from.
5. At approximately 20:28 hrs the images were reviewed from LAHEY's laptop computer. Both Detective Dion and Investigator Grills-Reid concluded that the images were borderline for age determination which in their opinion could not be positively said that the young males were under 18 years of age. LAHEY was released unconditionally but the electronic media was seized by Canada Border Services Investigator Grills-Reid for further investigation. Investigator Grills-Reid also seized 4 USB memory sticks, 2 cell phones and 3 SD memory cards belonging to LAHEY.
6. On the 16th September 2009, Canada Border Services Investigator Carl Letourneau, who is a computer forensic examiner, received the laptop computer from Investigator Grills-Reid. He removed the hard drive and retrieved the contents of the hard drive from LAHEY's laptop computer using forensic software tools. Letourneau used the software tools to place the images from LAHEY's laptop in a viewable format on a forensic computer.
7. On the 19th September 2009, Investigator Grills-Reid viewed the images from the computer being used by Investigator Letourneau that contained the contents from LAHEY's hard drive. Grills-Reid found the following images:
8. **Image 1- Small male with dark complexion and his left arm on a bench. He appears to be 8-10 years of age and not wearing clothes, the focus of this picture is on his genitals.**
9. **Image 2- A young boy on a tree log, without clothes, with his right foot on the log exposing his penis he appeared to be 10-12 years of age.**
10. **Image 3- A young blonde male standing on a wooden bridge or deck with his white underwear around his knees. He has a small penis and small testicles, the focus of this image is on the genitals. He appears to be 9-12 years of age.**
11. **Image 4- Two naked males sitting on a couch. Each male has their hand on the other male's penis. They do not appear to have any pubic hair, and appear to be 10-12 years of age.**

12. **Image 5- Two young males in a swimming pool. 1 male is performing fellatio on the other male sitting on the edge of the pool. The male sitting on the pool edge has his arms extended behind him and does not appear to have any pubic hair and appears to be 8-10 years of age.**
13. Investigators Grills-Reid and Letourneau stopped viewing the contents and placed the laptop computer along with 2 cells phones, 1 Palm One media device, 4 USB memory sticks and 3 SD memory cards belonging to LAHEY in the evidence room at 2265 St Laurent Blvd 3rd floor in anticipation of a search warrant to be executed by the Ottawa Police.

CONCLUSION:

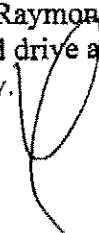
I believe that Raymond LAHEY was entering Canada from the United Kingdom and was in possession of a laptop computer, 1 Palm One media device, 4 USB memory sticks, 3 SD memory cards, and 2 cell phones.

That the images found by the Canada Customs Agents on LAHEY's laptop computer, fall under the Canadian Criminal code definition of child pornography,

That Raymond LAHEY is the owner of the laptop computer. (Toshiba Satellite A200 serial number 18160145K)

From my experience, I am aware that through computer software programs that even deleted files can be recovered and viewed.

For these reason I believe that an offence of possession sec 163.1(4) child pornography and importation of child pornography Sec 163.1 (3), has been committed and request a search warrant be issued to search the contents of the Laptop ; Toshiba Satellite A200 serial number 18160145K), 1 Palm One Media device, 4 USB memory sticks, 3 SD memory cards and 2 cell phones (Nokia and Sanyo Katana) belonging to Raymond LAHEY to retrieve the images and to further search the computer and hard drive and other media devices for additional images and videos of child pornography.



REPORT TO A JUSTICE / RAPPORT À UN JUGE DE PAIX

(Section 489.1 Criminal Code / article 489.1 du Code criminel)

CANADA	)	To the justice who issued a warrant to the undersigned	<i>Au juge de paix qui a décerné un mandat au sousigné en</i>
PROVINCE OF ONTARIO	)	pursuant to section 256, 487 or 487.1 of the Criminal Code,	<i>vertu de l'article 256, 487, ou 487.1 du Code criminel, ou</i>
PROVINCE DE L'ONTARIO	)	or any other justice for the same territorial division or, if no	<i>autre juge de paix pour la même circonscription territoriale et,</i>
EAST	)	warrant was issued, to any justice having jurisdiction in	<i>si aucun mandat n'a été décerné, tout juge de paix ayant</i>
Region/Région	)	respect of the matter.	<i>compétence en la matière.</i>

Det Dan Melchiorre

have:

Je soussigné(e) (name of Peace Officer or other person making report nom de l'agent de la paix ou autre auteur du rapport)

acted under the authority of a warrant issued pursuant to section / l'article 256 section / l'article 487 section / l'article 487.1
ai exécuté un mandat décerné aux termes de (check one / cocher la case appropriée)

of the Criminal Code, by Justice Girault on 23 Septembre 2009
du Code criminel, par (insert name of issuing Justice / nom du juge de paix qui a décerné le mandat) *le* (insert date warrant issued / date où a été décerné le mandat)

at City of OTTAWA, ONTARIO
à/au (insert location from which warrant was issued / inscrire le nom de l'endroit où a été décerné le mandat)

acted under the authority of section 489 of the Criminal Code in the execution of a warrant issued under section (487 or / ou 487.1)
ai exécuté un mandat décerné aux termes de l'article 489 du Code

of the Criminal Code by _____ on _____ 199
criminel, par (insert name of issuing Justice / nom du juge de paix qui a décerné le mandat) *le* (insert date warrant issued / date où a été décerné le mandat)

at _____
à/au (insert location from which warrant was issued / inscrire le nom de l'endroit où a été décerné le mandat)

acted otherwise in the execution of my duties under the Criminal Code or any other act of Parliament.
ai exécuté un mandat autrement dans l'exercice des fonctions prévues en vertu du Code criminel ou d'une autre loi fédérale:

(specify statutory authority / préciser la loi)

and have conducted a search, the specific details of which as follows, *et ai effectué une perquisition comme suit: (préciser les circonstances exactes)*

See attached Appendix A


de la perquisition, y compris les lieux, l'endroit ou les personnes ayant fait l'objet de la perquisition, ainsi que la date et l'heure exactes auxquelles la perquisition s'est effectuée)

Further, in conducting this search, I have seized the following things and have dealt with them in the following way:

De plus, en effectuant la perquisition, j'ai saisi les biens suivants et en ai disposé de la façon suivante:

See attached Appendix B

Dated this 25 day of / jour Sept
Fait le 25 *de* Sept
 2009 at / Ottawa
à/au


 Signature of Peace Officer or other person /
 Signature de l'agent de la paix ou autre personne

DEPT 2009

Appendix A Report to a Justice

I have executed the search warrant at the Offices of Canada Border Services Agency situated at 2265 St Laurent 3rd floor, Ottawa, Ont. The warrant was executed on the 23rd September 2009. The laptop computer, and other electronic media seized was transported to 155 McArthur Ave and turned over to Det Corkery of the Ottawa Police High Tech Crime Unit, computer forensic analyst.

**IN THE ONTARIO COURT OF JUSTICE (PROVINCIAL DIVISION)
IN AND FOR THE PROVINCE OF ONTARIO
AT THE CITY OF OTTAWA**

CANADA) **IN THE MATTER OF** a Search Warrant issued by a Justice of
) the Peace and subsequently executed;
PROVINCE of)
ONTARIO) **AND IN THE MATTER OF** a consequent seizure brought before
) or reported to a Justice pursuant to a Justice pursuant to
EAST REGION) paragraph 489.1(1)(b) of the Criminal Code;
) **AND IN THE MATTER OF** an Application by the **ATTORNEY**
) **GENERAL of ONTARIO** for an Order to detain the thing(s)
) seized, pursuant to paragraph 490(1)(b) of the Criminal Code:

BETWEEN:

THE ATTORNEY GENERAL of ONTARIO (Applicant)

AND:

Accused (s) name; Raymond LAHEY (29 May 1940)
(Respondent)

DETENTION APPLICATION and ORDER: SECTION 490(1)(b) CRIMINAL CODE

PART I: APPLICATION

WHEREAS a Search Warrant was issued under Section 487 of the Criminal Code by

L.Girault, a Justice of the Peace for the Province of Ontario, on the **23 September 2009**, to search premises occupied by;

**Canada Border Services 3dr Floor 2265 St Laurent Blvd
Ottawa, for Toshiba laptop computer serial # 18160145K**

- Red Lgear USB Memory Stick
- Blue Lgear Memory Stick
- Sandisk Cruzer mini USB Memory Stick
- Memorex USB Memory Stick
- 3 SD Memory cards
- Nokia Cellular Phone model 2310
- Sanyo Cellular Phone Model Katana
- Palm One Tungsten Media Device

AND WHEREAS the said Search Warrant alleged the commission of the following offences:

- Possession of child pornography Sec 163.1 (4) CCC
- Importation of Child Pornography Sec 163.1(3) CCC

AND WHEREAS the said Search Warrant was executed at the aforementioned premises in accordance with its terms, on the **23 September 2009**, in consequence of which a seizure was effected and is now brought before or reported to a Justice pursuant to paragraph 489.1(1)(b) of the Criminal Code, and listed in the Inventory, or Report to a Justice in Form 5.2, as the case may be, which is attached hereto and incorporated into this present Application.

ACCORDINGLY an Application for an Order for Detention under paragraph 490(1)(b) of the Criminal Code is hereby brought by Counsel for the Attorney General of Ontario on the grounds that the detention of thing(s) seized is required for the purposes of:

Further investigation with a view to the laying of criminal charges

or

Evidence at a preliminary inquiry, trial or other proceedings, inasmuch as the investigation is concluded and criminal charges have been laid or are about to be laid.

DATED AT OTTAWA, this 25 day of SEPT, 2009

[Signature]
your name here
Peace Officer for
the Attorney General of Ontario

PART I: ORDER for DETENTION

UPON my having read the Application and upon having been satisfied that the detention, hereafter limited or described, of the said thing(s) seized is required for the purpose of investigation or a preliminary inquiry, trial or other proceeding;

IT IS HEREBY ORDERED: [Check off and initial the relevant paragraph(s); a paragraph not checked off does not form part of this Order]

1. SUBJECT to the provisions if any of paragraph 2 below, that the said thing(s) listed as seized in the Application, shall be detained according to law in the custody and under the supervision of the seizing officer or such fellow officer(s) as he or his superiors shall assign.

2. NOTWITHSTANDING the provisions of paragraph 1 above, that the following seized thing(s) listed in Column I be returned to the person or agency listed in Column II.

Column I (Things) Column II (Persons/Agencies)

Charges laid

DATED AT OTTAWA, this 25 day of September 2009

[Signature]
Provincial Court Judge
Justice of the Peace
For the Province of Ontario