

SUPERIOR COURT OF JUSTICE

C O N F I D E N T I A L H E A R I N G
IN CAMERA

HIS MAJESTY THE KING

v.

CAMERON JAY ORTIS

E X C E R P T S O F P R O C E E D I N G S A T T R I A L
E V I D E N C E O F C A M E R O N O R T I S

BEFORE THE HONOURABLE JUSTICE R. MARANGER AND A JURY
on November 3, 2023, at OTTAWA, Ontario

(MORNING SESSION)

**INFORMATION CONTAINED HEREIN IS PROHIBITED FROM
PUBLICATION PURSUANT TO AN ORDER UNDER SECTION 486 OF
THE CRIMINAL CODE OF CANADA BY THE HONOURABLE JUSTICE MARANGER
OF THE SUPERIOR COURT OF JUSTICE, DATED: SEPTEMBER 28, 2023
(PLEASE SEE FULL ORDER DETAILS ATTACHED HEREIN) AND SECTION 517
OF THE CRIMINAL CODE OF CANADA BY JUSTICE OF THE PEACE S.
LEGAULT OF THE ONTARIO COURT OF JUSTICE,
DATED: OCTOBER 17, 2019**

APPEARANCES:

J. MacFarlane / J. Kliewer

Counsel for the Federal Crown

M. Ertel / J. Doody

Counsel for Cameron Ortis

COURT OF ONTARIO
SUPERIOR COURT OF JUSTICE
(EAST REGION)

BETWEEN:

HIS MAJESTY THE KING

Applicant

- and -

CAMERON JAY ORTIS

Accused

**ORDER EXCLUDING THE PUBLIC FROM PARTS OF THE TRIAL PROCEEDINGS
PURSUANT TO SECTION 486 OF THE *CRIMINAL CODE*
AND FOR A STATUTORY PUBLICATION DELAY OF PRE-TRIAL APPLICATIONS**

Whereas the Accused, Cameron Jay Ortis, is charged with offences contrary to the *Criminal Code* and *Security of Information Act*; and

Whereas the Federal Court has ordered certain information in relation to those charges cannot be disclosed due to injury to national security that would be caused by disclosure; and

Whereas the Respondent has brought an application pursuant to section 486 of the *Criminal Code*, that the public be excluded from the courtroom during parts of the trial against Cameron Jay Ortis, and that access to transcripts of those proceedings be made available to the public after review and redaction of any information that is subject to an order made by Justice Norris of the Federal Court of Canada pursuant to s.38.06(3) of the *Canada Evidence Act*, and any information that may be subject to an objection to disclosure pursuant to s.38.01 of the *Canada Evidence*; and

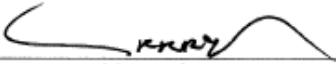
Whereas the publication of pre-trial applications is statutorily prohibited until the jury retires to consider its verdict pursuant to section 648(1) and section 645(5) of the *Criminal Code*; and

After hearing the submissions of the parties and considering the materials filed;

IT IS ORDERED THAT:

1. Pursuant to section 486 of the *Criminal Code*, the public be excluded from the courtroom during the testimony of witnesses Dan Morris, Gregory O’Hayon, Walter Mendonca, and the accused, Cameron Ortis.
2. Transcripts of the witnesses’ testimony shall be made available to the public as soon as possible after having been reviewed and redacted to ensure that Justice Norris’ Order prohibiting disclosure has been complied with, and that no sensitive information or potentially injurious information that has not yet been subject to a determination by the Federal Court is made public. Transcripts can be obtained by contacting PPSC media relations at media@ppsc-sppc.gc.ca or 613-954-7803. Audio of morning sessions shall be made available to the transcriptionist at lunchtime to allow for expedient preparation of transcripts.
3. All information regarding this and any other pre-trial application, and any decisions made, shall not be published until the jury retires to consider its verdict or the case otherwise concludes. When the persons named in paragraph 1 testify, the media are free to report to the public that they have been excluded from the courtroom, after a consortium of the media opposed this measure, and that they are reporting from transcripts as well as to indicate whether the transcripts have been redacted.

DATED at the City of Ottawa, Ontario, this th 28 day of September, 2023.


The Honourable Justice Maranger of the
Superior Court of Justice of Ontario

**COURT OF ONTARIO
SUPERIOR COURT OF JUSTICE
(EAST REGION)**

BETWEEN:

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- and -

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APPLICATIONS**

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FRIDAY, NOVEMBER 3, 2023

... WHEREUPON MATTER COMMENCES (9:59 a.m.)

CAMERON ORTIS: RETAKES THE WITNESS STAND

5

THE COURT: Ready to go?

MR. ERTEL: Yes, sir.

CLERK REGISTRAR: Just a reminder, you're still
under oath.

10

A. Yep. Great. Thank you.

... WHEREUPON JURY ENTERS (10:01 a.m.)

THE COURT: Good morning, members of the jury.

15

MR. ERTEL: Thank you, sir.

EXAMINATION IN-CHIEF (CONTINUED) BY MR. ERTEL:

20

Q. Mr. Ortis, I'm gonna ask you now about some
concepts that may be of assistance when we look at the materials
in Exhibit 1. First thing is, what is a storefront?

A. So, a storefront is a fake business or entity
either online or bricks and mortar established covertly by a
intelligence organization or a law enforcement organization.

25

Q. And when you said that it could be bricks and
mortar or virtual, does virtual mean like on the internet or
something like that?

A. That's correct.

30

Q. And what is the - what is the idea or the
goal, if there is a common goal, in these storefronts that are
created by law enforcement or intelligence agencies?

A. The common goal is to attract criminals or
targets of different kinds of investigations to that storefront,

in order for them to engage in their services.

Q. In the fall of 2014, were you contacted by a counterpart at a foreign agency?

A. Yes, I was.

5 Q. Now, you - you understand there's limits on what you can say about the information you received and who the agency was?

A. Significant limits.

10 Q. Okay. But it was a - was it a - somebody who was sort of a counterpart of yours or on the same level as you in another agency?

A. That's correct.

Q. And what - what - what was it that the individual wanted you to do?

15 A. So, I was briefed on a storefront that was being created or had been created in order to attract targets - criminal targets to this online encrypted service that was being created, in order for them to - the criminals or the targets to use this service in order for intelligence to be collected by
20 the agency that created the storefront.

Q. And the name of that storefront was what?

A. It's an online end-to-end encryption service called Tutanota.

Q. And is that spelled T-U-T-A-N-O-T-A?

25 A. That's correct.

Q. So, if people begin to use that service, how will that assist, ultimately, Canada?

A. So, if targets begin to use that service, the agency that's collecting that information would be able to feed
30 it back - that information into the 5EYES system, and then back into the RCMP.

Q. Okay. And when you say that's - that's -

accessing that information would the storefront, the agency that is supporting the storefront be like, intercepting e-mails, or something like that?

A. That's correct.

5 Q. And would that - the intercepted material then become part of high-side intelligence that the RCMP would be able to rely on?

A. That's correct.

10 Q. And is this - is this - so, when you were provided with the information, you can't say what the information was?

A. That's correct.

Q. But in your conclusion, was the information that you received that there was a threat to Canada?

15 A. That's correct. I could corroborate much of the information by looking at existing OR files and RCMP holdings.

Q. And - and whatever the information was, did it seem compelling to you?

20 A. It was very compelling, and it demonstrated clearly a direct and grave threat.

Q. Now, you're not allowed to say what the grave threat was.

A. That's correct.

25 Q. But is this something - well, were - were you - were you given any sort of limitation on what you should do with the information?

A. That's correct. I was given a strict caveat not to share the information with anyone.

30 Q. Now, is that something that happened often?

A. It didn't happen often, but it happened four or five times during my career, both as the Director of

Operations Research and as the Director General, National Intelligence.

Q. Was your response to this in any way connected with the problem of Canada being seen as a - as a taker and not a giver?

A. It was connected. So, from the beginning of Operations Research, we were mandated to try and change the perception within the 5EYES of the RCMP being a taker more than a giver, and this provided an opportunity to further demonstrate and participate in that effort.

Q. Okay. As a result of the information received, did you identify potential subjects who would be suitable to be recruited for Tutanota?

A. The early list, there was 10 potential subjects.

Q. And when you finally - when you finally did act on that list, how many were on the list?

A. There were only four.

Q. And how was it that you got from 10 down to four?

A. So, the criteria used was whether or not they were in Canada.

Q. Okay. So, that's the first criteria, whether or not they're in Canada. What's the significance of that?

A. Ordinarily, unless there are exceptional circumstances, the RCMP does not engage in intelligence operations targeting individuals outside of Canada.

Q. Okay. And what other criteria did you use?

A. The second criteria was a deconfliction criteria. So....

Q. So, just if we can just stop there for one second. Deconfliction, just to remind us, is what?

A. It's a way to ensure that two different efforts, be they an intelligence operation or criminal investigations don't bump into one another, or necessarily overlap with one another.

5 Q. Okay. So, what did you do then, for the deconfliction, or how did you do the deconfliction?

A. So, I engaged in a deconfliction process that OR uses in the usual course of its business, and I was also given information by a foreign agency to help with that
10 deconfliction.

Q. And does that deconfliction involve determining where there are ongoing investigations?

A. Not necessarily ongoing intelligence operations or investigations, but viable and active ongoing
15 investigations and operations.

Q. Okay. And so, the four subjects that were identified were - were whom?

A. Vincent Ramos, who's the CEO - was - was then the CEO of Phantom Secure.

20 Q. So, just so I can just stop you there. Phantom Secure is what kind of an operation?

A. It's a Canada-based operation that provides secure encrypted Blackberrys to criminals.

25 Q. And - and was it in your - in - in - as far as the information that you had, was it a big player in that industry or a smaller player?

A. It was a big player in the industry.

Q. So, Ramos, and who else was identified?

A. The second was a man named Salim Henareh.

30 Q. So, I'm just gonna spell that. It's S-A-L-I-M and last name is H-E-N-A-R-E-H?

A. That's correct.

Q. Okay. And what information did you have about Salim Henareh?

A. So, the RCMP and the 5EYES community had a lengthy, years long reporting streams on the activities of Salim Henareh in the GTA area.

Q. And what industry was he involved in that was of concern to the RCMP, if any?

A. He was involved in money laundering, proliferation of technology, human smuggling, and he had connections to Iran.

Q. Was there any active investigation into Mr. Henareh?

A. There had been multiple attempts over multiple years to investigate Mr. Henareh, but none had succeeded, and at the time, there were none viable or ongoing.

Q. Okay. And I guess, maybe I should go back to Mr. Ramos just before we move on, was there ongoing investigation taking place with Mr. Ramos?

A. So, there were open files on Mr. Ramos, but there were no active investigations either by domestic Canadian agencies or international partners.

Q. And did that include Project Saturation, or....

A. Project Saturation, by that period, fall 2014, had already petered out.

Q. And you've already described, I guess, whether or not that Project Saturation yielded any real success?

A. It yielded no success.

Q. Described as an embarrassment by Assistant Commissioner Shean?

A. Yeah, and I think he was being very polite.

Q. So, was that an embarrassment just within

Canada, or was that an internationally embarrassing situation for Canada?

A. It was internationally embarrassing.

Q. Okay. So, Ramos, Henareh, and who else?

A. A man named Muhammed Ashraf.

Q. And what did you - well, first of all, was Muhammed Ashraf being investigated by anyone?

A. No, he was not.

Q. And what did you know about Mr. Ashraf, if anything? What's the, I guess, nature of the business that he was in?

A. So, we had both high-side and low-side intelligence information, low-side being from law enforcement, that Mr. Ashraf was a large-scale money launderer. He had direct connections to terrorist groups, and was involved with two global money laundering organizations, one of them being Altaf Khanani, and the other being Safwan (ph) Polani.

Q. So, Khanani, K-H-A-N-A-N-I?

A. Yes, that's correct.

Q. And Polani?

A. P-O-L-A-N-I.

Q. So, and you said that you'd - you were able to determine that there were no ongoing investigations into Mr. Ashraf?

A. That's correct.

Q. And did he own a - a - a business?

A. Yes, he was the president or the CEO of Finmark Financial, which is a money service - or was a money service business located in the greater Toronto area.

Q. Oh, and I - I don't think I asked, but was Mr. Henareh, was he also associated with a company?

A. Yes, he was. At the time, he was associated

with something called Rosco trading. R-O-S-C-O.

Q. Okay. So, that's three subjects, and who was the fourth?

A. The fourth initially was Farzam Mehdizadeh.

5 Q. Okay. So, Farzam Mehdizadeh is spelled F-A-R-Z-A-M?

A. Yep.

Q. Want to spell the last name?

10 A. It's spelled different ways. The most common way to spell it is M-E-H-I-Z....

Q. Isn't it D-I-Z?

A. Yes, correct.

Q. M-E-H-D-I-Z-A-D-E-H?

A. That's correct.

15 Q. Okay. So, initially, there was the - the - you - there was a target of Farzam Mehdizadeh, and did he continue to be a target?

A. No, he did not. He was removed from consideration...

20 Q. Why?

A. ...late fall of 2019 [sic]. There were....

Q. In the fall of?

A. Twenty - sorry, 2014.

Q. Thanks.

25 A. He was removed because there were continuing efforts that looked potentially successful by both Operations Research, a foreign agency, and a law enforcement agency located in the Greater Toronto Area.

30 Q. And so, having realized that there were other investigations going on with Farzam Mehdizadeh, did you change the - the subject to the fourth...

A. Yes.

Q. ...person?

A. That's correct.

Q. Who was it changed to?

5 A. It was changed to his son, a man named Masih Mehdizadeh.

Q. How do you spell his first name?

A. M-A-S-I-H.

Q. And what - what information generally did you have about his involvement in crime?

10 A. There were two dimensions. The first was proliferation, and the second, money laundering.

Q. And was - were - was his money laundering activity connected with any of the other subjects of the investigation? Or Mr. Khanani?

15 A. Yes.

Q. Yes, to other subjects or yes to Mr. Khanani? or both?

A. Sorry, other subjects and Mr. Khanani.

Q. Okay. And what is proliferation?

20 A. So, proliferation is the spread of prohibited technologies to countries that are under sanction.

Q. And when you say other technologies, what - what kind of - sort of broadly speaking what kind of technologies are we talking about?

25 A. Computer technologies and material technologies. So, things like ceramics and specialized plastics - plastics, and specialized metals.

Q. And those specialized ceramics, plastics and metals, are those - what - what - what are those in use for or what would be the use for those?

30 A. The primary use of those technologies is in weapons development programs.

Q. Did you have any information about whether any of these foreign subjects were aware of any law enforcement activities that had taken place, or anything like that?

A. I did. I had sensitive information from multiple sources that each of the subjects had compromised or penetrated Canadian law enforcement agencies.

Q. But when you say compromised or penetrated what - what does that mean?

A. I think it - they had moles.

Q. So, and what is a mole?

A. So, a mole is a term to describe an individual working with or within an agency or an organization that covertly sends information outside of that organization to another individual who shouldn't have it.

Q. So, somebody who is a police officer or working for the police or has access to police information?

A. That's correct.

Q. Okay. The information that you received, without - once again being careful not to say what the information is that you received, how did you receive that information?

A. So, I had two conversations using a secure phone in my office with my counterpart in September and October of 2014.

Q. So, what - what - is there a name for that phone?

A. Yeah. They're called vIPers.

Q. vIPer phone?

A. It's a vIPer phone.

Q. What is a vIPer phone?

A. So, a vIPer is a model of secure tel - telephone that is used in the 5EYES community to have classified

conversations over the phone.

Q. And does it work just like a regular phone, or....

A. No. It's - it has special logging features. It has - it has to be logged into, so, you have passcodes and login IDs. And when you dial the number, you push a button and a computer takes over inside the phone, and tries to establish a secure connection with the person you're calling or the person who's calling you, and it's a phone that talks to you, and gives you the status of that secure connection and when it's safe to talk.

Q. So, when it's safe to talk, what does that mean? Is it - is it encrypted in some way, or....

A. That's correct. The voice communication is heavily encrypted.

Q. So, you had two conversations and you said they were in September and October?

A. One was in September, and one was in October.

Q. And were you provided information during both of those conversations?

A. I was.

Q. And did - did you take action as a result of those conversations?

A. Not initially. I had a decision making process to engage in. I had some deconfliction to engage in, and I had some thinking to do about what I was being asked to help with.

Q. And ultimately, did you decide to do something with the information and act on it in a way that you'd been asked to act on it?

A. I did.

Q. Now, can a foreign agency direct you to do

something?

A. No, a foreign agency cannot direct me.

Q. In - in your mind, can you wind up with a duty to something as a result of something that a foreign agency asks you?

A. You can.

Q. And so, what would be the difference between being required to act based on an agency making a request of you on the one hand, which you say you're not required to do, but having a duty to act on the other hand?

A. I think when you have a duty to act, you are compelled by other authorities and ethical obligations to do something.

Q. I'm gonna ask you just maybe to explain a - a concept that may have some bearing on - on where we go with this evidence, but is - is there something known as a Gmail model?

A. There is.

Q. So, Gmail is - is like, the Google e-mail service, right?

A. That's correct.

Q. Okay. And what is the Gmail model?

A. So, the Gmail model is a way to describe how to successfully proliferate an idea without seeming to success - try to proliferate that idea.

So, if you think back to when - back in the old days of the internet, when people used primarily Yahoo and Hotmail accounts. Google introduced a superior e-mail service, and it did it essentially by word of mouth. So, it introduced a small population to their new Gmail service, which then grew as they contacted their friends and other - other people in their address book, and they would sort of naturally get introduced to

a better service, and leave Yahoo and things like Hotmail.

Q. And when you got an e-mail that was sent by Gmail, was there an invitation on there for you to join Gmail?

A. I think in the early days, there was a- there was a line at the bottom, and it had something to the effect of,
5 "John e-mail - or Gmail today for free. Click on this link."

Q. And obviously you're not an expert in Gmail, but it - it's a - was it an approach that seemed to work, that people left Yahoo and Hotmail for Gmail?

A. Yeah, absolutely. It was one of the most
10 successful rollouts of software in history.

Q. And was Tutanota trying to follow a similar type of process?

A. It was. There were - there was no advertising
15 on TV. There were no advertising on other websites, and they put a link at the bottom of all the e-mails that were being sent by people who had signed up for the service in the exact same way that Gmail did - or Google did for Gmail in the beginning.

Q. A link that you could click to sign up for
20 Tutanota?

A. Just one click.

Q. And what was Tutanota offering to subscribers?

A. Encrypted communications is very difficult.
Tutanota's goal was to offer secure end-to-end communication
25 that was easy. You didn't have to have any special background in technology. You didn't have to have any knowledge of encryption. And it was free, and it came without advertising.

Q. And did - did it offer like, privacy for its users and that sort of thing?

A. On its website, it went to great lengths to
30 claim that it was located in a jurisdiction that was very friendly to privacy and security. It made claims about how long

accounts would stay open if they were inactive, and it made claims about how long any data was logged. And it also made claims about whether or not the company or the organization responded to law enforcement requests for subscriber data.

5 Q. Okay. So, let's talk about those claims. How long did it claim that a dormant account would stay active?

A. Months. I think it was four months.

Q. And how long did it say that it would keep data?

10 A. I think three days.

Q. And what did it say about law enforcement - sharing with law enforcement?

A. It claimed very clearly that it did not respond to law enforcement requests for data.

15 Q. Okay. And you said that it advertised that it was situated in a country that had strong privacy laws, and that country was which country?

A. Germany.

Q. And is D-E the shortform for Germany?

20 A. So, at the end, it's Tutanota.[dot]de, D-E stands for Deutschland, I guess?

A. I believe so, yeah.

Q. So, D-E.

A. Yep.

25 Q. Okay. In - in some of the e-mails, there's a reference to something called G-P-G. What is GPG? Is that the same as PGP or is that something different?

A. It's essentially the same. It's the open source version of PGP and it is the most difficult technology to use for secure e-mail exchanges.

30 Q. And what is a GPG key?

A. GPG key is an encryption key. There's a

private key and a public key; and in order to exchange secure e-mails, you make your public key available to the person you're sending it to, and you keep your private key private so that you can decrypt the message from the person that's sending you an e-mail that's used their - your public key.

Q. So, would using that GPG key and exchanging information achieve the same result that was being offered by Tutanota?

A. It would achieve the same result, only in the Tutanota case you needed not technical expertise to be able to do the same thing.

Q. Do you have Exhibit 1?

A. Yep.

Q. In front of you still?

A. Yeah.

Q. I'm gonna ask to turn to Tab 30. Oh, no. No, that's the wrong tab, sorry. Sorry, it's Tab 33, Exhibit 12, RCMP undercover operations manual.

A. Yeah.

Q. And just before I o - I - we open or go behind the first blue page there....

A. Sorry, which tab are you in?

Q. Thirty-three. RCMP undercover operations manual. Maybe it's not in there. It's Exhibit 12.

A. Oh, I got it. It's the next tab. I'm there.

Q. Okay. Is what - was what you decided to do covered by the undercover operations manual, in your opinion?

A. No, it was not.

Q. Okay. So, let's turn to the first document there, called operational manual. Okay?

A. Yep.

Q. And this is the definition of an undercover

operation.

An undercover operation is an investigative technique used by a peace officer or agent to seek or acquire criminal evidence or intelligence through misrepresentation, pretext or guise. [As read]

Do you see that?

A. That's the correct definition.

Q. Why in your opinion did that definition not apply to what you decided to do?

A. What I authorized in no way was designed or - to collect criminal evidence or intelligence.

Q. So, what was it that you were trying to accomplish in what you did?

A. Conceptually, the objective was very simple. To introduce targets to a new encryption service that they could use.

Q. Which was Tutanota?

A. Which was Tutanota.

Q. Okay. And was somebody gonna try and get intelligence or criminal evidence from Tutanota?

A. Yeah, absolutely. The foreign agency who set up the storefront.

Q. Okay. So, in your mind, the fact that the foreign agency would be the one that would be attempting in the future to acquire evidence or - or intelligence, meant that the policy did not apply to what you were doing?

A. That's correct.

Q. Certainly the - it seems like some of the other parts of the definition apply. There was - there was an attempt to deceive people, obviously.

A. That's correct. A pretext was used.

Q. Did - did you do what you did because you were trying to get money from criminals?

A. No, I did not.

Q. Did you do what you did because you were affiliated in some way with organized crime and wanted to assist them in some way?

A. I was not.

Q. In doing what you did, did you lose sight of your mission?

A. I did not lose sight of my mission.

Q. But what was your mission?

A. The mission from the beginning of my career 'til the time I was arrested, was to meet the threat to Canada.

Q. Did you become an enemy of Canada?

A. I did not.

Q. Did you become an enemy of the RCMP?

A. I did not.

Q. So, I'm gonna go now through some e-mail exchanges and other documents in Exhibit 1.

A. Okay.

Q. And I'll ask you to start by turning to Tab 6. And just before you get to Tab 6, was there something called Nudge or the Nudge?

A. There was. This in....

Q. What was that?

A. This inte - intelligence operation was called OR Nudge and the name was chosen to comply with the letter-naming in the RCMP, and to sort of reflect the idea that the purpose was to simply nudge these targets onto Tutanota.

Q. And how did it comply with the letter-naming protocol in the RCMP?

A. It started with an 'N'.

Q. And how was 'N' an appropriate letter or why was 'N' and appropriate letter for the project?

A. So, the letter 'N' and the letter 'S' are used for operations or criminal investigations that are - that begin or are run from national headquarters and are either national security or national interest in scope.

Q. So, it complied with the naming convention, and also it described what you were trying to do?

A. That's correct.

Q. Was there documentation prepared?

A. There was.

Q. Have you ever seen that documentation?

A. I have not.

Q. Would that documentation be like, classified material or - or....

A. Some of it would be classified but some of it would be unclassified or Protected B.

Q. So, the - the part of it that was classified, do you have any idea where that would - would have been stored or should have been stored?

A. In my CTSN network share. Every employee in OR and others that have access to CTSN, have their own personal or work folder where they store all their information.

SIHU as the unit that support Operations Research work.

Q. So, Sensitive Information Handling...

A. Sorry.

Q. ...Unit?

A. Yeah. The Sensitive Information Handling Unit...

Q. Yes.

A. ...kept paper files of the work.

5 And I also had documents in the classified environment in my work account on that network share, and there are also lower classification documents, e-mail exchanges and files that are attached to e-mails in my RCMP Groupwise e-mail from 2013 to 2015.

Q. It - and do you have those e-mails?

10 A. They - the corporate e-mail? The RCMP Groupwise?

Q. Yeah.

A. No, I have - I have no access to those e-mails for the - that period.

15 Q. Okay. So, let's look under Tab 6, and if you - it - it starts with e-mails from Ramos' MacBook. You're familiar with these documents? You've seen them?

A. I have seen them, yeah.

20 Q. Just - maybe just before we get into that, you said that you got calls in September and October of 2014?

A. Correct.

25 Q. Did you identify any kind of window in which you would have to conduct what you were gonna do as a result of the information you received? Without saying what the information was.

30 A. Yeah. So, I had information that the subjects of the Nudge and others were beginning to transition away from PGP encrypted Blackberrys. So, in other words, looking for new encryption services to use for their work, and that a critical window of opportunity existed between January 2015 and June 2015, within which the idea of a new encryption service could be introduced.

Q. Okay. So, on page 43, there's an e-mail from See All Things to V-R - to vrmobile. It's from a posteo.[dot]de e-mail address do a Hotmail address. Do you see that?

A. That's correct.

5 Q. And whose - well, first of all, the posteo.[dot]de, is that e-mail address connected to you?

A. It is connected to me. I authorized its creation.

10 Q. And the vrmobile is - is that an e-mail - a Hotmail address for Mr. Ramos?

A. That's one of Mr. Ramos' e-mail addresses.

15 Q. Okay. So, just reading through the e-mail there, it says, "Mr. Ramos, you do not know me. I have information that I am confident you will find very valuable. It pertains to a multi-agency investigation targeting", I guess what should say, "Phantom Secure" which was his company, right?

A. Correct.

20 Q. "The files detail this effort, intel about your associates and individuals using your network internationally. If you're interested, I can provide a sample and list of the documents." And then you go on to say, "But to do so, we will need to set up secure comms." So, that's - does that mean secure communications?

A. That's correct.

25 Q. Okay. And then it says, "I assume you have the ability to use secure e-mail, for example, a separate e-mail account and a GPG? [question mark]", right?

A. That's correct.

30 Q. And this GPG is the thing that you were talking about before, right?

A. That's correct.

Q. Okay. "The e-mail should not be linked to you

in any way, and access from a machine that cannot be associated to you. Please consider using very strong key and lengthy passphrase." Then you go on to say that you'll send some samples, and you say some other things suggesting that this is a business proposition, right?

A. That's correct.

Q. And you attach your public key - GPG key?

A. I believe so.

Q. It says at the bottom, "Attached is my key. Send me an e-mail once you're set up."

A. That's correct.

Q. Okay. So, there's no mention in this document of Tutanota?

A. Not yet, no.

Q. Okay. Why is there no mention in this e-mail of Tutanota?

A. It would come across as forced and suspicious that the first suggestion of how to set up secure encrypted communications would be the place that I ultimately wanted to get to.

Q. And so, at the time that you're sending this e-mail, what are you playing out in your mind, or what's the plan that you're playing out in your mind about what's gonna happen, starting off with asking if they have a GPG key? Where are you gonna go from that and what's the plan on February the 5th, 2015?

A. So, the plan is to go from the most difficult technology to use for secure e-mail communication, to a point where it's the easiest thing to introduce, Tutanota. Because it's the easiest to use.

Q. So, if you turn over the page, the e-mail of February 5th is - is answered on the same day?

A. That's correct.

Q.

Thank you for your inquiry. In order for us to entertain your business proposition, can you please give us some more details in regards to who you are, how you know this company, and what your initiatives and business proposition is? Thanks. [As read]

And that comes from the Hotmail address?

A. That's correct.

Q. So, the answer to that e-mail I guess is over on the next page, which is page 45?

A. That's correct.

Q. Where it says, "Mr. Ramos"?

A. That's correct.

Q. Pardon me?

A. That's correct.

Q.

Thank you for your reply. I'd be happy to answer your questions as best as I can, but first I'll need your public key in order to secure this conversation.

Once we have secure comms, I will need you to answer a couple of quick verification questions in order to ensure that I am in fact communicating with Vincent Ramos. I apologize for the precautions. They are necessary. [As read]

What - what - what is - what's going on there?

What are the verification questions that you're gonna have him answer?

A. The verification questions?

5 Q. Yeah. "Once we have the secure comms, I will need you to answer a couple of quick verification questions in order to ensure that I am in fact communicating with Vincent Ramos"?

10 A. So, when you set up secure encrypted communications using difficult technologies like GPG, GPG or other technologies will not necessarily verify the identity of the sender. The technology only verifies that you have an actually encryption - encrypted channel. So, the common practice in the computer security world is to use some type of verification exchange in order to ensure or build confidence
15 that you are in fact communicating with the person that you want to communicate with.

Q. Okay. You're still talking at this point in time about a PGP - or sorry, a GPG connection, right?

A. That's correct.

20 Q. In fact, you're saying in the first paragraph that you'll need the public key, right?

A. Correct.

25 Q. Okay. So, this is - this is now - that's February the 7th, and it seems like if you look over on page 47 - or so - yeah, 47, it looks like it's now February the 28th and you're sending a message - or See All Things is sending a message saying, "I'm still here"?

A. Correct.

30 Q. The - the discussion is still about the GPG...

A. That's correct.

Q. ...and the ability to go secure. And you've pasted your key below, according to this e-mail?

A. That's correct. That's standard practice when you're using a - trying to set up a GPG exchange.

Q. Right.

A. You take your public key, and you provide it to the person who you hope to establish a secure communication with.

Q. So, then on page 49, there's a February 28th reply. "Your e-mail is interesting, I must say, and you may be a good contact. I will get back to you on this in more - in more secure e-mail." You see that?

A. I do.

Q. And did that in fact happen?

A. Eventually, yes.

Q. So, now, if you turn over to page 51, it's now March. And it says there, "I thought I would check in and touch base." So, it seems obvious that things have not come to fruition in terms of secure communication by this point. Is that....

A. Yeah. That's correct, he didn't bite.

Q. So, in the second paragraph there, it says, "Did Judge arrive on the 8th as planned? Let me guess, he met someone friendly while being secondaried by CBSA at the airport."

A. That's correct.

Q. So, it's been said in evidence that this is revealing the identity of an undercover police officer.

A. No, it is not.

Q. And what would - in your view, what would revealing the identity of an undercover police officer, what would that entail? What would it mean?

A. You would have to provide the individual's name.

Q. And did you have any information about whether this - well, first of all, who was Judge in - as far as you knew?

A. Yeah. So, Kapil Judge is Vincent Ramos' partner, and he is the individual who was responsible for Phantom Secure's technology.

Q. And what information did you have about him meeting someone friendly be - while being secondaried by CBSA at the airport?

A. So, I had seen an Ops report sometime prior that suggested that E Division was planning some type of play if Kapil Judge returned to Canada.

Q. And did you have any information about whether Kapil Judge had information that he wasn't supposed to have from the police?

A. Yes. Kapil Judge had made contact with law enforcement, and he also had what appeared to be insider information from Canadian law enforcement.

Q. Is there a - is there a - a - a - a commission called the Australian Crime Commission?

A. Yes, there is.

Q. And what is - as far as you know, so, Australia is obviously one of our partners in the 5EYES?

A. That's correct.

Q. And what is the Australian Crime Commission, as far as you know?

A. So, the Australian Crime Commission, sometime - now referred to, I believe, as the Australian Criminal Intelligence Commission is a unique intelligence agency in the 5EYES.

Q. And what does it do?

A. It does all types of intel - intelligence

collection and analysis and operations, but it focusses primarily on high-level transnational organized crime.

Q. And does it have any powers that other agencies don't have?

5 A. It does. It's the only agency in the 5EYES that has the power to compel.

Q. And the power to compel means what?

A. It means you are by law in Australia, if re - if asked by the ACIC, compelled to come in and have a
10 conversation.

Q. When you say a conversation, to be - to be I guess, interrogated about your criminal activity or something like that?

A. Yep. It could be interrogations, they - they
15 could be conversations that - surrounding a deal. It could be an exchange of information. All of the above.

Q. And do you know whether or not Mr. Ramos or Mr. Judge were exposed to the Australian Crime Commission before you sent this e-mail in - or authorized or sent this e-mail on
20 March 21st, 2015?

A. I had information that Mr. Ramos was exposed, and that Kapil Judge, his partner, was about to be exposed.

Q. So, the response to that is on page 52. "Hi, a bit intrigued for sure. Give me some time to set up this e-
25 mail or use an alternative form of communication such as Wickr." You see that?

A. I do. Yep.

Q. Okay. What is Wickr?

A. So, Wickr is another type of secure
30 communications technology.

Q. Okay. And your response to that, we're now on March 23rd, 2015, but your response to that starts with, "Glad

you're interested in at least taking a" - this is page 53. "In at least"...

A. Yep.

Q. ..."taking a - a look at the docs. As for setting up your current Hotmail account, that won't be secured and Wickr is also a bad idea. A lot of folks believe it is safe, but it is not."

A. That's correct.

Q. Okay. And then you list some options here?

A. Correct.

Q. And the last option that you list, number four, refers to Tutanota, and this is your first reference to Tutanota in your e-mail exchanges with Mr. Ramos, or whoever's responding on his behalf, right?

A. That's correct, and along with that is the e-mail address that I authorized to be created for this purpose.

Q. Okay. But in number two, you - you have posteo.[dot]de.[dot]openmailbox.[dot]org. So, you're referring to other e-mail addresses, right?

A. Yes, that's correct.

Q. Okay. So, one way of looking at this I guess could be that you're just trying to set up any kind of secure communications with Ramos, and it's not necessarily Tutanota?

A. That's the impression it's supposed to leave, yeah.

Q. So, how do you - how do you, sending an e-mail like this, how are you envisioning making sure that he ends up using Tutanota?

A. One of the ways is to switch to the variablewinds@tutanota account, and send e-mails from that. Tutanota is unique in the sense that it's not a closed loop system. So, you can have end-to-end communicat - secure

communications from one Tutanota address to another Tutanota address. But you can also send e-mails, not secure, but e-mails to any other account or any other e-mail address.

5 Q. Okay. So, then on page 55, there's an e-mail that says, "Will be contacting you on Tutanota.com later this week."

A. Success.

10 Q. Okay. So, he - so, you - so, then over on page 56 it looks like variablewinds@tutanota, that's an e-mail address that you're using, right?

A. That's correct.

Q. It looks like you send from that e-mail, an e-mail to vrmobile@hotmail.com?

A. That's correct.

15 Q. So, he's - you're still communicating with Hotmail?

A. That's correct.

Q. And at the bottom of that e-mail, it says, "to join Tutanota" - do you see that there?

20 A. That's correct.

Q. And is that what you're referring to on the Gmail model, the thing that you would be able to click on if you wanted to open an account?

A. Easy to set up, and free.

25 Q. Okay. So, it's - that's April 20th, and then over on page 57 - sorry, actually on page 56 it's, "I thought I would trial [sic] - try one more time." And then there's a response at page 57, "Hi, okay, I will finally set up this account over the next few days." And do they?

30 A. Yes, he does.

Q. But first, if you take a look at page 58, do you send a bunch of documents to his Hotmail account?

5 A. I authorized those documents to be sent,
that's correct.

Q. So, now, I guess Hotmail is not secure like
Tutanota?

A. Not secure like Tutanota, no.

Q. You're sending documents knowing that the
transmission of those documents is not secure?

A. That's correct.

Q. And - and why are you doing that?

10 A. At that time, it did not appear that Ramos was
serious about opening up the Tutanota account, and this was a
way to entice him in a strong way to use the Tutanota e-mail
address.

Q. And so, the date of that is April the 29th, and
15 so, about nine days have gone by since the last communication?

A. That's correct.

Q. And the stuff that you send here, this
includes obviously special operations information?

A. It does.

20 Q. And the - the purpose of send - some documents
are complete, and some are not complete. The purpose of sending
them is what?

A. To demonstrate the bona fides of the variable
winds user to Vincent Ramos.

25 Q. The bona fides meaning what?

A. The legitimacy.

Q. So, it says on the attached page there, or
page 59, it says, "There are seven embargoed documents
attached", and those embargoed documents are attached, right?

30 A. Yes, that's correct.

Q. And it says three paragraphs up from the
bottom, that "the unembargoed full documents would give all the

information necessary to defeat this effort against Phantom Secure."

A. Correct.

Q. Are - are you - are you trying to help Phantom Secure to avoid police detection?

A. No, I am not.

Q. But - but won't these documents that you've provided help in some way with that?

A. The embargoed documents would not help him by providing any information that Phantom Secure didn't already have.

Q. And what about the unembargoed documents? Did you have an intention of eventually providing the unembargoed documents?

A. No, there was no intention to do that.

Q. What - what were you hoping to accomplish by sending these seven embargoed documents that you sent?

A. To engage him in the offer in the paragraph that you just read.

Q. So, those documents under Tab 6, they all came from Ramos' Macbook, and - and we heard about that at the very beginning of the trial from Guy Belley, that that was discovered in Las Vegas?

A. It was discovered in Las Vegas, yeah.

Q. And then under Tab 7 is Mr. Ramos' Tutanota account. So, I guess it - this demonstrates that he did open a Tutanota account?

A. He did.

Q. And after he opened that Tutanota account, did you ever send him the unembargoed documents?

A. Unembargoed? No.

Q. And - and why not?

A. That wasn't the purpose of OR Nudge. It was to simply get him using Tutanota.

Q. So, the - so, the purpose was not to provide him with all the information that he needed to thwart any investigation that was taking place?

A. No.

Q. And so, once he's on Tutanota, if we turn to - so, I guess page 73, he's using thecity@tutanota.[dot]de?

A. That's correct.

Q. And sending an e-mail to variablewinds@tutanota.[dot]de?

A. That's correct.

Q. And he confirms that he has set up an account and now it's the 4th of May 2015?

A. That's correct.

Q. On the 7th of May 2015, on the next page, page 74, from variable winds, it says,

Glad to read that you're interested. As you might expect, the unembargoed full documents come at a cost of \$20,000 Canadian dollars in cash, firm. If you decide to accept, I will also share additional information that I have about your team's operations that is not in document form, but I was able to acquire it nonetheless. [As read]

A. Correct.

Q. Okay. Are you trying to get \$20,000 from Vincent Ramos?

A. No, I am not.

Q. Are you in some type of financial jeopardy?

A. No, I am not.

Q. Are you trying to start a business selling sensitive information to criminals?

A. No, I am not.

Q. Why do you say that then?

5 A. We're looking to build a pattern of behaviour. So, if you introduce somebody to a new service like Tutanota, you can't just break off after they establish an account and then send you an e-mail. You have to build a pattern of behaviour in order to consolidate their use of that service. It
10 can't go on forever, but it has to continue at some - at some length after the initial signup.

Q. And the hope is that what will happen if it goes on for some period of time?

15 A. It's the G-model - Gmail model hope that he will begin to use and get comfortable with Tutanota, that he will start to send e-mails to business colleagues, employees, or clients from this account, and that others will start to join.

20 Q. Okay. So, there's another e-mail on page 75 that is dated, it looks like May 11th, 2015, answering some questions of thecity@tutanota.[dot]de?

A. That's correct.

25 Q. Where it says, "fair questions" and then there's a - there's a description of what would happen with the full unembargoed documents?

A. Correct.

30 Q. And about halfway down, a paragraph that starts,

What can you expect? If you agree on the price and we can come to terms on how to arrange payment, I will send you half of the embargoed documents unembargoed, plus some additional info that I have which is not in

document form. Once I have full payment, I will send the other half of the full documents within 12 hours. [As read]

5 Is that your intention?

A. No, it is not.

Q. And do you ever follow up on that in any way?

A. No, I do...

Q. Getting the...

10 A. ...not.

Q. ...money or sending the unembargoed documents?

A. No, I did not.

Q. Near the bottom it says, "P.S. Do you have servers in Florida?". What's the point of that?

15 A. Entrenching and reaffirming my bona fides.

Q. Your bona fides in what sense?

A. The variable winds accounts was pretending to be an insider like providing access that these individuals had, and in order to do that, you have to continuously demonstrate your bona fides that you're a legitimate insider that has information to sell to them.

Q. And was that information that you had from being an insider?

A. Not from being an insider, no.

25 MR. MACFARLANE: I'm sorry, I didn't catch that answer.

A. Not - not from being...

MR. ERTEL: He said, "Not from being an insider."

A. ...an insider.

30 MR. ERTEL: Q. Where did you get that information from?

A. I don't recall. But here it's May - looks

like May 11th.

Q. Yes.

A. And we're right up - right up against the -
the timeframe, January 2015 to June 2015 to consolidate, to
5 engage these targets and consolidate them - or introduce them,
and then consolidate them on Tutanota. So, it's only days away.

Q. While this is going on, is there any - and
obviously when you say it's only days away, the - the basis for
the window of opportunity is part of the information that you're
10 not in a position to reveal, is it? Or....

A. Yeah, that's correct.

Q. Okay. So, on May the - the 12th, there's like
a follow-up e-mail which is on page 76.

A. Correct.

Q.

I re-read the e-mail below, and I thought I
should in all fairness expand a little on my
last regarding how the intelligence in the
embargoed documents that I sent you could be
20 of benefit to you and your organization.

I should note here that I usually do not get
into the analysis of my clients' business,
leaving this to their staff who know the
25 business model better than I do, but this may
help a bit. [As read]

And then you quote from a document that you have
sent. Right?

A. That's correct.

Q. A - a little further down there, you - you
say, after the - after the 'A' to 'F' you say, "Note here, point
30

'F' immediately above it appears that the Canada - that Canadian police have gone down to Panama to look at your network equipment."

5 We heard from Guy Belley...

A. Correct.

Q. ...that there was in fact an investigation in - in Panama and that a judge in Panama gave Canadian police the opportunity to - to....

10 A. Break into their servers.

Q. Break into the servers down there.

A. Correct.

Q. Okay. So, when you gave this information in this e-mail, or when you said this in your e-mail, were you giving away a - a police secret that was not known to Ramos or Judge?

A. No, that was known to Ramos and Judge.

Q. Did you have some information that led you to believe that it was known to Ramos and Judge?

20 A. I did.

Q. And where did you obtain that information?

A. One piece of that info came from RCMP holdings.

Q. And what was the reason for putting something in the e-mail about that investigation in Panama?

A. Further entrenching and consolidating the bona fides.

Q. If you turn to looks like the - well, the last page of that tab. Oh, wait a second, here. So, there's the - there's the May 12th e-mail that we - that we just read, and it looks like it's reproduced because of back and forth.

Do you send e-mails after May the 12th to the Tutanota or Hotmail accounts of Mr. Ramos?

A. No.

Q. Do you make any further inquiries about the money or providing unembargoed documents?

A. No.

Q. And - and why not?

A. Nudge was designed to be a low resourced, low risk operation that took place between - in a finite period, and the design was simply to introduce these targets to Tutanota, and I believed at that point that that had been accomplished and only two weeks away from the parameters that I was given.

Q. And did you report this in any way to your - your intelligence partner who had provided you with the information?

A. I did. I sent him an e-mail.

Q. And what e-mail would you have used to send that?

A. I would have used my regular RCMP GroupWise corporate e-mail.

Q. And sent the e-mail to the partner?

A. The partner, correct.

Q. Okay. What's under Tab 8?

A. This appears to be a screenshot of one of the Tails USB devices that was used for this operation.

Q. What - what is a Tails USB device?

A. So, Tails is a specialized operating system that's designed to work from a USB stick, and it's designed to be able to allow a user to use the dark web or Tor, at the push of a button.

Q. What would be the reason for using the Tails USB stick in this case?

5 A. So, there were two reasons. A year or two before this took place, I had meetings with my counterparts in federal policing about the status of the low attribution network and the no attribution network in the RCMP, and I was told at those meetings that both technologies were not working correctly. And I was also briefed upon - at that meeting [REDACTED] [REDACTED] - well, [REDACTED] [REDACTED] that would do the same thing as Tails, and it could be sold to the RCMP for \$10,000 per USB stick.

10 And so, at that meeting, a number of us had decided that that was too expensive, and in house or free USB sticks that were created in the RCMP to do the same job for about \$40 a pop.

15 Q. And these files that are listed here on page 80, these are - are these files that were used in the Nudge?

A. I believe so, yes.

20 Q. And is there some place where you have stored a bunch of RCMP material and high-side intelligence that you planned to use in the future to sell to criminals or anything like that?

A. No.

25 Q. Is there - is there more than what's in these documents hiding someplace?

A. No.

Q. That you're planning to use in some future attempt to thwart RCMP investigation of crime, or something like that?

A. No, there is not.

30 Q. Have you turned against the RCMP or Canada in some way?

A. I have not.

5 Q. Okay. I'm gonna ask you to turn to Tab 15. And what are these documents here that start at page 295 under Tab 15? You can take your time and...

A. I....

Q. ...go through.

A. I believe these are notes and comments on a document that was being prepared by a SIHU analyst at the time on Aria Exchange and Farzam Mehdizadeh, specifically.

10 Q. And that SIHU analyst who was preparing this, were they doing it on their own or with your direction or someone else's direction?

A. My direction.

Q. Okay. And what ended up happening to these documents?

15 A. These documents were prepared in order to engage the X process, but I don't remember what happened to this particular document.

Q. And was contact made?

A. Farzam Mehdizadeh?

20 Q. Yeah.

A. No.

Q. His son?

A. There was one e-mail sent to his son.

25 Q. Okay. And if you - if you turn over to page 298, what do we see there?

A. These look like notes prepared by an analyst at my direction on a need to know basis. Background information and draft ideas for e-mail messages.

30 Q. Okay. And if - if you - if you look at these notes, there's number 1) try info@finmark.[dot]ca. You see that?

A. That's correct.

Q. Who would that have been for?

A. That is Muhammad Ashraf.

Q. Then it says, then - and number 2) says, "then physical mail at Memom [sic] -Mminon [sic] - Memon" I guess,
5 "Finmark Inc., C-O, Muhammad Ashraf", and there's an address in Mississauga there.

A. That's correct.

Q. Okay. So - so, it looks like what's being contemplated there is sending an e-mail and physical mail...

10 A. That's...

Q. ...right?

A. ...correct.

Q. And then number 3) says, "then try Farzam."

A. That's correct.

15 Q. Did that happen? Was Farzam called?

A. No, that did not happen.

Q. And then below that in - below that is a message, "I'm looking for a way to securely communicate with Altaf Khanani directly", do you see that?

20 A. That's correct.

Q. Wa - was Altaf Khanani a person of interest in the Nudge?

A. He was not.

Q. And was this sent?

25 A. It was not.

Q. So, on page 299, there's a reference to Kahani links and a fellow named Mohammad Yousuf. Was there any follow-up on either of those?

30 A. Not by the Nudge, but Mohammad Yousuf would become the subject of an OR file.

Q. A different OR file?

A. A different OR file, that's correct.

Q. So, then we'll go to - it's almost time for a coffee here, I think. We'll go to page 300. I'll just finish off this tab and then we'll take a break. Good - if that's all right with Your Honour.

5 THE COURT: That's fine.

MR. ERTEL: Q. So, page 300. "Attention Muhammad Ashraf, date goes here", you see that?

A. Yes, that's correct. Looks like a draft.

10 Q. So, it looks like a draft e-mail, and it - it says in the middle of it, "I would like to get in touch with either Khanani or Polani." You see that?

A. That's correct.

15 Q. And it gives two e-mail addresses at the bottom, blindbat@mailbox.[dot]org or variablewinds@tutanota.[dot]de?

A. That's correct.

Q. Was a version of this sent?

A. It was.

20 Q. And did it have the attachments - the excerpt attachments number 1, 2, 3, 4, 5, and 6, which are attached here and blacked out?

A. It looks like they were.

Q. And....

25 A. I believe these are sanitized - it's difficult to tell because they're redacted, but yes, it was sent.

Q. Okay. And you - and you're saying that it - that you think these were sanitized in the sense of the X process, or....

30 A. That's correct. That was what was supposed to happen.

Q. And who does that - who did that - who - I guess who - without saying who, ultimately decides whether the

documents are sanitized or not, does SIHU have a role in the sanitization process?

A. At that time, SIHU had a key role in the sanitization process.

5 Q. And what would be the reason for giving the mailbox.[dot]org e-mail and the variablewinds@tutanota.[dot]de or also suggesting GPG in the last paragraph of that e-mail?

A. So, not to be too obvious. GPG would be far too difficult to use, and the idea is the middle - the middle
10 option, which is variablewinds@tutanota.

Q. And what ha - what would you do, assuming - or did you have a plan what would happen if there was a response at the blind bat address instead of the variable winds address?

A. There was a plan.

15 Q. And what - what would the plan be?

A. That....

Q. What was the plan?

A. That's something I can't talk about.

MR. ERTEL: If this is a good place to break, it's
20 25 after 11:00, Your Honour.

THE COURT: All right. Twenty minutes.

... WHEREUPON JURY RETIRES (11:22 a.m.)

25 R E C E S S (11:22 a.m.)

U P O N R E S U M I N G : (11:54 a.m.)

... FURTHER PROCEEDINGS RECORDED AND NOT
TRANSCRIBED, TRANSCRIPT AVAILABLE UPON REQUEST

30 R E C E S S (11:55 a.m.)

... TRANSCRIPT OF THE AFTERNOON PORTION COMPLETED
IN A SEPARATE VOLUME

5

10

15

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25

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43.
Certification

FORM 3
CERTIFICATE OF TRANSCRIPT (SUBSECTION 5(2))
Evidence Act

5 I, Linda A. Lebeau, certify that this document is a true and accurate transcript of the recording of R. v. Cameron Jay Ortis in the Superior Court of Justice, held at 161 Elgin Street, Ottawa, Ontario taken from Recording No.

10 0411_CR31_20231103_082619__10_MARANGRO.dcr which has been certified by Fabio Scheibler in Form 1 (not read into the record/only annotated in File Notes section).

15 November 6, 2023

Linda A. Lebeau

Date

Linda A. Lebeau (ACT #8097321162)
Rockland, Ontario (Canada)



Lebeau
Transcription Services Inc.

Authorized Court Transcriptionist (ACT)

Secretary



**Professional Transcriptionists and
Court Reporters Association of Ontario**

25 *A certificate in Form 3 is admissible in evidence and is proof, in the absence of evidence to the contrary, that the transcript of the certified recording of evidence and proceedings in the proceeding that is identified in the certificate.*

The Ministry of the Attorney General has the sole responsibility of ensuring clear, concise audio recordings of court proceedings. Liberty recordings of Zoom/web conferencing/teleconferencing proceedings are a one-channel audio file that produces faulty audio, missing audio, warbly voices, and are a result of the in-court monitor not advising the court of deficiencies. Therefore, a court monitor certifying in Form 1 where there are these occurrences present, is doing so falsely.

An Authorized Court Transcriptionist is in no way responsible, or bears any liability for faulty audio, missing audio or warbly/non-existent audio, and will only acknowledge the transcript has been produced verbatim. The discrepancies/issues are noted within.

30 Form 3 - Electronic Certificate of Unredacted Transcript

In Camera