

SUPERIOR COURT OF JUSTICE

5 C O N F I D E N T I A L H E A R I N G
I N C A M E R A

HIS MAJESTY THE KING

10 v.

CAMERON JAY ORTIS

15 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 J A Y O R T I S
(AFTERNOON SESSION)

BEFORE THE HONOURABLE JUSTICE R. MARANGER AND A JURY
on November 6, 2023, at OTTAWA, Ontario

20 **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
25 (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**

30 APPEARANCES:

J. MacFarlane / J. Kliewer Counsel for the Federal Crown
M. Ertel / J. Doody Counsel for Cameron Jay 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

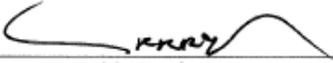
Whereas the publication of pre-trial applications is statutorily prohibited until the jury retires to consider its verdict pursuant to section 648(1) and section 645(5) of the *Criminal Code*; and

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:

HIS MAJESTY THE KING

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- and -

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PUBLICATION DELAY OF PRE-TRIAL
APPLICATIONS**

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U P O N R E S U M I N G

(2:00 p.m.)

CLERK REGISTRAR: Court is now resumed. Please be seated. Good afternoon, Your Honour.

5

CAMERON JAY ORTIS: RETAKES THE WITNESS STAND

COURT SERVICES OFFICER: Order, please. All rise.

10

... WHEREUPON JURY ENTERS (2:01 p.m.)

CLERK REGISTRAR: All members of the jury are now present, please be seated.

15

CROSS-EXAMINATION (CONTINUED) BY MR. MACFARLANE:

Q. So, just continuing where we left off before the lunch, you'd agree with me, sir, that Mr. Ramos was a 5EYES law enforcement target?

A. At various points, correct.

20

Q. And you say the goal of this e-mail exchange with Mr. Ramos was to get him to move to Tutanota. Is that right, sir?

A. That's correct.

25

Q. And that Tutanota was a government-run storefront that was being used to intercept intelligence or evidence of alleged criminals?

A. At the time, that's what I was briefed on.

30

Q. And my understanding, and I stand to be corrected, your - your e-mail - your Tutanota e-mail stayed open into - into 2018?

A. I think it stayed open well past that.

Q. Right. And correct me if I'm wrong, from your

evidence last week, you seemed to suggest that normally your e-mails would be deleted, but yours weren't, so the foreign agency must have been keeping your e-mails alive. Correct?

A. I don't think it's just the e-mails that get
5 deleted. By policy, from the Tutanota website, it's the e-mails, the account, and all the logs associated with that account.

Q. Yours stayed, I'll use the term "alive", so you - you thought it must be the foreign agency who was allowing
10 them to stay on your account?

A. It's a reasonable assumption.

Q. Okay. I'd ask you, sir, to turn to page - sorry, Tab 25, page 430. I know it's kind of hard to see because the - the numbers are covered by the red dots at the
15 bottom. But it's an e-mail that you received on September the 28th, 2018?

A. That is incorrect. That is another part of the RCMP using this account.

Q. I'm sorry?

A. You're on page 430?

Q. Correct.

A. And you're referring to the e-mails referral from a friend?

Q. No, I'm seeing "Dear Tutanota User." Do you
25 see that, sir? I'm at page 430, Tab 25.

A. Yep.

Q. Do you see that, sir? It says:

Dear Tutanota User: Today we have to inform you about a security vulnerability in the new Tutanota iOS and new Android beta app. Two weeks ago, our development team has discovered and immediate patched - and
30

5

immediately patched a vulnerability that could have allowed attackers to inject arbitrary code into the web part of the app using crafted filenames if a user downloaded this file. [As read]

Do you see that, sir?

A. I do.

10 Q. And the second paragraph, it talks about recommending users change their password. Do you see that, sir?

A. I do.

Q. And at the bottom, that Tutanota says they're reviewing their:

15

...deve - development process to adjust our methods to further maximize the probability of finding security relevant issues prior to release of new app versions. We apologize for any inconvenience caused by this. We are now doing an internal security review of the new Tutanota e-mail client and iOS and Android apps. We also plan to commence an external security review soon - soon. If you want to contribute to Tutanota's security, we appreciate your donation for an external security review. [As read]

20

25

Do you see that, sir?

A. I do.

30 Q. And you still want us to believe that Tutanota was run by a foreign agency?

A. That's correct.

Q. And they would allow there to be security

vulnerabilities and ask for donations from users?

A. It seems like ordinary course of business for online e-mail services.

Q. Okay.

A. They all do...

Q. Run...

A. ...this.

Q. ...run by foreign agencies?

A. If they wanna keep up the pretext...

Q. Mm-hmm?

A. ...this would be something that they would do.

Absolutely.

Q. Turning back to page 59, sir. Sorry, at Tab 6. And you agreed before the lunch break, sir, that the documents you sent to Mr. Ramos that were attached to this e-mail were special operational information?

A. They contained special operational information, that's correct.

Q. And the "read me" cover letter at page 59, you said:

I'll get right to it. Attached to this e-mail are embargoed copies of US and Canadian law enforcement intelligence targeting Phantom Secure. They are embargoed in that I've removed the body of these documents, leaving enough remaining to allow you to assess whether or not you would be interested in acquiring the unembargoed documents. [As read]

You see - you see that, sir?

A. That's correct.

Q. "Phantom secure is of considerable interest to both law enforcement and intelligence agency in the Western world." You wrote that, sir?

A. I did.

Q. And that was true?

A. No.

Q. Okay. "The document [sic] attached are only a selection of the broader effort against your organization." That was true, right?

A. Sorry, where do you see this?

Q. "The documents" - second paragraph, second sentence: "The documents attached here are only a selection of the broader effort against your organization." That was true, right?

A. Correct.

Q. Okay. "The ultimate goal is to get at your clients, some of whom are significant global actors." That was correct, right?

A. Yes.

Q. Okay. "Your service has stymied action against them." That was correct?

A. Yes.

Q. Okay. "Thus, their goal is to disrupt or dismantle Phantom Secure." That was correct as well, right?

A. For some of the agencies, not all of the agencies in the 5EYES.

Q. Including the RCMP?

A. That's correct.

Q. Okay. The goal of the RCMP was to disrupt or dismantle Phantom Secure. Correct?

A. That was a longstanding goal.

Q. Okay. And then, the - the:

Cameron Jay Ortis - Cr-Ex.

5

The attached documents - the first two are FINTRAC case summaries. They're disclosures from - from Canada's FINTRAC agency to law enforcement. They form the base of evidence that may contribute with other information to build their case. [As read]

And that was correct. Right?

A. No, I would say that's not correct.

10

Q.

The next two documents - *Open-Source Intel for Jean Francois Eap, Open Intel for Vincent Ramos* - as their title suggests, as intelligence gathered [indiscernible...distorted audio] available information. There were no open-source intelligence documents on Judge. [As read]

15

That was correct?

20

A. Not sent. But the RCMP has open-source intelligence on Judge.

25

Q. And three, "The fifth document is a criminal intelligence assessment by the RCMP, *Phantom Secure Financial Intelligence Assessment*. Its focus is on Phantom Secure business, structure, and finances." And that was correct, right? That was the focus of that document?

A. That excerpt, yep.

right?

30

A. That's correct.

Q. Okay.

The sixth document is another police

Cameron Jay Ortis - Cr-Ex.

5 intelligence assessment which combines other
Western intelligence and law enforcement
information into one document, focussing on
an in-depth analysis of Phantom Secure's
technical infrastructure. This is a key
document. In addition to the title page,
I've included the table of contents to give
you a sense of its length and breadth.
10 Phantom Secure, page 1, page 2, page 3. [As
read]

You see that, sir?

A. Yep.

15 Q. And that - and that, the sixth document, you
did send an excerpt from that document, but that accurately
describes the sixth document. Correct?

A. It accurately does.

Q. Okay.

20 And the seventh da - the seventh is a
PowerPoint presentation that appears to be a
briefing used to present the problem of
Phantom Secure to local law enforcement in
Vancouver, presumably because they would be
the ones tasked with doing surveillance,
25 breaking into your networks, and introducing
undercover sources and agents. [As read]

Do you see that, sir?

A. I do.

30 Q. And that refers to a - a - a report -
PowerPoint presentation. You had the full PowerPoint
presentation. Correct?

A. Yes, I would have.

Q. And you sent excerpts of it to Mr. Ramos?

A. An excerpt, yep.

Q.

5 In total, there are 82 pages, plus 22 slides.
The unembargoed full documents will give you
information necessary to defeat this effort
against Phantom Secure, and provide a clear
understanding how to begin thinking about how
10 to continue your network's growth safely in
the future. [As read]

And that was correct, right?

15 A. The full documents, if they were sent, would
give them more information than they already had about law
enforcement activities. That's correct.

20 Q. And that's - that's the danger when you're
sending police information to targets like Mr. Ramos. It
confirms to people like Mr. Ramos what the RCMP knows about
their operation. Correct?

A. I don't think this confirmed to Ramos anything
he didn't already know.

25 Q. And - but in theory, sending police
information to alleged criminals is dangerous because it tells
the alleged criminals what the police know about their
operation. Correct?

A. In theory, there is a risk associated with
that. That's correct.

30 Q. And as we've heard other witnesses say before,
that allows the alleged criminals to change their practice to
avoid being caught. Right?

A. That is one possible scenario.

Q. As well, by sending this information to alleged criminals, you're also indicating basically what the RCMP don't know. Correct?

A. If the entire documents were sent, they would be able to infer that, in theory. Correct.

Q. So, that would tell an alleged criminal, 'Keep doing what you're doing. The cops don't know what I'm up to.' Right?

A. Ramos and Judge already had that awareness. But if you sent the entire document, then they would, in theory, have that ability - or at least, increased ability.

Q. You - you're saying, the - the - the excerpts you've sent - page 60, 61, 62, 63, all the way to - to 71, that that's special operational information, right?

A. It is, correct.

Q. That's telling an alleged criminal the details of covert steps the police are taking against the criminal. Right?

A. Correct.

Q. But you're saying you think they already knew all this information?

A. I knew that they already knew much of this information. In the disclosure, for example, other police documents were discovered by E Division when they raided Phantom Secure headquarters. And there was also, my understanding, conversations with - that Ramos was having - and I'm not sure about Judge, but certainly, Ramos was having with other 5EYES law enforcement agencies about what they were doing.

Q. Right. Your goal, you say, of sending all these e-mails to Mr. Ramos was to entice him to move to Tutanota?

A. That's correct. That was the scenario.

Q. And now you're saying the information you were sending him in this e-mail, he already knew about?

A. In - that - that was my assessment at the time.

Q. Right.

A. That's correct.

Q. You're sending him useless information with the goal to entice him to continue to communicate with you?

A. The information in full would be the enticement. This just demonstrates the *bona fides* necessary to get him to that point.

Q. Page 72, sir, is a response from Mr. Ramos. April 29th - you see that, sir?

A. Yep.

Q. Mr. Ramos: "Hi. Hello. I must say, interesting information." Right?

A. Yep.

Q. He doesn't say, 'Already know this stuff. Don't bother me.'

A. I wouldn't expect him to say that.

Q. Going back to page 60, sir, that's the first FINTRAC report that was attached to your e-mail. That's the - the first page of a FINTRAC disclosure summary?

A. Correct.

Q. You agree with me, sir, this - sending Mr. Ramos this document confirms to him that FINTRAC is investigating him?

A. Correct.

Q. It also indicates other companies that FINTRAC are investigating. Correct?

A. Correct.

Q. Okay. And that FINTRAC has flagged certain

suspicious transactions, correct?

A. That's correct.

Q. Okay. Page 61, another disclosure summary. Disclosure of this to Mr. Ramos confirms to him that, again,
5 FINTRAC's investigating him and his company?

A. That's correct.

Q. It tells him what other companies they're investigating?

10 A. I believe those were his companies, that's correct.

Q. So, it tells him all the companies that are on FINTRAC radar?

A. That's correct.

15 Q. Right? And the - the number of suspicious transactions that they've flagged, right?

A. That's correct.

Q. Okay. He wouldn't have known that?

20 A. I believe he did. When a company has issues with their accounts, and the banks notice suspicious transactions, the company is provided information regarding those suspicious transactions by the bank itself. But he would not have known this particular group of data.

Q. Right. Page 62, it's a TIOS - Tactical Internet Operation Support unit, open-source report on Mr. Eap?

25 A. That's correct.

Q. Right. Confirming to Mr. Ramos and Mr. Eap that the RCMP are - are surveilling open-source information on them. Right?

A. That's correct.

30 Q. Page 63, another TIOS report on Vincent Ramos and Phantom Secure, again confirming to Mr. Ramos and mis - Mr. Ramos that the RCMP are looking into his online presence.

Correct?

A. Correct.

Q. Okay. Page 64 is a NICC, *National Intelligence Coordination Centre Financial Intelligence Assessment Report*. Correct?

A. Correct.

Q. And in key findings:

The finding of the NICC was that a large portion of the financial activity performed by projects - subjects of Project Saturation is cas - cache-based. Main subjects also appear to be using nominees, including family members, shell companies in Hong Kong to move their funds to Canada. Proceeds from the sale of Phantom Secure devices are transferred from entities in Australia to Hong Kong, then associated individuals in companies in Canada. [As read]

Do you see that, sir?

A. I do.

Q. And so, that was the finding of the NICC, Project Saturation, correct?

A. Correct. And it was inaccurate.

Q. And - and further down, the report structure talks about disclosures from FINTRAC. And under the - the footnote 1, "All intelligence is sourced from FINTRAC disclosures," and it gives three FINTRAC disclosure numbers, and AUSTRAC disclosures. Right? You see that, sir?

A. Correct.

Q. And that's Australian?

A. Correct.

Q. So, this document is telling Mr. Ramos that he's under investigation by both Canadian FINTRAC and the Australian counterpart. Correct?

A. That's correct.

5 Q. Page 65, that's an infrastructure assessment done by the NICC. And you included the - the - the index. And this, at paragraph - page 66, tell - told Mr. Ramos that the RCMP had done a - a - an overview of his infrastructure, right? At - at page 8? I'm on - on page 66.

10 A. Correct.

Q. And that they'd also done investigations into Elite Secure, Esoteric, and Jean Francois Eap. Correct?

A. Correct.

15 Q. The - it told Mr. Ramos that under Appendix B that the - the RCMP had a list of components associated to Phantom Secure?

A. Correct.

Q. And E, that they had a list of components associated to Jean Francois Eap.

20 A. Correct.

Q. Okay. Appendix G, it also told Mr. Ramos that the RCMP had information about, under page 25, Panama Surb (ph). Correct?

A. Correct.

25 Q. Going over to page 68, this was the briefing you mentioned in the e-mail to E division?

A. Correct.

30 Q. And under "Background," on page 69, that it said, "Phantom Secure has been associated to at least 60 criminal investigations from RCMP and Municipal Police Services across Canada." Right, sir?

A. That's correct.

Q. And that was correct?

A. No, it is not correct.

Q. No. This was a NICC report.

A. That's correct.

Q. Right? And it was not correct.

A. That - that at least 60 Canadian criminal...

Q. Right.

A. ...investigations, is not correct.

Q. And you - you spoke to Warren Coons about that
10 incorrect data?

A. We had some visibility through our work in OR
about the number of investigations that were ongoing, that had
been concluded and failed in part because of our briefings to
Todd Shean for his work at the FELEG. Sixty is incorrect.

Q. Right. I'm not talking about your visibility,
15 sir. Your ability to see other reports. You didn't have a
conversation with Warren Coons about this, you say, mistake, on
his report?

A. Oh, I - I have no idea.

Q. Okay. You don't remember that?

A. I don't.

Q. Okay. But you remember it was wrong?

A. Yeah. That's - that's wrong.

Q. Okay. And....

A. You could get that information from the
25 disclosure as well.

Q. Okay. And page 70, talks about what the RCMP
knows about the PGP open technology. What the R - the RCMP
knows about the technology being remotely wiped, correct?

A. That's correct.
30

Q. That it's military grade encryption, offshore network locations. And the RCMP knew that about his company, correct?

A. Correct.

5 Q. And that the use of secure e-mails and all other functionalities are disabled. Right? You confirmed all of that to Mr. Ramos.

A. Correct.

10 Q. And turning now, sir, to page - Tab - sorry. Tab 7. Mr. Ramos now has a Tutanota account, as did you. Correct? This is the page 73, May the 4th?

A. That is correct.

15 Q. And again, he says, "I have set up an account. Interesting information." Right?

A. Correct.

Q. Doesn't say, 'Seen this stuff all before. No interest to me, no value.'

A. I wouldn't expect him to write that.

Q. But he didn't say that?

20 A. He did not write that.

Q. He continues at page 74, another e-mail to you. "May I ask how this information be of benefit to us? What can we expect? And really since we have no relationship, which is important, who are you?" Do you see that, sir?

25 A. I do, yeah.

Q. So, he's interested in this information.

A. He appears to be.

30 Q. Okay. And then you responded, I'm still on - on page 74.

Glad to read you're interested. [You] As you might expect, the unembargoed full documents come at a cost of \$20,000 Canadian in cash,

5 firm. If you decide to accept, I will also share information that I have about [your turn - tur] team, [sorry] operations that is not in document form, but I was able to acquire nonetheless. [As read]

You see that, sir?

A. I do.

10 Q. And you did have that information, right? You did have information about his operations, not in document form?

A. Not in document form?

Q. You knew things about Phantom Secure that were not in documents?

A. Correct.

15 Q. Okay. And you had the unembargoed full documents. Right?

A. I had access to all of those documents.

Q. Okay.

A. And more.

20 Q. And you had saved them all on your USB Tails that was at your house. Correct?

A. Some were on the Tails device. Others are on the OR CTSN drive.

25 Q. And you wanted this e-mail exchange to continue, because you wanted to get Mr. Ramos onto Tutanota, right?

A. The consolidation phase, yeah. He's already on. I wanna keep there, okay.

30 Q. Okay. You continued, I'm in the process of acquiring additional information on various topics, some of which might be of use to you. If our first

5 transaction works out, I will send you a synopsis of this new information, and you can decide if you would be interested in that as well. The timeline on this new information is currently fluid. But I expect this new stream to begin producing by early this summer. And finally, take great care when using open, personal or company computer systems to access the count. [As read]

10 That's - you sent that, sir?

A. I did.

15 Q. Next, at page 75, sorry - sorry. So, you're still responding to - at page 75, to his, "Who are you?" question, right? From 74?

A. You're on page 75?

Q. Yes.

A. Yeah, that's correct.

20 Q. Okay. And you said, "Fair questions. First the full unembargoed versions of the documents as [I lead] alluded to in the read me pdf will provide you with a clear understanding of what you're up against." Which was true, right?

A. Correct.

25 Q. Okay.

30 For example, the sixth document is a law enforcement intelligence assessment of your organization, which combines other Western intelligence and law enforcement information into one document, focussing on an in-depth analysis of Phantom Secure's technical infrastructure. [As read]

That was correct, right? Document number six did that?

A. No. It didn't integrate other Western intelligence information into that document. So, that's not correct.

Q. But the document number six, said, "As we've gone through the table of contents would give you a clear understanding of what they know and how they intend to go about dismantling Phantom Secure." That's what document six was about, right?

A. The full document is about that.

Q. Yeah, okay. "And it also speaks to other Phantom Secure-like organizations and how they operate. Having knowledge of what your adversary knows is a very key step I would think in keeping PS, Phantom Secure going and growing." Right?

A. Correct.

Q. And that's - that's - that's true, right? Giving them this information would keep them going and growing?

A. If they had the full documents, that would be correct.

Q.

And second, for example, the FINTRAC intelligence would help you and your folks prepare to explain transactions in advance. Will also allow you to avoid making the same mistakes. You will be able to see which transactions have blinked on the radars. And more importantly, which ones have not. [As read]

Right, sir?

A. If they had the full documents, that would be correct.

Q. That's what - well, that - I asked you about before. The FINTRAC documents are useful to an alleged criminal, 'cause it shows what transactions are on the FINTRAC and police radar, and which ones are not.

A. The full documents would be. Absolutely.

Q. And the - the sixth document, if we go back to your e-mail on page 59. The sixth document is the Phantom Secure infrastructure assessment, page 1, 2, and 3, that you included with that e-mail. Correct?

A. Excerpts. Yeah, yeah.

Q. And the full version of that, sir, is at Tab 12.

A. That's correct.

Q. Page 170. And sir - that's correct?

A. Yeah, that's correct.

Q. Okay. So, this is the - the full unembargoed version of the document that you had sent partial parts of to Mr. Ramos. And at page 173, sir, it says, about halfway down the executive summary,

Since August, 2013, the RCMP's Project Saturation has been collecting technical information on communication infrastructures operated by these three providers, as well as a fourth independent network linked to an individual known as Jean Francois Eap. Based on available intelligence, these entities manage networks that hold footprints in various countries, including Canada, Panama, Hong Kong, and Switzerland. Targeting

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several key transit points of data identified for each provider could allow lawful [infil] infiltration disruption of the respective networks. [As read]

5

You see that, sir?

A. I do.

Q. And that was true, right? That - that the RCMP wanted to or were taking steps to targeting transit points to infiltrate, disrupt Mr. Ramos' networks. Correct?

A. They tried, but failed. That's correct.

Q. And again, you knew this because you had visibility in Project Saturation.

A. I also had visibility from other sources.

Q. Okay. But you - you said, "Tried but failed" without speaking to Warren Coons about that.

A. I'd have to look at my e-mails about conversations with Warren Coons. I - I simply don't recall.

Q. Okay. Key findings, point 2.

20

Based on analysis having lawful remote or physical access to Phantom Secure's equipment data hosted in Panama, could allow the infiltration, disruption of at least 64 e-mail domains, and 94 PGP key servers potentially linked to approximately 8,000 users, through the Panama security network.

25

[As read]

Right? You saw that, sir?

30

A. I do - did.

Q. Yeah. And the - so, the RCMP had that information, right?

A. About what was on the servers?

Q. Yes - yes.

A. They tried and the Phantom Secure folks left them welcome messages.

5 Q. Okay.

A. When they tried to break in.

Q. Yeah. And you saw that through your visibility by looking at reports on your computer.

10 A. I don't recall, but I saw it in the disclosure.

Q. Okay. In which disclosure?

A. The Project Ace disclosure.

Q. Okay, in this disclosure?

A. Yeah.

15 Q. So, at the time you didn't know that, and now you're saying you knew it.

A. No, that's not what I'm saying.

20 Q. Turning to page 175, it talks more about the efforts of RCMP in November, 2013. It continues about between October, two-thousand-teen - thirteen, and July, 2014. Steps that were taken by the NICC. And at the bottom line of - of the first full paragraph, "A total of [80 - eight] 850 entities were identified as of July, 2014. These entities consist of BlackBerry Enterprise Service e-mail domains, PGP key servers, 25 mail exchanges websites, and international protocol addresses." Correct?

A. That is correct.

Q. And that's what the RCMP were working on. Right?

30 A. That's correct. And it carried over under my stewardship of Project Nightspot. We kept that entity list up and running.

Q. Okay.

A. For the duration of Project Nightspot, which included BES servers, e-mail domains, and some of the key - key servers. And the idea there on Nightspot was to share that information or that registry, lets call it, with the 5EYES.

Q. This - this NICC document is about Project Saturation, correct?

A. That's correct.

Q. Yeah.

A. And a lot of the data carried over into Nightspot.

Q. The OR did not work on Project Saturation?

A. It worked in parallel to Project Saturation.

Q. And at the bottom of page 175,

Phantom Secure manages a highly complex and sophisticated secure communication infrastructure, comprised of several hundred companies according to extensive technical information collected to date. Its network of servers is believed to be scattered across the world including Canada, the USA, Panama, and Malaysia, Singapore, and Hong Kong. [As read]

You see that, sir?

A. I do.

Q. "Phones appear to be set up to provide redundancy by allowing redirection of communications to the intended user in case of disruption or technical failure." You see that, sir?

A. I do.

Q. And at page 177, "It is believed that [Phan]

Phantom Secure's most sensitive communication components are in transitioning through [Canama - sorry] Canada, Panama, Japan, Hong Kong. This assessment is based on...." and it has six points below. Right?

5 A. A through F.

Q. Okay. And this was information in this NICC report. This is NICC information, right?

A. Some of it is, some of it isn't.

10 Q. Right. This is in a NICC report, produced by the NICC. And so, this is information that was in the NICC knowledge house. Correct?

A. Under Project Saturation, that's correct.

15 Q. Okay. And it talks about "A. Several mail exchanges and PGP servers appear to be hosted in Panama." Right?

A. They appeared to be.

Q. Right. And this is the RCMP intelligence about Phantom Secure, right?

A. That's correct.

20 Q. It's what the RCMP knew about Phantom Secure?

A. It's not all of what the RCMP knew about Phantom Secure, no.

25 Q. "B. A majority of e-mail domains, approximately 200, appear to be hosted in Panama and Hong Kong." Right? That's RCMP information that they know about Phantom Secure, right?

A. It appears to be RCMP information.

Q. Right. Well, it's an RCMP report, sir. It's a NICC report.

30 A. But this would've been derived from intelligent sources, and then placed in the report.

Q. "C. Six BES" - what's BES, sir?

5 A. So, BlackBerry technology way back when ran on its own servers. So, if you bought a BlackBerry, you would use it - use a separate server infrastructure as opposed to something online. So, anybody that used the BlackBerry, would have used it with a BES server provided by some company. Or BlackBerry themselves.

10 Q. "D. Phantom Secure's employees have travelled to Panama and Hong Kong or at least two occasions." Right? And it - it's referenced to a CBSA report in [indiscernible...distorted audio] number two.

A. Correct.

15 Q. Right? So again, that tells Mr. Ramos what the - the RCMP do and don't - don't know about his employee travel. Correct?

A. If the full document was sent to him, that would be correct.

20 Q. If he was sent this information, that would be very useful to Mr. Ramos in forwarding law enforcement activity. Correct?

A. He could use it for that purpose.

25 Q. Right. "E. Phantom Secure documents discovered by NIOT in November, 2013, [explain] explain the choice of Panama as a key business server for privacy and IT concerns." You see that, sir?

A. I do.

30 Q. And, "F. During the course, this...." and that again would be information of very useful to Mr. Ramos, 'cause he would know about what the RCMP knows about his business, right?

A. That's correct, but the information is inaccurate. Panama is not a location for privacy. And it's not a particular location for any IT security concerns. Okay, so,

it's just - it's - that information is inaccurate.

Q. You knew the RCMP had been in Panama looking at his servers, right?

A. Correct. And that's where they found messages left for them, on those servers.

Q. The RCMP had never confirmed to Mr. Ramos, 'We were down looking at your servers in Panama.'

A. I believe one of the team commanders, or one of the regular members who was working out of E Division, did have conversations with Judge about infrastructure.

MR. MACFARLANE: Your Honour, it's hearsay.

A. Oh, yeah. Sorry. I'll withdraw.

MR. ERTEL: It was - it was well invited, that hearsay.

MR. MACFARLANE: You can't object....

THE COURT: I'll give an instruction on hearsay at one point.

MR. MACFARLANE: Q. But you'd agree with me, sir, in F, the core - during the course of E, predicate that TIS - that's an RCMP unit, right?

A. It's called TIS, that's correct.

Q. Okay. Attended Panama and equipment belonging to Phant - where Phantom Secure was located. Right?

A. They did try to get into the server rooms. That's correct.

Q. And so, you're saying that some or all of this information, if it had been disclosed to Mr. Ramos, would give him a real insight into what the RCMP knows and doesn't know about his business. Right?

A. I believe they already - if this full document was sent, for sure.

Q. Yes.

A. But I believe they already knew about the RCMP's visit - visits to Panama.

Q. Right. But the other A to E, would definitely give him a real benefit, to know that information. Correct?

5 A. I - I would disagree with that. I think point E is - well, it's false. But I would say A to D, correct.

Q. A to D, correct. If he was....

A. If he was to receive that,...

Q. Right.

10 A. ...that would be correct.

Q. That - that - that would be - it wouldn't - wouldn't thwart RCMP activity...

A. No.

Q. ...to get on him. It would help him. Right?

15 A. It would not thwart. That's correct.

Q. But it would enable him, because he would know what the RCMP knew and didn't know about his business. Right?

20 A. It would - I would think confirm to him, if this entire document was sent, what they might know and not know.

Q. Okay.

A. Correct.

25 Q. But just A to D, we've just gone over, him knowing that information would enable him to avoid being caught by the RCMP. It would assist him, right?

A. I think it would assist him.

Q. All right.

A. To what degree, that's debatable.

30 Q. Okay. Sir, I turn your attention to page 75. Sorry, 76.

... PAUSE

MR. MACFARLANE: Q. Do you see that, sir? I'm on page 76.

A. I'm gettin' there, just hold on a second, there.

... PAUSE

A. Yeah, I see that.

Q. You'd agree with me, sir, well, we'll just go through it together.

I re-read the e-mail below and thought I should, in all fairness, expand a little bit on my last regarding how the intelligence in the embargo docs that I sent you could be of benefit to you in your organization. I should note here that I usually do not get into the analysis of my client's business, leaving this to their staff who know their business model better than I do. Another example from page 8 of the infrastructure document, you have the table of contents, reads.... [As read]

And you sent him, sir, A through F, the very information that you said A through D would assist him, enable him, from being caught by the RCMP. Isn't that right, sir?

A. I don't think this would enable him from being caught. I think what I said that the *bona fides* - *bona fides* information in here would assist him. But this - none of this information here would enable Phantom Secure, or let's say, Vincent Ramos, from being caught in anyway.

Q. Right. It would enable him - you - we've just gone through this, sir. You said A through D would be useful information to him to know what the RCMP know and don't know about his operation.

5 A. It would be useful, but that's very different from saying he would be caught based on this.

Q. It would help him to change his actions. It would make it harder for the RCMP to continue their investigation against him. Right?

10 A. It would assist him.

Q. Okay. So, sir, when you sent this e-mail, on page 76, you weren't seeking to disrupt Phantom Secure. You were seeking to enable him, to help him, from being caught by the RCMP.

15 A. I was not seeking to disrupt Phantom Secure, and I was not seeking to enable him. I was seeking to nudge him.

Q. You go down to second last paragraph on - on num - on page 76,

20 How can you [just] use this information? My first move would be, think about checking your server infrastructure. Securing Panama either by moving it or in some other counter measure. [Right?] The appendices list many
25 of your IP servers in Panama, Hong Kong, Malaysia and so on. I would think this would be very useful to you. [as read]

30 A. It is not actionable information. That's information they already have, and I'm not telling them anything they don't already know.

Q. You're telling him to move his servers, sir.

A. They were always moving their servers.

Q. Yeah, right.

A. Always.

5 Q. And you - you're - you're saying you're trying
to entice him to use Tutanota, and yet, all the information
you're giving him, he already knew. Is that what you're trying
to have us believe?

A. This information he already was aware of.

Correct.

10 Q. Okay. The last paragraph,
Keep in mind, this law enforcement
intelligence agency, they're cooperating with
each other, is designed to get your users and
clients, individuals like Polani, Khanani,
15 some cartel members, by dismantling Phantom
Secure. [As read]

And that's exactly what the NICC document said,
right?

20 A. Correct.

Q. And so, that's exactly what was happening.
You were telling him that law enforcement and intelligent
agencies were targeting him in attempting to dismantle his
company.

25 A. Correct.

Q. Okay. You go on to page 77, sir.

30 You have built an impressive business, no
doubt. With the information I offer in the
first transaction I would do the following.
Take it in task, trusted members of your
team, technical and sales to come up with
recommendations. All businesses must

innovate. I'd image yours is no different.
Successful information requires actioning in
the blind. [As read]

5 You see that, sir?

A. I do.

Q. Right. And again, you're telling him to move
his servers.

A. No, I don't believe that's what it says. It
10 says to adapt.

Q. Okay.

A. Which is kinda hollow and shallow advice.

Q. Right. Now going, sorry, sir, back to page
75. I'm on paragraph 4. Or sorry, paragraph 3, "The additional
15 information I'm in the process of acquiring some of the listed
domains and locations of your servers, criminal activity taking
place using your network. And more importantly, who was using
it." You had access to that information, right, sir?

A. I had very good visibility from the high-side
20 about that.

Q. Right.

A. That's correct.

Q. So, you had that information. And then, the
next paragraph,

25 What can you expect? If you agree to the
price, we can come to terms on how to arrange
payments. I will send you half the embargo
documents, unembargoed, with some additional
intel that of which [I have not] is not in
30 document form. Once I have full payment, I
will send the other half of the full
documents within 12 hours. I am, of course,

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5 open to discussing the sequence of events if
you prefer to conduct transaction in another
way. As I mention above, [this is the first
deal] if the first deal [sorry] goes well, as
I hope we can do others. I firmly believe
that with some analysis by your team of these
first documents, you'll be able to turn this
actional information and use it to your
10 advantage all at a very reasonable price.
[As read]

Correct, sir?

A. That's correct.

15 Q. And you agree with me, the information you
sent, on page 76, would be able to - him to be used to his
advantage. Right?

A. It might assist him, but it would be the full
documents that would enable him.

20 Q. Oh, I see. There's a difference between
assisting and enabling?

A. Yes, I would agree.

25 Q. I see, okay. And at the very bottom of the e-
mail on page 75, it says, "PS, Do you have servers in Florida?"
You knew that he had servers in Florida, right?

A. He had servers in multiple jurisdictions,
correct.

30 Q. And again, you're telling him, 'You better
move those servers or they - somebody's got an eye on them.'
Right?

A. That's correct.

Q. Right. And again, you're assisting, but
you're not enabling him. Is that what you're saying?

A. That's correct.

Q. Okay. And when you sent this e-mail, on page 76, which included information from the NICC report we went through, you didn't ask Warren Coons for permission to e-mail Vincent Ramos contents, that part of the NICC report?

A. I did not.

Q. Okay. And the next, sir, on page 78, Mr. Ramos responds to you. "Thanks for the e-mail. We'll get back to you on your proposal next week. I have to consult with my advisers in regard to this." You see that, sir?

A. I do.

Q. He doesn't say, 'I know all this stuff. Don't bother me.'

A. I wouldn't have expected him to write that.

... PAUSE

MR. MACFARLANE: Q. Thank you, sir. I'll turn next to - if we can turn next to - sorry, sir. Tab 27.

... PAUSE

MR. MACFARLANE: Q. And at - at - we've - at page 450 is the e-mail that you sent to Mr. Ashraf.

A. That's correct.

Q. Okay. And 451 is the - the e-mail. And then starting at 453 to 455, is an excerpt from a - they call it a C237. Is that right, sir?

A. That's correct.

Q. Okay. And the date of the C237 was 2015-01-08.

A. That's correct.

Q. And if you can keep your finger on that, Mr. Ortis, and - and ladies and gentlemen of the - the jury, go to Tab 21, page 412.

5 ... PAUSE

MR. MACFARLANE: Q. Sir - sir, the Tab 412 is - is a C237, a number of pages, and it was saved on your Tails USB under a file folder, "Bootstrap for Mehdiz sub boot moved to OPs key." Isn't that right?

A. It was saved to that.

Q. Okay. And so, what you sent to Mr. Ashraf, in pages 453 to 455, was an excerpt of the document we have at page 412. Isn't that right, sir?

15 A. It's a short excerpt of a broader C237. That's correct.

Q. And at page 412, sir, that's a investigative report by O Division, which is a - a - Ontario, correct, sir?

A. It is. The GTA area.

20 Q. Okay. And it says, right in page 412, that the subjects of that investigation, one was Altaf Khanani. You see that number one?

A. That's correct.

25 Q. Okay. Two, Mr. Al - Alakoozi. Three a Mohammad Yousuf. Four a Raza ul Mastaf Yousuf. Five a Muhammad Ashraf. And six, Adnan Ashraf. You see that, sir?

A. Correct.

Q. So, those six people were the targets of an investigation of Project Oryx. Correct?

30 A. At one point they were, that's correct.

Q. All....

A. And they were also targets of OR - two OR

intelligence case files.

Q. Well, I'm talking about this - this report, sir, dated January the 8th, 2015. Right? Those people...

A. That's correct.

5 Q. ...are the targets of Project Oryx investigation. Right?

A. Not at the time. If you read down to the investigator comments, it's pretty clear that Project Oryx and the investigation was not going to take place.

10 Q. Okay. Well, we'll cover that.

Businesses, Shore Bazaar, Al Zarooni, Rosco Trading, Northern International, Memon Financial. Top of 414, Khanani and Kalia International, Bumbia International. You see that, sir?

15 A. I do.

Q. Those were the, again, the targets of investigation of Project Oryx, as set out in this report. Correct?

20 A. Yes, that's correct.

Q. Right? And under, "Current investigation" on page 415, it says,

25 CIAG 5EYES law enforcement group has identified a common target involving a worldwide money laundering network, Altaf Khanani. Intelligence received from the Australian Federal Police has demonstrated the global movement of elicited funds linked to organized crime, as well as terrorist organizations and its connections to Canada.

30 [As read]

Cameron Jay Ortis - Cr-Ex.

That's - and that was correct, right, sir?

A. That's correct. That's related to Iran.

Q. And further down,

Intelligence has identified a number of Canadian subjects that act as agents of Khanani. Databases in FINTRAC have identified links between Al Zarooni and several Canadian [base] based businesses, primarily through electronic funds transfers. [As read]

Do you see that, sir?

A. I do.

Q. Okay. "Altaf Khanani, number two, is suspected to be in control of the UAE base Al Zarooni exchange in a Pakistan based Khanani and Kalia International KKI." See that, sir?

A. I do.

Q. Okay.

Further, Al Zarooni is among the five money services businesses listed as a priority threat by the Joint Narcotics Analysis Centre, JNAC, and the National Crime Agency, NCA, due to its use by organized crime [or] and/or terrorist groups to launder the proceeds of crime. [As read]

A. That's correct.

Q. "Collective intelligence reports from the Australian Federal Police, and the National Intelligence Coordination Centre..." - the NICC, right, sir?

A. Yeah.

Q. "...have demonstrated analysis of Al Zarooni Exchange financing transactions originating from Canada, and identifying money transfers primarily to entities in the UAE, Pakistan, and India." You see that, sir?

5 A. I do.

Q. That analysis demonstrates that Khanani uses services of persons in Canada who coordinate and reconcile transactions with him. And I'm on page 415.

A. That's correct.

10 Q. FINTRAC disclosures, although dated, some back as far as 2003, identify money movements within the Greater Toronto Area, MSBs, one Memon Financial, right? Talks about that. That's there's EFTs to the benefit of Khanani and Kalia in the Soneri Bank Limited, Karachi, amount unavailable. You
15 see that, sir?

A. That's correct. The RC invade (ph) intel and evidence going back to 2003.

Q. Right. This is a - a - O Division report.

A. Based on NICC information.

20 Q. Right. And this report, as we see on page 418, was prepared by Staff Sergeant Martin that - who has testified at this trial. You know that, sir?

A. I do.

25 Q. Okay. And under 4(3), it talks about Shore Bazaar, now Rosco Trading, doing EFTs to Persepolis. You see that, sir?

A. I do.

30 Q. Okay. And as Staff Sergeant Martin testified, that his unit, at - at point 5, on 415, is, "Conducted surveillance. Verified four money services business in the GTA, including Shore Bazaar, Memon Financials, Khanani Kalia International, Rosco Trading. Right?

A. That's correct.

Q. You'd agree with me, sir, that that and as Staff Sergeant Martin testified, they were actively surveilling companies, including Rosco Trading, which is run by Salim
5 Henareh, correct?

A. That's correct.

Q. And Memon Financials, a company run by Muhammad Ashraf?

A. So, they briefly had surveillance on those
10 locations to see if they could discover individuals going in and out of the businesses.

Q. I don't recall Staff Sergeant Martin saying that.

A. That's what happened.

Q. And that's what happened. You know more than
15 Staff Sergeant Martin what happened on his investigation?

MR. ERTEL: Now that's just argument.

A. OR had a case file, two of them in fact, on these targets. So, we had visibility on the investigative
20 activities that were taking place on the ground at the time.

MR. MACFARLANE: Q. Visibility meaning through your computer, you can see their reports?

A. And deconfliction meetings.

Q. I'm sorry?

A. And deconfliction meetings.
25

Q. Right. Not with Staff Sergeant Martin?

A. OR cannot go anywheres near a criminal investigation.

Q. Right. So, you did not reach out to Staff
30 Sergeant Martin about the status of the surveillance?

A. We knew that information from FPCO analysts at HQ, and as a result of briefing the CrOps officer, name,

Jennifer Strachan, I believe at the time, as well as [REDACTED]
[REDACTED] that was, let's just say, targeting these individuals
in Canada.

5 Q. You would brief FPCO, we've heard the process.
You would brief FPCO,...

A. Correct.

Q. ...prior to the, I'll say, the real police, on
the ground, O Division, taking over an active investigation.
Correct?

10 A. It wasn't just prior, it was also afterwards,
when Project Oryx failed.

Q. Okay. So, on January the 6th, 2015, they're
doing surveillance of these targets. And you say you knew that
the surveillance didn't go anywhere.

15 A. That's correct.

Q. Oh. And six, that voluntary information
records were submitted to FINTRAC for Muhammad and Adnan Ashraf.
Their company, Memon Fine - Finmark. As well as Khanani and
Kalia. Right?

20 A. I believe over the years there were a number
of VIRs submitted. Correct.

Q. And that was the O Division. Staff Sergeant
Martin's team making those requests, right?

25 A. Some of those requests were done by O
Division, that's correct.

Q. And that GTA FC Proceeds, Staff Sergeant
Martin's team, right?

A. Correct.

30 Q. They received the FINTRAC disclosures. They
were reviewing those documents, including a - a FINTRAC
document, DC0007187. Correct?

A. That's correct.

Q. Right. And that was - that particular document was a complex detailed disclosure, the FINTRAC complete on Rosco Trading in August of 2014?

A. That's correct.

5 Q. Page 416, at paragraph 8, it talks about initial review of both FINTRAC disclosures. There's a series of transactions where Shore Bazaar conducts EFT to Rosco Trading. Right? And that's an analysis that was undertaken by the O Division team. Correct?

10 A. It appear - yes, that would be them.

Q. Okay.

A. Yeah.

15 Q. Nine, "GTA FC, Staff Sergeant Martin's team, are working with Special I to identify a security stack location for video surveillance of Shore Bazaar."

A. It's called a pole cam.

Q. Okay. Doesn't say that there, sir, does it?

A. I'm just - it's a pole cam.

20 Q. Right. You knew that?

A. I did.

Q. You did that by speaking with Staff Sergeant Martin?

A. No, I did not.

Q. Okay.

25 A. We cannot speak to criminal investigations or folks involved with criminal investigations.

Q. But you knew it was a pole cam?

A. I did.

30 Q. And in December of 2014, that team, Staff Sergeant Martin's team, submitted a - a request for access to intercepts from other projects. Correct?

A. That's correct. Ottawa Integrated National

Security Enforcement team was looking at information as a result of OR's work on the national security component. Which is mentioned here.

Q. And 11 -

December 11th, 2014, investigators spoke with [assistant count - country - sorry] assistant country, Attache Homeland Security, Ronald Marcell, a Raza ul Mastaf Yousuf is a subject of a money laundering investigation being investigated by HSI Chicago. The investigation involved a series of money pickups that eventually led to the arrest of a Raza Yousuf. In his statement, Yousuf confirmed that he conducted two bulk sales, cash money pickups, but he would not become a cooperating witness as he did not want to implicate his father, Mohammad Yousuf. [As read]

You - you saw that part of that report, right, sir?

A. Yeah.

Q. And you had done web searches on Mr. Raza Yousuf in April of 2015. Correct?

A. Correct.

Q. And on page 417, the - the report continues. That, in December of 2014, investigators met with members from the different other police forces and to discare - to discuss current trends, patterns, overlapping criminal patterns surrounding Rosco Trading, right? The company run by Salim Henareh?

A. Yes. There was a meeting on trends.

Q. Right. You weren't present at that meeting?

A. No, I was not.

Q. Right. But miss - Staff Sergeant Martin said the member - he or a member from his team was. Right?

A. I believe he said that.

Q. Okay.

A. And investigator comments, bottom or middle of page 417, by Staff Sergeant Martin, said,

A six-month intelligent probe was submitted [through] through Form 230 - 23-50, and has been approved. During this time, his team, GTA FC Proceeds will be looking to various investigative [texts] techniques [sorry] to gather information and intelligence on the listed subjects and businesses. [As read]

Do you see that, sir?

A. I do.

Q. It says, "The listed subjects and businesses," referring back to page 1 and 2. Right?

A. Correct.

Q. Okay. "And the ultimate objective is to satisfactory acquire evidence of the suspects' knowledge." Used the term plural, right? Suspects?

A. Correct. But Oryx settled on Farzam Mehdizadeh.

Q. Okay.

A. After OR's work.

Q. All right.

Knowledge [of] of [law] laundering proceeds of crime, and [done] demonstrating a nexus to substantive design criminal offences.

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5 Historically, similar investigations have challenged some investigators. And those challenges are understood going forward. Discerning intelligence from information is imperative. The fact that the information originates from foreign and other agencies sourcing usable information is crucial. [It continues] 3. The initial focus will be on Shore Bazaar, Eastern Union, and Memon Financial with the objective to lead investigators to other GTA money services. [As read]

15 Right?

A. Yeah, that's correct. That was - this forms the reason or the rationale why Project Oryx did not go forward.

Q.

20 Businesses and their nexus to drugs, organized crime and terrorist financing. Most of the information received to date is strictly on a of an intelligence nature based upon past investigative actions and what has been supplied by the Australian Federal Police. [As read]

25 You see that, sir?

A. I do.

30 Q. Okay. 418, "Investigators are compiling a request in order to obtain supporting documentation evidence that substantiates intelligence reports received from AFP...." That's the Australian Police Force?

A. That's correct.

Q. "...and the NICC. A significant portion of the information to date originates from intelligence reports and investigators will require supporting evidence into bolster in order to bolster just authorizations."

5 A. That's correct. They didn't believe the intelligence was usable.

Q. On - on the...

A. So....

Q. ...on the

10 5. December 6th, 2014, GTA FC Proceeds, Staff Sergeant Martin's team, conducted a presentation to O Division, CrOps, seeking approval to proceed as a sanctioned funded project or [and then it says] Project Oryx was not approved at that time. Was deferred further discussions. [As read]

Do you remember that, sir?

A. I remember brief - being briefed on that.

20 Q. Okay.

A. Vaguely.

Q. All right. And - and you recall Staff Sergeant Martin going through that when he testified is that to become a full project, and it's more for funding, right, you have to get - to get funding for additional resources?

25 A. It also has to go through an O Division Prioritization Committee.

Q. Right.

30 A. So, it's not just about funding. And it's about whether or not they think that this is a priority, which they did not.

Q. And he testify - Staff Sergeant Margin [sic] -

Martin said,...

A. Yeah.

Q. ...they did get full authorization to become a full project. You remember him saying that?

5 A. Briefly became a project.

Q. Okay. Briefly became a project.

A. That's correct.

Q. Then how brief, sir? How do you know how brief it was?

10 A. I would need access to my records in order to bookend that. I don't have access to that.

Q. Put - put it to you, sir, that in January of 2015, O Division had an ongoing investigation into all of these persons and businesses, including Rosco Trading, owned by Salim Henareh, and Memon Finan - Financial, owned by Muhammad Ashraf. Correct?

A. I would disagree with that.

Q. Okay.

A. By that point, O Division didn't have an ongoing investigation. They had attempted to stand up an investigation. They got some approval and some money, but it never panned out.

Q. Okay. And so, when you sent the documents to Mr. Henareh, and Mr. Ashraf, you reached out to Staff Sergeant Martin to say, 'Hey, I just wanna confirm that your project's not ongoing, and me sending this special operational information to Mr. Henareh and Mr. Ashraf's not gonna undermine your investigation.'

A. OR does not reach out to members of criminal investigations.

Q. You said you wanted....

A. We do not.

Q. ...to deconflict, right?

A. That's correct.

Q. Make sure that what you are doing didn't
undermine...

5

A. That's correct.

Q. ...ongoing investigations.

A. Correct.

Q. You never spoke with Staff Sergeant Martin
before sending these documents?

10

A. That was against OR policy and standard
operating procedures. We can get that same visibility from
analysts who work at headquarters, who provide governance over
projects in the divisions.

Q. Okay.

15

A. Which is the....

Q. Visibility means looking at reports on
computers.

A. Get the data.

20

Q. Okay. Data. Not speaking with the lead
investigator on Project Oryx?

25

A. The policy surrounding that activity would in
general terms, deconflicting with FPCO, there are regular member
police officers who provide investigative governance over files
in the divisions. There are also intelligence analysts that
work for FPCO. And it would be the regular member working in
Federal Policing Criminal Operations that would reach out to
somebody in the Command Triangle if that was required.

30

Q. You didn't take those steps? You didn't reach
out to FPCO to reach out to Staff Sergeant Martin, to see, 'Hey,
if I send special operational information to Mr. Henareh and Mr.
Ashraf, is that gonna cause any problems?' Did you do that?

A. I would need my records from that period in

order to list all the e-mails that I sent. And I simply don't have them.

Q. You would remember - you remember sending these documents to Mr. Henareh and Mr. Ashraf?

A. I do.

Q. Okay. You would remember whether you reached out to FPCO to clear it with Staff Sergeant Martin?

A. I had hundreds of exchanges with FPCO and FPNS, which is the counterpart on national security investigations. There's - I just - unless I can re - have it in front of me and I can confirm that, I'm just guessing.

Q. Hundreds of conversations, but not about sending to the targets of investigations, RCMP information.

A. Nudge was very unique.

Q. Right. You don't remember reaching out to someone at FPCO, say, 'Can you speak with Staff Sergeant Martin and see if he's okay with me sending these documents to Mr. Ashraf and Mr. Henareh?'

A. I would need my - the OR documents and my e-mails from that period, including my contact reporting. If I don't have those documents, I can't answer that question.

Q. Sir, what you were doing when you sent the - the messages to Mr. Henareh, Mr. Ashraf, was not trying to disrupt them. You were enabling them. Sending them RCMP information so they could avoid detection from the RCMP. Isn't that right?

A. OR Nudge was never designed as a disruption. And it was - most certainly I was not enabling. It was simply designed to nudge them. That's it. No disruption, no enabling, no criminal investigations. It was simply an intelligence operation to nudge them towards a secured e-mail provider.

Q. And...

A. That's it.

Q. ...and you named it OR Nudge?

A. Yes. And I got the letter right.

Q. So, it was an OR project?

5 A. If I was involved, it would've been an OR project, that's correct.

Q. And I - I think you testified on - on Friday, that - that you say some of the documents that were prepared on - on this OR Nudge were Protected B. Right?

10 A. Some would've been Protected B. Some would've been Classified.

Q. Okay.

A. The conversations on secure phones would've had a log and documentation. That would've been Classified. My
15 CTSN e-mail related to this would've been Classified. But not everything that OR does when it communicates is done on Classified systems.

MR. MACFARLANE: Okay. And turning your - your attention, sir, to the Tab 19. Your - I'm sorry, Your Honour?

20 THE COURT: No, nothing. No, sorry, we're at Tab 19.

MR. MACFARLANE: Q. Tab 19. And this was an e-mail that started by....

25 THE COURT: What page?

MR. MACFARLANE: Q. Sorry, page 363. I apologize.

THE COURT: Thank you.

MR. MACFARLANE: Q. So, 363, sir, working from
30 the bottom up, this is an e-mail from you on February the 27th of 2015. "Quick question. What's the name of the NICC money laundering target in TO?" "Rosco." Right? You - you asked...

A. Yeah.

Q. ...to Mr. Deruga?

A. That's correct.

5 Q. So, again, sir, the NICC had an ongoing money laundering investigation into Mr. Henareh, who owned Mr. - Rosco, as of February the 27th, 2015. Isn't that right?

A. The NICC did not have a criminal investigation ongoing, no.

10 Q. They had an investigation?

A. They had an intelligence effort that had been going on for years into these targets, that's correct.

Q. And you knew that as of February 27th, 2015, it was still ongoing?

15 A. No, I wouldn't say that it was ongoing. By February, this had long run its course.

Q. "What's the name of the NICC money laundering target in TO?" "Rosco." Right, sir.

A. That's correct.

Q. That's what you said?

20 A. That's correct.

Q. You were asking on February 27th, what's the name of their project?

A. That's correct.

25 Q. Right? Meaning, you - you weren't too sure what - what they were doing, 'cause you didn't even know the name of the project?

A. No, I had good sense of what it was, but I forgot what the name was.

30 Q. I see. You knew the contents, but not the name?

A. That's correct. And this effort would continue as I took over as Director General of the NICC.

Q. Right.

A. So, I've been long running effort.

Q. We're not worried about your time in the NICC, sir. We're focussing on your time in the OR in two-thousand -
5 in February 27th, 2015, by this very - your own very e-mail, you knew that the NICC was doing an intel or whatever other kind of probe into Rosco, Mr. Henareh's company. Correct?

A. That's correct, but this is only one of several e-mails. And this would've been on RCMP GroupWise that
10 I received in terms of where the status of the NICC's efforts were.

Q. Okay. So, when you sent the FINTRAC documents that we'll walk through, to Mr. Henareh in March, you knew that not only did O Division have an investigation in Mr. Henareh,
15 NICC was also looking at him. Correct?

A. Both failed.

Q. Okay. And you reached out to Warren Coons in 2015 to confirm that their investigation had failed?

A. I did not.

Q. Okay. You determine that from your visibility
20 by looking at computer - documents on your computer?

A. No, I think there were e-mails exchanged with various components of Federal Policing, like FPCO. And individuals who had - their job was to provide visibility for
25 headquarters on these files. And the consensus at the time, including what OR briefed me on, and was that none of these files had been successful. I mean you can - you can see, it's almost a billion dollars over a number of years, and multiple efforts to try and stop that. But all had failed.

Q. Right. But you knew that without speaking to
30 Warren Coons, head of the NICC?

A. That's correct.

5 Q. So that e-mail, sir, is it on your Tails USB under Bootstrap for Hakim (ph) Subboot (ph) Sample? So, you save that e-mail, right?

A. This one, yeah.

5 Q. You saved it onto your Tails USB, right?

A. It was part of the deconfliction documents that were being gathered, so this got saved.

Q. Okay.

A. There are others that did not get saved.

10 Q. And also saved on your USB, turning over to page 364 to 374, is a FINTRAC disclosure report on Rosco Trading. Right?

A. That's correct. It's a full document.

Q. And -...

15 A. Or it looks like a full document.

Q. ...and it's at the top, dot - DC0007187. You see that, sir?

A. Yes.

20 Q. And that's the same FINTRAC report that had been referenced in Staff Sergeant's Project Oryx report we just went through. Correct?

A. It's the same number, correct.

Q. And you save this document onto your computer?

A. I - I don't recall.

25 Q. You don't recall?

A. I do not.

30 Q. No. And it's followed, I know we haven't put the full documents in, but - but three - it's a - rather voluminous documents that's related to that disclosure summary, which sets out all of the suspicious transaction history mentioned in the disclosure summary. Correct?

A. That's correct.

Q. Right. And you saved all of those documents onto your Tails USB?

A. They were on the Tails USB, that's correct.

Q. Right. That's not what I asked you, sir. You saved them onto your Tails USB, isn't that right?

A. I don't recall.

Q. Next, sir, I'm gonna turn to page 393. Again, this is all in the same file folder found on your Tails USB, located in your house, in your - your apartment. And we - we've looked at this before. This is a script for a reach out to Mr. Henareh. Isn't that right?

A. Looks like a draft letter.

Q. Right.

A. That's correct.

Q. And you prepared this letter?

A. The letter I prepared, but I - I don't remember preparing this document. Looks like a notes or notes to this scenario.

Q. You don't remember preparing it?

A. Not this one, no.

Q. Okay. You - you don't remember, or you didn't?

A. I didn't.

Q. Okay. You tasked somebody else in the OR to write this letter to Mr. Henareh, asking for money in exchange for police information?

A. Not somebody in the OR.

Q. Well, who did you task, sir?

A. So, I tasked a number of analysts in Federal Policing to assist me on a need-to-know basis. And it's possible that this is a draft that was generated by somebody. Could've been me, I just don't remember.

Q. Could've been you, could've been an analyst, you don't remember?

A. That's correct. I need my e-mails to be able to track that down.

5 Q. You're saying there's an analyst in FPCO that would've drafted a draft e-mail to Mr. Henareh, offering him police intelligence for money?

A. No, I'm not saying the analyst was an FPCO. That's not what I'm saying at all.

10 Q. Well, that - that's what I thought what you just said. There was an - there are other analysts at FPCO.

A. In F - Federal Policing.

Q. Right.

A. That's not FPCO.

15 Q. Okay.

A. There are a number of other entities in Federal Policing that OR tasked regularly and often.

Q. Right.

A. And I would need my e-mails...

20 Q. Right.

A. ...to be able to track those taskings. 'Cause that's where they take place.

Q. You're saying it's a possibility that you tasked an analyst somewhere in the RCMP to draft a - a - a draft e-mail to Mr. Henareh, offering him police intelligence for money?

A. That is possible, yeah.

Q. But you just can't remember if that's the case or if you did it yourself?

30 A. That's correct.

Q. Okay. And the very next document is 395, that's the letter you drafted, right, sir?

A. It is, that's correct.

Q. Okay. And you did this one?

A. I did.

Q. Okay. You remember that?

A. I do.

Q. Okay. And it's dated March the 19th.

You do not know me. Attached to this letter is a compact disk containing files pertaining to you and your financial activities. They were exfiltrated from FINTRAC, the Federal Government organization that is mandated to gather intelligence on the Canadian financial system. In addition to FINTRAC's probe targeting your business activities and partners, the Royal Canadian Mounted Police is currently engaged in a criminal intelligence operation using the data attached here, provided to them by FINTRAC with the eventual goal of full criminal investigation into Rosco Trading. [As read]

That's what you wrote, sir?

A. That's correct.

Q. And that was true?

A. That's correct.

Q. Okay.

I did not [con] obtain these files legally. I ask nothing in return for sharing them. My recommendation to you would be to learn from them, and do nothing that would indicate that you were [pos] in possession of the knowledge contained in these files. The power of

Cameron Jay Ortis - Cr-Ex.

intelligence is reduced considerably if your adversary suspects you have this data. [As read]

5

And that's true, right, sir?

A. In general, it is true.

Q. Yes.

A. That's correct.

Q.

10

This is not a trick nor a scam, nor is it a scam. I am independent contractor. My business line is the covert acquisition of intelligence, and the information gathered by Western Governments and large private sector firms. As you can imagine, this is not a strictly legal venture. My clients are executive businessmen who [are in the need - in the need - sorry] are in need of the kind of visibility that I can sometimes provide. During the course of my acquisition operations, I will occasionally come across intelligence and information that has no relevance for my very small client roster, but could [direct impact] directly impact on an individual such as yourself. If said individual possesses certain characteristics and attributes, I reach out to them, no strings attached. [As read]

15

20

25

30

You see that, sir?

A. I do.

Q. If you do have an interest in starting a

conversation, this is my e - e-mail address,
blindbat@mailbox.org.

A. That's correct.

Q. Right, sir? No mention of Tutanota there?

A. Not yet, no, no.

Q. And unlike the e-mails you sent to Mr. Ramos,
no reference to embargoed versions of documents?

A. That's correct on the main body of this e-
mail.

Q. Okay. And this was the draft, or this was -
well, I'll call it a draft, but the exact same content,
different font, as you pointed out, was sent to Mr. Henareh in
the mail. Correct?

A. It was.

Q. And under "Enclosures" it says, "Disclosure
summary Rosco. FINTRAC disclosure transaction tables
Persepolis." And it has three sort of documents referred, pages
1 to 80, 81 to 160, 320 to 461. You see that, sir?

A. I do.

Q. Again, disclosure summary, there's no
reference of embargo or - or anything like that in the
disclosure summary.

A. That's correct.

Q. Right. Page 396, again, a document according
to the index that was lay - titled, "Label for package" found on
your USB in your house, is a - a - sort of a label for - as it
says, for a package here, right? Is that right, sir?

A. Looks like it, yes.

Q. Okay. And you made that document?

A. I don't recall making this document.

Q. You don't recall that.

397, document's called, "Label for package inside envelope." All right? It has another label. Says, "This package is confidential. Is to be opened by Salim Henareh only." You see that, sir?

5 A. I do, yes.

Q. And you created this - you saved this document?

A. I did.

Q. Okay. And you created this document?

10 A. I did.

Q. Okay. And 398, the title of that document is "Label for package outside envelope." Right? And that just has, sir, similar, but it doesn't have the red at the bottom. Right? Is that right, sir?

15 A. No red at the bottom.

Q. And you created this document as well?

A. That's correct.

Q. And then on page 399, is a - again, on your - found on your computer, a - a - the UPS, I'll call a UPS invoice. Right? Proof that the package was sent and paid for.

A. Correct.

Q. Okay. And you - this was the document you obtained, right?

A. The proof of delivery?

25 Q. Yes.

A. It was saved, that's correct. Right.

Q. You obtained it from UPS and saved it onto your USB?

A. It either gets - either from the UPS website or sent to an e-mail. I - I can't tell from this.

Q. Right. But it - it - it - you obtained it either from their website or by their e-mail?

A. Correct.

Q. Okay. And the reason you - you saved this, is because you sent the package to Mr. Henareh. Correct?

A. Correct.

5 Q. And turning now to document - sorry, Tab 26. And we - we had tendered - I don't know if they're photographs, but copies of the envelope that you now admit sending to Mr. Henareh. Correct?

A. Correct.

10 Q. And just sorry, if I may go back. I apologize.

... PAUSE

15 MR. MACFARLANE: Q. And at - at the agreed statement of facts, sir, and for the jury at - at page 9, it - at paragraph, I guess it would be 42(m). A UPS delivery confirmation, that's the document we just spoken of, that you admit you received. Because you sent the - the package.

20 UPS confirm the confirmation related to delivery of a package to Henareh's address. UPS confirm to the RCMP that a package with tracking number [and it's a tracking number], was delivered to the above noted address. UPS advised there is no shipping address. 25 Was 372A Rideau Street, which is located 1.1 kilometres from Mr. Ortis' 24 York Street address. [As read]

30 Do you see that, sir?

A. I do.

Q. Right. So, you walked from your residence to

the UPS office on Rideau Street, and shipped that package to Mr. Henareh?

A. I believe I was on my way home from the RCMP National Operations Centre on Vanier, and it was on the way.

5 Q. You were on holidays, sir, on March the 24th, 2015.

A. Technically, but I was still working.

Q. And sir, turning - it's sort of hard to see, on - on Tab 25. Just - sorry, give me a moment, Your Honour.

10 ... PAUSE

Q. No, we can't see. Very bottom, it's page 434. It's - it's the FINTRAC disclosure summary.

15 A. Sorry, which tab is that?

Q. Sorry, Tab twenty - sorry, 26, my apologies, sir. Twenty-six. And it - it's an 11-page document that you sent that was in the envelope that you sent to Hen - Mr. Henareh. Correct?

20 A. Correct.

Q. Okay. And you had previously indicated, I believe, to Mr. - Mr. Ramos, that the FINTRAC reports are of use to alleged criminals, because they tell - especially money launderers, they tell them what transactions have blinked on
25 FINTRAC and RCMP radar. Correct?

A. Correct.

Q. And it's also of interest or important to money launderers, 'cause it tells them what is not blinked. What is going right for them. Correct?

30 A. Correct.

Q. The - the - the transactions that have blinked, tells the money launderers, I need to stay away from

those type of transactions. And the ones that have not blinked, I should continue in that similar vein. Correct?

A. That would be one conclusion you could arrive at. That's correct.

5 Q. Yeah. It would assist the money launderer moving forward?

A. A money launderer? Yes.

10 Q. Yes. And the document you sent to Mr. Henareh, on - on page - sorry, 434, it's Rosco Trading International. That was his company?

A. It was one of his companies.

15 Q. Okay. And the FINTRAC had a number of reports, including suspicious transaction reports. Right, sir?

A. STRs, yeah.

20 Q. And it lists the other - other reports. On page 2 of 11. Maybe it's easier to do it that way. Of that report. It says, "Rosco Trading International was incorporated on 2008-02-08, and Salim Henareh is listed as the Director Present Secretary - sorry. Present Secretary and Treasurer. Correct?

A. Correct.

25 Q. Okay. Going to page 3 of 11, it talks at Table 1 about STRs were reported, if you read beside Table 1. STRs were reported by various entities that identify Rosco Trading International as a place of transaction account holder party to transaction person entity on who's behalf transaction conducted or named and the grounds for suspicion. [As read]

30

You see that, sir?

A. Yes.

Q. And if we go to the - the glossary at the back, page 11 of 11. A suspicious transaction report and a - suspicious transaction report. Just give me a second, here.

5 Sorry,

Suspicious transaction report and suspicious transaction report attempted [sorry] STRA, these are reports that [a] a reporting entity must file with FINTRAC in respect of financial transactions that occur or that is attempted in a course of his activities and for which there is reasonable grounds to suspect the transaction is related to the commission or attempted commission of a money laundering or terrorist activity financing offence. [As read]

10

15

You see that, sir?

A. I do.

20

Q. "Reporting entities have to file their report within 30 days after the date they detect a fact that constitutes suspicion." Right, sir?

A. That's correct.

25

Q. And at the bottom of page 3 of 11, and going on to page 4 of 11, this report gives some samples of those STRs. Right?

A. Correct.

Q. Right.

A. It's Henareh's banking data.

30

Q. Right. Well, it's FINTRAC reports about suspicious transaction reports. Right?

A. Correct. Sorry, which page are you on?

Q. Page 3 and 4, right? These are examples that FINTRAC has flagged of financial suspicious transaction reports. Right, sir?

A. Three and four?

Q. Yes.

A. Correct.

Q. Okay. And you'd agree with me, sir, the full Table 1 was sent to Mr. Henareh on the DVD that you put in the envelope?

A. Correct.

Q. So, it laid out all of those suspicious transaction reports?

A. Correct.

Q. Assisting Mr. Henareh to know which transactions had blinked, and which ones had not?

A. Assist is strong. Salim Henareh had insider information and exquisite visibility on all of this data.

Q. You knew what he knew about the RCMP intelligence on him?

A. I had knowledge that was provided to me about Mr. Henareh's visibility on both FINTRAC data and RCMP information. As well as a criminal investigation project OSAVAK where he had compromised a Toronto Police Service wire room.

Q. You're saying assist is a strong word?

A. Correct.

Q. Enable is the wrong word?

A. In Salim Henareh's case, very little of this information would assist him in any way.

Q. Right. You spoke to him about that?

A. No. I got visibility on his capabilities...

Q. Right.

A. ...that helped me arrive at that conclusion.

Q. Right. You didn't speak with FINTRAC about your assessment of that?

A. Absolutely not.

5 Q. No. You didn't speak with Staff Sergeant Martin about your assessment of this information?

A. Absolutely not, no.

Q. Page 8 of - 6 of 11, sir. Table 3, Cross border currency reports, CBCRs. You see that, sir?

A. I do, yeah.

10 Q. Is listing Rosco Trading. Has the entity sending so much money between certain dates. Correct? See that under Table 3?

A. That's correct.

15 Q. Okay. And again, to page 11 of 11, the glossary,

A cross border currency report is a report that must be filed with CBSA by a person entering or leaving Canada advising that the person is carrying large sums of currency or monetary instruments, \$10,000 or more. Or by a person mailing such large sums into or out of Canada. [As read]

You see that, sir?

25 A. I do.

Q. And - and all of that information that FINTRAC had on Mr. - on Rosco Trading, you sent to Mr. Henareh?

A. That's correct.

30 Q. And you're saying that would've been of no use to Mr. Henareh?

A. It would've been useful in terms of demonstrating *bona fides*, and getting him to have a

conversation.

Q. Right.

A. But cross border transactions, all that's publicly known. That's not unique, secret.

5 Q. But Mr. Henareh would not know what FINTRAC knows, right? This confirms what law enforcement, including FINTRAC, know about his transactions?

A. He had visibility on that data and intelligence already.

10 Q. And again, sir, you're trying to get him to move to Tutanota, the e-mail platform, by sending him useless information?

A. It wasn't useless, it was meant to demonstrate *bona fides*. You can't claim to be an insider along the theme that these targets were operating under, unless you can provide some kind of insider information.

15 Q. And at page 10 of 11, sir, in the FINTRAC report, it states that,

[This] This disclosure [*indiscernible*] information that the Financial Transactions and Reports Analysis Centre of Canada, FINTRAC, has reasonable grounds to suspect would be relevant to an investigation or prosecution of a money laundering offence.

20 [As read]

25 You see that, sir?

A. I do.

30 Q. Right. And you'd agree with that? That was information that would be relevant to that goal, investigation or prosecution of a money laundering offence?

A. That's the goal of FINTRAC information,

correct.

Q. Right. And you gave all of that information to Mr. Henareh, a target of investigation?

A. He was not a target of in - active investigation at the time. But he was provided this information.

MR. MACFARLANE: Just a minute, Your Honour.

... PAUSE

Q. Sorry, sir. And just to be clear. When you sent the disclosure summary, the FINTRAC disclosure summary and the CD containing all the tables, you didn't ask FINTRAC for permission to send it to Mr. Henareh?

A. I did not.

MR. MACFARLANE: Sir, I can keep going, or we can take a break now. I - I unfortunately won't finish today, so....

THE COURT: Oh, you're not gonna finish today. All right. Well, we're gonna take a break and then I'm gonna wanna talk to counsel and to the jury. We'll take a - take a short break.

COURT SERVICES OFFICER: All rise.

... WHEREUPON JURY RETIRES (3:44 p.m.)

CLERK REGISTRAR: Please be seated.

... ADMINISTRATIVE DISCUSSIONS UNRELATED TO THE MATTER (3:44-3:50 p.m.)

COURT SERVICES OFFICER: Order, please. All rise.

... WHEREUPON JURY ENTERS (3:51 p.m.)

5 CLERK REGISTRAR: All members of the jury are now present. Please be seated.

10 THE COURT: All right. Members of the jury, we're gonna stop for today. As you know, we've got a bit of a long break goin'. We're back here on the 14th of November. The 13th is a - is a holiday because of Remembrance Day spilling onto Saturday. So, we're getting there. I mean, I still think we're with - within the - the eight-week window that we created when we started this case. I know it's off, and on and I know that that's not the easiest way for trials. That often happens, 15 though, to be candid with you. It's not necessarily unique to this case, while there's some unique features to this case, certainly.

20 What I'm gonna ask you to do is I'm gonna remind you about not researching things, and not looking at any media reports about the case. And not talking to anybody about it. Just that reminder because of the extended time.

25 We're gonna do our best to finish it in the window. I - I - that's my goal. Whenever I run a trial like this, or any trial. So, take care and take care of your health. I know I don't want anybody to get sick between now and next Tuesday. 30 So, if you haven't had a flu shot, get one. Or - it - but I'm not ordering you to, just - far be it

for me to do that. Anyway, all right. So, thank you, thank you for your patience, thank you for your attentiveness, and we'll see you on the 14th.
COURT SERVICES OFFICER: Order please, all rise.

5

... WHEREUPON JURY RETIRES (3:53 p.m.)

THE COURT: All right. Thank you.

CLERK REGISTRAR: Court is adjourned to next Tuesday at 10:00 a.m.

10

... MATTER ADJOURNED NOVEMBER 14, 2023

15

(3:53 p.m.)

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25

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67.
Certification

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15 November 7, 2023

Linda A. Lebeau

Date

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