

SEALING ORDER

(Pursuant to Section 487.3(1) of the Criminal Code)

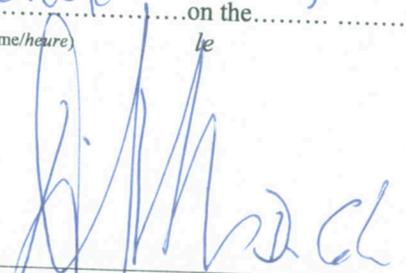
UPON the application for an order to prohibit disclosure of information relating to a search warrant;

AND UPON BEING SATISFIED that the ends of justice would be subverted by disclosure of information relating to the search warrant, or that the information might be used for an improper purpose, and that the importance in access to the information is outweighed by these concerns;

IT IS ORDERED that all documents relating to the search warrant, including the search warrant, the information sworn in support thereof, and any reports to the justice and orders for continued detention of things seized pursuant to the search warrant, shall immediately be placed in a packet and sealed, and the packet shall be kept in the custody of this court in a place to which the public has no access and shall not be dealt with except in accordance with the following terms and conditions:

- a) This order shall remain in effect until set aside by a court of competent jurisdiction or terminated as a result of an application under section 487.3(4) of the *Criminal Code*; and to this end an endorsement shall be affixed to the said packet.
- b) The Crown may access any documents subject to this order and duplicate and provide them for purposes of disclosure.
- c) The Crown shall, as soon as practicable, provide a copy of this sealing order to those parties who are expected to appear before the Superior Court of Justice in Toronto on March 19, 2014, in relation to other sealing orders that have been issued in respect of this investigation.

Issued at Toronto on the 7 day of March, 2014 at the City of Toronto
Décerné à (time/heure) le jour de à (place/endroit)



Judge or Justice of the Peace in and for the Province of Ontario
Juge ou juge de paix dans et pour la province de l'Ontario

APPENDIX "A"

Attached to and forming part of a Warrant to Search pursuant to section 487 (1) of the *Criminal Code of Canada*

DESCRIPTION OF LOCATION TO BE SEARCHED: The building of the Intelligence Division of the Toronto Police Service, located in the City of Toronto, Ontario

APPENDIX "B"

Attached to and forming part of a Warrant to Search pursuant to section 487 (1) of the *Criminal Code of Canada*

DESCRIPTION OF THING(S) TO BE SEARCHED FOR: The external hard drive containing the extracted data from Alexander LISI's cellular device associated to the telephone number Personal Identifier

TERMS OR CONDITIONS:

The examination and analysis of the thing(s) to be searched for, and any copies of the data found therein, will be based on the charges set out in this warrant and will be conducted in relation to the following data:

- 1) SMS database (text messages):
 - a) Any text messages sent or received on or after February 17th, 2013.
 - b) Any text messages sent or received before February 17th, 2013, between LISI and phone numbers associated to:
 - i) Robert FORD
 - ii) Elena BASSO
 - iii) Fabio BASSO
 - iv) David PRICE
 - v) Thomas BEYER
 - vi) Mohamed SIAD
 - vii) Liban SIYAD
 - viii) Mohamed FARAH
- 2) Pictures:
 - a) Any photographs taken, sent or received on or after February 17, 2013
- 3) Video:
 - a) Any videos taken, sent or received on or after February 17, 2013

- 4) Audio recordings:
 - a) Any audio recordings taken, sent or received on or after February 17th, 2013
- 5) Phone Access logs (call history):
 - a) Any phone access logs respecting calls made or received on or after February 17th, 2013
- 6) Address Book Contents
- 7) Any data showing ownership and usage of device

APPENDIX “C”

Attached to and forming part of a Warrant to Search pursuant to section 487 (1) of the *Criminal Code of Canada*

DESCRIPTION OF OFFENCE:

Alexander LISI, during a time frame commencing on or about the 16th day of May, 2013, and ending on or about the 18th day of May, 2013, both dates inclusive, in the City of Toronto in the Toronto Region, and elsewhere in the Province in Ontario, did, without reasonable justification or excuse and with intent to obtain a digital video recording or recordings or a cellular telephone or telephones, induce or attempt to induce Liban SIYAD by threats, accusations, menaces or violence, to produce or deliver, or cause to have produced or delivered, the said digital video recording or recordings, or cellular telephone or telephones, contrary to section 346(1) of the *Criminal Code of Canada*.

APPENDIX "A"

Attached to and forming part of the *Information to Obtain* for Detective Constable David LaVallee (8663).

DESCRIPTION OF LOCATION TO BE SEARCHED: The building of the Intelligence Division of the Toronto Police Service, located in the City of Toronto, Ontario

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 - iii) Fabio BASSO
 - iv) David PRICE
 - v) Thomas BEYER
 - vi) Mohamed SIAD
 - vii) Liban SIYAD
 - viii) Mohamed FARAH

2) Pictures:

- a) Any photographs taken, sent or received on or after February 17, 2013

3) Video:

- a) Any videos taken, sent or received on or after February 17, 2013

- 4) Audio recordings:
 - a) Any audio recordings taken, sent or received on or after February 17th, 2013
- 5) Phone Access logs (call history):
 - a) Any phone access logs respecting calls made or received on or after February 17th, 2013
- 6) Address Book Contents
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APPENDIX “D”

INTRODUCTION

I, David LAVALLEE (8663), am a police officer employed by the Toronto Police Service. I am assigned to investigative duties within the Homicide Squad, specifically Project Brazen II.

During this investigation I have been responsible for investigative analysis, witness interviews and other assigned duties.

I have been involved in this investigation since Monday June 17th, 2013. I have performed my duties in this investigation with the lead investigators, Detective Sergeant Gary GIROUX (2268) and Detective Joyce SCHERTZER (3952) of the Toronto Police Service Homicide Squad.

The information which follows in this application is information that is known to me from the following sources:

- Direct knowledge.
- Interviews that have been conducted.
- Information passed on to me by other police officers based on observations they have made and interviews they have conducted.
- Written reports and notebook entries I have read.
- Videotaped and/or audio taped interviews that I have reviewed.
- Enquiries made through Police databases and other external enquiries.

I have relied on information acquired through police occurrences and police computer databases, which include multiple computer programs of the Toronto Police Service. I have attached a glossary of terms for these databases which may be referred to throughout my information.

Appendix “E”– Police Computer Databases

My investigations and those I oversaw, or caused to be conducted, are herein described in this Information. I believe that all the information contained in this, my Information, is accurate and true.

THE REQUEST

This is an application for a search warrant authorizing the search for and seizure of an external hard drive containing the extracted data from the cellular phone belonging to Alexander LISI. The hard drive is in the custody of the Toronto Police and is located at the building of the Intelligence Division of the Toronto Police Service, in the City of Toronto, Ontario.

The cell phone was previously seized pursuant to a CDSA search warrant on the basis that its data was relevant to an investigation of LISI for drug offences. Following execution of this warrant, the cell phone data was extracted and stored on an external hard drive. I am now seeking a warrant to re-seize the external hard drive so that the data may be analysed in relation to an investigation of LISI for the offence of extortion.

OVERVIEW

Project Brazen II is a follow-up investigation stemming from Project Traveller. Project Traveller was a Part VI Wiretap investigation conducted by the Toronto Police Service investigating high numbers of violent crimes within the area of Dixon Road between Islington Avenue and Kipling Avenue. The focus was on a known gang by the name of the “Dixon Blood Crew”. The project was concluded on June 13th, 2013, with the execution of a number of search warrants in and around the greater Toronto Area seizing a quantity of firearms, ammunition and drugs.

During the Project Traveller investigation a number of communications from targets and persons of interest were intercepted talking and text messaging about the Mayor of Toronto, Robert FORD, and his involvement with drugs. Specific exchanges were also intercepted between Project Traveller targets and a number of additional persons of interest communicating about being engaged in drug trafficking in exchange for the return of the Mayor’s cellular phone.

Because of the involvement of drugs, the Mayor and the necessity to investigate the content of the intercepts, Project Brazen II was developed. The mandate was to investigate any criminality that may exist that might be associated with the Mayor or his office while ensuring that the integrity of Project Traveller remained intact.

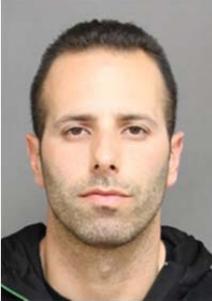
As a result of the Project Brazen II investigation, Alexander LISI, an associate of Mayor Robert FORD was arrested on October 1st, 2013, and charged with a number of offences relating to drug possession and trafficking. Subsequent to LISI’s arrest a Controlled Drugs and Substances Act (CDSA) Search Warrant was authorized for his personal cellular phone¹. The Project Brazen II investigation remained active and on October 31st, 2013, Alexander LISI was arrested and charged with extortion.

LISI’s cellular phone was examined by the Toronto Police Service under the strength of the aforementioned CDSA authorization. The authorized items to be searched for are listed in **APPENDIX “F”** of this affidavit. The device was found to be locked and password protected. It was necessary to send the device to Apple Incorporated in order to have the data extracted for analysis. An Assistance order was drafted, signed and sent to Apple. This order, attached to this

¹ See the “**Previous Judicial Authorizations**” section of affidavit, specifically the **October 9th, 2013, Search Warrant** entry.

I. BACKGROUNDS

Persons of Interest to this Investigation



1) **Alexander LISI**, born

Personal Identifier

Based on information gathered in Project Brazen II, I believe that LISI is a drug dealer who operated out of the north end of Etobicoke. He was charged during the investigation in relation to the drug trafficking that he was found to be a part of. In addition to the aforementioned drug trafficking, LISI was observed by Toronto Police Service surveillance officers to be an associate of Toronto Mayor Robert FORD. LISI was observed by the same surveillance officers to act on occasion as a driver for Robert FORD. I have conducted searches on the eCops, CIPS and CPIC databases in relation to LISI. The results reveal that LISI is currently under a firearms prohibition for life in relation to the 2003 convictions of threaten death, assault and criminal harassment. I have reviewed all Toronto Police Service's arrest records on the CIPS database for LISI. Based on these records, the following is a brief summary of LISI's charges and convictions with the Toronto Police Service:

- a) On October 7th and 14th, 1996, LISI was convicted of Mischief Interfere with Property. He was given a conditional discharge with twelve months of probation. His assault charge which was laid at the time was withdrawn.
- b) On November 18th, 1996, LISI was charged with Fail to comply and Mischief Under. These charges were withdrawn in lieu of a Peace Bond and three hundred dollars restitution.
- c) On April 3rd, 1997, LISI was charged with Fail to comply, Possession of Property obtained by Crime and Possession of Marihuana. LISI plead guilty to the Fail to comply and received a conditional discharge with one year probation and twenty hours of community service. The other two charges were withdrawn.
- d) On December 14th, 1997, LISI was charged with Failure to stop at scene of accident and Careless Driving. LISI plead guilty to the Carless Driving and was required to pay five hundred dollars.

- e) On August 18th, 1999, LISI was charged with Assault. He was given a conditional discharge with twelve months of probation.
- f) On February 1st, 2001, LISI was charged with Criminal Harassment, Fail to comply and Threatening Death. He was found guilty of the Criminal Harassment and Threatening Death and sentenced to fifteen days in jail.
- g) On September 9th, 2002, LISI was charged with two counts of Criminal Harassment, two counts of Threatening Bodily Harm, Assault, two counts of Fail to comply and Possession of Marihuana. LISI was sentenced to 45 days of time served plus 90 days in jail to be served intermittently for the Threatening Bodily Harm, Assault, Criminal Harassment and Fail to comply. The other charges were withdrawn.
- h) On July 25th, 2007, LISI was charged with Possession of Marihuana. This charge was stayed.
- i) On June 1st, 2007, and January 29th and 27th, 2008, LISI was charged with Assault, Criminal Harassment and two counts of Threatening Death. All charges were withdrawn in lieu of a Peace Bond.
- j) On April 20th, 2009, LISI was charged with Possession of Marihuana. This charge was withdrawn at the request of the Crown.
- k) Between the dates of November 1st, 2010, and September 18th, 2011, LISI was charged with two counts of Assault, Forcible Confinement, two counts of Threatening Death and Criminal Harassment. LISI was found guilty of the Threatening Death and sentenced to four days of pre-trial custody and a suspended sentence with two years of probation. All the other charges were withdrawn.
- l) LISI is currently out on bail in relation to the Project Brazen II charges stemming from the October 1st, 2013, and October 31st, 2013, arrests for the following charges:
 - i) Conspiracy to commit indictable offence C.C. 465(1)(c)
 - ii) Traffic in Marihuana (under) C.D.S.A. 5(4)
 - iii) Possession of Proceeds of Crime C.C. 354(1)(a)
 - iv) Possession of Marihuana (under) C.D.S.A. 4(5)
 - v) Extortion C.C. 346(1)

- 2) Throughout this affidavit I will be making reference to wiretap communications intercepted during the Project Traveller investigation. I believe that LISI is a party to some of these intercepted communications. My belief is based on the following:
- a) I have read the intercepted communication summaries which pertain to LISI that were provided by Project Traveller investigators. Based on my experience as a police officer, I believe that summaries of intercepted communications contain reliable, system-generated records of the phone numbers being intercepted and the subscriber names and addresses (when available) associated to these phone numbers.² The summaries pertaining to LISI list the phone number [Personal Identifier] as having a subscriber name of Alexander LISI and an address of 5 Madill Street, Toronto. I have attended 5 Madill Street in Toronto and have confirmed that LISI does, in fact, live at this address.
 - b) I have listened to these intercepted communications and have spoken to LISI myself on numerous occasions. I can confirm that the person speaking on the intercepted communications is, in fact, LISI.
 - c) The phone number [Personal Identifier] is attached to the same device that was later tracked³ in relation to LISI and seized from his person during his arrest on October 1st, 2013.



- 3) **Robert FORD**, born [Personal Identifier]

Robert FORD is the current Mayor of the City of Toronto. Robert FORD does not have a criminal record however does have an [Personal Identifier]

- 4) Throughout this affidavit I will be making reference to communications from a number of telephone numbers for Robert FORD. I believe that these telephone numbers belong to Robert FORD. My belief is based on the following:

² Summaries of intercepted communications also contain summaries of the contents of the intercepted communications that are prepared by intercept monitors for the purpose of assisting investigators.

³ See “**Previous Judicial Authorizations**” section of affidavit, specifically the **July 31st, 2013, Tracking Warrant** entry.

- a) **Personal Identifier** – This is a residential land line associated to Robert FORD’s home at 223 Edenbridge Drive in Toronto. **Personal Identifier**
- b) **Personal Identifier** – This is a cellular phone number associated to an OnStar⁴ account. I was able to call and confirm through an OnStar company representative that the number was linked to a specific vehicle identification number (VIN). I checked PARIS and learned that this VIN is registered to Robert FORD’s label company, Deco Adhesive Products. I have also read reports of surveillance officers which reveal that Robert FORD has been seen driving the vehicle which, according to PARIS, is associated to this VIN.
- c) **Personal Identifier** – I have read subscriber results, obtained from Bell Mobility, for this phone number that list it as being registered to Deco Adhesive Products, specifically to the user Robert FORD. I have also read an interview, conducted by Det. Sgt. GIROUX and Det. SCHERTZER with David PRICE where he provides this number as the number associated to the lost cellular phone of Robert FORD.
- d) **Personal Identifier** – I have read the Dialed Number Recorder subscriber results⁵ which list this as a residential number for “Ford, Rob” with an address of 223 Edenbridge Drive, Toronto. Ministry of Transportation records, which I have reviewed, list this as the address for Robert FORD.



- 5) **Jamshid BAHRAMI**, born **Personal Identifier**

BAHRAMI is the owner and operator of Richview Cleaners which is a dry cleaning facility located in the north end of Etobicoke. BAHRAMI is medically licenced to possess marihuana. BAHRAMI is a known drug dealer who operated out of Richview Cleaners. BAHRAMI is an associate of Alexander LISI. BAHRAMI has no criminal convictions but is currently before the courts in relation to charges stemming from Project Brazen II. The following are those charges:

⁴ A subsidiary of General Motors that provides subscription-based communications, in-vehicle security, hands free calling, turn-by-turn navigation, and remote diagnostics systems throughout the United States, Canada and China.

⁵ See “**Previous Judicial Authorizations**” section of affidavit, specifically **July 31st, 2013, Dialed Number Recorder Warrant** entry.

- a) Conspiracy to commit indictable offence C.C. 465(1)(c)
- b) Traffic in Marihuana (under) C.D.S.A. 5(4) x3
- c) Possession of Cocaine C.D.S.A. 4(3)



6) **Elena JOHNSON** (aka Elena BASSO, Princess), born

Personal Identifier

JOHNSON, who goes by Elena BASSO and will be referred to as such throughout this affidavit, is the adult sibling of Fabio BASSO. Both BASSOs reside at 15 Windsor Road, Etobicoke with their elderly mother, Lina BASSO⁶. Based on information obtained from intercept summaries I have reviewed from Project Traveller, the residence is known as a frequent hang out for crack cocaine users. CPIC records, which I have reviewed, indicate that Elena BASSO has eleven criminal convictions dating back to 1993. These charges are in relation to prostitution and narcotics.



7) **Fabio BASSO**, born

Personal Identifier

Fabio BASSO is the brother of Elena BASSO. Both BASSOs live together at 15 Windsor Road. CPIC records, which I have reviewed, indicate that Fabio BASSO has five criminal convictions dating back to 1990.



8) **David PRICE**, born

Personal Identifier

⁶ Det. SCHERTZER, DC KHOSHBOOI and I have all attended 15 Windsor Road, Etobicoke. We have spoken with Elena, Fabio and Lina BASSO, and confirmed that they all live at this residence.

PRICE is a long-time friend of the FORD family and worked for Mayor Robert FORD as his Director of Operations and Logistics⁷. PRICE has no criminal record.



9) **Thomas BEYER**, born Personal Identifier

BEYER is a friend of David PRICE⁸, and is currently listed on the City of Toronto website⁹ as being an employee of Mayor Robert FORD, specifically his Special Assistant. According to checks conducted by me, BEYER has no criminal record.

Project Traveller Parties

10) Project Traveller was a Part VI Wiretap Project that was being conducted by the Toronto Police Service. I have read an Authorization to Intercept Communications and the related Orders and Warrants obtained by Project Traveller investigators. I have learned the following information:

- a) On March 18th, 2013, The Honourable Justice NORDHEIMER granted an Authorization to intercept Private Communications. The Authorization was valid from March 18th, 2013, to May 17th, 2013. Detective Constable Matthew CLARKE (8025), of the Toronto Police Service Gun and Gang Taskforce, was the Affiant in relation to the application. There were fifty nine Principle Known Persons involved in Project Traveller. The following three Principle Known Persons were identified as persons of interest in relation to Project Brazen II:



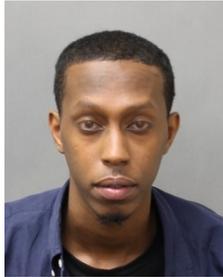
i) **Mohamed SIAD** (aka Gotti), born Personal Identifier

⁷ This information was provided to me and Det. SCHERTZER during an interview with PRICE on June 19th, 2013.

⁸ Ibid.

⁹ "Toronto Office of the Mayor." n.p. Toronto.ca, n.d. Web.

Based on information that I have obtained from Project Traveller intercept summaries, both SIAD and Liban SIYAD are associates of Mohamed FARAH. CPIC records, which I have reviewed, indicate that SIAD does not have criminal convictions. However, he is before the courts in relation to charges stemming from Project Traveller and another 2013 arrest.



ii)

Liban SIYAD (aka Gully), born

Personal Identifier

Toronto Police Service CIPS arrest records, which I have reviewed, indicate that SIYAD currently lives at 340 Mill Road, Toronto. CPIC records, which I have also reviewed, indicate that he does not have criminal convictions. However, he is before the courts in relation to charges stemming from Project Traveller and another 2013 arrest.



iii)

Mohamed FARAH (aka Big Dog or D), born

Personal Identifier

Based on information that I have obtained from Project Traveller intercept summaries, FARAH is a known associate of SIYAD and SIAD. CPIC records, which I have reviewed, indicate that he does not have criminal convictions. However, he is before the courts in relation to charges stemming from Project Traveller.

11) Throughout this affidavit I will be relying on summaries of communications involving SIAD, SIYAD and FARAH that were intercepted pursuant to the aforementioned Project Traveller Authorization. I have read all these summaries and I have listened to the recordings of the actual communications. The references made to these communications henceforth are what I have learned as a result of my observations and analysis.

II. HISTORY AND CHRONOLOGY OF THE INVESTIGATION

MARCH, 2013: Project Traveller Intercepts

- 12) On March 18th and March 25th, 2013, Project Traveller investigators begin intercepting communications identified as relating to Robert FORD. Two of these communications were unanswered calls from a telephone associated to Siyadin ABDI, a principle known person in Project Traveller, to the Mayor's office.¹⁰ Another communication is a call from an unknown male to Mohamed KHATTAK, another principle known person in Project Traveller. I have reviewed the call summary and listened to the audio of this call. The unknown male, while speaking about drugs and Dixon Road, indicates that he sees Robert FORD all the time.
- 13) On March 27th, 2013, ABDI is intercepted by Project Traveller communicating with Mohamed SIAD. During this communication SIAD indicates that he would prefer going directly to FORD with the video.

APRIL 1ST, 2013: Attempt to sell the FORD "Crack" Video

- 14) On February 1st, 2014, I read a Toronto Star Newspaper article online, published that same day, where Robyn DOOLITTLE, a reporter with the Toronto Star, released an excerpt of her book *Crazy Town*.¹¹ The excerpt indicates that on April 1st, 2013, DOOLITTLE received a call from someone indicating that they had "incriminating video of a prominent Toronto politician." DOOLITTLE agreed to meet with this individual in a park where she was told about the existence of a video featuring the Mayor, Robert FORD, smoking crack cocaine. She was also shown a photograph featuring Robert FORD alongside other individuals. The male told DOOLITTLE that the video of Robert FORD was filmed in the same house that the picture was taken. The male wanted one hundred thousand dollars for the video.
- 15) The aforementioned photograph of Robert FORD alongside other individuals was widely publicized in the media and featured in a Toronto Star Newspaper article on May 16th, 2013, written by DOOLITTLE and Kevin DONOVAN. I have read that article. The following is a copy of the published image of Robert FORD standing beside Anthony SMITH¹² and two additional unidentified males whose faces were pixelated to protect their identity:

¹⁰ I have reviewed the intercept summaries of these calls, which disclose these incoming and outgoing telephone numbers, subscriber names and addresses.

¹¹ Robyn Doolittle, *Crazy Town: The Rob Ford Story* (Penguin Group Canada, 2014)

¹² Anthony SMITH was another named party in Project Traveller. He was murdered on March 28th, 2013. I have spoken to Det. SCHERTZKER, the lead investigator in the Anthony SMITH homicide investigation. She confirmed that this photo depicts Anthony SMITH. She also advised me that her investigation resulted in charges being laid and a guilty plea of manslaughter being entered in relation to the death of SMITH. At the time of writing, this



APRIL 20, 2013: Robert FORD's Lost Cellular Phone

16) On April 20th, 2013, at 12:52 AM, one of the occupants of 15 Windsor Road, Elena BASSO, is intercepted by Project Traveller calling SIYAD.¹³ I have listened to this call. BASSO indicates that FORD is at her house. SIYAD then calls Abdirahman MOHAMED, another principle known person in Project Traveller. I have listened to this call. SIYAD tells MOHAMED that he is going to go deal with FORD at "Princess" house because the Mayor wants drugs.

17) A short time later on April 20th, 2013, Project Traveller intercepts a communication between SIYAD and Abdullahi HARUN, another named party in Project Traveller. This call occurs at approximately 2:18 AM. I have listened to this call. SIYAD indicates to HARUN that he has a picture of Robert FORD "smoking rock".

18) In the early morning hours of April 20th, 2013, LISI's cellular phone begins calling Robert FORD's cellular phone over and over starting at 4:23 AM. I have reviewed records of these calls obtained by production order from LISI's cellular telephone provider.¹⁴ These records reveal that there are nineteen calls in total made to Robert FORD's cellular phone.

investigation has not revealed a connection between Project Brazen II and the murder of SMITH, so I have not included any further details about this murder investigation in this affidavit.

¹³ The intercept summary for this call, which I have reviewed, states that this call was placed from a phone number associated to the address of 15 Windsor Road. The intercept summary also identifies Elena Basso as the caller. I believe that this is accurate because I know, from my experience as a police officer, that intercept monitors do not identify a caller unless they have grounds to do so. Intercept monitors often identify callers based on a combination of voice identification, analysis of the content of the call, and subscriber information.

¹⁴ See "**Previous Judicial Authorizations**" section of affidavit, specifically **June 25th, 2013, Production Order** entry.

Interspersed in those calls are two calls made by LISI's cellular phone to the land line of 15 Windsor Road. LISI's cellular phone also calls a telephone subscribed to BEYER at 10:47 AM. This call is two minutes and twenty four seconds long, which leads me to believe that LISI and BEYER spoke.

19) On June 19th, 2013, Det. SCHERTZER and I conducted an interview with PRICE. During that interview I learned the following information:

a) April 20th, 2013, is the same day that Robert FORD attended Colonel Samuel Smith Park in Toronto as part of the "Clean Toronto Together" event. Robert FORD's staff was informed that he misplaced his cellular phone. PRICE was detailed to get him a new one.

20) On April 20th, 2013, LISI begins making a number of telephone calls to Liban SIYAD starting at 11:37 AM. These calls were intercepted by Project Traveller and I have reviewed records of these calls obtained by production order from LISI's cellular telephone provider.¹⁵ The content of these calls were about getting Robert FORD's cellular phone back. During one of these communications LISI threatens to "heat up Dixon", insinuating that he will bring the police down onto SIYAD's neighbourhood if SIYAD did not return Robert FORD's phone.

21) After his conversation with LISI, SIYAD is intercepted by Project Traveller speaking with an unknown male about LISI's efforts to retrieve the Mayor's cellular phone. SIYAD, while referencing LISI, tells the male "you want threats you can make threats, I have fucking Rob Ford on a pipe, a picture of him", to which the male tells SIYAD to tell LISI "we have Rob Ford on a lot of fucked up situations but yo we don't say nuttin".

22) There are a number of back and forth communications intercepted by Project Traveller between SIYAD and LISI on April 20th, 2013. The content of these communications are negotiations regarding the location and return of Robert FORD's cellular phone. In one of the intercepted communications at approximately 1:25 PM on April 20th, 2013, SIYAD and LISI agree to meet on Blackfriar Avenue in Etobicoke. This meeting is to facilitate the return of Robert FORD's cellular phone. I believe, as indicated in the paragraphs below, that LISI obtained Robert FORD's cellular phone at this time by exchanging it for a quantity of marihuana.

23) Following the aforementioned meeting between SIYAD and LISI, a number of calls are placed from LISI's cellular phone. I have reviewed records of these calls obtained by

¹⁵ See "Previous Judicial Authorizations" section of affidavit, specifically June 25th, 2013, Production Order entry.

production order from LISI's cellular telephone provider.¹⁶ Starting at 1:39 PM, there are calls from LISI's cellular phone to a telephone subscribed to BEYER and to the telephone number associated with the OnStar in Robert FORD's vehicle **Personal Identifier**

24) On April 20th, 2013, Project Traveller intercepts three telephone calls from SIYAD between 5:31 PM and 7:31 PM. The content of these conversations are all about how SIYAD had seen Robert FORD "smoke dope" the night before and how SIYAD had received "kush", or marihuana from "Rob Ford's driver", meaning LISI, for returning Robert FORD's cellular phone.

25) By April 21st, 2013, Robert FORD's cellular phone is once again making calls to LISI's cellular phone. Records of these calls obtained by production order from LISI's cellular telephone provider, which I have reviewed, confirm this.¹⁷

MAY 16, 2013: Gawker.com and Toronto Star Articles released

26) On May 16th, 2013 at 8:18 p.m. a telephone number associated to Robert FORD makes a forty second phone call to LISI's cellular phone¹⁸. This is ten minutes before the online release of an article describing a video which depicts Robert FORD smoking narcotics.

27) On May 16th, 2013, at 8:28 PM, an internet article was published on the web site "Gawker.com"¹⁹. I have read this article and learned the following:

- a) The article featured the aforementioned photograph of Robert FORD standing beside Anthony SMITH and two additional unidentified males whose faces were pixelated to protect their identity.
- b) The article detailed a meeting between the author, John COOK, and an unidentified "tipster" in the Dixon Road community of Toronto. This meeting took place on May 13th, 2013. The tipster had a video of Robert FORD smoking crack cocaine and was willing to sell it to COOK for one hundred thousand dollars.
- c) During the meeting with the tipster COOK was shown a video recording on a touch screen device. The video featured Robert FORD smoking crack cocaine from a glass

¹⁶ See "**Previous Judicial Authorizations**" section of affidavit, specifically **June 25th, 2013, Production Order** entry.

¹⁷ Ibid.

¹⁸ I have reviewed a record of this call obtained by production order from LISI's cellular telephone provider. See "**Previous Judicial Authorizations**" section of affidavit, specifically **June 25th, 2013, Production Order** entry.

¹⁹ Cook, John. "For Sale: A Video of Toronto Mayor Rob Ford Smoking Crack Cocaine." Gawker. Gawker.com, May 16th, 2013 8:28pm.

pipe. COOK was told that the video had been filmed within the six months prior to the meeting.

28) On May 16th, 2013, the Toronto Star Newspaper released an internet article²⁰ at 11:30 PM, shortly after the Gawker article, with regards to the allegation that Robert FORD was smoking crack cocaine and was caught on video. The authors of this article were DOOLITTLE and Kevin DONOVAN. I have read this article and learned the following:

a) Both DOOLITTLE and DONOVAN claim to have viewed the same video detailed by John COOK of Gawker, in its entirety and on three separate occasions. This article also featured the same photograph of Robert FORD as the aforementioned Gawker article.

29) On May 16th, 2013, LISI is intercepted twice by Project Traveller contacting SIYAD. LISI introduces himself as the individual whom SIYAD had dealt with in relation to the cellular phone. LISI accuses SIYAD and his friends of putting out pictures and video. LISI tells SIYAD to “get to the bottom of it”. I believe that this statement is in reference to the video featuring Robert FORD smoking what appears to be a narcotic and the location of the video. LISI goes on to tell SIYAD that they would be a rewarded if it was found.

MAY 17-20, 2013: Response to Media Attention surrounding the FORD “Crack” Video

30) On May 17th, 2013, Robert FORD makes a public statement to reporters waiting outside of his house about the video scandal being reported in the media. I have watched video from the various news agencies in Toronto that covered this statement and heard Robert FORD state that the allegations were ridiculous.

31) On May 17th, 2013, PRICE receives two calls about the video. On May 18th, 2013, Det. Sgt. GIROUX and Det. SCHERTZER interview PRICE and Mark TOWHEY, who, at the time, was Robert FORD’s Chief of Staff. I have spoken with both GIROUX and SCHERTZER about the interviews, watched the videotaped interviews and read the statement summaries. I have learned the following:

a) Both of these individuals worked for Robert FORD at the time of the interview.

b) On May 17th, 2013, PRICE received two calls, at approximately 8:00 AM and 2:00 PM, from an unknown person. This unknown person advised that the people with the cellular phone containing the Robert FORD recording are known to frequent 320 Dixon Road unit 1703.

²⁰ Doolittle, Robyn/Donovan, Kevin. “Rob Ford in ‘crack cocaine’ video scandal.” The Star. Thestar.com, May 16th, 2013 11:30pm.

- c) The caller went on to say that the video was in the possession of two drug dealers named “GOTTI” and “D” and that these individuals are trying to be sell the video.
 - d) The caller also indicated that GOTTI and D were friends with Anthony SMITH. Phone numbers were provided for GOTTI.
 - e) PRICE provided all this information to TOWHEY and Doug FORD, the brother (and current City of Toronto Counsellor) of Robert FORD.²¹
- 32) On May 17th, 2013, there is a flurry of telephone activity between LISI’s cellular telephone and telephones associated to Rob FORD, the BASSO residence, and PRICE.²²
- 33) Project Traveller also intercepts a number of communications on this date. One of those intercepts included a call from an unknown male to SIYAD where the unknown male was telling SIYAD that LISI had called “Juiceman”²³ and told him that “you’re fucking dead, you’re fucking dead and everybody on your block is dead”.
- 34) On one of Project Traveller’s intercepted communications of SIYAD, on May 17th, 2013, Project Traveller intercepted another communication involving SIYAD in which the other party to the communication, who identifies himself as “Juiceman”, states that he was told by LISI “if that video gets released, I’m gonna, I’m gonna run through all your houses, me and all the, all the Toronto Police”. I believe that this is in reference to the video that features Robert FORD smoking what appears to be a narcotic.
- 35) Another intercept on May 17th, 2013, was from Monir KASIM, another principle known person in Project Traveller, to an unknown male. I have listened to this intercepted communication and I have read the related intercept summary. KASIM speaks about how “the hood” would be raided soon and that Rob FORD is “going mad”.
- 36) Similarly, Mohamed SALIM, another principle known person in Project Traveller, was intercepted twice on May 17th, 2013. I have listened to these intercepted communications and I have read the related intercept summaries. In one of these intercepts, SALIM is talking to an unknown male about LISI making threats to SIYAD. In the other, SALIM is again

²¹ On June 19th, 2013, Det. SCHERTZER and I conducted another interview with PRICE. During that interview, PRICE stated that he had received a call from an unknown male stating that the location of the cell phone recording of Robert FORD smoking crack is unknown however the individuals that have the cellular phone recording are associated to 320 Dixon Road Apartment 1703.

²² I have reviewed records of these calls obtained by production order from LISI’s cellular telephone provider. See “**Previous Judicial Authorizations**” section of affidavit, specifically **June 25th, 2013, Production Order** entry.

²³ To date, investigators have not been able to determine the identity of “Juiceman”.

talking to an unknown male about Robert FORD's driver calling "the hood" or people in the neighbourhood. Based on the context, I believe that LISI is Robert FORD's "driver".

- 37) There are a total of fifty separate communications on May 17th, 2013, found in the Project Traveller intercepts and later obtained production order results²⁴ that relate to Robert FORD and the news of a video featuring him smoking crack cocaine.
- 38) On May 18th, 2013, Project Traveller intercepts a call between LISI and SIYAD speaking about the widely reported "crack" video. I have listened to this intercepted communication, reviewed the related intercept summary, and reviewed the record of this call obtained by production order from LISI's cellular telephone provider.²⁵ I believe that LISI is threatening SIYAD that the police will be brought down onto SIYAD's neighbourhood if SIYAD does not get the video featuring Robert FORD smoking what appears to be a narcotic. During the communication, LISI tells SIYAD that "Yo (unintelligible) you see the heat, bro? You see the heat on Dixon, bro?" He goes on to say it is going to "get worse and worse" and "the whole place is going to get heated up all summer until that fucking phone gets back, the whole place...is going to get lit right up." He closes by telling SIYAD to "put the message out to your people...that the whole place is going to get heated".
- 39) On May 20th, 2013, SIYAD is intercepted by Project Traveller making a phone call to Elena BASSO about SIYAD not having the video with Robert FORD in it. I have listened to this intercepted communication and have reviewed the related intercept summary. SIYAD tells BASSO that if he had the video he would have brought "it to your house and give it to you directly to give to Rob." SIYAD also tells BASSO that he is going to get the video. BASSO states that Robert FORD did it "in my house and now I, never mind, I got, I got Rob's fucking people and Cops coming here every fucking day." SIYAD responds with "I know. They're fucking chasing after me, think I have the video". BASSO goes on to say that "G brought down heat on this whole fuckin' area" and that Robert FORD has "got power" and "it doesn't matter who's right or wrong, everybody's going to go fucking, if we're going to feel the heat everywhere". SIYAD ends the conversation by telling BASSO "Yeah just tell Rob I don't have that shit, man."

²⁴ See "Previous Judicial Authorizations" section of affidavit, specifically June 25th, 2013, Production Order entry.

²⁵ Ibid.

MAY 21ST, 2013: Shooting at 320 Dixon Road Toronto

40) On May 21st, 2013, a shooting occurs somewhere in the vicinity of 320 Dixon Road in the 17th floor hallway. I have read the police report (eCops 5012579) in relation to this investigation and learned the following:

- a) The shooting occurs at approximately 4:11 AM. The victim was Abdullahi HARUN and he was brought to the hospital by SIYAD. (I know from my review of Project Traveller that HARUN is also a principle known person in Project Traveller).
- b) Witness accounts state that there were approximately six to seven males in the hallway having an argument just before the sounds of gunshots were heard.
- c) Arafat Hirsi MOUSA is currently wanted for Attempted Murder in relation to this shooting.

41) While this shooting occurred at the same address and floor as the information given to PRICE by an unknown caller, at this time the shooting is not known to be relevant to the Project Brazen II investigation.

MAY 21ST, 2013: Home Invasion at 15 Windsor Road Toronto

42) On May 21st, 2013, a home invasion occurred at 15 Windsor Road. I have read the police report (eCops 5040336) in relation to this investigation and learned the following:

- a) At approximately 10:56 PM an unknown male forced his way into the address and assaulted Fabio BASSO.
- b) BASSO spoke with police but did not identify the individual or give a reason why someone would want to assault him.

43) This home invasion is still being investigated, but at this time is it not known to be relevant to the Project Brazen II investigation.

Termination of Project Traveller and Commencement of Project Brazen II

44) On June 13th, 2013, Project Traveller is taken down. The Toronto Police Service released a series of new releases in relation to the Project, which I have read. They state that Project Traveller resulted in 44 people arrested with over 220 charges laid.

45) On June 17th, 2013, I spoke with Det. Sgt. GIROUX who advised that on June 14th, 2013, he was directed by Toronto Police Command to conduct an investigation into Robert FORD and the Mayor's Office with regards to any potential criminality that the Mayor may or may not be involved in.

46) Throughout the course of this investigation I, along with the other members of the Brazen II investigative team, conducted interviews with former staff members of Robert FORD. The following is a list of the former staff members who were interviewed:

- a) Mark TOWHEY - Former Chief of Staff
- b) David PRICE – Former Director of Operations and Logistics
- c) George CHRISTOPOULOUS – Former Press Secretary
- d) Isaac RANSOM – Former Communications Director
- e) Nico FIDANI – Former Special Assistant
- f) Chris FICKEL – Former Special Assistant
- g) Michael PREMPEH – Former Special Assistant
- h) Kia NEJATIAN – Former Executive Assistant

47) I have reviewed summaries of these interviews that were prepared by investigators. Based on these summaries I learned the following:

- a) There were numerous instances of Robert FORD exhibiting bad behaviour both during work hours and during his personal time.
- b) This behaviour included substance abuse, drinking and driving, physical altercations with staff members and a friendship with a man who staff members knew as “Sandro” who was believed to be involved in drugs.
- c) Sandro was identified in a photograph, presented by investigators during some of these interviews, as Alexander LISI.

48) From the onset of the Brazen II investigation, the investigative team was assisted by members of the Toronto Police Service Investigative Support Unit (ISU). I have spoken with these members, read their memorandum book notes and read their surveillance reports. I have learned the following:

- a) Throughout the Brazen II investigation, ISU members incorporated different investigative techniques, methods of surveillance and tracking utilizing police resources and Judicial Authorizations.

- b) During the course of the Project Brazen II investigation, as a result of the behaviours observed by surveillance officers, investigators came to believe that LISI's actions were consistent with that of a drug dealer. He was found to have repeatedly engaged in counter-surveillance techniques.
- c) LISI was found, through later obtained production order results, dialled number recorder results, tracking device results, and surveillance to be regularly calling and attending the business place of Jamshid BAHRAMI at Richview Cleaners. LISI would travel back and forth between his home and the cleaners for short periods of time. This was a pattern that he reproduced at a number of locations throughout the city on a daily basis throughout the day. LISI was also observed on a number of occasions dropping off large plastic packages to the cleaners and smaller packages to a number of individuals. This type of behaviour is indicative of drug trafficking.

49) As the mandate of Brazen II was to look for any potential criminality involving Robert FORD, LISI and his relationship to Robert FORD became one of the focuses of the investigation.

Undercover Operation at Richview Cleaners

50) On August 23rd, 2013, an undercover officer, Detective Constable Ross FERNANDES (90069), with the Toronto Police Service Drug Squad, was deployed into Richview Cleaners for the purposes of making contact with BAHRAMI. I have read DC FERNANDES' memorandum book notes, and the memorandum book notes and surveillance reports of the Toronto Police Service Drug Squad surveillance/backup team assigned to DC FERNANDES. From these sources I have learned the following:

- a) DC FERNANDES was able to quickly build trust with the target, BAHRAMI. Because of this trust, BAHRAMI told DC FERNANDES that LISI is one of his drug suppliers.
- b) On August 27th, 2013, BAHRAMI supplied DC FERNANDES with a small quantity of marihuana while inside Richview Cleaners.
- c) On September 4th, 2013, BAHRAMI brokered a drug transaction with DC FERNANDES for the purchase of one pound of marihuana from another one of BAHRAMI's drug suppliers. The transaction took place inside Richview Cleaners.

Arrest of LISI and BAHRAMI

51) On October 1st, 2013, LISI and BAHRAMI were arrested after BAHRAMI brokered a second drug transaction for half a pound of marihuana with DC FERNANDES. Information

provided by BAHRAMI to DC FERNANDES prior to his arrest was that LISI supplied him the marihuana that he was selling.

52) On October 1st, 2013, LISI was arrested by members of the Toronto Police Service Investigative Support Unit, leaving Richview Cleaners. I have read all their notes in relation to this arrest and learned the following:

- a) Information received from members of the Toronto Police Service Drug Squad was that the marihuana that was purchased by DC FERNANDES was paid for with marked currency. Incident to arrest, LISI was found with the same marked currency used to purchase the marihuana from BAHRAMI. LISI was also found with a cellular phone and a hollowed out soda can with marihuana inside it.

53) On October 1st, 2013, Alexander LISI was charged with the following offences:

- b) Conspiracy to commit indictable offence C.C. 465(1)(c)
- c) Traffic in Marihuana (under) C.D.S.A. 5(4)
- d) Possession of Proceeds of Crime C.C. 354(1)(a)
- e) Possession of Marihuana (under) C.D.S.A. 4(5)

54) On October 1st, 2013, Jamshid BAHRAMI was charged with the following offences:

- a) Conspiracy to commit indictable offence C.C. 465(1)(c)
- b) Traffic in Marihuana (under) C.D.S.A. 5(4) x3
- c) Possession of Cocaine C.D.S.A. 4(3)

55) On October 2nd, 2013, subsequent to LISI and BAHRAMI's arrests, search warrants were executed by members of the Brazen II investigative team, the Toronto Police Service Drug Squad and the Toronto Police Service Investigative Support Unit, at Richview Cleaners, 5 Madill Street,²⁶ the detached garage and residence located at 82 Thirty Ninth Street²⁷ and LISI's Range Rover. The search warrants resulted in seizures of drug paraphernalia, cellular phones and small quantities of marihuana and cocaine.

56) Subsequent to their arrest on October 1st, 2013, Interviews were conducted with LISI and BAHRAMI by Det. Sgt. GIROUX and Det. SCHERTZER. I have spoken with both officers,

²⁶ This is known to be LISI's address. I have attended and spoken with LISI at this address and confirmed myself that this is his place of residence. He was also observed by surveillance officers coming and going from this address during the Project Brazen II investigation.

²⁷ This is known to be an address associated to LISI. Surveillance officers observed LISI coming and going from this address on a regular basis. A land registry search was conducted on this address, which I have reviewed, listing it as being owned by the Celia and Toni LISI, LISI's parents.

watched the videotaped interviews and read the statement summaries. I have learned the following:

- a) LISI declined to provide investigators with a formal statement.
- b) BAHRAMI provided a statement indicating that LISI would regularly supply him with marihuana and cocaine.

Robert FORD “Crack” Video Discovery

57) On October 29th, 2013, Detective Constable Zak IRVINE (7611), of the Toronto Police Service Technological Crimes section, was conducting a forensic examination of a computer that was seized in conjunction with the arrest of SIAD in relation to Project Traveller. I have read the reports generated in relation to this examination and learned the following:

- a) Five video files were uncovered in the computers deleted files section.

58) Because of the content of the newly acquired data from SIAD’s computer, it was turned over to Brazen II investigators for analysis. I viewed these video files and the following is a description of what I saw:

- a) The first three files were short in length as if the video was cutting out.
- b) The fourth video file featured Robert FORD consuming what appeared to be a narcotic. In the video, Robert FORD is holding what appear to be a glass cylinder in one hand and a lighter in the other hand. He is engaged in conversation with people off-camera.
- c) I believe that one of the individuals speaking off-camera is Elena BASSO. I have heard BASSO’s voice on Project Traveller intercepts and have spoken with her in person. I believe that the voice in the background is that of BASSO.
- d) At one point Robert FORD says the name “Liban”. I believed this is a reference to Liban SIYAD because of his association with SIAD. This is followed by Robert FORD holding the glass cylinder to his mouth, lighting the lighter and applying the flame to the tip of the glass cylinder in a circular motion. After several seconds Robert FORD inhales the vapour which is produced, then exhales the vapour.
- e) At the end of the video, Robert FORD’s attention is drawn towards an illuminated electronic device making a noise which appears to be a cellular phone. It briefly passes in front of the recording device. Robert FORD looks into the recording device, drops the glass

cylinder and lighter on a table next to him, points at the camera and asks if it is on. The video then cuts out.

- f) This video is consistent with the description of the video that has widely been reported on in the media, commonly referred to as the “Crack” video.
- g) The last video file features who I believe is SIAD recording himself²⁸ while alone in a vehicle. He is looking into the recorder and giving a short narrative of a video that was just captured, which I believe is the video of Robert FORD described in the preceding paragraphs. SIAD talks about how to record someone secretly. He then states “that’s how you would catch a person slipping or even catch a Mayor smoking crack”.

59) Analysis of these videos through a later obtained search warrant²⁹ indicated that they were filmed at various times on February 17th, 2013. The analysis also revealed that the videos were downloaded to SIAD’s laptop on April 25th, 2013, at 4:58 PM.

60) With the discovery of the “Crack” video, investigators now had corroborating evidence that a video existed and that the intercepted communications of LISI and SIYAD between May 16th, 2013, and May 18th, 2013, where LISI places a threatening/extorting phone call to SIYAD, is in reference to said video.

LISI’s Second Arrest

61) On October 31st, 2013, LISI was arrested by me and Detective Constable Amy DAVEY (7317) of the Brazen II investigative team and charged with Extortion. This charge was in relation to LISI’s efforts to retrieve the “Crack” video in May of 2013.

Previous Judicial Authorizations

62) Due to the sensitive nature of investigating allegations and individuals closely connected with such a prominent public figure, investigators felt it best to submit all applications to one Justice if possible. The following summaries of Judicial Authorizations were all submitted to, and signed by, the Honourable Justice D. COLE. I have read each of the following authorizations and have reviewed the evidence obtained through their execution:

²⁸ I have viewed police booking photographs on the RICI system of SIAD. I have compared these photographs to the male featured in the last video file and believe that male to be SIAD.

²⁹ See “**Previous Judicial Authorizations**” section of affidavit, specifically **November 29th, 2013, Search Warrant** entry.

- a) On **June 25th, 2013**, a **Production Order** was authorized for cellular records between the dates of March 18th, 2013, to June 24th, 2013, pertaining to LISI's cellular phone associated to the number **Personal Identifier**. A subsequent **Production Order** was sought on **July 19th, 2013**, and authorized for the same number for the time period of June 25th, 2013, to July 19th, 2013.
- i) The results of these two production orders assisted investigators with historical context as it related to general locations of the cellular device and in identifying individuals communicating with LISI.
 - ii) Through the analysis of these cellular records, investigators were able to establish timelines and corroborate information that had already been gathered. These production orders ultimately led to furthering the grounds which established a pattern in LISI's behaviours that were indicative to drug trafficking.
 - iii) The cellular records also assisted investigators, in conjunction with Project Traveller intercepts, to establish a timeline of LISI's efforts to retrieve Robert FORD's cellular phone on April 20th, 2013, and the "Crack" video on May 18th, 2013.

The following information was also found within the cellular records that were of interest to investigators:

- i) There were over one hundred and fifty text communications that were identified as either originating from or being sent to LISI's cellular phone on April 20th, 2013, from principal known persons in Project Traveller, persons close with Robert FORD and other parties not known to be relevant to the Project Brazen II investigation.³⁰
 - ii) There were over one hundred text communications that were identified as either originating from or being sent to LISI's cellular phone on May 18th, 2013, from principal known persons in Project Traveller, persons close with Robert FORD and other parties not known to be relevant to the Project Brazen II investigation³¹
- b) On **July 31st, 2013**, a number of applications were authorized, all being valid from August 1st, 2013, to September 29th, 2013. They are as follows:
- i) A **General Warrant** to surreptitiously enter a motor vehicle and search, seize and/or photograph the contents thereof that is evidence of the offences. This warrant was

³⁰ The records do not include the content of the text messages. They include the date, time, and incoming and outgoing phone numbers associated with the text messages.

³¹ Ibid.

ultimately not executed because of an error in the warrant in relation to the dates that it was to be valid.

- ii) A **Dialled Number Recorder Warrant** in conjunction with a **Production Order** for telephone records pertaining to LISI's cellular phone with the number **Personal Identifier**. The results of this warrant were valuable for showing the nexus between LISI and individuals that he was contacting through monitoring the calls and text messages. The results also assisted investigators in their efforts to covertly follow LISI and identify further individuals associated to the drug trade.
 - iii) A **Tracking Warrant, General Warrant and Removal of Tracking Device Order** which allowed investigators to install a tracking device on LISI's Range Rover. This device assisted investigators with the difficult task of conducting surveillance on LISI. It also gave investigators the ability to identify the locations LISI travelled when not being actively followed by the surveillance team.
 - iv) A **Tracking Warrant** to track the location of LISI's cellular phone associated to the number **Personal Identifier**. The results of this warrant allowed investigators to both track LISI's movement in situations where he was not travelling in his Range Rover and to further verify the locations returned by the Range Rover tracking device.
- c) On **August 22nd, 2013**, an amended **General Warrant** was authorized which replaced the one submitted on July 31st, 2013. This warrant was to surreptitiously enter a motor vehicle and search, seize and/or photograph the contents thereof that is evidence of the offences. This was to be in relation to LISI's Range Rover however this warrant was never executed.
 - d) On **August 30th, 2013**, a **General Warrant** was authorized to surreptitiously enter two motor vehicles and a detached garage located on the property of 82 Thirty Ninth Street to search, seize and/or photograph the contents thereof that is evidence of the offences. The warrant named two vehicles, a GMC Safari Van and a Toyota Camry, that were associated with LISI in addition to the detached garage.
 - e) Surveillance officers were able to execute this warrant in relation to the GMC Safari Van on September 7th, 2013, seizing a small quantity of marihuana and drug paraphernalia. The other vehicle and detached garage were not entered under this authorization.
 - f) On **September 5th, 2013**, a **General Warrant** was authorized to surreptitiously enter the detached garage located on the property of 82 Thirty Ninth Street and search, seize and/or photograph the contents thereof that is evidence of the offences. The terms and conditions differed from the aforementioned applications by including a "trespass clause" allowing

investigators to enter the property for the purpose of conducting surveillance on the detached garage. This authorization effectively replaces the August 30th, 2013, authorization and was valid from September 5th, 2013, to September 29th, 2013.

- g) Three **Assistance Orders** were also included in this authorization for General Motors, Toyota Canada and Land Rover. The assistance orders made it possible for investigators to obtain keys to gain access to the vehicles named in the August 30th, 2013, authorization.
- h) On **September 9th, 2013**, the **General Warrant** in relation to the detached garage located on the property of 82 Thirty Ninth Street was executed by investigators. While investigators detected a strong odour of marihuana, they were unable to locate any contraband. As a result of these negative findings the assistance orders were not executed in relation to vehicle entries.
- i) On **September 23rd, 2013**, a **One Party Consent Warrant** was authorized for Detective Constable FERNANDES (90069), of the Toronto Police Service Drug Squad, to covertly record oral conversations with BAHRAMI, Barbu-Dan DIMA and LISI. The authorization was valid from September 24th, 2013, to November 21st, 2013.
- j) On **September 26th, 2013**, The **Tracking Warrant** for LISI's cellular phone and his vehicle, The **General Warrant** to surreptitiously enter LISI's vehicles and the detached garage located on the property of 82 Thirty Ninth Street and the **Dialled Number Recorder Warrant** for LISI's cellular phone associated to the number [Personal Identifier] were all extended. They were now valid from September 30th, 2013, to November 28th, 2013.
- k) In addition to granting the above extensions a **Dialled Number Recorder Warrant** for BAHRAMI's phone number associated with Richview Cleaners business number [Personal Identifier] and an amended **One Party Consent Warrant** to replace the September 23rd, 2013, authorization were authorized. The amended One Party Consent contained updated wording for the application provided by members of the Toronto Police Service Covert Operations unit.
- l) The One Party Consent Warrant was crucial in providing investigators with the intelligence that ultimately led to the brokered sale of a half-pound of marihuana, supplied by LISI, from BAHRAMI to an undercover officer.
- m) Following the arrests of LISI and BAHRAMI on October 1st, 2013, a number of **Search Warrants** were authorized on **October 2nd, 2013**, for various locations around the City of Toronto. The locations and the results are as follows:

- i) **Richview Cleaners** – BAHRAMI’s business located at 250 Wincott Drive, Toronto. Seized during the execution of this search warrant were drug paraphernalia, bag containing a small amount of cocaine, bank papers, cellular phone, Health Canada papers and Identification.
 - ii) **5 Madill Street, Toronto** – LISI’s home address where he lived with his parents and sister. Seized during the execution of this search warrant was one wooden box containing drug paraphernalia.
 - iii) **The residence and detached garage located on the property of 82 Thirty Ninth Street, Toronto** – The empty house and detached garage associated to LISI and owned by his parents. No items were seized during the execution of these search warrants.
 - iv) **Range Rover Sport Utility Vehicle**– LISI’s primary vehicle. Seized during the execution of this search warrant was drug paraphernalia, Health Canada papers and a “flip” style cellular phone.
- n) On **October 9th, 2013**, a **Search Warrant** was authorized to enter secure property locker #30 at 22 Division, Toronto Police Service and seize the cellular phone belonging to LISI for the purposes of analysing the data contained therein. This cellular phone was seized from LISI when he was arrested on October 1st, 2013. A copy of this signed Authorization is attached to this application as **APPENDIX “F”**.
 - o) On **October 21st, 2013**, an **Assistance Order** was authorized compelling Apple Incorporated to extract the aforementioned data contained within LISI’s cellular phone seized when he was arrested on October 1st, 2013. A copy of this signed Order is attached to this application as **APPENDIX “G”**.
 - p) On **November 29th, 2013**, a **Search Warrant** was authorized to re-examine, for the purposes of Project Brazen II, its mandate and the charges laid against LISI, the seven cellular phones and one computer seized in relation to SIAD’s arrest in Project Traveller on June 13th, 2013. This authorization allowed investigators to pin point the exact date and time that the five videos featuring Robert **FORD** and SIAD were both filmed and downloaded to the computer. This was crucial in developing timelines and putting context to various communications obtained in this investigation.
 - q) On **January 14th, 2013**, a number of **Production Orders** were authorized for the release of cellular records pertaining to a number of Persons of Interest involved in Project Brazen II. The following are a list of the numbers whose records were requested:

- i) **Personal Identifier** – Number belonging to LISI’s cellular phone found during the execution of the search warrant on the Range Rover Sport Utility Vehicle on October 2^{ne}, 2013. The time frame requested for the records were March 18th, 2013, to October 1st, 2013.
 - ii) **Personal Identifier** – Number belonging to Robert FORD’s cellular phone. The time frame requested for the records were February 17th, 2013, to May 26th, 2013.
 - iii) **Personal Identifier** – Number belonging to Robert FORD’s vehicle OnStar system. The time frame requested for the records were February 17th, 2013, to May 26th, 2013.
 - iv) **Personal Identifier** – Number belonging to BEYER’s cellular phone. The time frame requested for the records were February 17th, 2013, to May 26th, 2013.
 - v) **Personal Identifier** – Numbers associated to FARAH. The time frame requested for the records were February 17th, 2013, to May 26th, 2013.
 - vi) **Personal Identifier** – Number belonging to PRICE’s cellular phone. The time frame requested for the records were February 17th, 2013, to May 26th, 2013.
 - vii) **Personal Identifier** – Number belonging to Najma SIAD’s cellular phone (Mohamed SIAD’s sister). The time frame requested for the records were February 17th, 2013, to May 26th, 2013.
 - viii) **Personal Identifier** – Numbers associated to SIYAD. The time frame requested for the records were February 17th, 2013, to May 26th, 2013.
 - ix) **Personal Identifier** – Numbers associated to SIAD. The time frame requested for the records were February 17th, 2013, to May 26th, 2013.
- r) Investigators are currently awaiting delivery of all of the results in relation to the above Production Orders. Analysis will continue as those results arrive.

III. INVESTIGATION GOING FORWARD

LISI's Cellular Phones

63) Pursuant to the search warrant executed on October 2nd, 2013, on LISI's Range Rover, a flip style cellular phone was analysed by Detective Constable Ravi MANOHARAN (9398), of the Toronto Police Service Technological Crimes Section. I have reviewed the extraction report that was produced in relation to this device and learned the following:

- a) The device is a "LG Electronics" flip style branded cellular device.
- b) The phone number associated to the device is Personal Identifier and the serial number for the phone is Personal Identifier
- c) The extraction report did not recover any incoming, outgoing or deleted call history for the device nor were there any records pertaining to sent or received text messages.

64) As previously stated in this Affidavit, LISI was arrested for Controlled Drugs and Substances Act and Criminal Code offences on October 1st, 2013. At the time of his arrest LISI was found to be in possession of a cellular phone. This cellular phone was seized by Detective THERIAULT (1408), of the Toronto Police Service Investigative Support Unit, incident to arrest. I received the cellular phone from Det. THERIAULT and placed it in secure locker #30 at Toronto Police Service 22 Division located at 3699 Bloor Street West. It was to be held in that location until such time that a judicial authorization could be obtained.

65) As detailed in the previous Judicial Authorizations section of this Affidavit, a search warrant was authorized for LISI's cellular phone on October 9th, 2013.

66) On October 17th, 2013, DC KHOSHBOOI spoke with Detective Constable MORDEN (7564), of the Toronto Police Service Technological Crime Section, regarding LISI's cellular phone. I have spoken with DC KHOSHBOOI about this conversation and read his memorandum book notes and learned the following:

- a) LISI's cellular phone could not be analysed because the Technological Crime Section did not have the current forensic tools required to extract data from the phone.
- b) LISI's cellular phone was an Apple brand iPhone 4S model.

- c) The cellular phone was turned over to DC KHOSHBOOI who placed it in temporary Homicide locker #113 and sealed the locker with police seal 1278700 until such time that the data could be extracted.
- 67) I have reviewed the Apple website³² in relation to the technical specifications of LISI's iPhone 4s model and learned the following :
- a) The iPhone 4 featured a high-resolution display, a front-facing camera for video calling and other applications, and a rear-facing camera with the ability to record video.
 - b) The iPhone 4S had an upgrade to a more sophisticated camera allowing for higher quality video recording, an improved computer processor, and a natural language voice control system called "Siri".
- 68) DC KHOSHBOOI reviewed an extraction report prepared by DC MANOHARAN in relation to LISI's iPhone. I have spoken with DC KHOSHBOOI, and reviewed the same extraction report and learned the following:
- a) LISI's iPhone 4S, as a result of not being able to be analysed by the Toronto Police Service, needed to be sent to Apple Incorporated to have the data extracted.
 - b) The serial number associated to LISI's iPhone was Personal Identifier
 - c) DC MANOHARAN was able to extract data from the SIM³³ card that was inside LISI's phone. These data confirmed that the cellular phone number associated to the SIM card found inside LISI's cellular phone was Personal Identifier.
- 69) On October 21st, 2013, DC KHOSHBOOI applied for, and was granted authorization for an Assistance Order compelling Apple Incorporated to extract data outlined in the Search Warrant authorized for LISI's cellular phone on October 9th, 2013. I have read this Assistance Order, spoken with DC KHOSHBOOI, read his memorandum book notes and electronic mail correspondence and have learned the following:
- a) DC KHOSHBOOI, following the procedure laid out by Apple Incorporated in regards to submitting a device for data extraction, sent an electronic mail message with a scanned copy of the Assistance Order to Brian FEELEY, the Legal Counsel contact for Apple Canada Incorporated.

³² "iPhone 4 - Technical Specifications". Apple Inc. Retrieved March 5th, 2014.

³³ Subscriber Identity Module - The SIM holds personal identity information; specifically the cell phone number and the serial number for the device.

- b) On October 23rd, 2013, DC KHOSHBOOI received confirmation from FEELEY that Apple had received the order and that it had been sent to their headquarters in California, United States of America (USA). Apple would contact investigators once they had scheduled a time for the data extraction to take place.
 - c) On December 16th, 2013, Apple contacted DC KHOSHBOOI and advised that LISI's cellular phone had been placed on the extraction calendar for February 13th, 2014. The notification further explained that investigators had two options in which they could proceed in relation to getting the device to California, USA. The device could either be shipped to Apple Headquarters or it could be hand delivered.
- 70) On January 13th, 2014, Det. Sgt. GIROUX decided that an officer would travel to California with LISI's cellular phone and hand deliver it to technicians at Apple in order to have the data extracted.
- 71) On January 13th, 2014, I began corresponding through electronic mail with Apple regarding the submission of LISI's cellular phone for data extraction. I learned the following:
- a) Hand delivering the device would allow investigators to receive the data back for analysis in a more timely fashion without the worry of the device being damaged or lost during shipment.
 - b) Apple representatives ensured that all the proper steps were taken to accommodate an in person data extraction procedure.
 - c) Investigators were advised that it would be necessary to bring, in addition to LISI's cellular phone, a hard drive with at least twice the amount of memory than what the cellular phone had.
 - d) It was important that the SIM card to be removed and the phone be fully charged prior to arrival.
- 72) On February 11th, 2013, I began preparing the items that would be necessary for the submission of LISI's cellular phone to Apple. I broke police seal 1278700 on temporary Homicide locker #113 and removed LISI's cellular phone. The device was completely drained of any battery power and the SIM card had already been removed from the device. The device was charged and made ready for submission to Apple.

73) On February 12th, 2013, I travelled to San Jose, California USA in preparation for the data extraction procedure on LISI's cellular phone scheduled for the following morning.

74) On February 13th, 2013, I attended 1 Infinite Loop, Cupertino, California USA and met with Don MIESLE, the Privacy & Law Enforcement Compliance Team representative from Apple. I was escorted to the office of the Analyst who would be conducting the data extraction. LISI's cellular device and an empty 750 gigabyte external hard drive were turned over to the analyst. The serial number for the device was confirmed as Personal Identifier and the extraction of data commenced.

75) During the extraction process of LISI's cellular phone, which I was present for, the analyst indicated the following things to me:

- a) Once the data extraction was complete it would be saved as a write only disk image file.³⁴ This file will need to be recognized through an Apple operating system before it can be opened and the contents be viewed.
- b) There was approximately nine to ten gigabytes of data extracted from LISI's cellular phone. A majority of that data was in the form of video and audio files.
- c) Apple does not save or open any of the data that is extracted from the device. The data is placed on the requesting party's storage device and deleted from the processing computer. For court purposes, a log of executed commands by the analyst could be provided if required.

76) On February 13th, 2013, after the completion of the data extraction on LISI's cellular phone, the phone and the hard drive containing the extracted data were turned back over to me and I began travelling back to Toronto. I advised Det. Sgt. GIROUX that the extraction went well and that upon arrival back in Toronto I would be able to image the disk file on an Apple Computer and begin analysis of the data. I then had a conversation with Det. Sgt. GIROUX in relation to the extracted data and learned the following:

- a) The initial search warrant authorization for LISI's cellular phone from October 9th, 2013, was a Controlled Drugs and Substances Act (CDSA) Search Warrant in relation to the drug charges laid against LISI on October 1st, 2013.

³⁴ Files commonly used by the Mac OS X operating system. When opened, an Apple disk image is "mounted" as a volume within the Finder. Several Apple proprietary disk image formats can be used to create these images, including the Universal Disk Image Format (UDIF) and the New Disk Image Format (NDIF). Apple disk images usually have the .dmg file extension.

b) Subsequent to the October 9th, 2013, Authorization to search LISI's cellular phone, LISI had been charged with the additional offence of Extortion, contrary to the Criminal Code. This occurred on October 31st, 2013.

c) A Criminal Code search warrant should be sought for the extracted data in relation to the Extortion charge against LISI prior to the analysis of the data under the CDSA Authorization.

77) On February 17th, 2014, having returned to Toronto with LISI's cellular phone and the hard drive with the extracted data, I received an extraction report from Apple. I read this extraction report and learned the following:

a) Technicians were able to access the active files stored on the device and provided investigators with a copy of the following data:

i) SMS database (text messages), Pictures, Video, audio recordings, Phone Access logs, and the Address Book.

78) The information relayed to me by Apple through their extraction report is incorporated into **APPENDIX "B"** of this application.

Search Warrant Requested

79) There is already a lawful CDSA Search Warrant Authorization allowing investigators access to examine the data contained on the cellular phone belonging to LISI (See **APPENDIX "F"**). This authorization was for data, specified in Appendix "A" of the Authorization, in relation to LISI's drug trafficking. This Authorization was executed by members of the Toronto Police Service Technological Crime section on October 9th, 2013.

80) The current application, a Criminal Code Search Warrant, pertains to the re-seizure of the hard-drive containing LISI's cellular telephone data for the purpose of the investigation of the offence of extortion. The Extortion charge was laid after the CDSA Authorization was granted. Brazen II investigators have made the decision to not immediately analyse the extracted data from LISI's cellular phone. Rather, in an abundance of caution I am requesting a Criminal Code search warrant be granted in order to ensure a comprehensive and thorough analysis of the extracted data from LISI's cellular phone.

IV. CONCLUSION

Grounds to believe an offence has been committed

81) Based on the grounds contained within this, my Information, I have reasonable grounds to believe and do believe that:

Alexander LISI, during a time frame commencing on or about the 16th day of May, 2013 and ending on or about the 18th day of May, 2013, both dates inclusive, in the City of Toronto in the Toronto Region, and elsewhere in the Province in Ontario, did, without reasonable justification or excuse and with intent to obtain a digital video recording or recordings or a cellular telephone or telephones, induce or attempt to induce Liban SIYAD by threats, accusations, menaces or violence, to produce or deliver, or cause to have produced or delivered, the said digital video recording or recordings, or cellular telephone or telephones, contrary to section 346(1) of the *Criminal Code of Canada*.

82) On April 20th, 2013, LISI was intercepted by Project Traveller negotiating with SIYAD for the return of Robert FORD's cellular device, offering marihuana as a reward. During these intercepted communications LISI extorts SIYAD by indicating that if the phone was not returned that he would have the police "heat up Dixon". The investigation has revealed that LISI was in fact successful in retrieving the phone and did provide marihuana in return.

83) On May 18th, 2013, LISI was intercepted by Project Traveller attempting to locate the video of Robert FORD smoking what was widely reported as "crack cocaine". LISI placed a threatening/extorting phone call to SIYAD, again indicating "Yo (unintelligible) you see the heat, bro? You see the heat on Dixon, bro?" He goes on to say it is going to "get worse and worse" and "the whole place is going to get heated up all summer until that fucking phone gets back, the whole place...is going to get lit right up." He closes by telling SIYAD to "put the message out to your people...that the whole place is going to get heated".

84) On October 29th, 2013, video files were found on SIAD's computer through the execution of a search warrant authorized for Project Traveller. These video files featured a surreptitious recording of Robert FORD smoking what appears to be a narcotic. These both confirm the existence of the widely reported "crack" video as well as the fact that SIAD had the video in his possession at one point.

85) On October 31st, 2013, LISI was arrested by members of the Brazen II investigative team and charged with Extortion in relation to his efforts to retrieve the "crack" video in May of 2013.

Grounds to believe thing(s) to be seized will afford evidence of the offence

86) On October 2nd, 2013, a search warrant was executed on LISI's Range Rover. During that search a flip style cellular phone, associated to phone number [Personal Identifier], was located and subsequently analysed pursuant to the same search warrant. The analysis of that device yielded no evidence of phone calls, text messaging or contact information and the phone number associated to the phone was not the phone number that Brazen II investigators identified as LISI's primary cellular phone. On the basis of the absence of data contained in this device, further analysis, as it pertains to LISI's extortion charge, is unnecessary.

87) On October 9th, 2013, a CDSA Search Warrant was authorized for data contained on the cellular phone of Alexander LISI, associated to phone number [Personal Identifier] (See **APPENDIX "F"**). Subsequent to that request an Assistance order was authorized on October 21st, 2013, requiring Apple Inc. to extract said data for analysis (See **APPENDIX "G"**). This data has been extracted to an external hard drive and can presently be analysed. If the current application is granted, this hard drive will be analysed at the same time for both authorizations.

88) Initial analysis of the SIM card and production order results for LISI's cellular phone associated to the phone number [Personal Identifier] indicate that the cellular device submitted to Apple for data extraction on January 13th, 2014, is the same device that LISI was using when he made the threatening/extorting phone calls to SIYAD in April and May, 2013.

89) On the basis of the forgoing paragraphs, I believe on reasonable grounds that the thing to be seized – the hard drive containing the extracted data from LISI's cellular phone – will afford evidence of the offence of extortion. I believe that the data on it will further the investigation and potentially include or exclude other parties as participants or persons of interest in the Extortion of SIYAD for the video featuring Robert FORD smoking what appears to be a narcotic. In particular, I believe that the following data will afford evidence:

a) SMS database (text messages)

90) I have reasonable grounds to believe and do believe that the following text messages extracted from LISI's cellular phone will afford evidence of the offence of extortion:

- Any text messages sent or received on or after February 17th, 2013.
- Any text messages sent or received before February 17th, 2013, between LISI and phone numbers associated to:
 - Robert FORD
 - Elena BASSO

- Fabio BASSO
- David PRICE
- Thomas BEYER
- Mohamed SIAD
- Liban SIYAD
- Mohamed FARAH

91) LISI's cellular carrier, Rogers Communications, does not save text message conversations, so to date, investigators have not had access to the content of the text messages. As Apple has indicated, within their extraction report for LISI's cellular phone, some of the files contained in the extracted data are that of SMS messages, or text messages, and address book entries.

92) February 17th, 2013, has been identified as the date on which the so-called "crack video" was recorded. I believe that any text messages sent or received by LISI on or after this date will afford evidence. Text messages sent or received on or about February 17th, 2013, may assist investigators to locate persons who were present when the video was recorded or who may provide evidence about the circumstances in which it was recorded. Text messages in the days, weeks and months following February 17th, 2013, will assist to identify associates of LISI leading up to and during the time frame of the extortion. In addition, Production Order records, authorized for LISI's cellular phone associated to the phone number Personal Identifier, indicate that LISI used his cellular device to send and receive text messages and voice calls during the extortion time frame. A number of the recipients of these text messages and voice calls have not yet been identified, nor have the contents of those text messages been available. I believe that LISI's text conversations leading up to and during the extortion time frame will allow investigators to both identify further witnesses to the extortion, and include or exclude them as persons of interest to the investigation.

93) I believe that text messages sent or received prior to February 17th, 2013, between LISI and the identified persons are also potentially relevant. Significantly, I do not propose that investigators should be permitted to analyse the cell phone data looking for any such text messages, between any parties. Rather, investigators intend to conduct focused searches for text messages between LISI and the identified persons. I believe that these text messages will shed light on the nature of the relationship between LISI and other involved persons, including potential victims. This may also assist to locate witnesses who may give evidence about these relationships. They will also assist to confirm whether LISI is the principal or exclusive user of the cellular phone.

b) Pictures

94) I have reasonable grounds to believe and do believe that the following photographs extracted from LISI's cellular phone will afford evidence of the offence of extortion:

- Any photographs taken, sent or received on or after February 17, 2013

95) As indicated earlier, February 17, 2013 has been identified as the date on which the so-called "crack video" was recorded. Throughout this investigation photographs have been spoken about, shown to individuals and released by the media in relation to the video of Robert FORD smoking what appears to be a narcotic. When the initial story of this video broke in the media, it featured a photograph with Robert FORD and a number of principal known persons involved in Project Traveller. The cellular device seized from LISI during his arrest was capable of both taking photographs, and viewing photographs received through text message and email. I believe that images relevant to the extortion may have been sent to LISI during the timeframe of the extortion by individuals involved in the both the loss of Robert FORD's cellular phone and the video featuring Robert FORD smoking what appears to be a narcotic. Production order results on LISI's phone confirm that he received numerous text message communications during the timeframe of the extortion from both principal known persons in Project Traveller and persons close with Robert FORD.

c) **Video**

92) I have reasonable grounds to believe and do believe that the following videos extracted from LISI's cellular phone will afford evidence of the offence of extortion:

- Any videos taken, sent or received on or after February 17, 2013

96) The principle motive for the extortion by LISI on May 18th, 2013, was the recovery of the video which features Robert FORD smoking what appears to be a narcotic. This investigation also involves the surreptitious video recording of an individual, namely Robert FORD. LISI's cellular phone, seized during his arrest on October 1st, 2013, is capable of storing and viewing video. I believe that, in order to prove he was able to retrieve the aforementioned video, and/or that he himself made surreptitious videos of those involved in the recording of the video, or both, that there will be video evidence found on the cellular phone within the extortion time frame of April 20th, 2013 to May 18th, 2013.

d) **Audio recordings**

93) I have reasonable grounds to believe and do believe that the following audio recordings extracted from LISI's cellular phone will afford evidence of the offence of extortion:

- Any audio recordings taken, sent or received on or after February 17th, 2013

94) My grounds for this belief are similar to my grounds for believing that photographs and videos will afford evidence. Given the nature of the investigation, the individuals involved, and the fact that it involves the surreptitious recording of an individual, it is reasonable to believe that there may be further surreptitious recordings, specifically of the digital audio type, found on LISI's cellular phone, made leading up to and during the extortion time frame of April 20th, 2013 to May 18th, 2013, featuring persons of interest involved in this investigation.

e) Phone Access logs (call history)

95) I have reasonable grounds to believe and do believe that the following phone access logs extracted from LISI's cellular phone will afford evidence of the offence of extortion:

- Any phone access logs respecting calls made or received on or after February 17th, 2013

96) LISI was captured numerous times communicating with named parties involved in the Project Traveller investigation. The cellular phone LISI was using during these communications is associated to the phone number Personal Identifier. A number of these communications were voice calls in which twice he threatens/extorts in order to retrieve both a cellular phone belonging to Robert FORD and a video featuring Robert FORD smoking what appears to be a narcotic. The phone access logs will both corroborate the production order results obtained for LISI's cellular phone and confirm that the device seized from LISI incident to his arrest on October 1st, 2013, is the same device used during the extortion time frame of April 20th, 2013 to May 18th, 2013.

f) Address Book Contents

97) The names and phone numbers associated with the address book contents extracted from LISI's cellular phone will aid investigators in the identification of unknown persons contained in the production order results, during the extortion time frame of April 20th, 2013 to May 18th, 2013, obtained throughout the duration of the investigation. This will allow investigators to both identify further witnesses to the extortion, and include or exclude them as persons of interest to the investigation.

g) Any data showing ownership and usage of device

98) In addition to all the information listed above, I have reasonable grounds to believe and do believe that any other cell phone data identifying the owner and user of the device will afford evidence of the offence of extortion. Given that the extortion is alleged to have been committed by calls placed from phone number **Personal Identifier**, it is critical to ascertain whether LISI was the sole and exclusive user of this device. This may require an analysis of text messages, pictures, videos, audio recordings, phone calls and address book entries not listed above, which will confirm that the device belongs to LISI and that LISI was the specific user of the device during the extortion time frame of April 20th, 2013 to May 18th.

Grounds to believe that thing(s) are at the place to be searched

93) LISI's cellular phone was seized incident to his arrest and remained in the custody of members of the Toronto Police Service until such time that it was stored in the secure storage facility of the Toronto Police Service Property and Evidence Management System. The phone was removed from the secure storage facility by me and personally brought to technicians at Apple Inc, in Cupertino California for data extraction.

94) The data extracted from LISI's cellular phone was downloaded onto an external hard drive and personally transported back to Toronto and placed into a secure storage facility at the building of the Intelligence Division of the Toronto Police Service, located in the City of Toronto, Ontario.

95) On the basis of the foregoing paragraphs, I believe on reasonable grounds that the item listed to be seized – the external hard drive – is at the location to be searched.

96) I AM ASKING THAT THIS SEARCH WARRANT BE GRANTED TO FACILITATE THE SEARCH AND SEIZURE OF EVIDENCE THAT WOULD ASSIST IN THIS INVESTIGATION AND SUBSEQUENT PROSECUTION OF THE INDIVIDUAL(S) RESPONSIBLE IN THIS MATTER.

SEALING ORDER

97) I am also seeking an order pursuant to section 487.3 of the Criminal Code prohibiting disclosure of information relating to this search warrant. I reasonably believe that the ends of justice would be subverted by disclosure of information relating to this search warrant, or that the information might be used for an improper purpose, and that the importance in access to the information is outweighed by these concerns. My belief is based on the following.

98) The Project Traveller and Project Brazen II investigations have been the subject of significant public interest. The media have sought and obtained access to information filed in support of previous judicial authorizations in these investigations. Litigation respecting access to these

materials is ongoing. In particular, this issue is scheduled to be spoken to on March 19, 2014 before the Superior Court of Justice in Toronto.

99) I believe that, as long as litigation respecting access to information filed in support of previous judicial authorizations is outstanding, there is a risk that disclosure of the information filed in support of the present application would be inconsistent with disclosure ordered produced in relation to previous judicial authorizations. This would be contrary to the interests of justice.

100) In addition, the information filed in support of the present application contains personal details relating to third parties, and specific details about the allegations against LISI. As an investigator, I am concerned about public disclosure of details that may compromise the privacy interests of third parties, or may cause LISI to believe that his fair trial interests may be impacted.

97) Finally, the Project Brazen II investigation is ongoing. In particular, the investigation into the home invasion at 15 Windsor Road is ongoing, and investigators continue to consider whether there are any parties to LISI's alleged extortion. I am concerned about the release of any information that may compromise these ongoing investigations.

98) For all these reasons, I believe that it is appropriate to seal materials pertaining to the present application until the Superior Court of Justice, which is considering public access to information filed in support of previous judicial authorizations, may determine whether and how public access to the present materials should be provided. In order to ensure that the continued sealing of these materials may be considered by that Court, I am proposing, as a term or condition of a sealing order, that:

The Crown shall, as soon as practicable, provide a copy of this sealing order to those parties who are expected to appear before the Superior Court of Justice on March 19, 2014, in relation to other sealing orders that have been issued in respect of this investigation.

99) I am also seeking a term or condition that permits the Crown to access any documents subject to the sealing order and duplicate and provide them for purposes of disclosure.

APPENDIX “E”

List of Police Computer Databases:

- 1) **Electronic Computerized Occurrence Processing System** hereafter referred to as **ECOPS**. This system maintains and stores police occurrences;
- 2) **The Criminal Information Processing System** hereafter referred to as **CIPS**. This system maintains and stores arrest reports;
- 3) The **Master Name Index System** hereafter referred to as **MANIX**. This system maintains and stores information about officers’ contacts with citizens;
- 4) The **Provincial Automobile Registration and Information System**, hereafter known as **PARIS**, is a computer system operated by the Ministry of Transportation of Ontario (the MTO). This system contains information on persons with and without drivers licences including driving history, vehicle information for both private and commercial use vehicles, address and address history of both licensed and unlicensed persons, vehicle registration history, registered owner history and dates of birth of persons found in this system.
- 5) The **Repository Index for Computerized Imaging** hereafter referred to as **RICI**. This system allows for the electronic processing of arrested persons pursuant to the Identification of Criminals Act. The system incorporates many features, including witness/investigator viewing of images, and the creation of photographic line-ups;
- 6) The **Information-Computer Assisted Dispatch System**, hereafter known as **I/CAD**, is an electronic repository of information compiled by members of the TPS Communication Centre upon receiving emergency and non-emergency calls. Information is solicited by the communications operator and entered into the database. Each “call for service” is issued its own unique event number. I/CAD is also utilized by police dispatchers to record information provided by police officers who attend each call. The information is recorded chronologically and is time stamped;
- 7) The **Field Information Report**, hereafter known as **TPS 208 or FIR**, is a hard copy file completed by field officers listing information including name, address, date of birth, descriptors, vehicle, associates, and including date, time and location of the investigation by a member of the TPS;
- 8) The **Canadian Police Information Centre**, hereafter referred to as **CPIC**, is a computer system operated by the R.C.M.P. This system is accessed only by law enforcement personnel and contains information of criminal records, charged persons, wanted persons, prohibition orders and outstanding charges for individuals.

- 9) The **Automated Fingerprint Identification System**, hereafter referred to as **AFIS**, is responsible for maintaining and operating a computerized fingerprint search and storage system. The system used at FIS is Omnitrak provided by Motorola. The system automates the capture, search and storage of both crime scene and arrestee fingerprints and palm prints

APPENDIX "F"

WARRANT TO SEARCH PURSUANT TO SECTION 11 OF THE CONTROLLED DRUGS AND SUBSTANCES ACT

Form 5
(s. 487 for s. 11 CDSA)

CANADA
PROVINCE OF ONTARIO }
TORONTO REGION }

To the Peace Officers in the Toronto Region and the Province of Ontario or to the:
Detective Constable KHOSHBOOI (9568)
(Named Public Officers)

WHEREAS it appears upon the information of Detective Constable KHOSHBOOI (9568)
of the City of Toronto in the said Toronto Region, that there are reasonable grounds to believe that there is a controlled
substance or precursor, a thing in which such a controlled substance or precursor is contained or concealed
offence-related property, or a thing that will afford evidence in respect of an indictable offence under a *Controlled Drugs
and Substances Act* ("the Act"), to wit: *(describe substances, property, etc.)*

See Appendix "A"

In respect of which one or more indictable offences have been committed contrary to the following section(s) of the Act,
namely: *(describe offence(s))*

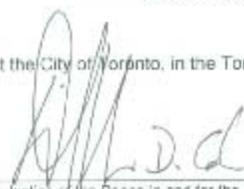
See Appendix "B"

and the things described are in a place, namely: *(describe place to search)*

The Toronto Police Service - 22 Division Station located at 3699 Bloor Street West - inside secure property locker # 30

THEREFORE, this is to authorize and require you, between 12:00 pm, on the 9
day of October, 2013 and 6:00 pm, on the 12
day of October, 2013, to search for and seize the said controlled substance, precursor, or
thing, as the case may be, and to report thereon as soon as practicable but within a period not exceeding seven (7) days
after the execution of the warrant to the Clerk of the Court of Toronto
(Judicial Region)

DATED this 9 day of October, 2013, at the City of Toronto, in the Toronto Region.


Judge or Justice of the Peace in and for the Province of Ontario

Appendix "A"

Attached to and forming part of a Warrant to Search pursuant to section 11 of the *Controlled Drugs and Substances Act*, making part of the affidavit for Detective Constable KHOSHBOOI (9568), for locker number 30 of the Divisional Locker Management System located at Toronto Police Service 22 Division, 3699 Bloor Street West, in the City of Toronto.

Items to be Searched For:

- One Cellular Telephone and the data contained therein, specifically:
 - Photographs
 - Videos
 - Calendar and/or Journal entries
 - Contact list and/or address book
 - Text Messages and logs
 - Voice Mail messages
 - Electronic Mail messages
 - Telephone call logs
 - Internet browsing history

Appendix "B"

Offence Committed

Alexander LISI on the 1st day of October, in the year 2013 at the City of Toronto, in the Toronto Region, in the Province of Ontario, did commit Traffic in Marihuana (under) contrary to the *Controlled Drugs and Substances Act*.

Alexander LISI on the 1st day of October, in the year 2013 at the City of Toronto, in the Toronto Region, in the Province of Ontario, did commit Possession of Marihuana (under) contrary to the *Controlled Drugs and Substances Act*.

APPENDIX "G"

IN THE ONTARIO COURT OF JUSTICE (TORONTO REGION)

IN THE MATTER OF an Assistance Order
pursuant to the provisions of Section 487.02
of the Criminal Code of Canada

ORDER

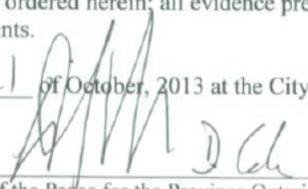
CANADA) To the Peace Officers in the City of
PROVINCE OF) Toronto and in the Province of
ONTARIO) Ontario
TORONTO REGION)

UPON learning the information made by way of Application this day by Detective Constable KHOSHBOOI (9568), a Police Officer an Assistance Order related to a Search Warrant pursuant to Section 11 of the Controlled Drugs and Substances Act granted for the search of a Cellular Telephone seized from secure locker #30 located at Toronto Police Station #22 Division (located at 3699 Bloor Street West, Toronto) subsequent to the arrest of the accused Alexander LISI. The warrant was authorized by Justice D.COLE on October 9th, 2013.

IT IS ORDERED that pursuant to Section 487.02 of the Criminal Code, it is hereby ordered that Apple Canada Inc. assist law enforcement agents conduct the search of one Apple iOS device, Model #A1387, on the Rogers Communication Incorporated network with access number (phone number) **Personal Identifier** serial number **Personal Identifier** and FCC ID# **Personal Identifier**. It is hereby further ordered that Apple shall provide reasonable technical assistance to enable law enforcement agents to obtain access to unencrypted data ("Data") on the Device.

It is further ordered that, to the extent that data on the iOS device is encrypted, Apple may provide a copy of the encrypted data to law enforcement but Apple is not required to attempt to decrypt, or otherwise enable law enforcement's attempts to access any encrypted data. Apple's reasonable technical assistance may include, but is not limited to, bypassing the iOS Device's user's passcode so that the agents may search the device, extracting data from the Device and copying the data onto an external hard drive or other storage medium that law enforcement agents may search, or otherwise circumventing the Device's security systems to allow law enforcement access to Data and to provide law enforcement with a copy of encrypted data stored on the iOS Device. Although Apple shall make reasonable efforts to maintain the integrity of data on the Device, Apple shall not be required to maintain copies of any user data as a result of the assistance ordered herein; all evidence preservation shall remain the responsibility of law enforcement agents.

DATED this 21 of October, 2013 at the City of Toronto



Judge or Justice of the Peace for the Province Ontario