

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

Form 1 Section 487
Formule (Article)

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

INFORMATION of Det. Dan Melchiorre

Les présentes constituent LA DÉNONCIATION de
of Ottawa Police Service

de Peace Officer

(Occupation) / (Profession)

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

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

An office building

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

at/de

Canada Border Services Agency

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

at
à/au

2265 St Laurent Blvd, Ottawa, Ont 3rd floor, evidence locker.

(Address or Location of Dwelling-House, Building, etc)
(adresse ou emplacement de l'habitation, du bâtiment, etc)

in the said region,
dans ladite région

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

See Appendix "A" attached

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

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

See Appendix "B" attached

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

See Appendix "C" attached

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

for the said thing(s).

Office

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

en vue de trouver lesdites choses.

Sworn before me at the _____ City

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

de/du 23 September 2009
jour de _____ 20

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

Informant
Dénonciateur

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

MELCHIORRE / GIRAULT 23 Sept 09 issues

APPENDIX A

THINGS TO BE SEARCHED FOR

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

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


APPENDIX "B"

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

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

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

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



APPENDIX C

Grounds for belief

Introduction

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

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


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

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

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

Overview of Investigation

1. On September 15, 2009 at approximately 15:43 hrs, Raymond LAHEY a resident of Antigonish, Nova Scotia, arrived at the Ottawa International Airport from a flight originating from London England. LAHEY approached Canada Border Service Agent Venessa Fairey's counter for screening. Agent Fairey inspected LAHEY'S passport and noted that LAHEY had made several trips to Indonesia, Malaysia, Thailand, Spain and Germany dating back to 2005. LAHEY was asked if he was in possession of any electronic media, specifically cellular phones, laptop computer or Blackberry devices. LAHEY replied that he did have 2 cellular phones. When Agent Fairey asked if he had a laptop computer, LAHEY hesitated and replied "yes". Agent Fairey and flagged him for secondary inspection for the following reasons;
 - Male traveling alone
 - Extensive travel to source countries for child pornography
 - Evasive responses to questions pertaining to his possession of electronic media
 - Changes in vocal tone during specific questions
 - Avoidance of eye contact during specific questions.

2. LAHEY arrived at the secondary counter at 15:55 hrs and was met by Canada Border Services Agent Caroline Anne Barnett. Agent Barnett confirmed that the baggages that LAHEY was traveling with did belong to him. Agent Barnett began the search of the laptop contents that LAHEY had in his possession. LAHEY gave Agent Barnett the password to access the laptop contents. Agent Barnett viewed 3 images and described them as follows;


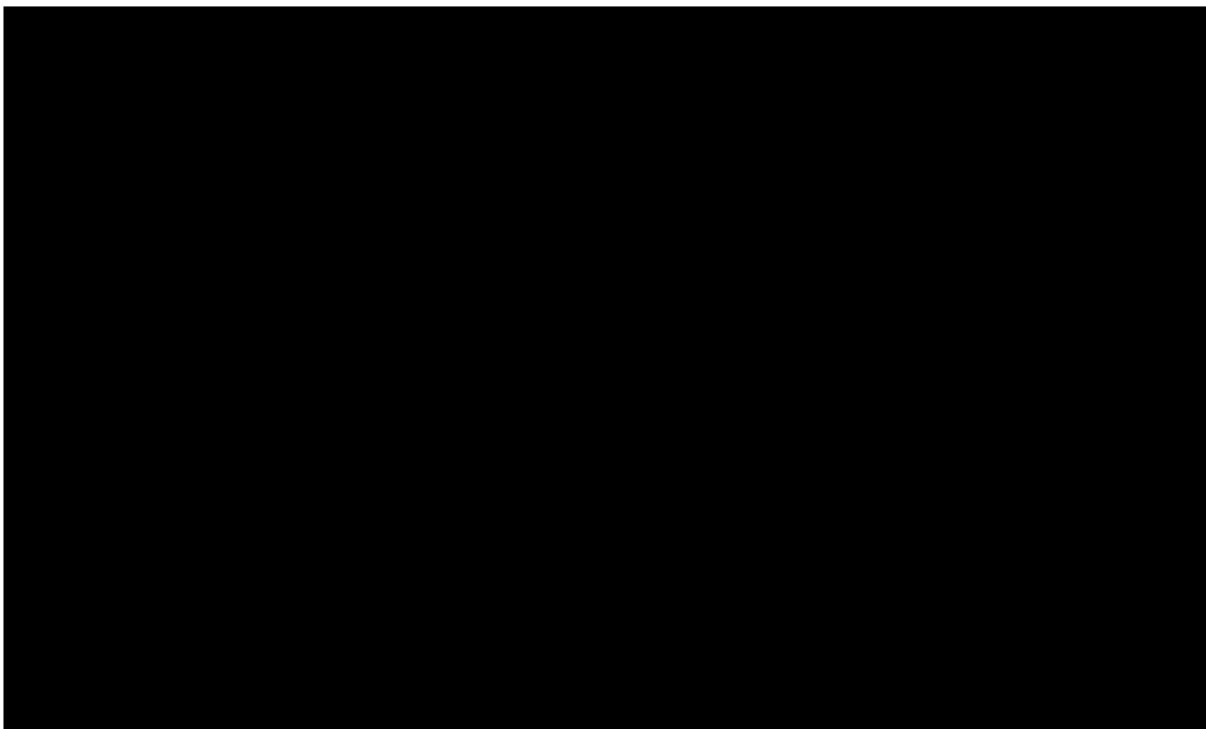
3. At Canada Border Services Investigator Coni Grills-Ried attended the Ottawa International airport and waited for the arrival of the Ottawa Police Detective Dion of the Criminal Investigations, Internet Child Exploitation Unit.

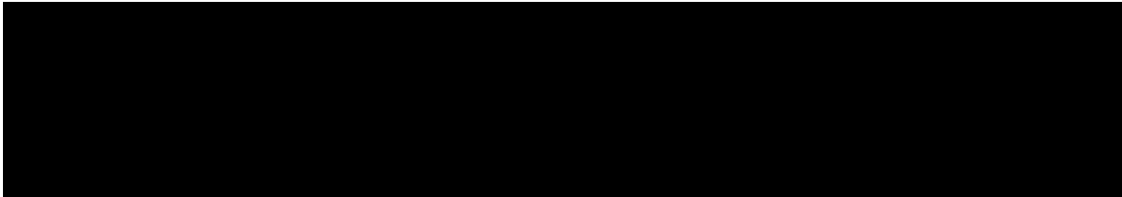
4. LAHEY was interviewed by Investigator Grills-Reid and Ottawa Police Detective Dion. After being cautioned, LAHEY admitted that the laptop belonged to him and that he was attracted to males aged 20-21. LAHEY did not indicate where he obtained the images that were in his laptop computer came from.

5. At approximately 20:28 hrs the images were reviewed from LAHEY's laptop computer. Both Detective Dion and Investigator Grills-Reid concluded that the images were borderline for age determination which in their opinion could not be positively said that the young males were under 18 years of age. LAHEY was released unconditionally but the electronic media was seized by Canada Border Services Investigator Grills-Reid for further investigation. Investigator Grills-Reid also seized 4 USB memory sticks, 2 cells phones and 3 SD memory cards belonging to LAHEY.

6. On the 16th September 2009, Canada Border Services Investigator Carl Letourneau, who is a computer forensic examiner, received the laptop computer from Investigator Grills-Reid. He removed the hard drive and retrieved the contents of the hard drive from LAHEY's laptop computer using forensic software tools. Letourneau used the software tools to place the images from LAHEY's laptop in a viewable format on a forensic computer.

7. On the 19th September 2009, Investigator Grills-Reid viewed the images from the computer being used by Investigator Letourneau that contained the contents from LAHEY's hard drive . Grills-Reid found the following images;





13. Investigators Grills-Reid and Letourneau stopped viewing the contents and placed the laptop computer along with 2 cell phones, 1 Palm One media device, 4 USB memory sticks and 3 SD memory cards belonging to LAHEY in the evidence room at 2265 St Laurent Blvd 3rd floor in anticipation of a search warrant to be executed by the Ottawa Police.

CONCLUSION:

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

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

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

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

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