

Appendix C

INFORMATION TO OBTAIN

(Ontario Court of Justice)

CANADA
PROVINCE OF ONTARIO
TORONTO REGION



An application for a Production Orders pursuant to section 487.016 and 487.017 of the *Criminal Code*;

An Application for Non-Disclosure Orders pursuant to section 487.0191 of the *Criminal Code*;

And

An application for an Order Denying Access to Information pursuant to section 487.3 of the *Criminal Code*.

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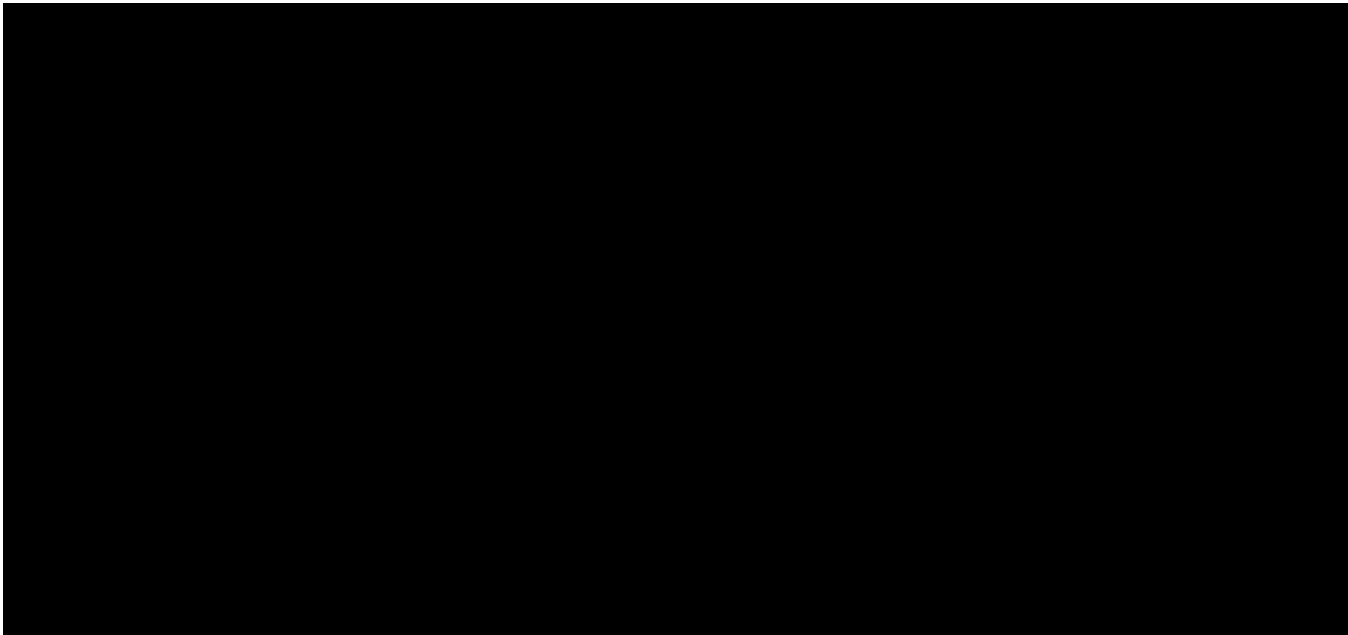
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1. ORDERS BEING SOUGHT

In this application I am seeking the following 3 orders for the production of documents containing transmission and tracking data from the following:

(a) Transmission and Tracking Data From Rogers Communications Canada Incorporated:

Document containing transmission data for incoming and outgoing calls, SMS/MMS¹, and data use (date, time, involved phone numbers, terminating number, call duration, forwarded number), and tracking data (tower location, sector, frequency, longitude and latitude coordinates, etc.) **from November 15th, 2017 to December 19th, 2017, inclusive, and from January 24th, 2018 to February 4th, 2018, inclusive, for:**



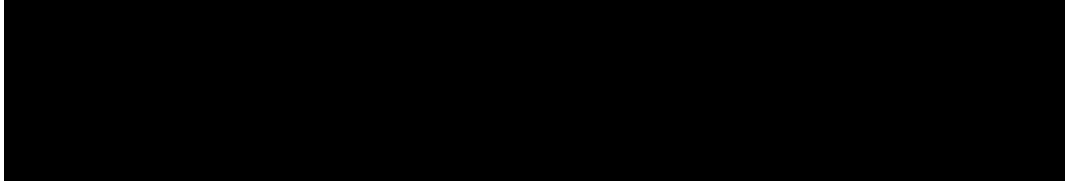
¹ SMS stands for Short Message Service. Invented in the 1980s and defined in the 1985 GSM standards, it is one of the oldest texting technologies. It is also the most widespread and frequently used.

MMS stands for Multimedia Messaging Service. It was built using the same technology as SMS to allow SMS users to send multimedia content. It is most popularly used to send pictures, but can also be used to send audio, phone contacts, and video files.

Source: <https://www.twilio.com/learn/messaging/what-are-sms-and-mms>

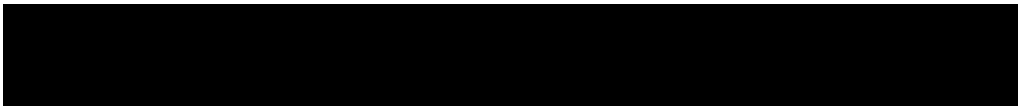
(b) Transmission and Tracking Data From Bell Canada Incorporated

Document containing transmission data for incoming and outgoing calls, SMS/MMS, and data use (date, time, involved phone numbers, terminating number, call duration, forwarded number), and tracking data (tower location, sector, frequency, longitude and latitude coordinates, etc.) from **November 15th, 2017 to December 19th, 2017, inclusive, and from January 24th, 2018 to February 4th, 2018, inclusive**, for:



(c) Transmission and Tracking Data From Telus Communications Incorporated

Document containing transmission data for incoming and outgoing calls, (date, time, involved phone numbers, terminating number, call duration, forwarded number), and tracking data (tower location, sector, frequency, longitude and latitude coordinates, etc.) from **November 15th, 2017 to December 19th, 2017, inclusive, and from January 24th, 2018 to February 4th, 2018, inclusive**, for:



2. HISTORY OF PREVIOUS APPLICATIONS FOR PHONE RECORDS

On two previous occasions records pertaining to the aforementioned phone numbers have been subject to judicial authorization applications. The applications, on both occasions were refused. The applications and the reasons for refusal have been listed below.

(a) On Wednesday December 20th, 2017, Production Orders were applied for and granted by her Honour L. PRINGLE to obtain the following:

- i. Phone records for phone number [REDACTED] associated to Bernard SHERMAN for the time period of 12:00 AM on November 15th, 2017 to 12:45 PM on December 15th, 2017.

ii. Phone records for phone number [REDACTED] associated to Honey SHERMAN for the time period of 12:00 AM on November 15th, 2017 to 12:45 PM on December 15th, 2017.

(b) On Thursday April 12th, 2018 production order applications were submitted to her Honour L. PRINGLE. On April 16th, 2018 production orders were granted for the production of the following:

i. Phone records for Bell Canada phone number [REDACTED] associated to 50 Old Colony Road from November 15th, 2017 to December 15th, 2017.

ii. Phone records for Rogers Communications Incorporated cellular phone numbers [REDACTED] [REDACTED] from July 6th, 2017 to February 8th, 2018 inclusive.

iii. Phone records for Rogers Communications Incorporated cellular phone numbers [REDACTED] [REDACTED] from November 15th, 2017 to December 15th, 2017 inclusive.

iv. Phone records for Rogers Communications Incorporated cellular phone number [REDACTED] from November 15th, 2017 to December 19th, 2017 inclusive.

(c) On June 21st, 2018 production order applications were submitted to her Honour L. PRINGLE. On June 27th, 2018 production orders were denied for the production of the following:

i. Phone records for Rogers Communications Incorporated cellular phone numbers:

[REDACTED]

ii. Phone records for Bell Canada cellular phone numbers:

[REDACTED]

iii. Phone records for Telus Communications Incorporated cellular phone numbers:

[REDACTED]

iv. Reason for refusal

I. [REDACTED] Her Honour L. PRINGLE stated, "At this point in time, I am not satisfied that there are reasonable grounds to believe that the phone records of [REDACTED] [REDACTED] will afford evidence in respect of the murders of Bernard and Honey SHERMAN. I am willing to reconsider this decision if further information comes to light."

II. [REDACTED] and is too dated to support reasonable grounds for a Production Order.

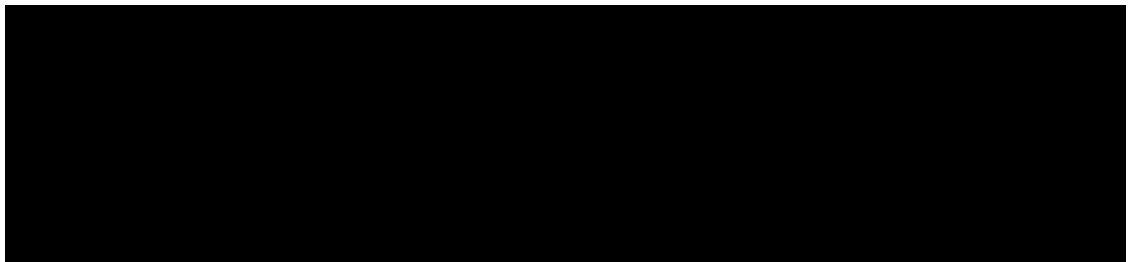
III. [REDACTED] phone records the reason for the refusal was, [REDACTED] [REDACTED] and is too dated to support reasonable grounds for a Production Order. In addition the information for [REDACTED] [REDACTED] [REDACTED] These are too dated to support reasonable grounds for a Production Order.

(d) On September 19th, 2018 production order applications were submitted to her Honour L. PRINGLE. On September 23rd, 2018 production orders were granted for the production of the following:

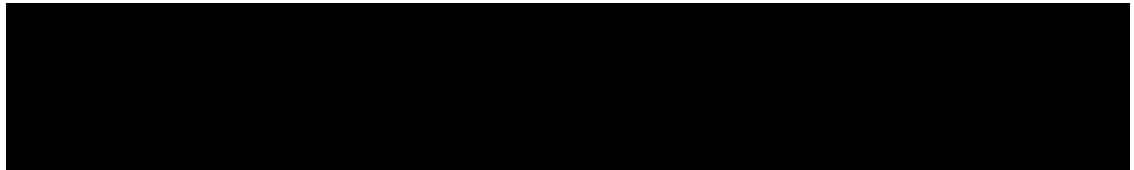
i. Transmission and tracking data from Rogers communication Canada Incorporated for the following:



- ii. Transmission and tracking data from Bell Canada Incorporated for the following:

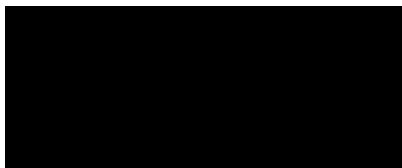


- iii. Transmission and tracking data from Freedom Mobile Incorporated for the following:



(e) On November 8th, 2018 production order applications were submitted to her Honour L. PRINGLE. On November 16th, 2018 production orders were **granted** for the production of the following:

- i. Transmission and tracking data from Rogers Communications Canada Incorporated from November 15th, 2017 to December 19th, 2017 inclusive and from January 24th, 2018 to February 4th, 2018 inclusive for the following phone numbers:





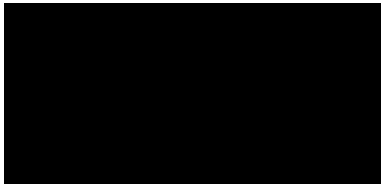
- ii. Transmission and tracking data from Rogers Communications Canada Incorporated from July 6th, 2017 to February 4th, 2018 inclusive for the following phone numbers:



- iii. Transmission and tracking data from Rogers Communications Canada Incorporated from September 12th, 2017 to September 29th, 2017 inclusive for the following phone number:

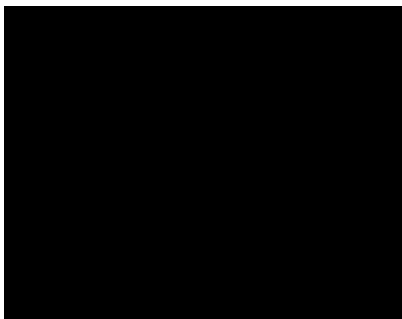


- iv. Transmission and tracking data from Rogers Communications Canada Incorporated from January 24th, 2018 to February 4th, 2018 inclusive for the following phone numbers:



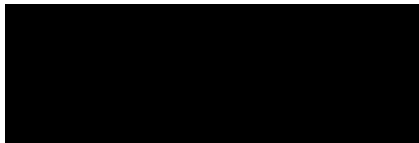
The following production orders were **denied**:

- i. Transmission and tracking data from Rogers Communications Canada Incorporated from November 15th, 2017 to December 19th, 2017 inclusive and from January 24th, 2018 to February 4th, 2018 inclusive for the following phone numbers:

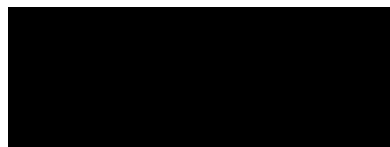





- ii. Transmission and tracking data from Bell Canada Incorporated from November 15th, 2017 to December 19th, 2017 inclusive and from January 24th, 2018 to February 4th, 2018 inclusive for the following phone numbers:




- iii. Transmission and tracking data from Telus Communications Incorporated from November 15th, 2017 to December 19th, 2017 inclusive and from January 24th, 2018 to February 4th, 2018 inclusive for the following phone numbers:



- iv. Reasons for refusal

- i.  Her Honour L. PRINGLE stated the reason for refusal was, "I am not satisfied there are reasonable grounds to suspect that the transmission and tracking data requested will assist in the investigation of the offence at this time. I am willing to reconsider this decision if further information comes to light."

3. REAPPLICATION AND REASON FOR REAPPLICATION

In the previous applications for production orders in this investigation, for the same subject phone numbers, the Informations to Obtain submitted on June 21st, 2018 and November 8th, 2018 were 216 pages and 349 pages respectively. Due to the large volume of material and my attempt to organize the material in a logical and chronological order, information about  relevant to the support of my grounds, in seeking the applications, were scattered throughout the Informations to Obtain. In this application, I have filtered out all the information from my previous Informations to

Obtain and combined it with additional new information so that all the information pertaining [REDACTED] used to support my grounds to obtain this judicial authorization, are presented in one location. Investigators have also done a review of the case files looking for any information in regards [REDACTED] [REDACTED] that is relevant in supporting or detracting from the grounds for this application. Any information pertaining [REDACTED] from the case files that have not been included in prior judicial authorizations have been included in this application. The investigative efforts detailed above have been done with the intention of presenting a clearer picture as to why the transmission and tracking data for the phone numbers [REDACTED]
[REDACTED]

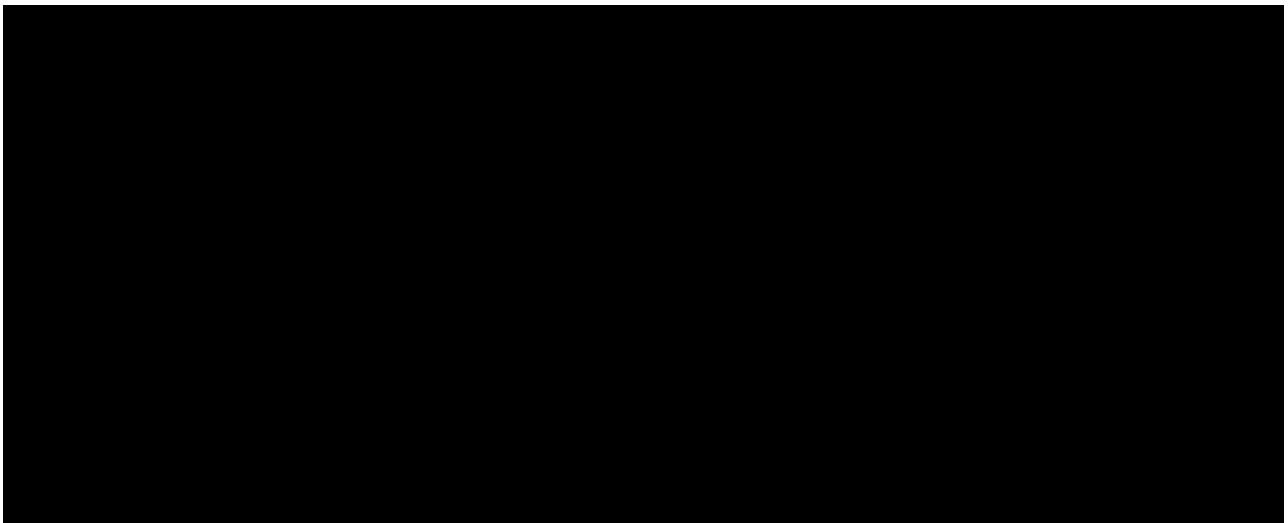
A copy of my most recent Information to Obtain, with its associated appendices, submitted on November 8th, 2018 is included in this application for reference and is designated as "Appendix D". This previous information to Obtain remains accurate and I still continue to rely on it to form my grounds in this current application.

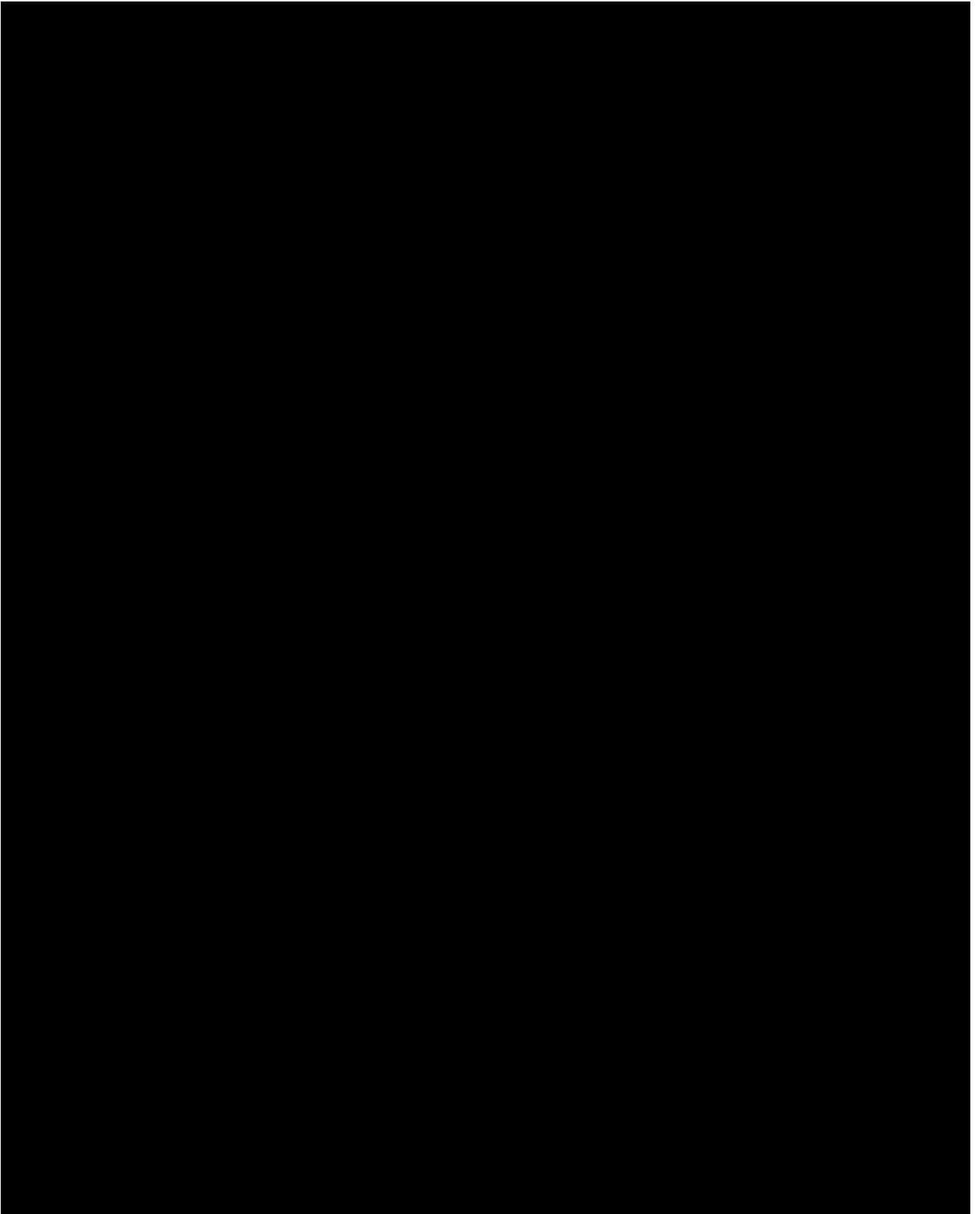
The phone numbers [REDACTED] are not subject to this application.

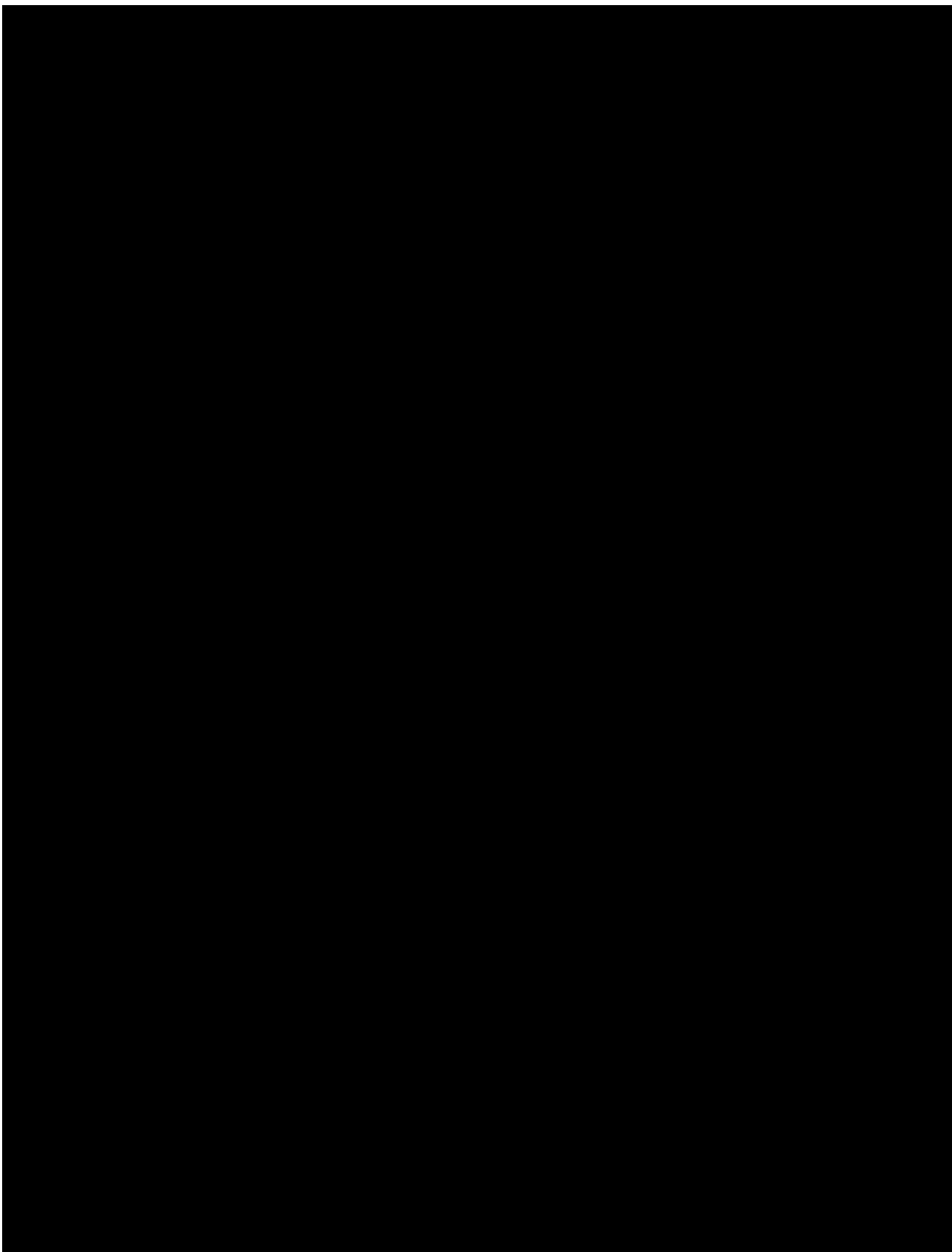
4. BACKGROUND OF THE INVESTIGATION

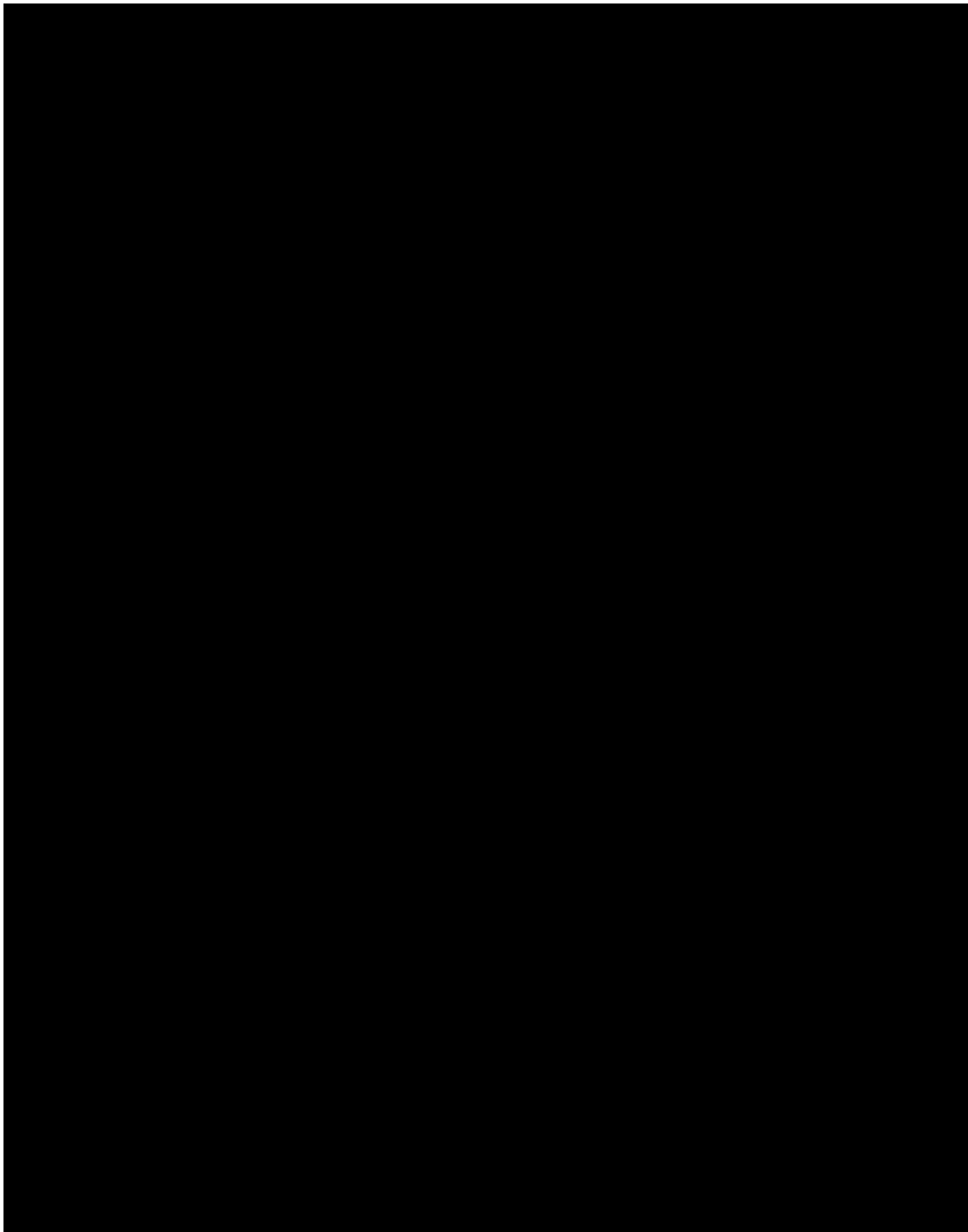
Please refer to "Appendix D"

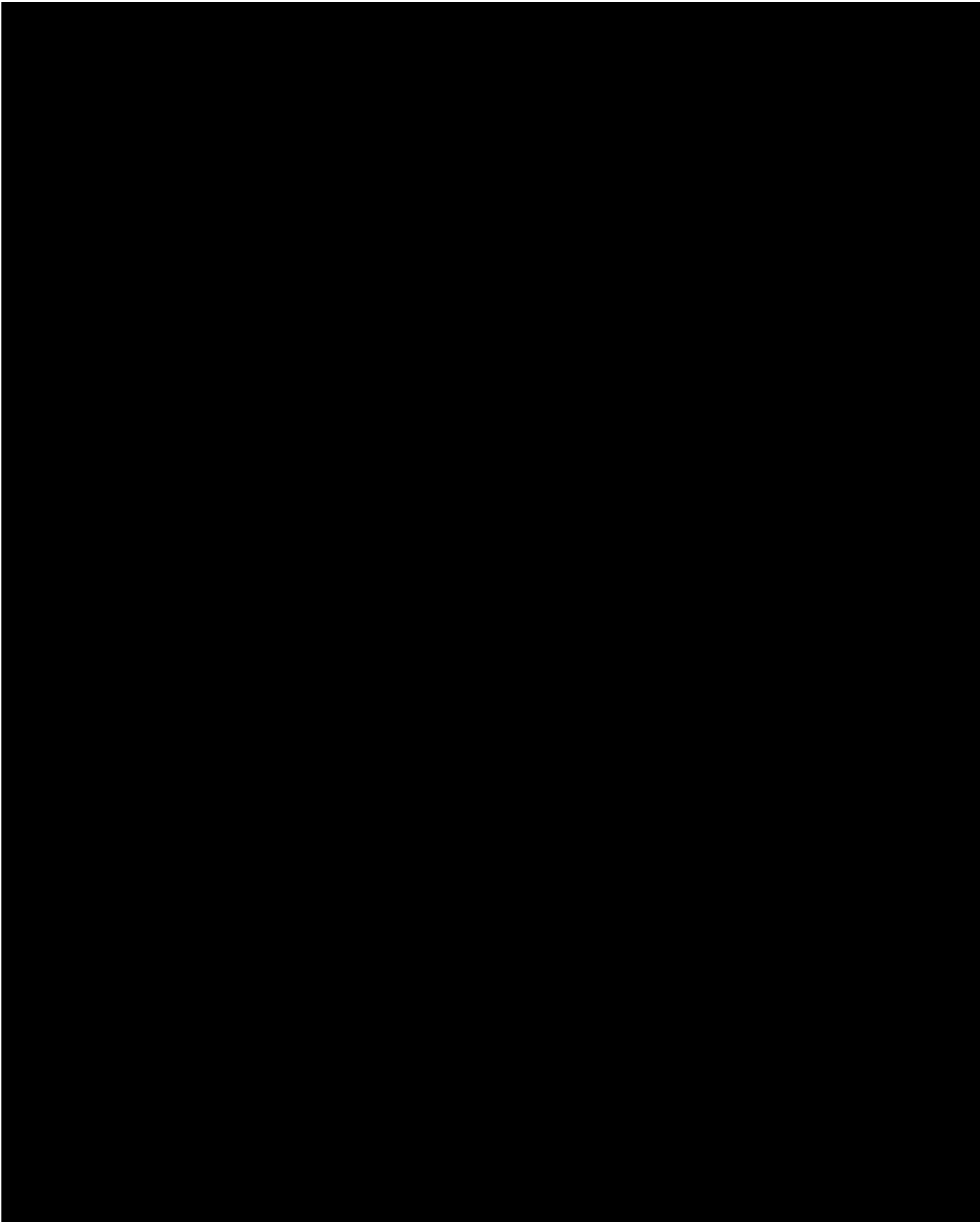
5. NEW INFORMATION

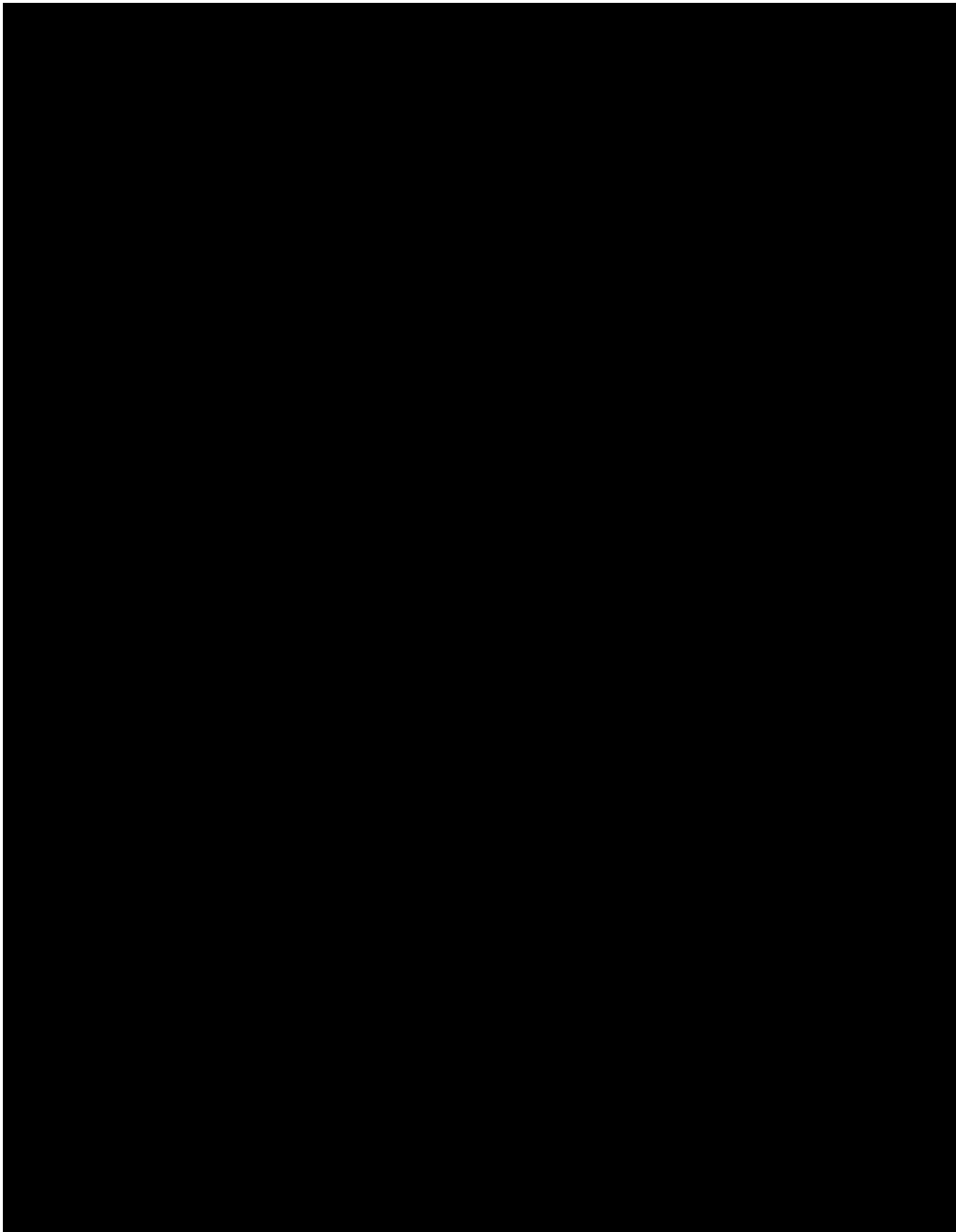


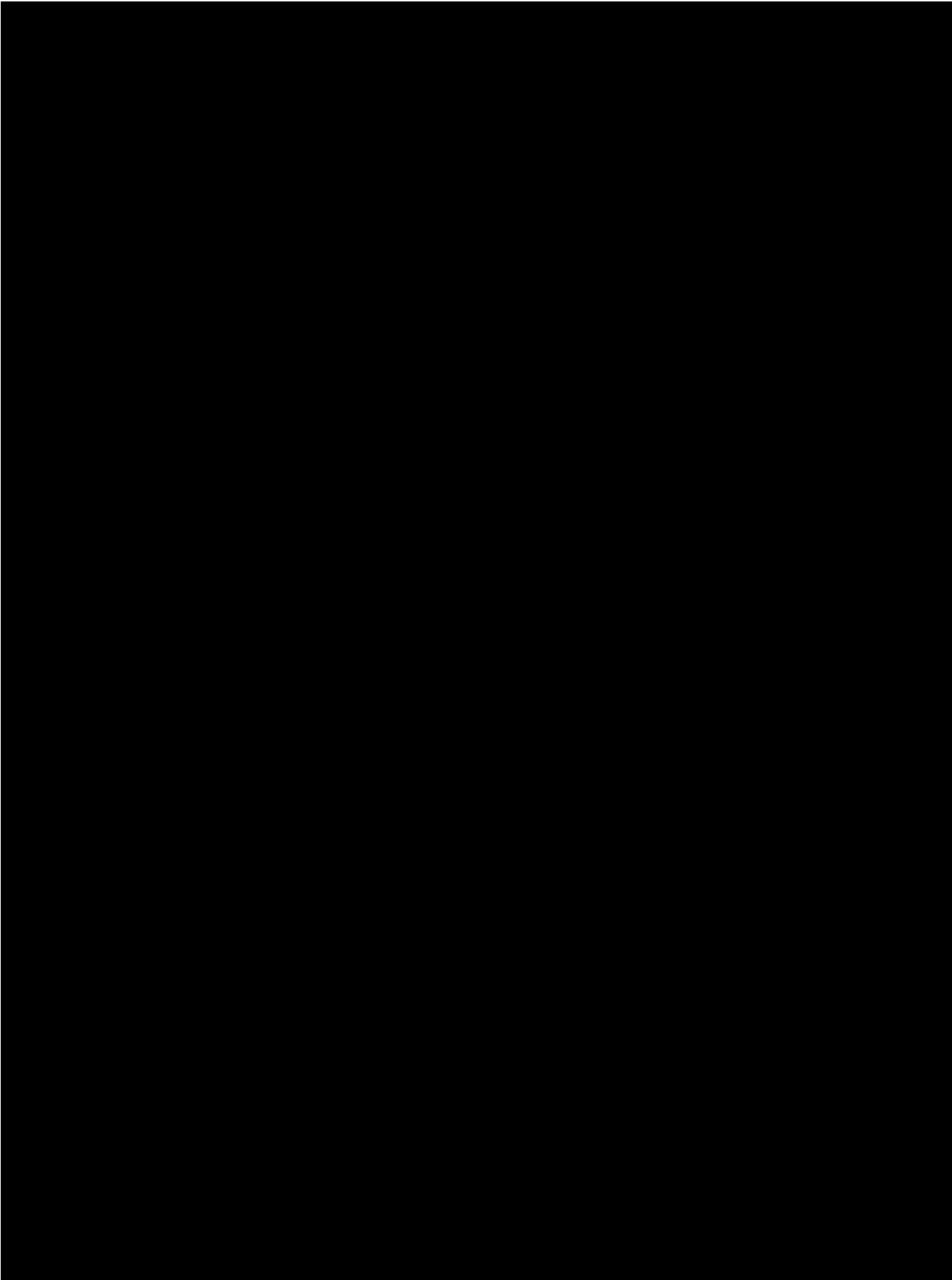


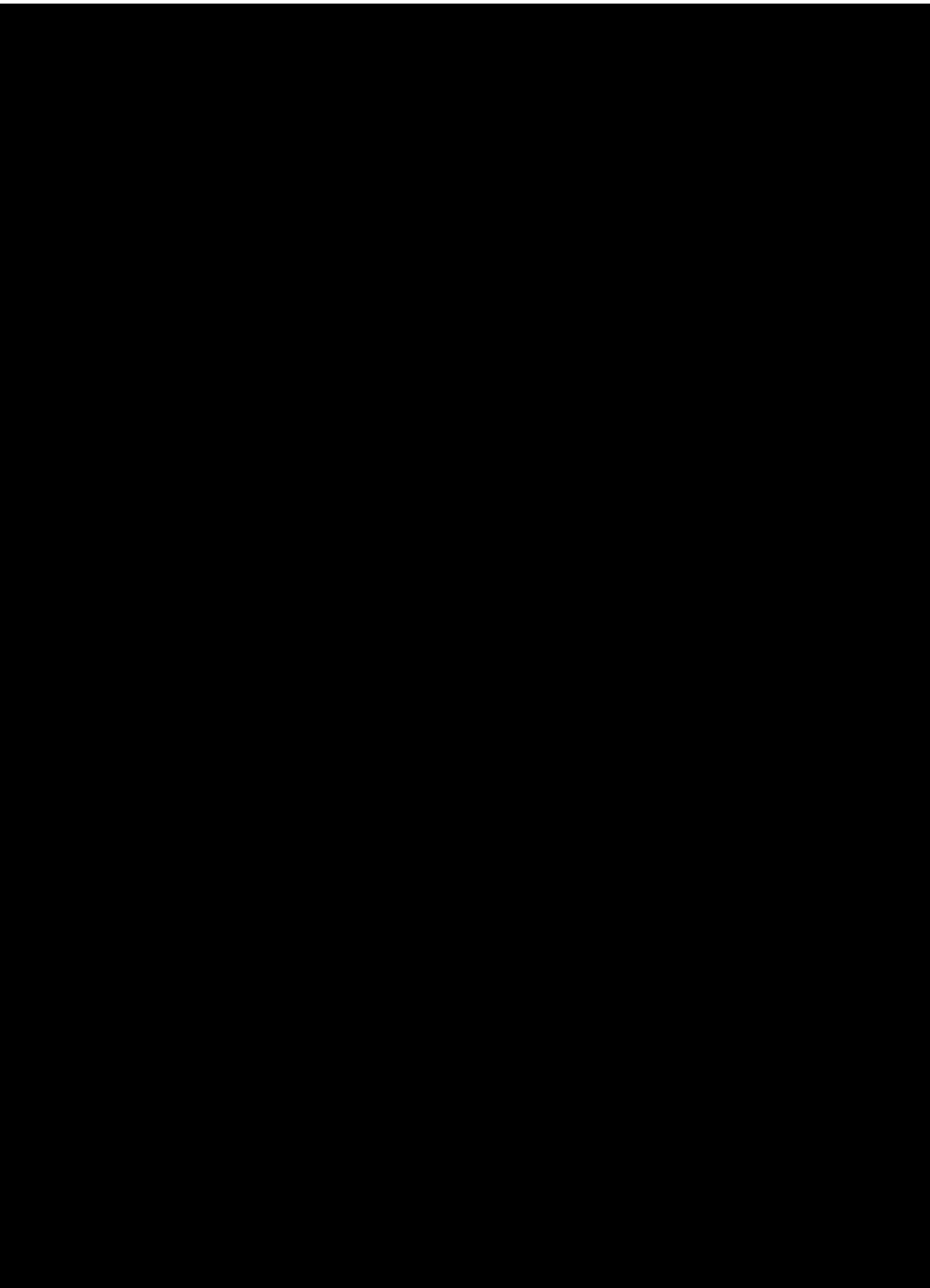


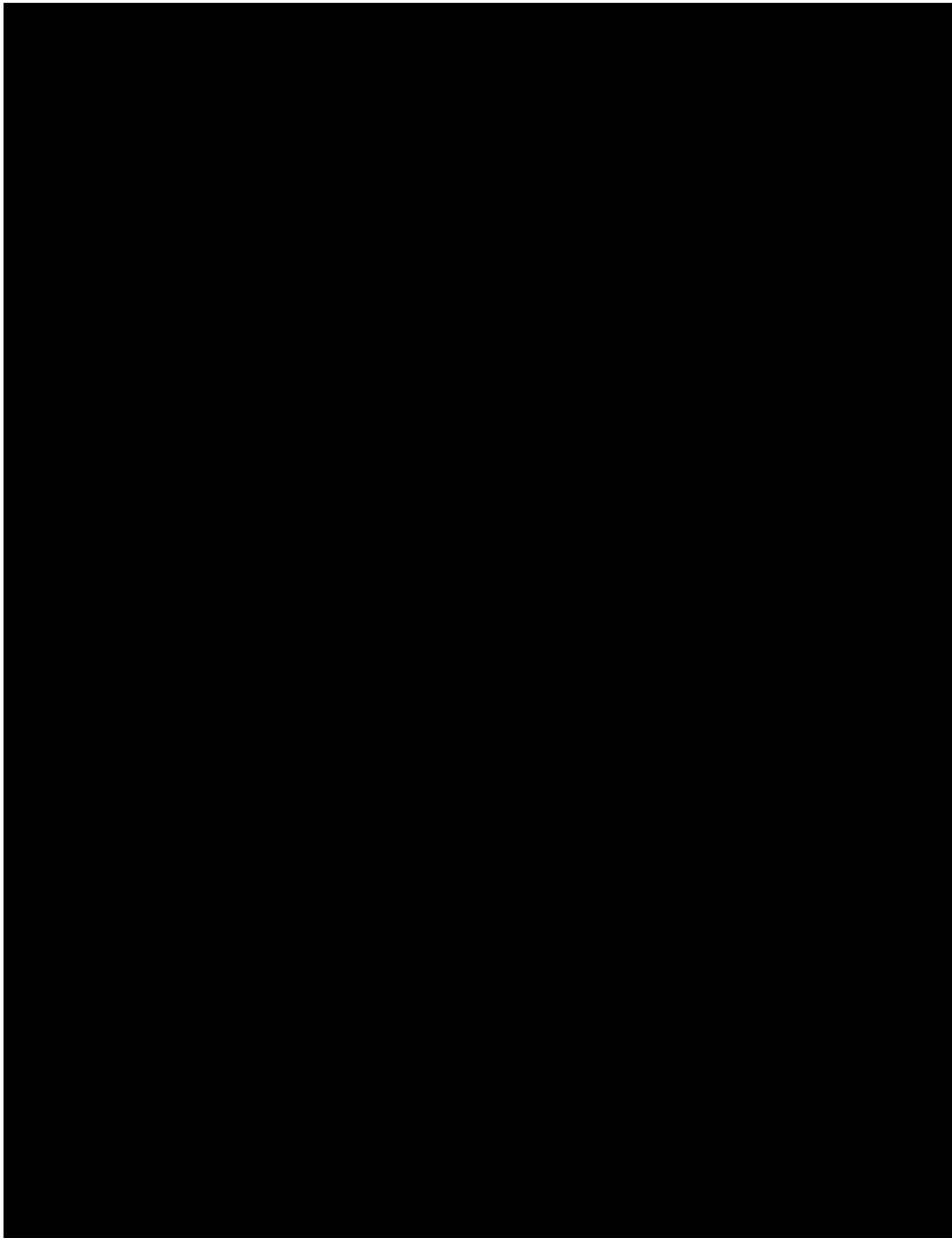


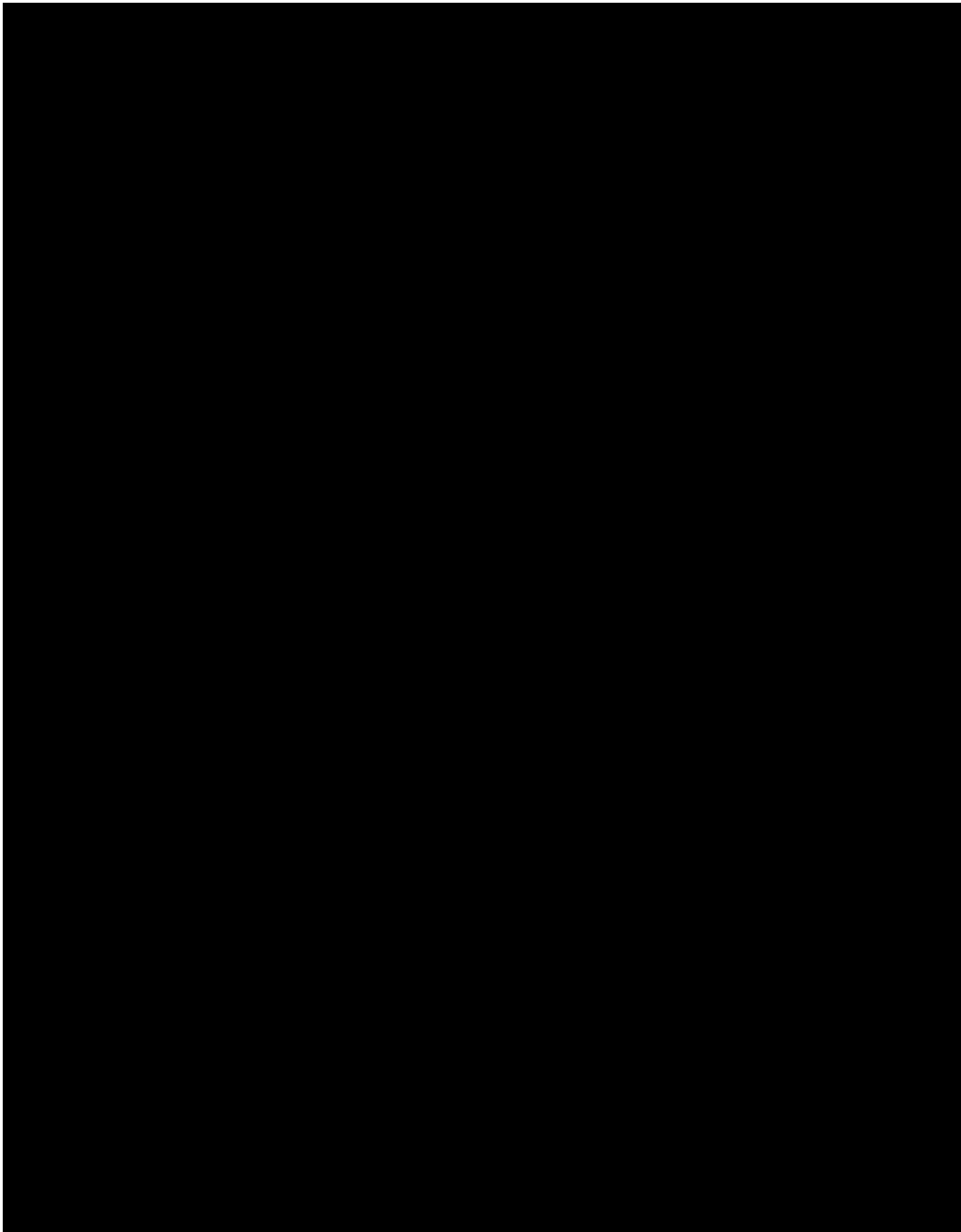


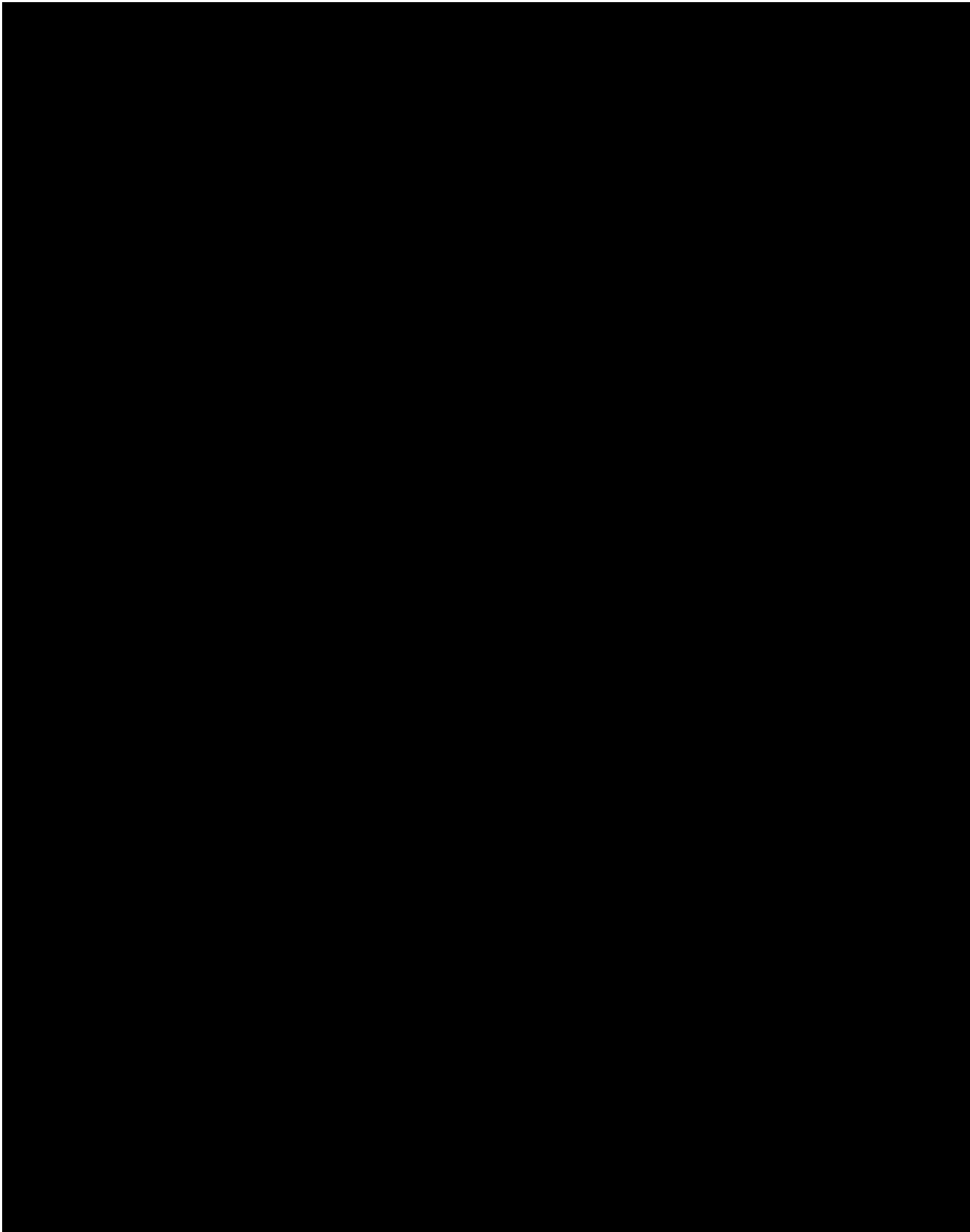


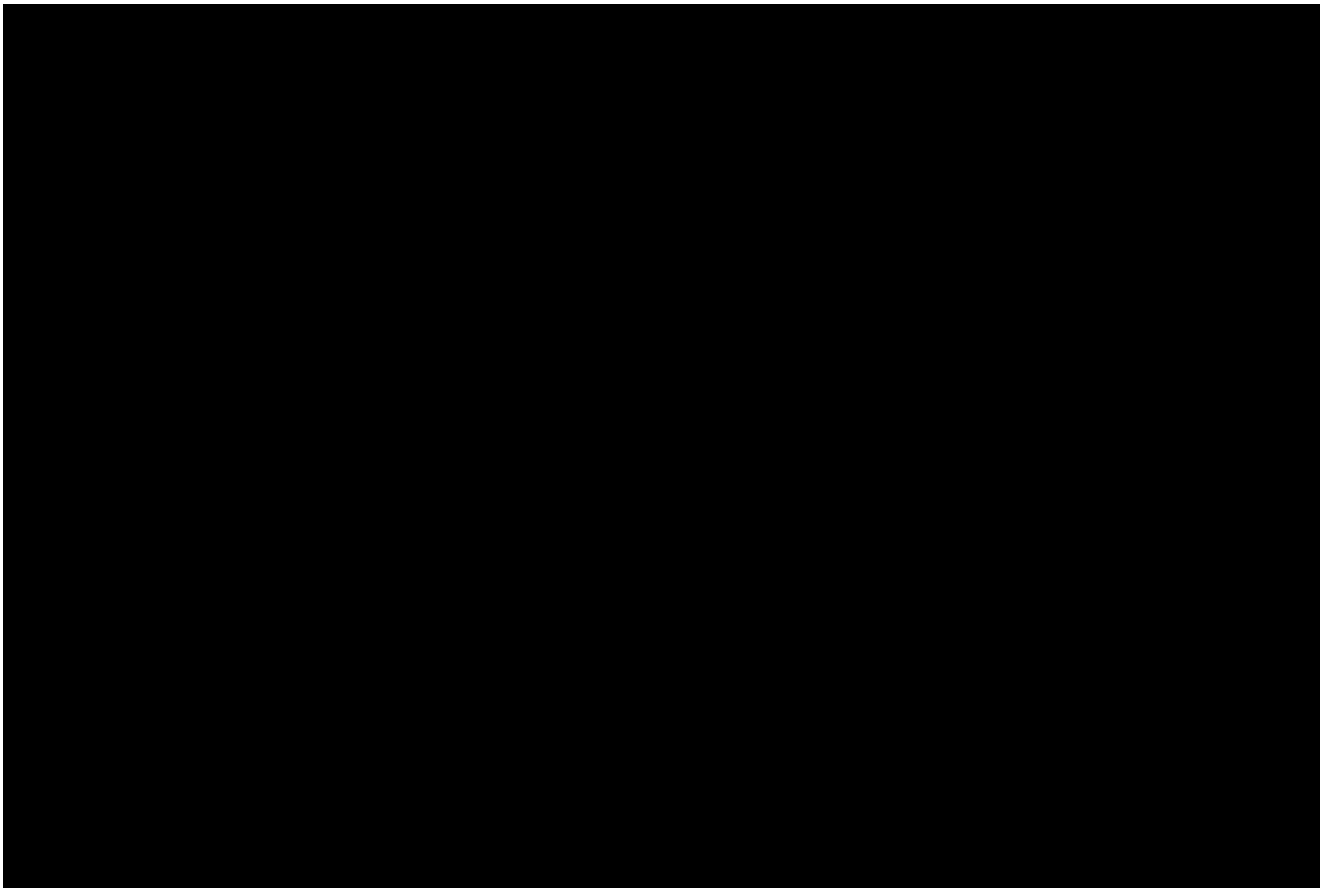




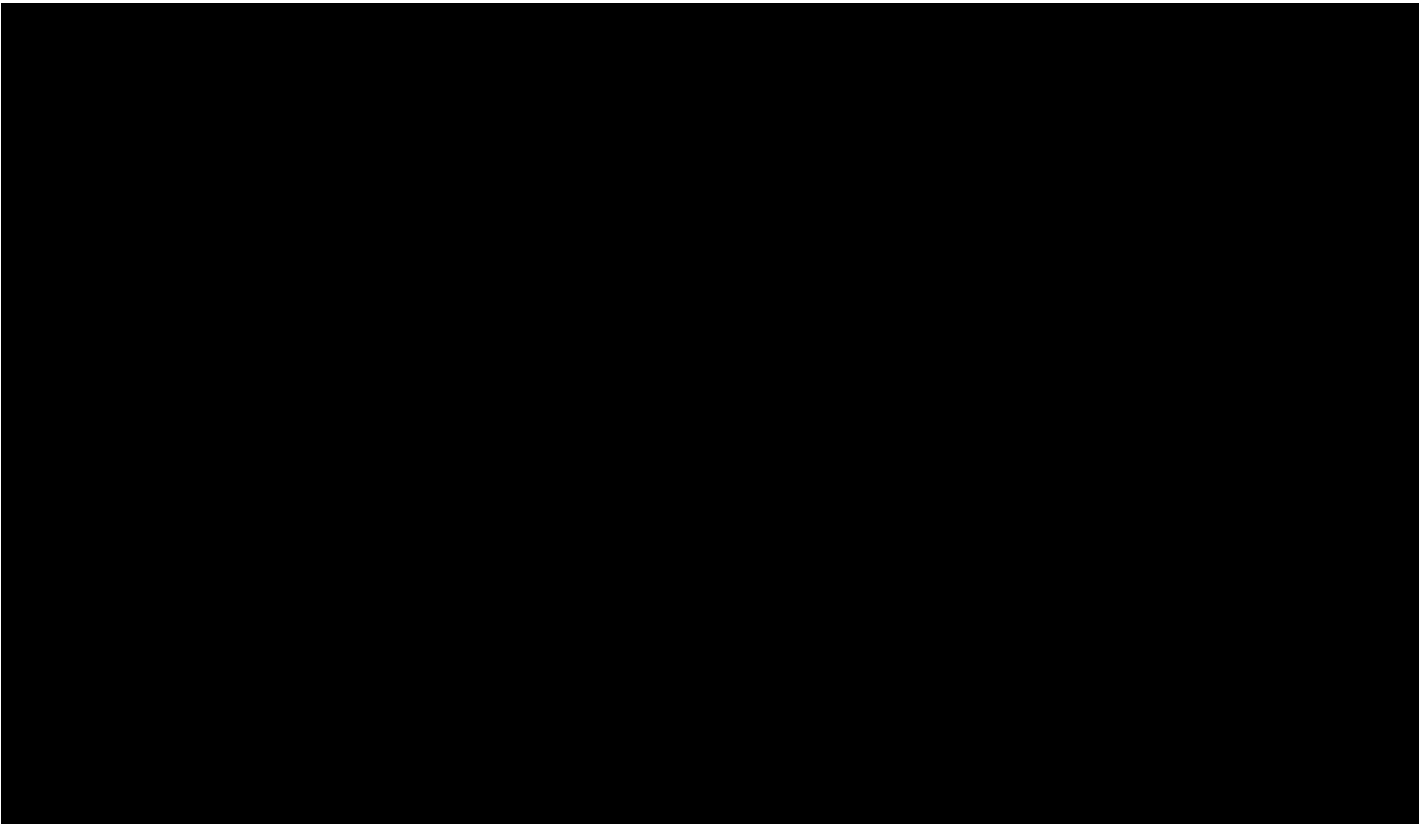


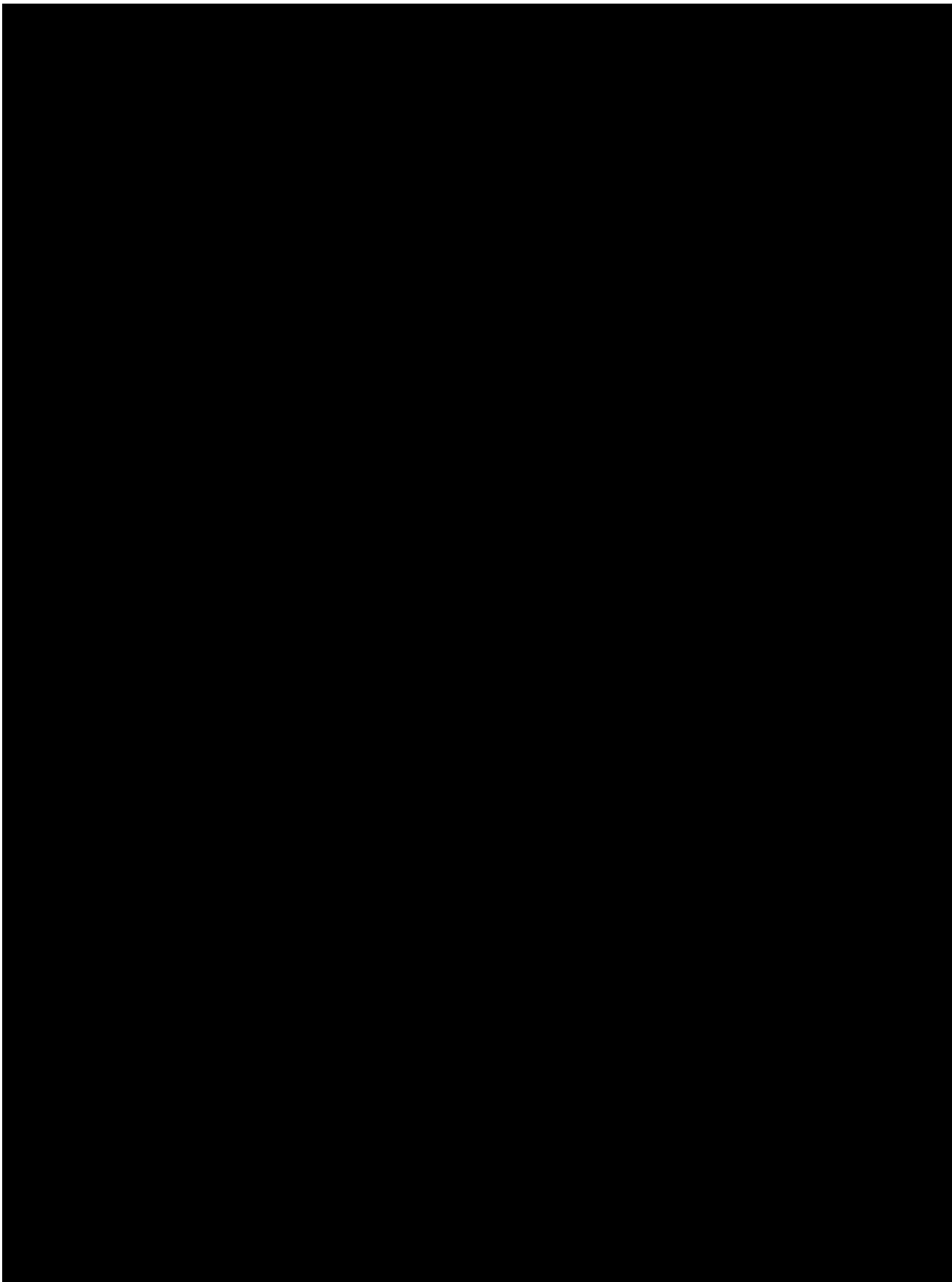


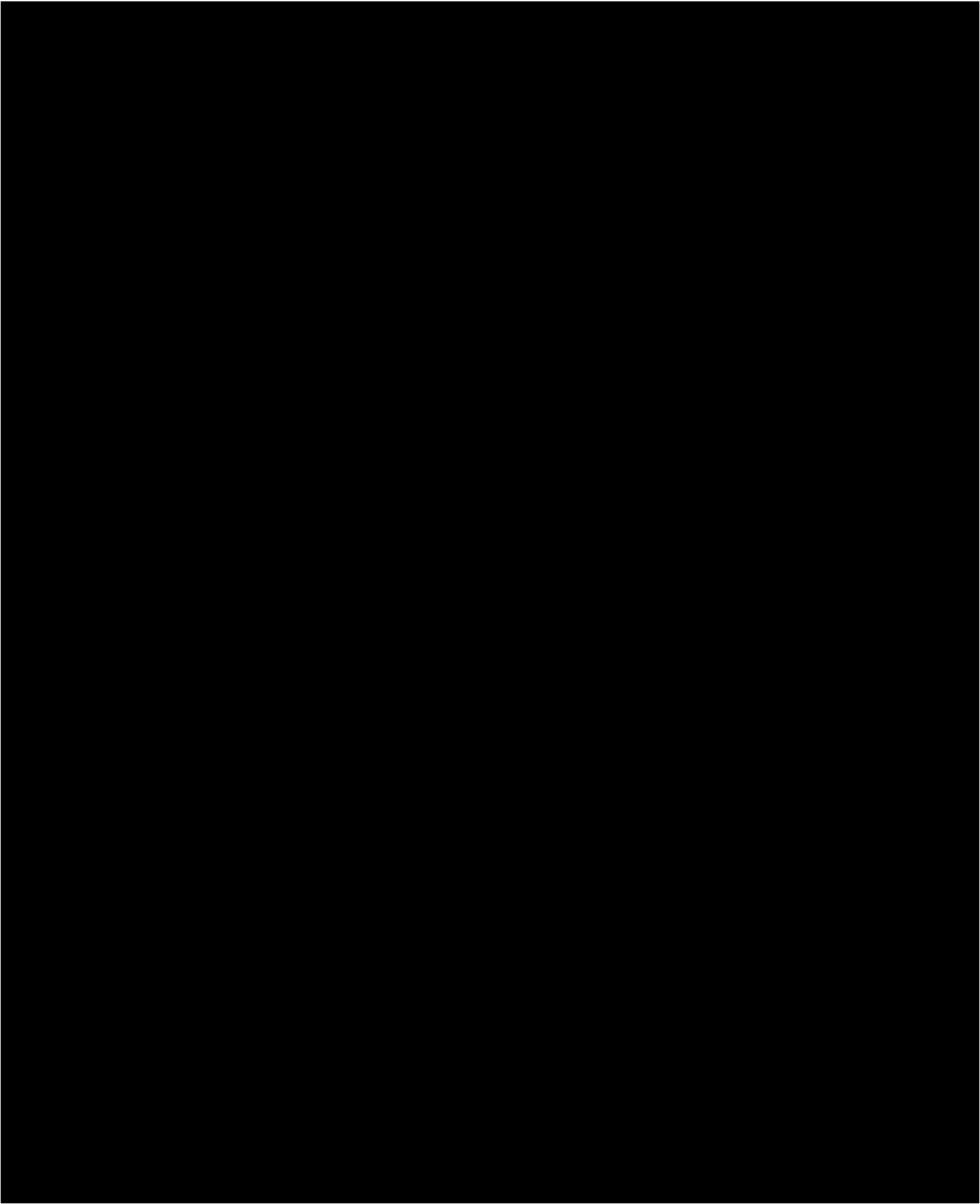


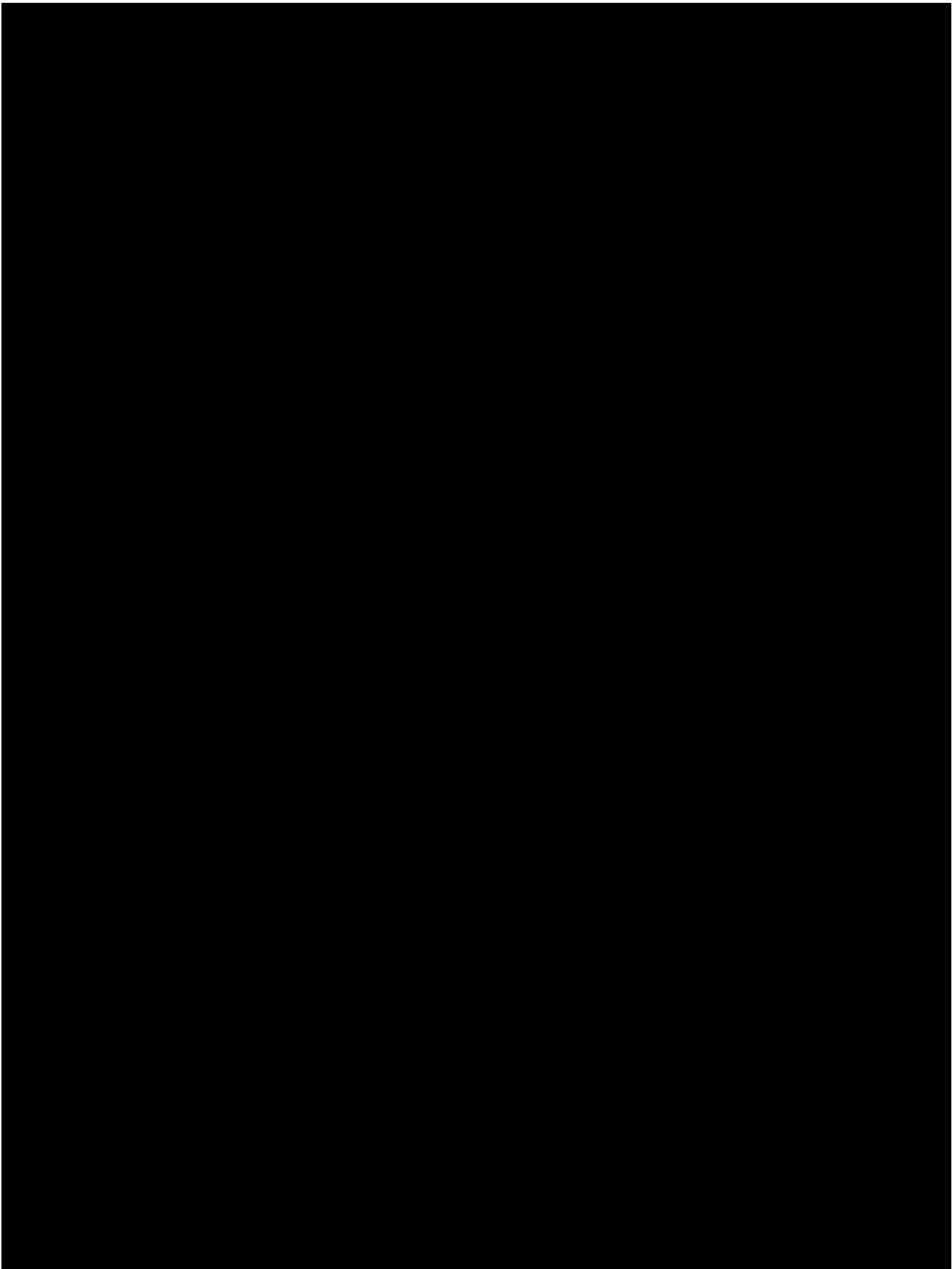


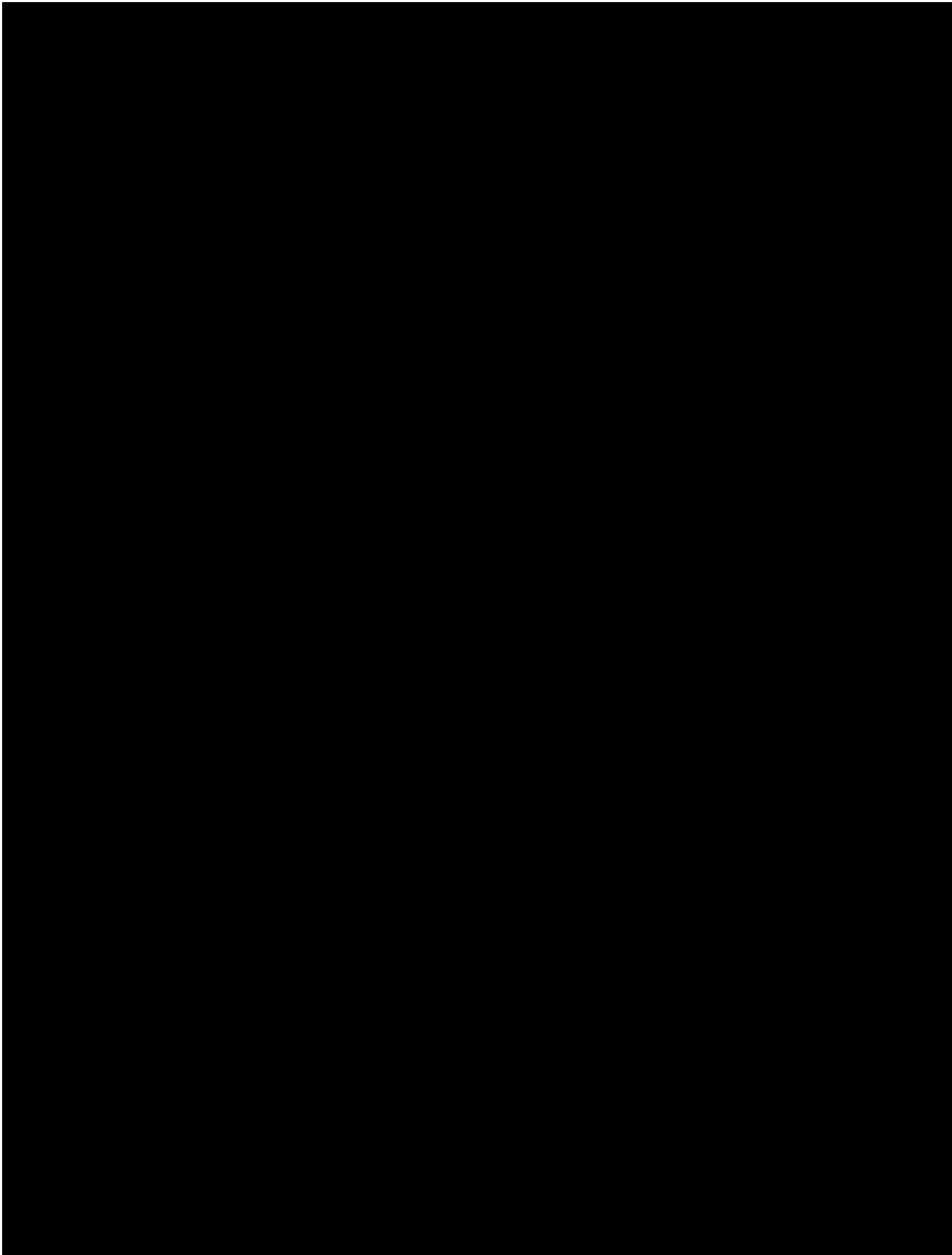
6. MOTIVES

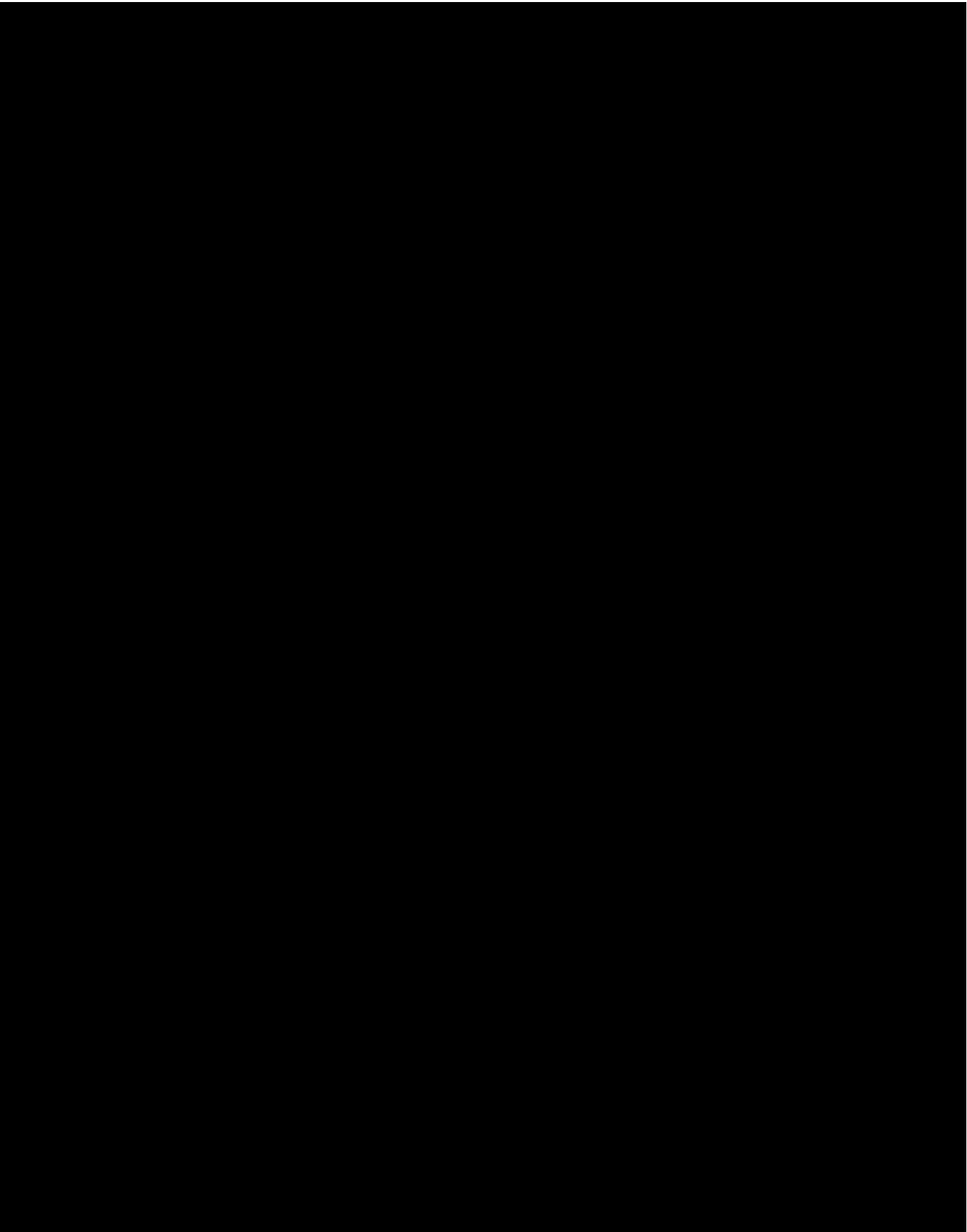


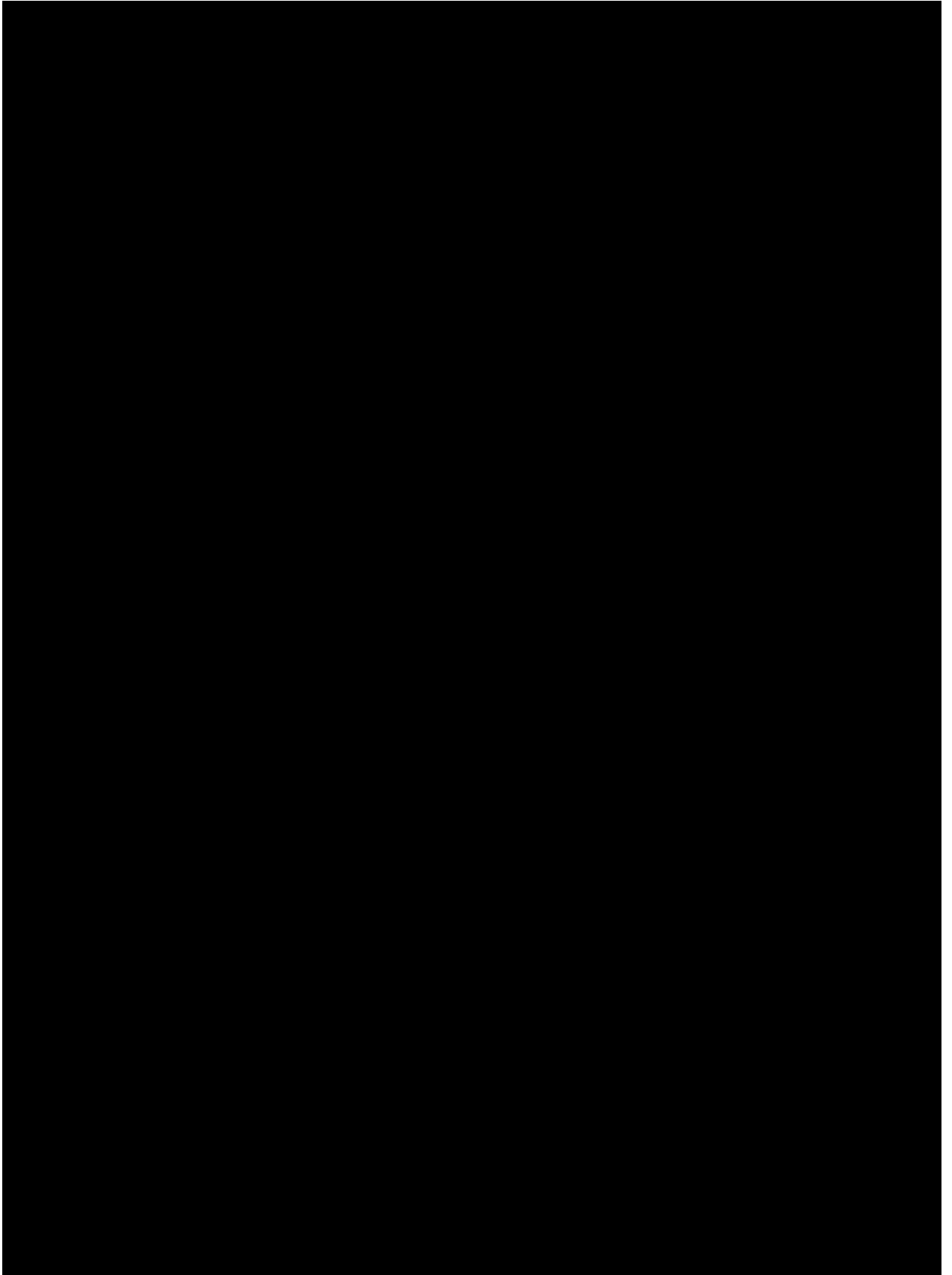


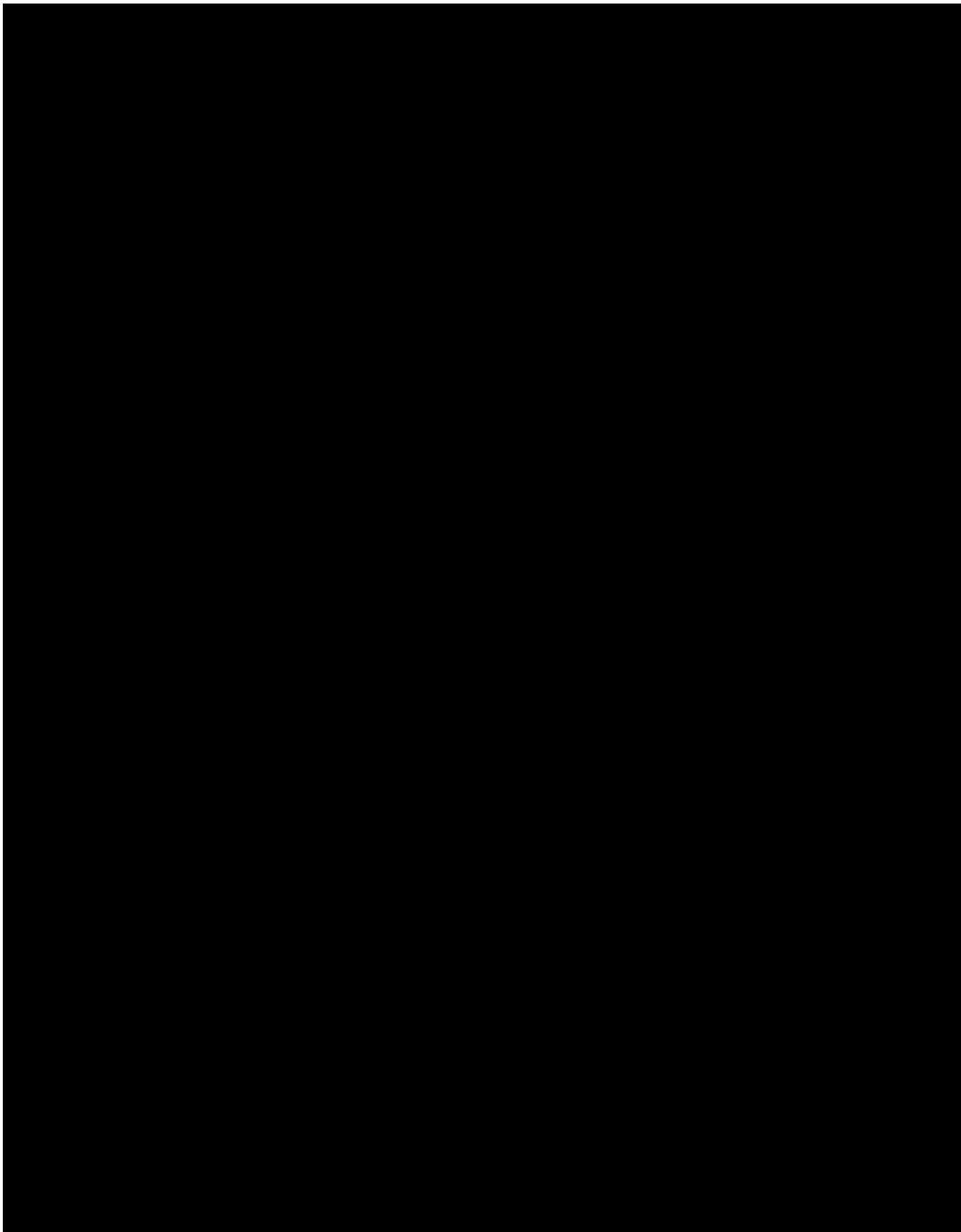


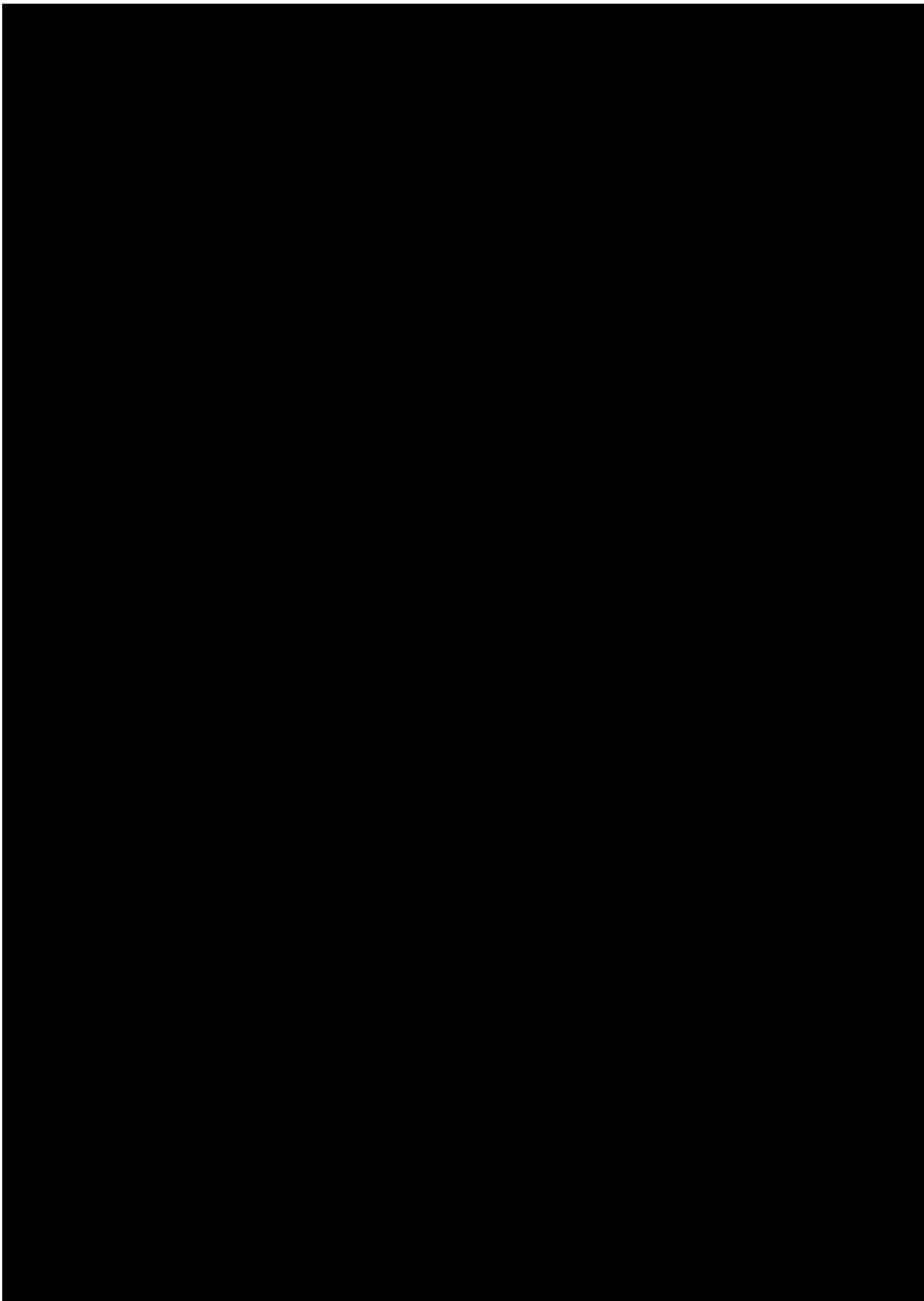












7. TIME CONSTRAINTS AND PRESERVATION DEMAND

Rogers Communications Canada Incorporated retains tracking and transmission data for 13 months from the date of the creation of the data. The earliest date for the data that I am seeking in this application is November 15th, 2017. Therefore December 15th, 2018 is the date that the data that I am seeking in this application begins to be destroyed by Rogers Communications Canada Incorporated.

A Preservation Demand was served to Rogers Communications Canada Incorporated for the preservation of the data, subject to this production order, up until January 5th, 2018. If this application is unsuccessful, the data that is subject to this application could possibly be lost forever.

8. INFORMATION SOUGHT FROM TRANSMISSION AND TRACKING DATA

Pursuant to sections 487.016 and 487.017 of the *Criminal Code*, production orders for transmission data and tracking data may be issued if there are **reasonable grounds to suspect that the transmission and tracking data will assist in the investigation of the offence. Reasonable grounds to believe that the document or data will afford evidence are not required.**

I believe that the lower threshold of “reasonable grounds to suspect data will assist in the investigation” applies to production orders for transmission data and tracking data because the privacy interest in transmission data and tracking data is lower than the privacy interest in other kinds of data that may be obtained through a general production order, which requires “reasonable grounds to believe the document or data will afford evidence”.

In particular, production orders for transmission data and tracking data will not reveal any customer identifying information or user-generated content relating to the transmission data of interest. For the phone numbers for which I am seeking records, the transmission and tracking data will reveal the dates and times of telephone calls and text-based communications; the phone numbers involved in these calls and text-based communications, and the cell towers accessed by the phone number for which I am seeking records. The transmission and tracking data will **NOT** reveal:

(a) any subscriber information for the phone numbers for which I am seeking records;

- (b) any subscriber information for the phones communicating with the phone numbers for which I am seeking records;
- (c) any cell tower location data for the phones communicating with the phone numbers for which I am seeking records;
- (d) any billing information for the phones numbers of interest or the phone numbers communicating with them;
- (e) any subscriber address information for the phone numbers of interest or the phone numbers communicating with them;
- (f) any content of the communications.

I have chosen to seek production orders for transmission data and tracking data in order to minimize the impact of this investigative step on the privacy interests of persons whose phone numbers will appear in the records I am seeking. I have also sought to minimize the privacy impact of this investigative step by doing my best to narrow the date range for the transmission data and tracking data I am seeking. I have outlined below, the records I will be seeking and the reasons that I am seeking the records.

9. HOW TRANSMISSION AND TRACKING DATA FROM PHONE NUMBERS [REDACTED] [REDACTED] WILL ASSIST IN THE INVESTIGATION

(a) Transmission and tracking data for phone numbers associated to [REDACTED] [REDACTED]

[REDACTED]

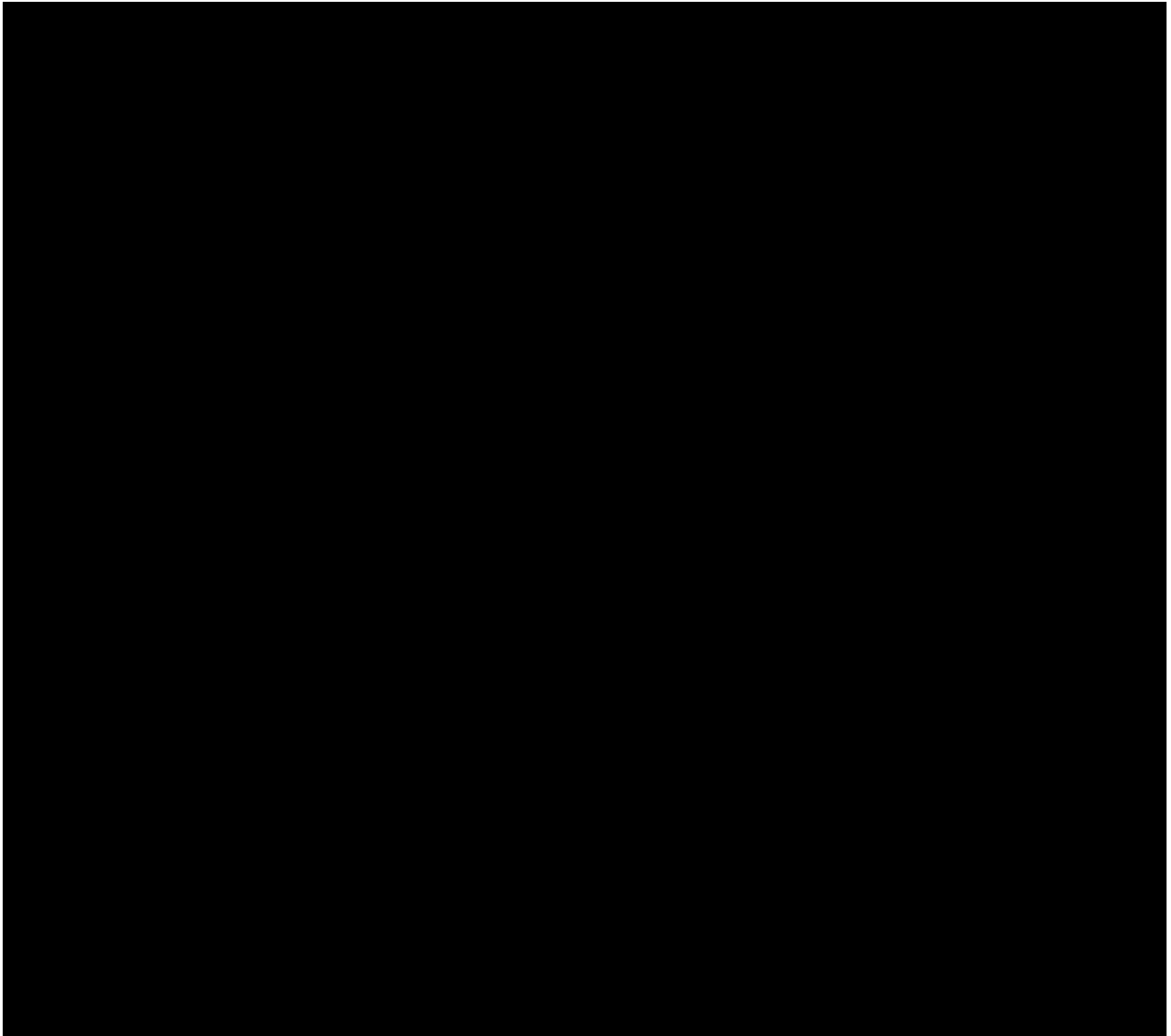
[REDACTED]

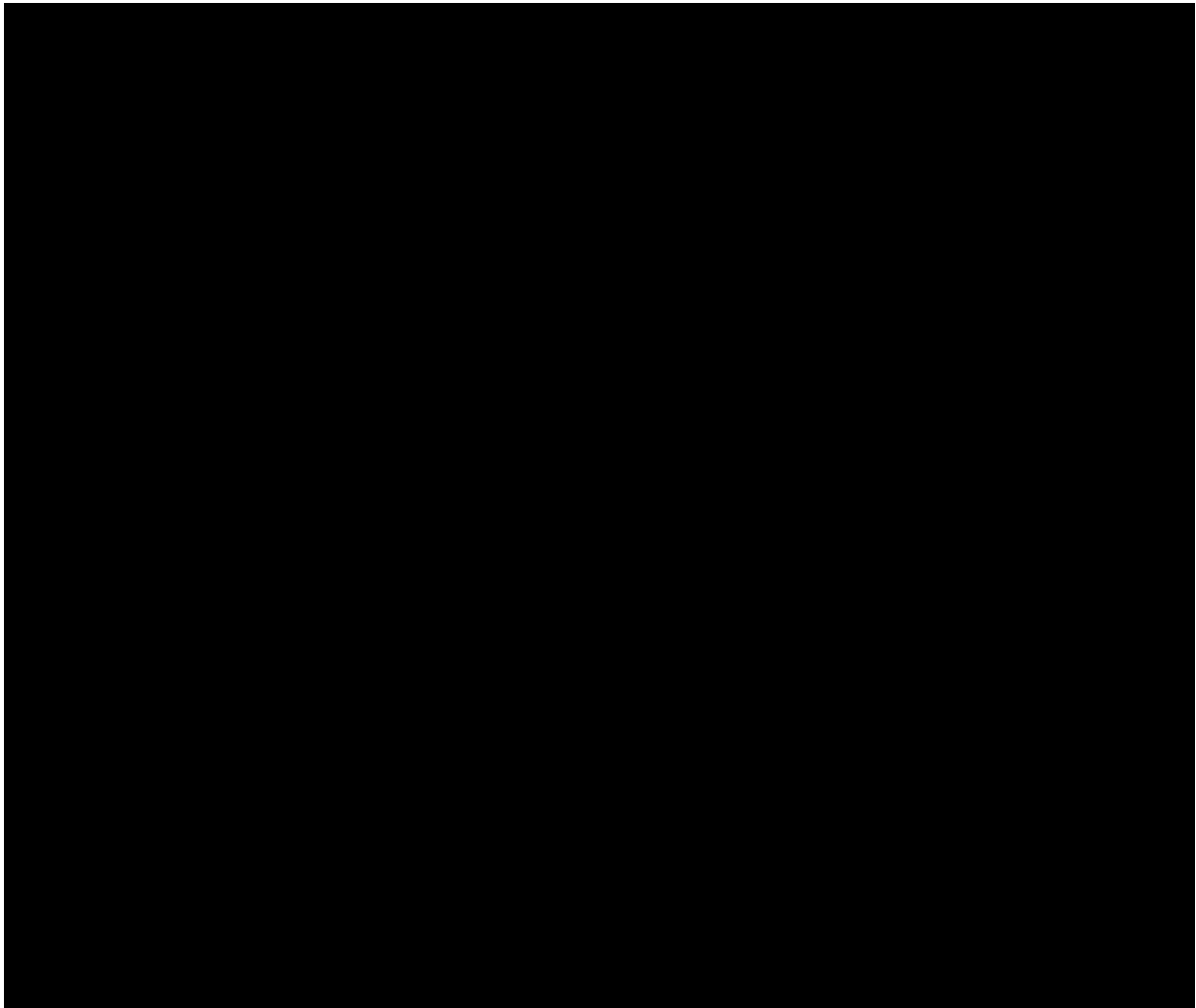
I will be seeking the following records:

Document containing transmission data for incoming and outgoing calls, SMS/MMS, and data use (date, time, involved phone numbers, terminating number, call duration, forwarded number), and tracking data (tower location, sector, frequency, longitude and latitude coordinates, etc.) **from November 15th, 2017 to December 19th, 2017 inclusive and from January 24th, 2018 to February 4th, 2018 inclusive.**

The Criminal Code does not require that I believe that the records that I am seeking “will afford evidence” only that the records that I am seeking will “assist in the investigation”.

For several reasons, I reasonably believe that the transmission and tracking data for the phone numbers associated to [REDACTED] [REDACTED] will assist in the investigation of the offence.





ii. **Location of Parties At the Time of the Murders**

The transmission and tracking data requested in this application, will show whether or not any devices, utilizing the phone numbers associated to [REDACTED] [REDACTED] were communicating with cellular towers around the area of 50 Old Colony Road from the time Bernard SHERMAN and Honey SHERMAN were last seen alive on December 13th, 2017 to when their bodies were found on December 15th, 2017 which would indicate if the individuals utilizing the phone number(s) were in the area of 50 Old Colony Road and may possibly be involved in the murders. Conversely, the tracking and transmission data may also show that the individuals in question were at different location, away from 50 Old Colony Road thereby providing the individuals, who were utilizing the phone numbers, with an alibi.

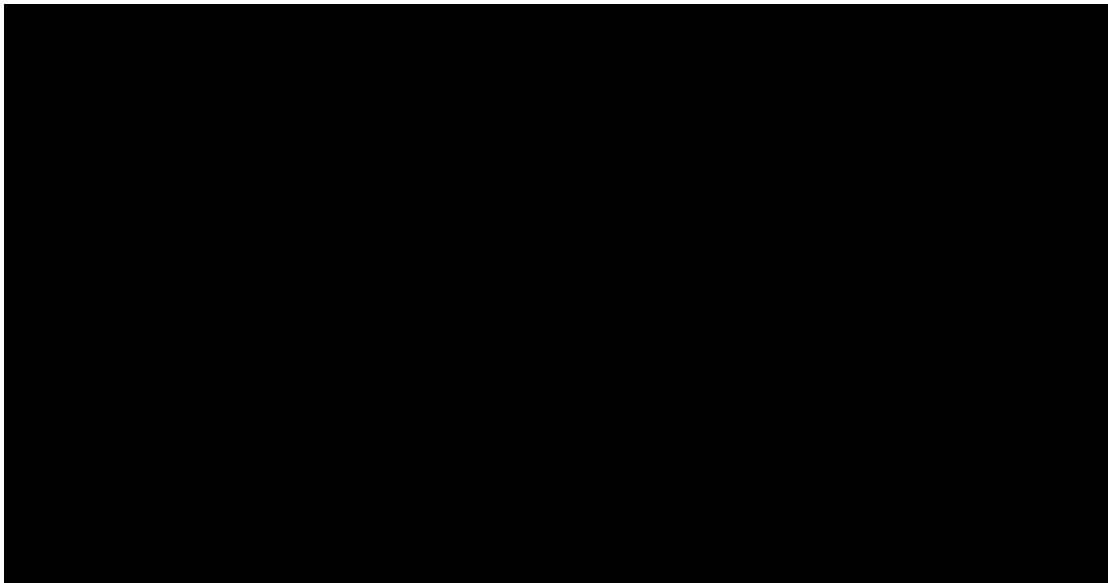
iii. **Determination If Bernard SHERMAN and/or Honey SHERMAN Were Under Surveillance Prior to Their Murders**

The tracking data requested in this application, in the days leading up to December 13th, 2017 can be compared to the cellular phone records of Bernard SHERMAN and Honey SHERMAN to determine if any of the cellular locations of from individual phone records parallel the tracking data from Bernard's or Honey's cellular phone records. If they do parallel this could indicate that Bernard and/or Honey were followed or were under surveillance by [REDACTED]
[REDACTED] Tracking and transmission data from Bernard's and Honey's cellular phone records have already been previously obtained from November 15th, 2017 to December 15th, 2017.

iv. **If Charged the Tracking Data Showing an Alibi Can Be Used in Criminal Defence**

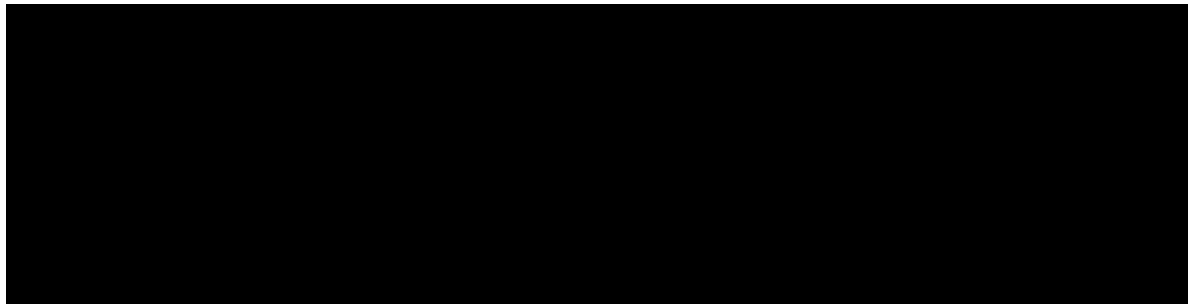
If [REDACTED] are charged with the murders of Bernard SHERMAN and/or Honey SHERMAN, tracking data showing that they were not around 50 Old Colony Road, 150 Signet Drive or any location where Bernard SHERMAN and/or Honey SHERMAN had attended on December 13th, 2017 could be used for their legal defence. Also transmission data showing that they had no phone communications with either Bernard SHERMAN, Honey SHERMAN or the home phone line could also be used in their legal defence.

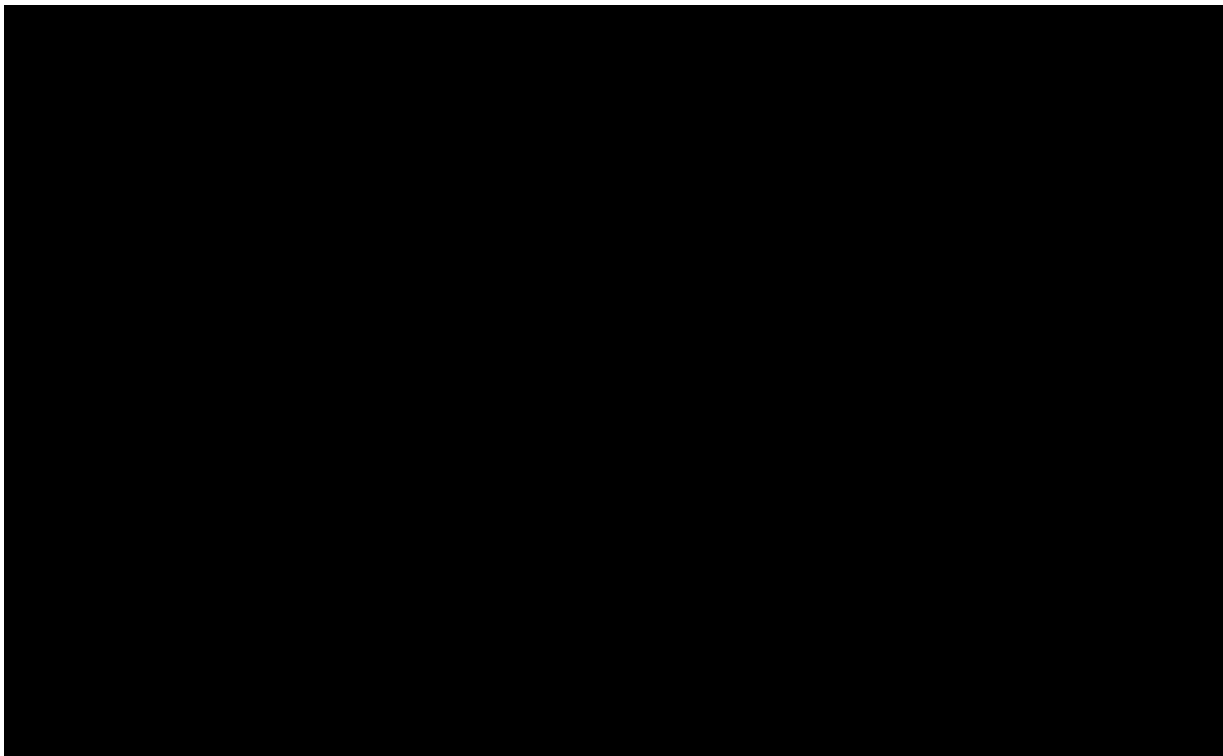
v. **Identification of Common Contacts Between [REDACTED]
[REDACTED]**





vii. **Events that May Stimulate Conversation Between Involved Parties**



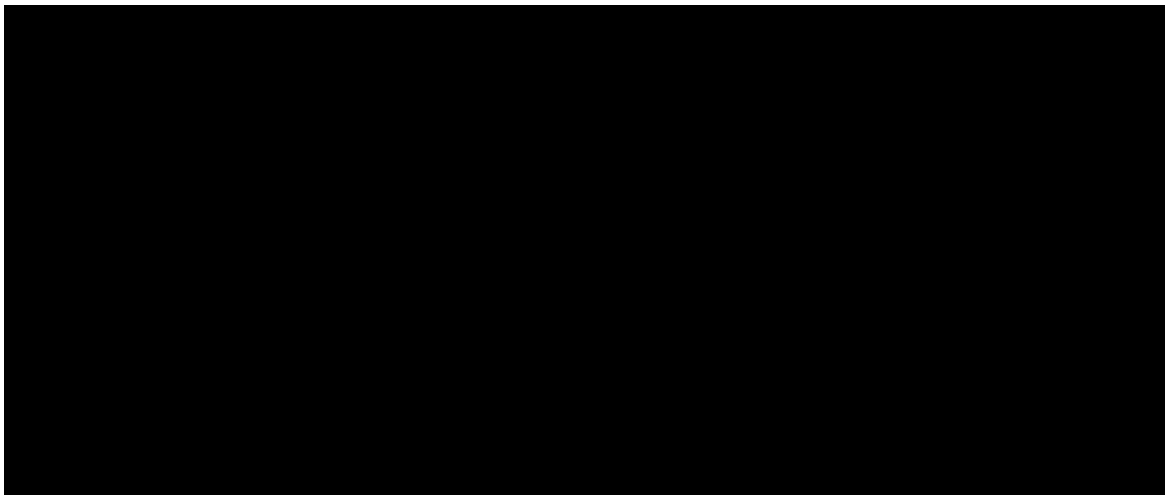


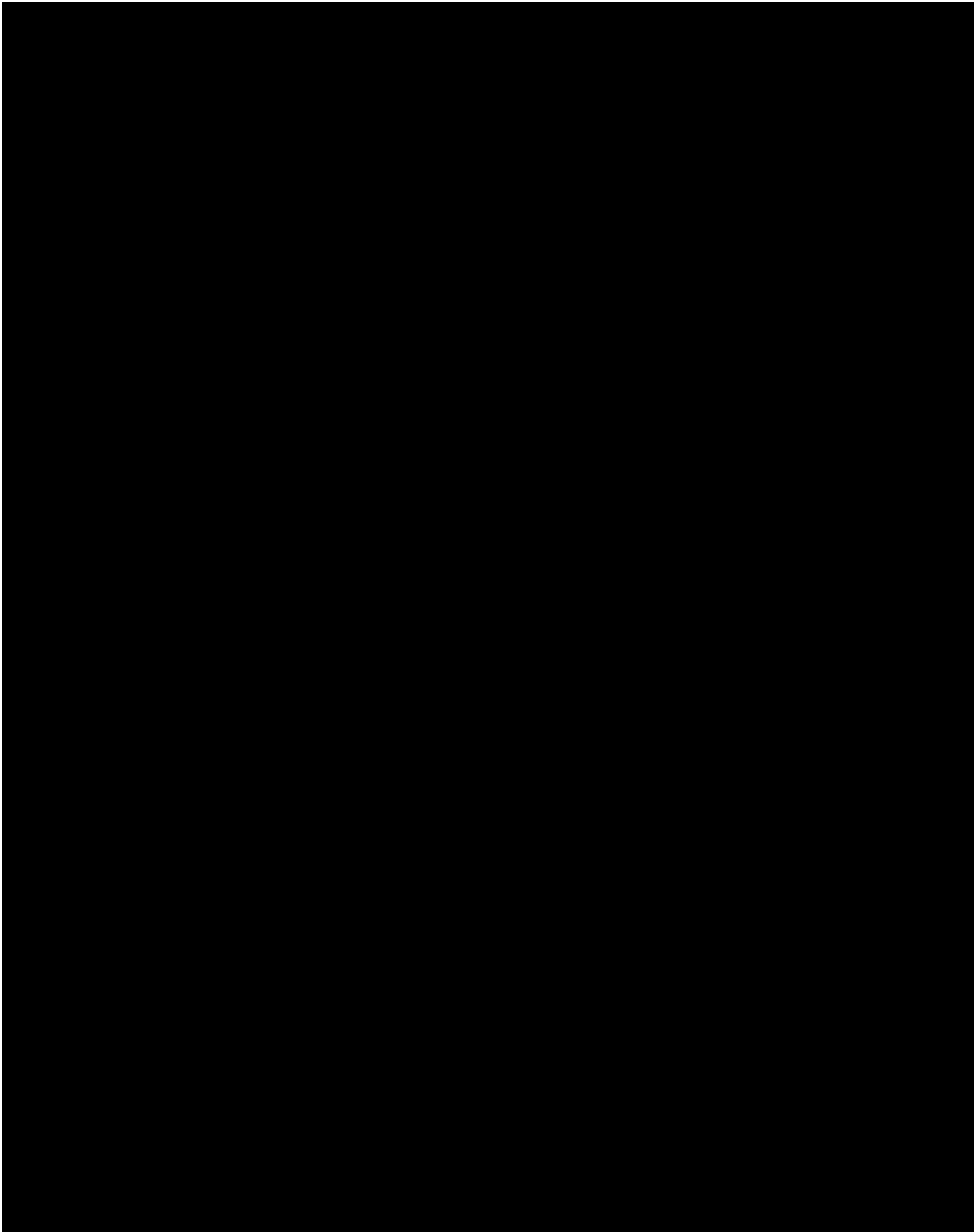
viii. **Dispelling Investigative Theories and Maintaining Consistency With Prior Judicial Authorizations**

I. Dispelling Investigative Theories

So far in this investigation, production orders for phone records have been sought for several identified persons of interest. The tracking and transmission data, for the phone numbers, of these individuals have all assisted in providing likely alibis for the persons of interest and have assisted in [REDACTED]

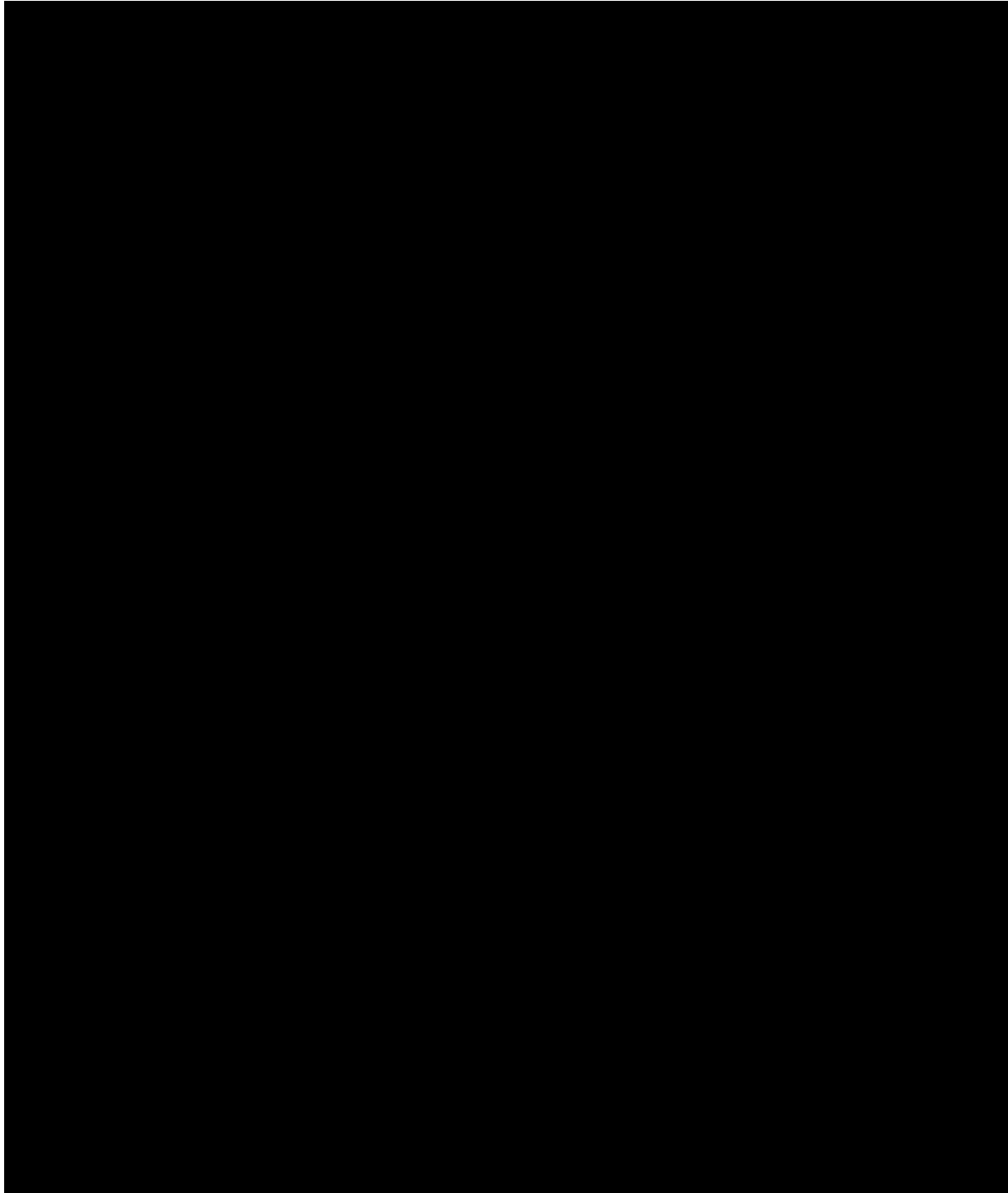
[REDACTED] The tracking and transmission data have assisted in dispelling investigative theories involving the following people:

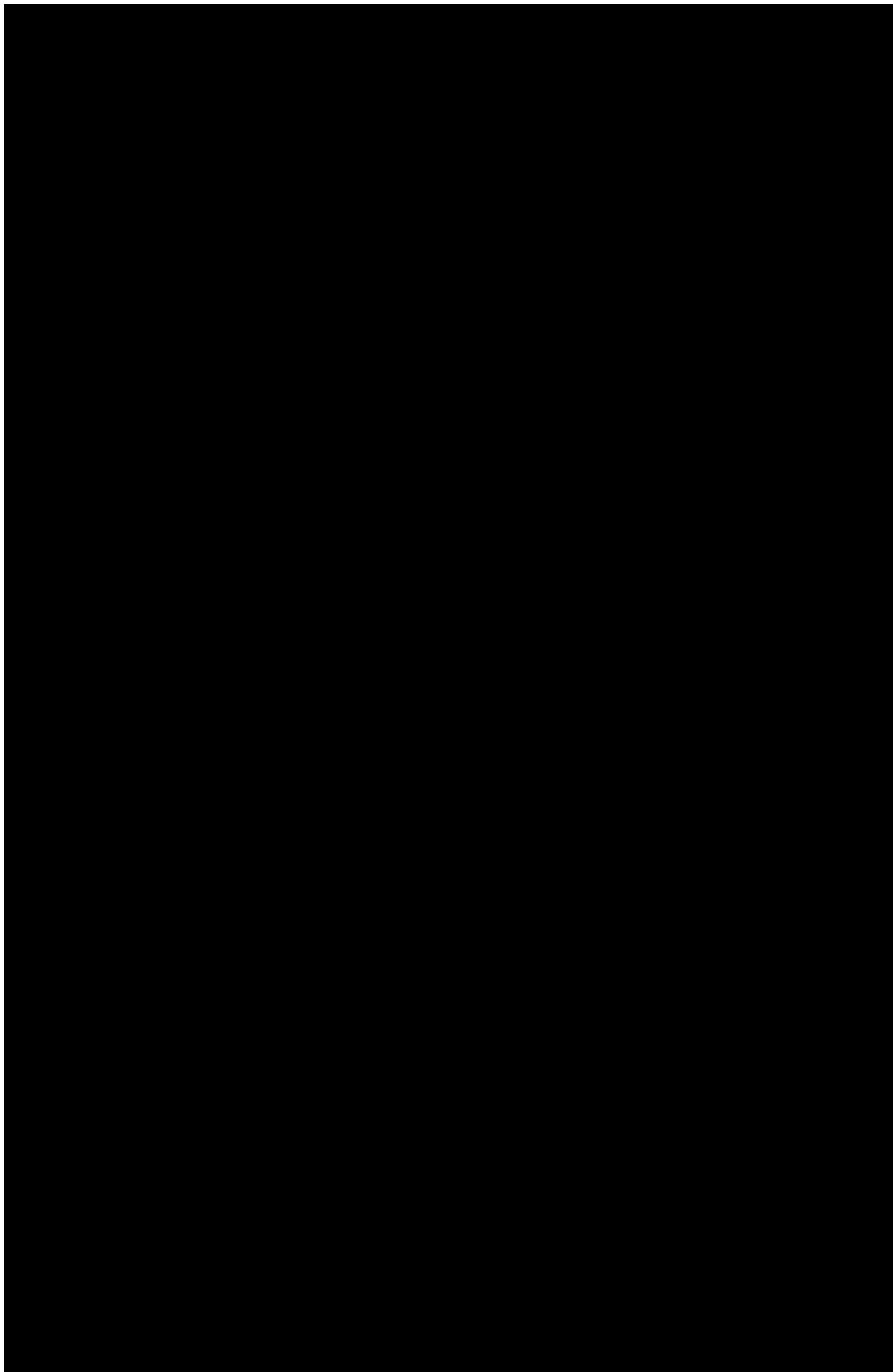


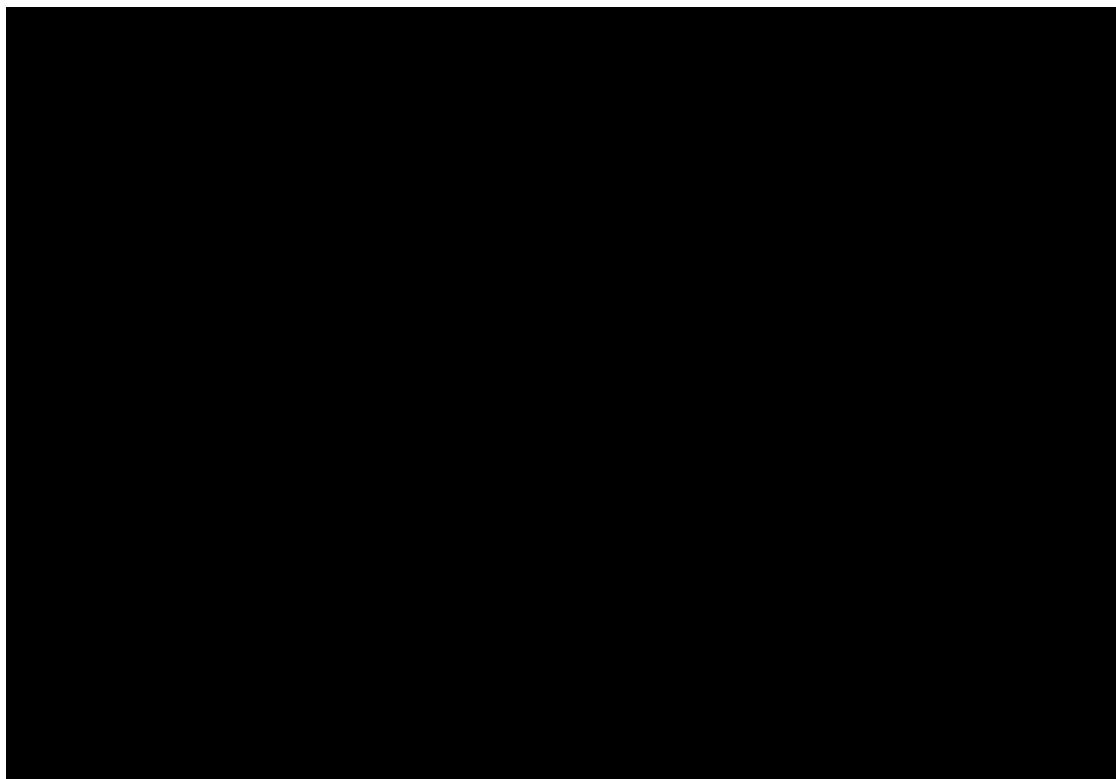


II. Maintaining Consistency Within the Investigation

In fairness to the investigation and in order not to prejudice other persons of interest in this investigation I believe that investigators must seek and obtain the tracking and transmission data [REDACTED]





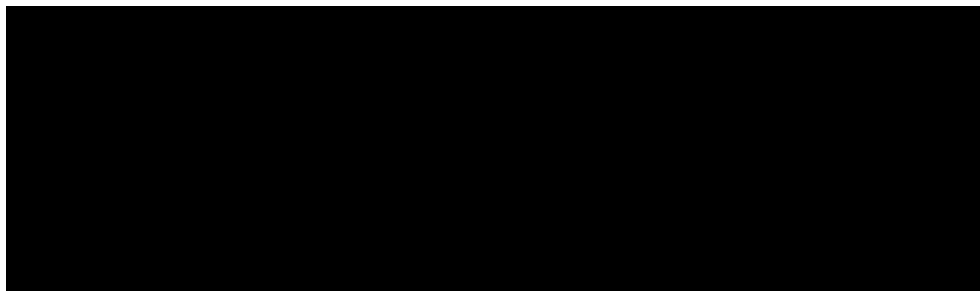


10. GROUNDS TO BELIEVE THE DOCUMENTS TO BE PRODUCED ARE IN THE POSSESSION AND CONTROL OF THE ENTITIES FROM WHICH I AM SEEKING THEM

(a) Transmission and Tracking Data From Rogers Communications Canada Incorporated

i. 

For the following phone numbers I will be seeking documents containing transmission and tracking data for the time periods from **November 15th, 2017 to December 19th, 2017 inclusive and from January 24th, 2018 to February 4th, 2018, inclusive:**



The Toronto Police Service (TPS) Intelligence Unit acts as a liaison between cellular phone network providers and the Toronto Police Service.

On May 9th, 2018, I learned that the phone numbers listed above were active cellular phone numbers on the Rogers network for the time period stipulated.

(b) Transmission and Tracking Data from Bell Canada Incorporated

i.

[REDACTED]

For the following phone numbers I will be seeking documents containing transmission and tracking data for the time periods from **November 15th, 2017 to December 19th, 2017 inclusive and from January 24th, 2018 to February 4th, 2018, inclusive:**

[REDACTED]

On May 9th, 2018 I was in contact with the TPS Intelligence Unit and learned that the cellular phone numbers listed above were active on the Bell Canada network, however, Bell Canada would not provide dates of activation without judicial authorization.

ii. **Bell Canada Data Retention Period and Address**

On August 10th, 2018 Bell Canada advised that they keep transmission and tracking data for 36 months.

From previous judicial applications, I am aware that Bell Canada requires 30 days to comply with production orders and that the orders can be sent to:

Email: [REDACTED] or;

Address: 865 Pharmacy Avenue, 5th floor, Toronto, ON, M1L 3K7

(c) Transmission and Tracking Data From Telus Communications Incorporated

[REDACTED]

For the following phone numbers I will be seeking documents containing transmission and tracking data for the time periods from **November 15th, 2017 to December 19th, 2017 inclusive and from January 24th, 2018 to February 4th, 2018, inclusive:**

[REDACTED]

On May 9th, 2018 I was in contact with the TPS Intelligence Unit and learned that the cellular phone number [REDACTED] is an active number and the phone number [REDACTED] is currently not an active number but was active, on the Telus Mobility network in the past. Telus Mobility would not provide the dates of activation without judicial authorization.

ii. Telus Communications Incorporated Data Retention Period and Address

On August 16th, 2018 I was advised by Telus Communications Incorporated that they keep transmission data for phone calls going back 14 months however they only keep transmission data for text messages and data usage for 150 days. The time frame required to comply with a production orders is 30 days.

From previous judicial applications, I am aware that production orders to Telus Mobility can be sent to:

Email: [REDACTED] or;

Address: 200 Consilium Place, Suite 1600, Toronto, ON, M1H 3J3

11. CONCLUSION

At this point in the investigation, investigators are trying to determine who is responsible for the deaths of Bernard SHERMAN and Honey SHERMAN. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] To date, there is no evidence to elevate any of the aforementioned parties to the status of a suspect.

In addition to the persons of interest there is an unidentified party that is seen on several surveillance videos in and around the area of 50 Old Colony Road. Investigators are trying

to determine if this person is potential witness or suspect to the murders. By obtaining transmission and tracking data from the phone numbers subject to this application, investigators hope to eliminate persons that could be this unknown person.

The transmission and tracking data will also be used to corroborate [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Transmission data can also be used to determine if there were any [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

12. ORDER DENYING ACCESS TO INFORMATION

I am requesting that an order be made, pursuant to section 487.3 of the Criminal Code, denying access to and disclosure of this Information to Obtain and its attached appendices, as well as the requested Production Orders.

I am requesting that this order be made for an indefinite period and until an application is brought to a court with competent jurisdiction to have the order terminated or conditions of the order varied pursuant to section 487.3(4) of the Criminal Code.

I am also requesting that a term/condition of the sealing order be added allowing the Crown to access the sealing materials for the purpose of making disclosure. This term/condition will allow the Crown to fulfil its disclosure obligation, if charges are laid, without first obtaining an order varying this sealing order.

I am requesting that this order be made on the following grounds:

[REDACTED]



(b) Pursuant to section 487.3(2) (a) (ii), Compromise the nature and extent of an ongoing investigation

The Information to Obtain of the proposed judicial authorization applications details the facts of an ongoing investigation and if this information were to be made public it would jeopardize the investigation. Currently the investigation is still ongoing, with substantial and continued media coverage of the investigation. Information about the investigation has been already inadvertently or purposely disclosed to the public and further disclosure about the details of this case will render any potentially new hold back information to be of no value to police.

Currently there are no suspects identified in this investigation. Disclosure of this Information to Obtain would allow the perpetrator(s) to know how far the investigation has advanced, the identity of witnesses police have spoken to and what evidence police have seized. Knowing the aforementioned information, the perpetrators can then take steps to thwart and hinder the investigation by locating witnesses that police have spoken to as well as witnesses police have not spoken to with the intent to influence them to not participate in the investigation. Also, the perpetrators, by knowing what evidence police have already seized and obtained can also take steps to destroy or conceal evidence that they know exist and police have not already seized.

Also, by disclosing this affidavit the perpetrator(s) would know if police have identified any suspects or persons of interest, which could precipitate the perpetrator(s)' flight. Disclosure of this affidavit would also allow the perpetrator(s) to determine which witnesses that investigators have or have not spoken to. The perpetrator(s) can then attempt to locate or contact witnesses to influence their participation in this investigation.

Currently the investigation is still underway with witnesses still to be identified and spoken to. If the details contained in the Information to Obtain were to be made public it could contaminate any subsequent witness statements thereby hindering

investigators' ability to assess the credibility of the information provided by any future witnesses that may wish to come forward.

(c) Pursuant to section 487.3(2) (a) (iv), Prejudice the interest of an innocent person

The disclosure of the information relating to the Production Orders would prejudice the interest of an innocent person, due to the fact that many witnesses have already been interviewed by police and the contents of this affidavit would reveal the identity of witnesses who have provided information and statements to police.

I believe that, if the names and information provided were to be made public, that it would be detrimental to the progress of the investigation, the safety of witnesses and the safety of any potential witnesses. At this point in time investigators believe that this incident is a double murder and that the SHERMAN's were targeted, the perpetrator(s) are still unidentified and unaccounted for and could seek out the witnesses in this incident to cause them harm. Currently, it is unknown if other family members of the SHERMAN's are in danger. Disclosure of this affidavit would reveal the names and information of the family members and associates of the SHERMAN's thereby assisting any perpetrators in locating them.

The family and associates of the deceased along with witnesses have already been subjected to heavy media coverage. If their identities were to be revealed through this application the media coverage would only get worse prejudicing their right as innocent persons to be left alone.

Portions of the sealed materials contain information over which claims of privilege attach; portions contain references to financial and legal information that would otherwise be confidential and un-accessible to members of the public or the media; large portions of the material describe the personal and private information of many different people, any of whom could reasonably assert an interest in not having this information publicly disclosed.

In addition, many of the witnesses who have been interviewed have expressed opinions about whether other persons have the motive and/or character to commit these murders. If these opinions were to be released to the public, both those expressing them and those, who are the subject of them, would be prejudiced. Disclosure of this information would have a chilling effect on other witnesses who are asked to provide information and opinions about this investigation or other investigations. In addition,

given that some of these opinions may be unfounded, those who are the subject of them would be prejudiced if the opinions were published or otherwise made available to the public.

Any and all of the aforementioned considerations could “prejudice the interest of an innocent person”, as contemplated by s. 487.3(2)(a)(iv) of the *Criminal Code*.

(d) Pursuant to section 487.3(b), For any other sufficient reason

On December 20th, 2017, January 10th, 2018, January 15th, 2018, February 15th, 2018, April 16th, 2018, June 28th, 2018, September 23rd, 2018 and November 16th, 2018, judicial authorizations were granted by her Honour L. PRINGLE, in relation to this case. In those instances those orders were sealed and I am requesting that this order be sealed as well because if this application were not to be sealed, it would circumvent the sealing of the previous applications.

On March 16th, 2018 I attended the Toronto North Courts located at 1000 Finch Avenue West in the City of Toronto where Toronto Star investigative reporter, Kevin DONOVAN had made an application to unseal several judicial authorization applications relating to this case, before her Honour L. PRINGLE. The application to unseal the judicial authorizations was challenged by the Crown Attorney. I had filed an affidavit outlining the reasons why, I believed, that the judicial authorization applications should all remain sealed. Ultimately, all the face pages, “Appendix B”s and 2 “Appendix A”s relating to medical records, from the judicial authorizations, were disclosed to the Toronto Star. Her Honour L. PRINGLE was to provide judgement on the unsealing of the remaining appendices at a later date.

On March 19th, 2018, her Honour L. PRINGLE ruled that the application to unseal was dismissed, without prejudice to renew should charges be laid, should the investigation conclude or should some other material change in circumstance arise.

On September 24th, 2018, I attended the Toronto North Courts in the City of Toronto where Toronto Star investigative reporter, Kevin DONOVAN, for the second time, made an application to unseal judicial authorization applications relating to this case. The application was again, challenged by the Crown Attorney and I filed an affidavit outlining the reasons why I believed that all the judicial authorization applications relating to this case should continue to remain sealed. The application to unseal was heard before her

Honour L. PRINGLE. I was cross examined by Kevin DONOVAN in regards to my filed affidavit. Her honour L. PRINGLE reserved her judgement for a later date.

On September 25th, 2018 her Honour released the judgement ruling that the application to unseal was dismissed without prejudice to renew it, should charges be laid or should the investigation conclude or should some other material change in circumstances arise.

Since September 25th, 2018 there have been no charges laid in this investigation, the investigation is currently ongoing, has not concluded and there has been no other material change in circumstance that would warrant unsealing. The investigation is ongoing with additional witnesses to be spoken to, additional evidence to be obtained and analysed. Therefore I believe that this judicial authorization application like the others before it should be sealed.

If this Sealing Order is granted, I request that the Information to Obtain, as well as a copy of the requested Production Orders be sealed in a packet, delivered to and kept in the custody of the Local Registrar of the Ontario Court of Justice in the Toronto Region, or their Agent, at Old City Hall, at 60 Queen Street West, city of Toronto, Ontario, or until otherwise ordered.

13. ORDERS PROHIBITING DISCLOSURE

I am requesting that Orders Prohibiting Disclosure be made, pursuant to section 487.0191 of the Criminal Code, preventing the disclosure of the contents of the production orders sought in this application until charges are laid. I believe that Orders Prohibiting Disclosure are required because there are reasonable grounds to believe that disclosure would jeopardize the conduct of this investigation. The production orders themselves contain information that could identify persons of interest in this investigation. The fact that investigators are seeking transmission and tracking data from telephone records pertaining to these persons also reveals what information police have not already uncovered and what information they are currently seeking. If any of the target entities were to notify their customers of the existence of the proposed production orders it could compromise the investigation by providing notice to the persons of interest of the nature and extent of police inquiries which may precipitate their flight and cause the destruction of other evidence.