

Action No.: 151406097P1
E-File No.: CCP17 [REDACTED]
Appeal No.: _____

IN THE PROVINCIAL COURT OF ALBERTA
JUDICIAL CENTRE OF CALGARY

HER MAJESTY THE QUEEN

v.

[REDACTED]
[REDACTED]

Accused

PRELIMINARY INQUIRY

Calgary, Alberta
June 27, 2017

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1 THE COURT:

Mr. Fagan?

2

3 MR. FAGAN:

I would simply ask that at this stage it be

4 marked for identification only, subject to cross-examination.

5

6 THE COURT:

I think that's --

7

8 MS. GIRARD:

Yes.

9

10 THE COURT:

-- reasonable.

11

12 MS. GIRARD:

Yes.

13

14 THE COURT:

The package with the certificate of analysis will

15 be marked Exhibit A for Identification only at this time.

16

17 **EXHIBIT A - FOR IDENTIFICATION - Health Canada Envelope L0325885**
 18 **Containing Sample and Certificate of Analysis**

19

20 A Thank you.

21

22 THE COURT:

It's understood that the Crown have an ongoing

23 application to have it marked as a full exhibit. Sometimes we slide past that inadvertently,

24 and that's the Crown's continuing application.

25

26 MR. FAGAN:

Understood.

27

28 Q MS. GIRARD:

Did you do anything else in relation to -- to

29 Mr. [REDACTED] in this investigation?

30 A That was the only interaction that I had with him.

31

32 MS. GIRARD:

Okay. So, these are the -- this is the evidence

33 for the Crown, Your Honour. So, Mr. Fagan will cross-examine you.

34

35 THE COURT:

Yes. Cross-examination, Mr. Fagan, if any?

36

37 MR. FAGAN:

A couple of questions, Your Honour, yes.

38

39 A Thank you.

40

41 **Mr. Fagan Cross-examines the Witness**

1
2 Q How many undercover buys have you made since then? That is June 24th, 2015.

3 A Approximately in the last two years about 20 perhaps.

4
5 Q Okay. And in fairness to you, I take it that some of those buys would have been from
6 the same person?

7 A Correct.

8
9 Q So, approximately how many persons would you have purchased drugs from in an
10 undercover capacity since the date of this matter?

11 A Approximately six.

12
13 Q Okay. Now you've -- you've testified that Constable Swanson was the primary
14 investigator on this matter?

15 A Yes, sir.

16

17 Q You sure it wasn't you?

18 A I am not the primary investigator.

19

20 MR. FAGAN: May I approach the witness?

21

22 THE COURT: Yes.

23

24 Q MR. FAGAN: I'm showing you --

25 A The report.

26

27 Q -- a document, a multiple-page document.

28 A M-hm.

29

30 Q It's an 11-page document. It's a document entitled "Report to Prosecutor Covering
31 Sheet".

32 A Absolutely.

33

34 Q And you've -- you've seen lots of documents of this nature.

35 A Absolutely, sir.

36

37 Q And you'll see at page 1 it clearly identifies the, quote, primary investigator, end
38 quote, relative to this case, right?

39 A That's correct, sir.

40

41 Q And whose name appears there as the primary investigator?

1 A That would be mine, sir.

2

3 Q Okay.

4 A If I can explain why?

5

6 THE COURT:

Yes.

7

8 A As the undercover operator, we're responsible for doing the report. It is a glitch in our
9 system that when I put the report onto the system it defaults me because I have
10 generated the report, that it puts me as the primary investigator. And a lot of times you
11 have to request, say Constable Swanson with his reg number as the primary
12 investigator. So, a lot of times the undercover operator -- or sometimes you'll see a
13 member of the TAC Unit for some reason becomes a primary investigator on one of
14 our files. It is a glitch in our system and I apologize for that.

15
16 Q MR. FAGAN: So, did you prepare this synopsis? And if you
17 need to look at it again I'll show you.

18 A I did the whole report, sir.

19

20 Q Okay. So, you did the whole 11-page report?

21 A That's correct, sir.

22

23 Q But, having said that, in fairness to you you're not the so-called, quote, primary
24 investigator, end quote.

25 A I am not, sir.

26

27 Q All right. Now, you took this substance that you purchased, you went back to the
28 Calgary Police Service Property Unit, correct?

29 A That's correct.

30

31 Q And then you -- you processed the -- the item that you purchased.

32 A That's correct, sir.

33

34 Q Okay. And then you placed some markings on the package and you put it into a slot.

35 A The drugs get heat-sealed into a plastic bag.

36

37 Q Yeah, you told us that.

38 A Yeah.

39

40 Q But once you did all that --

41 A And then after that it goes into a locked locker. It's like an envelope drop locker.

1
2 Q Who did the dropping?
3 A I dropped the envelope into the locker.
4
5 Q When did you do that?
6 A Right after I was done processing it.
7
8 Q Okay. So, correct me if I'm wrong - I'm just trying to understand the process --
9 A M-hm.
10
11 Q -- here --
12 A Yeah.
13
14 Q -- you did not send the item that you purchased on June 24th away for analysis.
15 A I did not. That is correct.
16
17 Q You just dropped it into a slot.
18 A That is correct, sir.
19
20 Q Okay. And tell the Court, if you know - if you don't know, you don't know - how
21 many people had access to that item that you dropped into the slot on June the 24th?
22 A I believe just there's a drug custodian that comes but I --
23
24 Q Do you --
25 A -- I don't know.
26
27 Q -- know?
28 A No, I don't.
29
30 Q You don't know.
31 A I don't know.
32
33 Q You know somebody had access to it, right?
34 A Somebody did, sir.
35
36 Q It could have been one person, it could have been more than one person.
37 A That is correct.
38
39 Q All right. And the best you can do is you assume here today that the item that you
40 purchased that you dropped into the slot was sent away for analysis.
41 A I have faith in our system that somebody sent it away for analysis.

1
2 Q Okay. So, you're assuming that it was sent away for analysis. You've got faith in the
3 system.

4 A I do.

5
6 Q You dropped it in the slot and it magically appears in court, right?

7 A That's correct, sir.

8
9 Q Okay. Are you able to tell the Court with any degree of certainty if someone dug into
10 that bag that you put the item in that you purchased after you put it in the slot?

11 A I can't say if somebody did or not.

12
13 Q Okay. What happened to the days - and if you don't know you don't know - when the
14 undercover officer in processing an exhibit of this nature, material evidence that's been
15 purchased by you, someone in an undercover capacity, what happened to the days
16 when the officer packaged it, sealed it and then sent it away by way of double
17 registered mail or otherwise for analysis?

18 A That was before my time, sir.

19
20 Q Okay. Because that way you could then state with certainty that when you sent it away
21 for analysis that nobody dug into the package, right, and contaminated it? You could
22 say that with certainty, right?

23 A Correct.

24
25 Q But you can't say that today, can you?

26 A I cannot.

27
28 Q You don't know -- well, you assume that it was sent for analysis, so obviously -- it
29 was an assumption. You don't know when it was sent, right?

30 A I -- sorry, I --

31
32 Q You don't know when it went out. You -- you don't know where it went after it went
33 in the slot.

34 A No, sir.

35
36 Q Okay. What --

37 A There's just a date received on the front of the envelope when the lab received it.

38
39 Q Well, you don't know if the lab received it or not, do you?

40 A I'm assuming -- yeah. I -- I don't know what happens after that, sir.

41

1 Q Right.

2 A I -- I don't --

3
4 Q So, you can't tell the Court here today with any degree of certainty if the item that
5 you purchased that you've told us about on June 24th made its way to the -- to the lab
6 or not, not with any degree of certainty.

7 A With no degree of certainty, sir. That would be for the drug custodian to speak to.

8

9 Q Okay. And who was the drug custodian?

10 A I have no clue, sir.

11
12 Q Okay. And again, in fairness to you, you're just doing what you were trained to do.

13 A That's correct.

14
15 Q Okay. And today you've picked up the item that you've brought to court that's been
16 marked as 'A' for Identification, right?

17 A It was ordered through the evidence property room and Constable Jimmieson picked
18 up all the exhibits to bring to court today.

19

20 Q Just a second. So you didn't even pick it up?

21 A No, sir.

22

23 Q So, you don't know where he got it from.

24 A I just -- he told me that he picked it up where I ordered them to at the property room.

25

26 Q Okay. So, you show up here this morning and this Constable Jimmieson, he shows up,
27 right?

28 A Correct.

29

30 Q And he hands you what has been marked as Exhibit A for Identification in these
31 proceedings?

32 A He had a paper bag with all the exhibits that were ordered. I went into the bag and
33 retrieved my exhibit.

34

35 Q So, you say your exhibit. That's 'A' for Identification?

36 A Correct.

37

38 Q And it was mixed up with a bunch of other exhibits?

39 A It was with all the exhibits for the file, yes, sir.

40

41 Q In a bag or a box or . . .

1 A It was in a brown paper bag.

2

3 Q A brown paper bag.

4 A Correct.

5

6 Q Did -- did you ever put what you purchased on June 24th in a brown paper bag?

7 A No, sir. I'm assuming Constable Jimmieson -- he'd have to speak to it. That's how he
8 carried it to court.

9

10 Q And you're assuming, correct me if I'm wrong, that 'A' for Identification is what you
11 purchased back on June 24th just because that's what Constable Jimmieson told you
12 this morning.

13 A The only way to be sure 100 percent would be to open up that envelope. I believe the
14 drugs that the lab would send back would have my tape and my identification on it.

15

16 Q Okay. That still wouldn't help us with any potential contamination question though,
17 would it?

18 A I have no clue, sir.

19

20 Q Okay. Did you understand my question? It was a little convoluted.

21 A You believe that the sample may be contaminated.

22

23 Q Yeah. You -- you've got no way of giving the Court any comfort in that regard that it
24 wasn't contaminated from the time that you dropped it in the slot until you got it from
25 Constable Jimmieson here this morning.

26 A That's correct, sir.

27

28 Q This is June 24th, 2015, isn't it?

29 A Correct.

30

31 Q That's two years ago.

32 A That's correct.

33

34 Q And the notes that you made regarding the physical appearance of the person that you
35 say sold to you, they're not very detailed, are they?

36 A They're as detailed as the observation -- observations that I made at that time.

37

38 Q Well, let me help you out. Anything with respect to height?

39 A It's hard to tell because he's --

40

41 Q I didn't ask you if it's hard or easy. Anything with respect to height in your notes?

1 Anything?

2 A No, sir.

3

4 Q Nothing. Not even a guess, right?

5 A No, sir.

6

7 Q And as you were about to say - sorry to interrupt you - it's hard -- it's hard to assess a
8 person's weight (sic) when they're sitting, right?

9 A Correct, sir.

10

11 Q So, you don't know how tall the person was, right?

12 A Correct.

13

14 Q He could have -- could have been 5 foot 8, could have been 6 foot 2.

15 A Correct.

16

17 Q Now, weight, that's something you can sort of size up when you're looking at
18 somebody even if they're sitting down, right?

19 A It's possible, yeah.

20

21 Q But you made no attempt to record the approximate weight of the person that you
22 purchased from.

23 A No, sir.

24

25 Q Okay. And you have no recollection in that regard either, right?

26 A No, sir.

27

28 Q So, correct me if I'm wrong. You've got no recollection as to height and you've got
29 no recollection as to weight.

30 A Correct, sir.

31

32 Q And you didn't make a single entry in your notebook with respect to any physical
33 characteristic of the person's face.

34 A Just a day's growth on his face, sir.

35

36 Q Well, those come and go, don't they?

37 A Correct, sir.

38

39 Q Right? Like you've got a nice full beard there today, but that could be gone tomorrow.

40 A That's correct.

41

1 Q Right? So, those are of real dubious value in terms of identifying somebody say two
2 years down the road.

3 A That's correct, sir.

4
5 Q But you made no note with respect to the shape of the nose, the colour of the eyes, the
6 chin, teeth? Nothing, right?

7 A No, sir.

8
9 Q Okay. But you're trained to do that though, aren't you? You're trained, in essence, to
10 create a photograph in words, right?

11 A Correct, sir.

12
13 Q As an undercover officer. You start at the top -- top of the head, you work your way
14 down, right?

15 A As much as you can remember.

16
17 Q Hair colour, style, length, shape of the face, eyes, nose, teeth, missing or not, right?

18 A As much as you can remember, sir, yes.

19
20 Q Tattoos, marks, scars, those type of things, right? Something that can assist you in
21 recognizing, identifying that person maybe a couple of years down the road, right?

22 A Correct, sir.

23
24 Q But you made no entries in your notebook that would allow you to do that in the
25 circumstances of this case, right?

26 A That's correct, sir.

27
28 Q Okay. So, in -- in fairness, the man sitting in the box over there with the longer black
29 hair and the black glasses, you can't say with certainty that that's the person that you
30 purchased from on June 24th, right?

31 A I believe it is the same --

32
33 Q No, but you say "I believe". You cannot state with certainty here today --

34 A Like, I'm sorry, sir --

35
36 Q Let me finish the question. You can't state with certainty here today that that's the
37 person, can you?

38 A That is the person which I bought drugs from June 24th, 2015.

39
40 Q And are you saying you base that on those detailed notes of yours?

41 A From the notes that I have and from what I can remember, yes.

1
2 Q Well, you just told us what you remember and what you don't remember. You don't
3 remember height, you don't remember weight, you don't remember facial
4 characteristics, right? Right?

5 A That's -- yeah, they're not in my notes.

6
7 Q So, if you don't remember facial characteristics, how can you recognize or identify
8 somebody's face two years later? How do you do that?

9 A I remember lots of faces, sir. I remember lots of numbers. I remember lots of licence
10 plates. I remember faces.

11
12 Q So, you look over there today and say, yeah, that -- that's him, the fellow sitting in the
13 box, that's the guy I bought from. That -- that's based on your notes?

14 A A hundred percent.

15
16 Q Were you fairly new at that time to the undercover process?

17 A In the unit, yes.

18
19 Q As an undercover operator.

20 A I was trained as an undercover operator since 2009, sir.

21
22 Q Okay. But in terms of the sequence of buys that you'd made, the number of times that
23 you've made purchases in an undercover capacity, this June 24th buy, what would it
24 have been, your fifth buy, your eleventh buy? Approximately? Your first buy?

25 A It was in my first year with the unit. So, as of -- yeah, it -- that process was new to
26 me, getting into vehicles. I'd say -- I couldn't even tell you, I'm sorry, how many buys
27 I had done from --

28
29 Q I'm not asking for an exact number, but --

30 A Yeah.

31
32 Q -- undercover.

33
34 MS. GIRARD: I think it's my glass of water, Mr. Fagan. Is
35 that possible?

36
37 MR. FAGAN: It was looking pretty good to me.

38
39 THE COURT: Matching lipstick, I hope.

40
41 MR. FAGAN: It's the 21st century.

1
2 A Up until that point, sir, probably maybe a dozen different people I had bought from.

3
4 Q MR. FAGAN: Okay. But you would agree with me here today
5 looking back at your notes from June 24th - and I realize that was two years ago - I'm
6 not being overly critical, but those notes are not the type of notes that you were
7 trained to make as an undercover officer. Would that be fair to say?

8 A No, I disagree, sir. Everybody does their notes differently.

9
10 Q Well, what about --

11 A Even --

12
13 Q -- more recent cases where you're working in an undercover capacity, do you at least
14 try and record the face of -- facial characteristics of the -- of the person that you're --
15 you're buying from?

16 A Yeah. To me if there's any glaring characteristics, yeah, I'll -- I'll put those in my
17 notes, but at the time if the -- the interaction with the individual, there's -- to me it
18 was a day's growth. I mean I was only in -- in the vehicle with him for about three
19 minutes. So, what I process in the three minutes and what I remember when I make
20 my notes later on that night, that's what I had come up with.

21
22 Q Okay. What you remember is what you record in your notes.

23 A Correct.

24
25 Q And on this occasion you didn't remember a single facial characteristic of the person
26 that you -- you bought from.

27 A Besides the -- the day's growth on his face. He had --

28
29 Q Okay.

30 A -- stubble on his face.

31
32 Q Okay. Now, June 24th you had a phone number, (587) [REDACTED] - [REDACTED], correct?

33 A Correct.

34
35 Q As of June 24th, 2015, how long had you had that phone number?

36 A I had received that phone number from the buy on April 29th with a different
37 individual, April 29th, 2015.

38
39 Q Sorry, April 29th?

40 A April 29th, 2015 is when I was given that number.

41

1 Q Who gave you the number?

2 A Another individual who I had called, who identified himself as Ryan.

3
4 Q So, almost two full months went by - that is from April 29, 2015 to June 24, 2015 -
5 before you called that number again?

6 A No, sir. There is -- I had called that number during several times. I made drug buys
7 from other individuals from that phone number.

8
9 Q How many other individuals did you make drug buys from using that number?

10 A There was -- so, I called an original number and met with a man named [REDACTED]. He
11 gave me the new number. I never met with [REDACTED] again, and so I met with one other
12 individual.

13
14 Q Just a sec. So, is that the April 29th, 2015 date we're talking about relative to [REDACTED]
15 and the old number?

16 A Is when I got, yes --

17
18 Q Okay.

19 A -- the new number.

20
21 Q Okay. And then you -- you got the new number from this [REDACTED] on April 29, 2015?
22 A Correct.

23
24 Q Then what?

25 A Then between there and when I -- when I dealt with [REDACTED], I had met with another male
26 and made a drug buy from him.

27
28 Q When?

29 A I'd have to refer to my notes.

30
31 Q Well, let's -- let's try that memory of yours.

32 A May 13th, I believe it was, sir.

33
34 Q And -- and -- and who was it that you met with?

35 A Just an individual that identified himself as [REDACTED].

36
37 THE COURT: [REDACTED]?

38
39 A Sam, correct.

40
41 Q MR. FAGAN: And was [REDACTED] charged relative to this

1 undercover operation?

2 A No, not that I -- not that I know. The -- your -- my -- the primary investigator would
3 have to speak to whether or not Sam had been arrested. Not that I remember. Doing
4 the report, it was just Mr. [REDACTED] and Mr. [REDACTED].
5

6 Q Was Sam ever identified?

7 A I don't believe so, sir.
8

9 Q And you're saying [REDACTED] was a different person than the person that you purchased
10 from on June the 24th, 2015, or are you sure?

11 A Sam was a different person.
12

13 Q What did [REDACTED] look like?

14 A Brown male, driving the same silver car with the same licence plate as [REDACTED]. Again, I'd
15 have -- I'd have to refer to my notes. From what I can recall off the top of my head,
16 slim, black hair, he was wearing an Adidas jacket.
17

18 Q So, we've got slim, brown male so far in terms of physical characteristics.

19 A Yeah, and wearing an Adidas jacket, sir. That's --
20

21 Q Yeah. Forget about the clothing. A guy --

22 A Yeah.
23

24 Q -- can change his clothing in a heartbeat, right?

25 A Absolutely, sir.
26

27 Q So, we've got a -- a slim, brown male. Is that all you remember about this [REDACTED] guy?

28 A From the top of my head, sir, yes.
29

30 Q Okay. And that -- and that's why notes are so important, right? Because without the
31 notes, that's about all a fella can remember is a slim, brown male, right?

32 A That's correct.
33

34 Q All right. And that doesn't set the -- this [REDACTED] fella apart from tens of thousands of
35 other -- well, or hundreds of thousands of other slim, brown males in -- in the
36 Province of Alberta, right?

37 A That's correct, sir. That's why we also depend on the use of covert video to help for
38 identity.
39

40 Q Now, getting back to June the 24th, 2015, you call this (587) [REDACTED]-[REDACTED] number and
41 someone would have told you to place the first call, right?

1 A Correct. Our street boss.

2

3 Q And who was that?

4 A If -- I'd have to refer to my notes, sir.

5

6 Q You don't remember?

7 A I'm not --

8

9 MS. GIRARD:

I'm sorry, Your Honour. I -- I'd like to interject

10 here that the witness is not saying he doesn't remember, he says he -- he needs to refer to
11 his notes.

12

13 THE COURT:

He's fine -- he -- he's fine to answer the

14 questions. If he doesn't remember, that's fine.

15

16 A It was -- it was some --

17

18 THE COURT:

This is -- this is appropriate cross-examination.

19

20 Mr. Fagan.

21

22 Q MR. FAGAN:

Do you want me to repeat the question?

23 A Yes, please, sir.

24

25 Q Someone would have specifically told you to call that number on June the 24th, 2015,
26 correct?

27 A Correct.

28

29 Q And that person would have been the street boss.

30 A That's correct.

31

32 Q And so, my question is who was the street boss on June 24, 2015 that directed or told
33 you to call that number?

34 A I believe it was Constable -- Constable Penner that directed me. I'm just trying to
35 think back from my memory, sir.

36

37 Q That's okay. That's -- just give it your best shot. That's your recollection. Okay. Now,
38 the first call that you placed on June 24, 2015 on that number was placed at
39 approximately 1857 hours, right?

40 A The first call for that day, yes.

41

1 Q The male that you spoke with at approximately 1857 hours on June 24, 2015, had you
2 spoken with that male before?

3 A The male identified himself as [REDACTED]. I hadn't spoken with him before on -- on the
4 phone.
5

6 Q Well, you only spoke with one male at 1857 hours, right?

7 A Correct. And that was the first time talking to that male. If that was your question, sir.
8

9 Q Yeah, okay. And did you record what you said to this male on the other end?

10 A Verbatim, no.
11

12 Q And your street boss, would your street boss have been present during the course of
13 your conversation with this male at 1857 hours?

14 A No, sir.
15

16 Q Would any other peace officer have been present during the course of your
17 conversation at that time?

18 A No, sir.
19

20 Q And would the same apply to your subsequent telephone conversations with the male
21 at 1944 hours and 1948 hours?

22 A Just me.
23

24 Q Okay. So, before you met with the male at approximately 2158 hours, you had placed
25 an order --

26 A Sorry, 1958 hours, sir.
27

28 Q I'm sorry?

29 A I met with him at 1958 hours.
30

31 Q 1958.

32 A Yeah.
33

34 Q Okay. So, we're talking about the male that you met with that you've told us about on
35 June 24th, 2015.

36 A Correct.
37

38 Q Before you met with him, you'd placed an order for what you believed to be cocaine.

39 A No. There --
40

41 Q You seem uncertain in your response.

1 A There is no order. I just had asked him if he could meet with me.

2
3 Q Well, then why did he pose the question to you when you sat down with him in the
4 vehicle, quote, Do you still want the two?

5 A A lot of times when we're dealing with drug dealers, sir -- and I don't know what
6 kind of system or what kind of communication are between drug dealers, especially if
7 there's multiple people on a phone, running that phone, that a lot of times I just -- like
8 I said, this is the third person that I met. A lot of times these people know what you
9 want. So, if I'm that guy that just buys two bags, or I'm the guy that buys a quarter,
10 or I'm the guy that buys an ounce, they'll just, Do you -- do you still want the ounce?
11 They'll always confirm with you.

12
13 Q It's not that complicated. You've already told the Court that you never talked to this
14 AJ fellow before, right?

15 A I didn't, but I don't know what kind of communication they have between the other
16 fellows that are with that --

17
18 Q I'm concerned about your communication with him. Did any other undercover officer
19 have communication with this AJ --

20 A No, sir.

21
22 Q -- on June 24th, 2015?

23 A No, sir.

24
25 Q You had communication with AJ at approximately 1857 hours, correct?

26 A Correct, sir.

27
28 Q And that was the first time you ever spoke with him.

29 A Correct, sir.

30
31 Q And you spoke with him again at 1944 hours and then again at 1948 hours.

32 A That's correct, sir.

33
34 Q Okay. And when you finally meet with him -- when you finally meet with him at
35 around 1958 hours, he asked you a question, Do you still --

36 A M-hm.

37
38 Q -- want the two?

39 A That's correct. Because that's all I'd been buying on this file was two bags of cocaine,
40 sir.

41

1 Q So, you're telling the Court that there was no discussion between the two of you
2 relative to two or any other quantity of a substance?

3 A Sir, if there had been I would have put in my notes that I ordered two bags or I
4 ordered two 60 bags or \$120 worth.

5
6 Q Well, it sure looks that way, doesn't it, when he says, Do you still want the two?

7 A That's correct, sir.

8
9 Q Right? It looks like you'd already placed an order, doesn't it?

10 A He knew. I don't know how, but he knew.

11
12 Q Well, he knew because you told him.

13 A Not over the phone, no, sir.

14
15 Q Well, you didn't record everything in your notes that you said to him, did you?

16 A Not -- well, I always make --

17
18 Q Did you?

19 A -- sure that -- anything that I'm ordering like that, sir, I would make sure that I'd put
20 that in there in my notes.

21
22 Q Well, you've already told us you didn't record everything that you said to him or that
23 he said to you, right?

24 A But -- but that's something important that I would put in my notes. If you look back
25 through the other notes in the file, I request two bags.

26
27 Q So, you're saying during the course of this entire investigation, at least up to June the
28 24th, you'd always ordered two bags. Is that what you're saying?

29 A Two bags, sir, yes.

30
31 Q And in this case you ordered two bags.

32 A I was asked if I wanted -- still wanted the two and I said yes.

33
34 Q Take a look at your synopsis, the synopsis that you say you prepared -- oh, do you
35 have it up there with you?

36 A No, sorry, sir, I don't.

37
38 MR. FAGAN:

May I approach the witness --

39
40 THE COURT:

Yes.

41

1 MR. FAGAN: -- Your Honour?

2

3 THE COURT: Perhaps show it to the Crown so we're clear --

4

5 MR. FAGAN: Yeah.

6

7 THE COURT: -- what you're referring to. Is this a single-page
8 document?

9

10 MR. FAGAN: It is.

11

12 Q MR. FAGAN: So, I'm showing you page 2 of the synopsis
13 relative to this matter. You're the author of this page, right?

14 A Correct.

15

16 Q Right here where it says: (as read)

17

18 At 1857 hours, Constable Telfer engaged in a drug conversation
19 over the phone with a male named [REDACTED], later identified as [REDACTED]
20 [REDACTED], born November 25, 1986. During the conversation it
21 was agreed that [REDACTED] would meet Constable Telfer at the First
22 Calgary Bank located at 510 - 16 Ave. North East and sell
23 Constable Telfer two bags of powder cocaine for \$120.

24

25 See that?

26

27 A I do, sir.

28

29 Q You wrote that?

30 A I would have typed up that synopsis, yes.

31

32 Q And that's true? What you wrote there is true?

33 A I typed it, so . . .

34

35 Q Is it true?

36 A True as in?

37

38 Q True as in that's what happened?

39 A I -- yeah, I guess it contradicts my notes for sure.

40

41 Q Contradicts your sworn testimony, doesn't it? I realize there's a lot to remember.

2 you did place an order for two bags of cocaine, right?

3 A According to that synopsis, yes, sir, that's what it would appear.

5 MR. FAGAN: Those are my questions. Thank you.