

SUPREME COURT OF NOVA SCOTIA

Citation: *R. v. Willis*, 2018 NSSC 237

Date: 20180411

Docket: Hfx No. 460343

Registry: Halifax

Between:

Her Majesty the Queen

v.

Carie Dexter Willis

Restriction on Publication: S. 486.4 CC

Judge: The Honourable Justice Suzanne Hood

Heard: April 3, 4, 5, 6, 9, 10, 11, 2018, in Halifax, Nova Scotia

Oral Decision: April 11, 2018

Written Release of Oral Decision: October 11, 2018

Counsel: Cheryl Schurman, for the Crown
Thomas J. Singleton, for the Defence

By the Court (Orally):

[1] Carie Dexter Willis is charged on a three-count indictment: first, that he sexually assaulted A.A.; secondly, that, without reasonable justification or excuse and with the intent to obtain sexual favours, induced her by threats to report her location to the Canada Border Services Agency for deportation; thirdly, that at the same time and place, that is, between the 24th of June, '03, and the 8th of December, '03, being an official, a Canadian Border Services Agency Enforcement Officer, committed a breach of trust in connection with the duties of his office by breaching that trust.

[2] Mr. Willis is presumed to be innocent unless and until the Crown proves his guilt beyond a reasonable doubt. The *Lifchus* decision from the Supreme Court of Canada defined reasonable doubt, and that is the standard that has been used by trial judges since that time. And in sexual assault cases, as in other cases, there are three steps where the accused testifies, and that is pursuant to *R. v. W.(D.)*. I must be mindful throughout that this is not a credibility contest. I must assess, first of all, the reliability and credibility of the complainant. First, I have to consider the Crown evidence and only if it is of sufficient strength, then I should move to consider the evidence of the accused. In this case, as I have said, he testified, and *R. v. W.(D.)* applies.

[3] A.A. testified that she came to Canada with two of her siblings in 1996 to study at Dal and all expenses for the three were being paid by their father, a Nigerian diplomat. Only one of the three completed her education and both A.A. and her brother dropped out without getting a degree. Subsequently, A.A. continued to take a cosmetology course, which she had begun in 1998, but she testified she dropped out in approximately a month. During these time periods she continued to let her parents believe she was still a student and continued to receive money from them, and she admitted this. She said her student visa expired in 1996, was renewed, and then expired in 2001. She testified she wanted to stay in Canada and had not lived for a quite a long time in Nigeria. Her father had been posted to Germany and Ethiopia. She also said she did not have a good relationship with her parents and said life was better in Canada.

[4] In 2001 she applied for refugee status. She gave two reasons for her application: one was a fear of female genital mutilation; and secondly, forced marriage if she returned to Nigeria. She admitted the first was not true. She said she used it to bolster her claim. She said the second was true, in part, because her parents were arranging a marriage in Nigeria for her. A hearing was held in November 2002 and her refugee claim was denied in early 2003. The Refugee

Board did not believe her claim. Subsequently, she got a job at C. in around the middle of 2002, and was there until 2003.

[5] After her refugee claim was denied, she met with Scott Sterns, a lawyer, who advised her to go to what I will just simply call Immigration to start a Pre-Removal Risk Assessment (PRRA) as a last-ditch effort. She went to Immigration in January of 2003 and met with Mr. Willis and another officer. She said she was asked basic questions with respect to her work and her marital status and briefly discussed the PRRA. She then went back to Scott Sterns and, between the two of them, they completed it and submitted it.

[6] Approximately a month later, around February or March 2003, Mr. Willis called A.A. to say the claim had been denied and to come to have a meeting about it in the office. She went in around March or April and got the decision. She was told nothing further could be done and the deportation process would start.

[7] She then testified she received a call from Mr. Willis to meet and she met him at Tim Hortons around the end of May or early June. She said the gist of the conversation was her options. She said at that time she got no personal information about Mr. Willis. She said she then later received a call from Mr. Willis with the date for deportation. She understood it was to be June 29. The call was soon after the meeting at Tim Hortons.

[8] She testified that Mr. Willis called on June 23rd, the day before the actual amended deportation date of June 24, around 4 00 p.m. She asked him to come over and she was then living at [blank], close to her job at C. She said he came there around 5 00 p.m. He told her the date had been changed to June 24 from June 29. She testified she seemed to have his blessing not to show up at the airport the next day. She said he was friendly and that he seemed to care about her and that he was there for 45 minutes to an hour.

[9] Subsequently, she decided not to show up and called her brother's common-law partner, R.D., who owned an apartment building at C. Street in Dartmouth. She told him she was not going to the airport and had to leave the [blank] apartment. She said she packed a few things and R.D. drove her to C. Street. She said she later returned for her furnishings, a few days later.

[10] Mr. Willis had told her on June 23 that he would not look for her for about two weeks at her work. She said he told her she would not be a priority because a priority would be those with criminal records and that he warned her to be careful with respect to her address on utility bills.

[11] After she moved to C. Street and was still working, she wanted to keep her job, so she called Mr. Willis a few days after that move, from a payphone in Halifax. When she called him, he gave her his private cellphone number. She

called him a few days after having failed to show up and that was a Saturday. The next day she called from work, from a payphone, to his cell number, and briefly explained why she wanted to meet with him. They scheduled a meeting and it was subsequently cancelled and rescheduled. They met at Tim Hortons again, around 10 o'clock in the morning, but he said he had work and could not stay, that she should call him later.

[12] After trying to reach him a few times over the next several hours, she eventually gave him her cellphone number when she reached him and he finally called her around 9 o'clock that night. She said she was tired and did not want to go out and said he should come over and gave him her new address for the first time. She said she trusted him.

[13] She said when he arrived he sat on the loveseat and she sat at the dining room table. She explained that she wanted him not to come to C. because she wanted to keep her job there. She said he told her to come over here and show me how much you want me to do that. She said he then put his arm on the back of the loveseat, leaned in and kissed her and did it again. She said she did not say stop because she wanted to retain her job.

[14] She said that after, he removed her top and her bra and was kissing her nipples.

[15] She said there were no curtains up in the apartment because she had laundered them, and she was concerned when a neighbour walked by that the neighbour might be able to see in. He then moved her so she was straddling him and was putting his hands towards her genitalia, but she said it was her period, which it was not, and he stopped. She said they then sat together and she put her clothing back on. He tried to put his tongue in her mouth and she said no. He then said, I think you'll be staying in Canada a long time. She said he was there for about 45 minutes on that occasion. She said during that visit they talked about his family, his previous job, his mother and father and his siblings, but at the end of that evening she said she thought she would not see him again because he had gotten what he wanted.

[16] But she said a week later, when she was doing the dishes, she saw a figure outside the living room window. Then the figure went by the bedroom window and when that happened she recognized him. He rang the buzzer and she let him in. She said they made small talk and then he was kissing her. She told him to stop, which he did. He said, Don't worry, I'm not vindictive.

[17] The following Monday, this was in July 2003, when she was at work, she was asked for her new work permit. The previous one had been good until April or May. She had her suspicions about why that was the timing of the request. So she

left work early and called Mr. Willis the next day. He came over but he told her he could do nothing about a work permit for her. She said she rebuffed his overtures at that time because he could not help her.

[18] She said then he would come by one or two times a week. He tried to engage in sexual activity with her but she turned him down. She said sometimes he called and sometimes he just came over. She said sometimes she would try to turn out the lights and the TV when she thought he might be coming. She said on these occasions he would try to kiss her and put his tongue in her mouth. She said it was longer each time before he would stop when she told him to.

[19] Then there was an occasion around October where he came over in the morning. She was still in bed. She let him in and he followed her into the bedroom. He told her, I can't keep not exercising the warrant and I would have to turn the file over to another Border Services Agent, but if they were together, he could put the file in a room and hide it for five years. Thereafter, he started kissing her, removed her pajama bottoms and her panties, and had oral sex with her because he said he had no condom. He also digitally penetrated her.

[20] On previous occasions, he had yelled at her when he was rebuffed and, on other occasions, they sat together and watched TV, just like normal people. But the day after the visit when they were in the bedroom, he arrived and they had

intercourse, when he wore a condom. This was around the middle to late October. She said he continued to come over one or two times a week and there was sexual intercourse each time. She said on one occasion he even stayed overnight.

[21] She said she told him the sex was not consensual, she said he was agitated and said it was. She said she did not believe she gave consent, because of the power imbalance, and she did it to stay in Canada. But he made it clear otherwise she would be deported.

[22] She discussed the sexual relationship with her brother within a few months after December 2003 and with her sister sometime early in 2004. She said R.D. knew, as well, but she did not recall telling him and believed F.A., her brother, had told him about it.

[23] She said in early December she had not heard from him for two weeks and called him. He said he had been in Montreal. She believed he was losing interest, and she said when he came over that time, that was the last time she saw him and she did not hear from him again.

[24] Thereafter, over the next number of years, she had odd jobs and worked as a nanny. She testified she tried to stay under the radar. She said it was like being at the edge of a cliff, she did not know when she would be discovered.

[25] Then, in early 2014, she had an altercation with her brother at her apartment. It was with respect to money and then with respect to his ability to use the dryer. She said he kicked in the door, came in, threw her blender, and broke it, and swiped things off the dining room table. She said she wanted to call the police but was aware of the consequences of doing that. She subsequently called the Halifax Refugee Clinic and asked for Lee Cohen, who had been her lawyer on her refugee claim.

[26] Katie Tinker, who worked at the Refugee Clinic, told her to come in on February 6, 2014. She was ill that day and met with a law student instead and told him about the domestic violence with her brother and about the sexual relationship. He then called and said that he and Katie had discussed the fact that she should make a Humanitarian and Compassionate appeal. She was concerned about the effect of the sexual relationship on that appeal and did not include it in the first instance.

[27] She, Katie, and Lee Cohen met with Canadian Border Services Agency officials, who told her that the Humanitarian and Compassionate appeal would take too long and that they would start the deportation process. She said, as a result of being told that, she decided to include the reference to the sexual relationship. Lee Cohen then wrote a letter to the Minister of Public Safety and she said she went to

the Halifax Regional Police. Subsequently, the deportation process was halted and she was told she could apply for permanent residency. She testified that as of April 2015 she became a permanent resident.

[28] She also testified she started a civil action against both Mr. Willis and the federal government. She listed the information she had about Mr. Willis. She said he told her his age but that it turns out that was wrong. He gave her information about his family, previous jobs, she knew he had a Sunrunner Sport and later a van. She referred to the fact he was not circumcised, he had a scar on his wrist, and his pubic hair was gray.

[29] There were other witnesses for the Crown: Katie Tinker, to whom I have just referred, and she said it would be unusual to live without status for years. She said A.A. disclosed the sexual relationship to her when they met in 2014. She said she believed the Humanitarian and Compassionate application claim would be strong even without it. Then, after they had the interview with the Canadian Border Services Agency people, A.A. changed her mind about disclosing it because they had told her they were going to go ahead with deportation, in any event.

[30] Cst. Marg Sharp testified she met with A.A. in December of 2014, did a videotaped statement, and said that A.A. was very detailed and matter of fact in her statement.

[31] Sgt. John McNeil met A.A. in December of 2014. He gathered preliminary information. He said she said she had not seen Mr. Willis since 2003, and she had told him she had told her brother and perhaps others of the sexual relationship.

[32] R.D. testified. He was the common-law partner of F.A. He knew about the immigration process and A.A. had said she was told if she did not show up, there would not be a great search. He said he knew of the move before it occurred, and she moved the day before the deportation date.

[33] F.A., A.A.'s brother was in a common-law relationship with R.D. at the time, though he testified he is now more of a caregiver. He said he was not there when she moved to C. Street, but he said R.D. was gone that evening for one to two hours.

[34] He said that A.A. referred to the Immigration guy and said his name was Carie and that he said he could hide the deportation papers if she slept with him. He said they talked often. He said A.A. was uncomfortable with the relationship. He said he was first aware of it around the time just after her deportation was to have occurred. She said she was doing what she had to do and said he would show up at her apartment. He knew that Mr. Willis played hockey. He said he never spoke to anybody at the Canadian Border Services Agency with respect to A.A.

[35] Guy Lawrence testified. He has been an Immigration Officer since 1991 and, in 2003, was an Enforcement Officer. He testified that in the fall of 2003 they had three Enforcement Officers and a Supervisor. The Enforcement Officers all had the same role. He said he had no independent recollection of the A.A. matter. He testified about the day-to-day work of Enforcement Officers. He said they would be on the road, they would do what he referred to as door knocks, or they would be looking for information about the person, and conducting interviews. He said at any one time, they could have had up to more than 100 files. He said it was clear that they were not to have a personal relationship with clients, let alone sexual relationships.

[36] He testified he only interviewed clients in the office and if the client was outside Metro, the interviews would take place at the RCMP station. He said if he did interview someone in their home, he would simply get basic information and then arrange an office meeting. He said, generally, he would not meet with a client in a public place and, in fact, he said he was not aware of it ever happening.

[37] He also said he did not use his personal vehicle but if he did have to do so, the Supervisor would have to authorize it, and he would never drive a client home. He did not recall when each Enforcement Officer had a work cellphone but he said he would only give his work number to a client.

[38] He said all clients have the same priority, removal within two weeks. He said he would have a client come in to get their PRRA result and would give a general timeline for removal and then would make arrangements and meet in person. He said he would check in with the client close to the removal date and, if they were a low risk, would take their word that they would appear or, in some cases, would give the client a ride to the airport. He testified that if the client did not show up on the removal date, he would try to locate them and, if low risk, he would do that the next day. He said he would go to the last known residence of the person, check social media, contact friends and family, and even check shelters and the person's employer.

[39] He said, in the case of a morning flight, which was the time of A.A.'s proposed flight, he would act right away and issue a warrant right away. He said five to six months was not the norm for issuance of a warrant. The idea was to get the client into the system in case they were stopped by the police. He said he would do it the next day.

[40] He also referred to the Bring Forward system. If the officer had exhausted all the efforts the file would be put away but would be looked at every six months or a year. He said it was not closed until the person was removed or obtained permanent residency status. He said he had quite a few warrant files in 2003. He

testified he did not know much about Mr. Willis personally but he did say they both had gray Chev vans.

[41] With respect to producing a warrant, he said he would call it up on the computer and fill in the blanks and he said, normally, one officer would go to the airport, if the person was no flight risk but he said, now, all that has changed and they always have to meet with two Enforcement Officers.

[42] A.A.'s testimony was detailed and was not shaken on cross-examination. She gave details with respect to Mr. Willis, his family, his jobs, and his vehicles. When she described visits from Mr. Willis, she included details such as what she was doing when he came by. On one occasion, she said she was washing dishes; on another occasion, she said that she had taken down the curtains and had laundered them. She also gave details about the fact that there were no curtains on one of his visits and she was concerned that the neighbour would be passing by the living room window and could see in.

[43] She had information about the change of travel date, which was internal Immigration information to which she would have had no access. She said the last time she saw Mr. Willis was in early December 2003 and that was the time the warrant was issued, of which she would have had no knowledge.

[44] She admitted lying on her refugee claim and misleading her parents, but I do not consider this to affect her credibility in court. It could have, except for the nature of her testimony. As I said, she gave details, was not shaken on cross-examination, and knew things she could not have known without Mr. Willis being with her and without him telling her about, for example, the change in her flight. Nor do I believe, as the Defence suggests, that she made all this up to get to stay in Canada. She only learned of the Humanitarian and Compassionate application in 2014 and had told her brother and her sister of these incidents many years before.

[45] I therefore conclude her testimony and that of the other witnesses is strong enough that I should consider the evidence of the Defence witnesses, Amelda Willis and the accused, Mr. Willis.

[46] Amelda Willis is the wife of Mr. Willis, they have five children together. In 2003 she testified she was having a difficult pregnancy and she was on bed rest and could not do much. She said she had help from Mr. Willis and her daughter, also from her mother and her sister. They lived in North Preston. She said Mr. Willis was gone, basically, between 6 and 6 daily, and he picked up their daughter from Mount St. Vincent University, and the two of them would be home by 5:45 or 6 o'clock, they made dinner, and then they were responsible for getting the younger children's lunches and baths and getting them to bed.

[47] She testified that they separated between 2006 and 2008 but they are now together and living in Montreal. She testified that she had a Suzuki in 2003 and a minivan later on. She said Mr. Willis was not on call much in 2003 because of her pregnancy, but she agreed on cross-examination that she would not know the nature of his work or what he was doing when he was at work each day. She testified he did not have a work vehicle.

[48] Mr. Willis testified that he was born into a large North Preston family and he was the youngest. He said his father died when he was aged 7. He graduated high school in 1979, went to Saint Mary's for one year, and took a Dal policing program, which he did not finish. He testified he worked as a sheriff and as a community policing officer with the RCMP in Cole Harbour. He said he was trained for that for a month at the RCMP Depot.

[49] He began his job with Immigration in April of 2002. He said there was no training at Immigration for him because he had been with the RCMP but he did say that there were three days of training in Winnipeg later on. He said his job was to do interviews, searches, check databases, and he would confirm departures. He said his hours of work were 7 to 3 or 8 to 4, and he said he did overtime or was on call but that was not the case in 2003 when his wife was having a difficult pregnancy. He said he owned a Suzuki Sidekick in 2003.

[50] He testified he first met A.A. on January 27, 2003. He was assigned her file because she was a failed refugee claimant. She came to the office to get the Pre-Removal Risk Assessment documents, and he next saw her on April 14, 2003, after he telephoned her to make an appointment to give her the PRRA results. He said he told her she would be deported and that he would contact her again when the travel arrangements were made.

[51] He testified that between May 9 and June 1 she called him, asked him about her options and said she did not want to discuss this on the phone. He said she asked him to meet her at Tim's. He said he advised his Supervisor of the meeting and met her around 2:30 that afternoon. He said during that meeting they discussed her options. She referred to the possibility of getting married but he said he told her it would be too late and would be seen as a marriage of convenience. He said she became quiet and seemed dejected. He testified she then began to ask him how he had the job he did, asked about his siblings and his parents and about his schooling. He said she commented on how he looked fit, and he said he told her he worked out and played hockey and baseball. Although Mr. Lawrence said he was very private with his personal life, Mr. Willis said he sometimes had friendly conversations with clients who were being deported.

[52] The next contact was on June 18, when Mr. Willis telephoned to tell A.A. of the travel arrangements and said he would meet her at the airport. He denied coming to her apartment on June 23 at [blank], said there was no need as she had all the information she needed. He testified she failed to show at the airport on June 24, he called the landlord and got no answer. He said the next day he went to her apartment with Mr. Lawrence and the landlord advised that she had moved out around June 19. He said later on he contacted the landlord a second time to see if she had returned.

[53] He said he knew A.A. had a work permit but said he did not know where. He said he got an anonymous call in October 2003 and went there, but the Supervisor said she had resigned on July 30.

[54] He said there was a delay in issuing the warrant until December 8, 2003. He said the reason was because he had to take a course before he could issue warrants, and he said he only got assistance from the Acting Supervisor in November. He said it was the first warrant he had issued. On cross-examination he said he told D/Cst. Buell he did not know how the delay happened and did not refer to the fact that he said in court that it was a lack of training.

[55] Mr. Willis denied meeting A.A. a second time at the Tim Hortons in [blank] and denied giving her his personal cellphone number or ever going to her C. Street

apartment. He said he had no contact with her after June 19. He said after he issued the warrant, he had no further involvement with the file and said it was BF'd, brought forward as needed.

[56] Exhibit 8 is the file jacket and it shows he BF'd the file until December 2006, three years later. He explained that if they had no information, the matter goes nowhere. He also said he did not do a CPIC check because he said he lacked the training.

[57] On cross-examination he was referred to his lengthy statement given to D/Cst. Buell in April 2016. He gave as his explanation for saying he was living common-law in April 2016 the previous separation and the fact that he was not sure of the commitment, but he was not living with somebody else at the time. In his statement to D/Cst. Buell, he said he did not recall A.A. at all until he saw her at the preliminary inquiry. He said the name meant nothing to him.

[58] On cross-examination he said it is different with a no-show, whether they are simply an overstay or a criminal. On cross-examination he also said he did not know A.A.'s workplace because he had only asked general questions and he had limited resources.

[59] On cross-examination he referred to a notebook which he said would have additional information but that when he left Halifax for Montreal, he left it behind at the CBSA office. On cross-examination he denied knowing about A.A.'s brother and, therefore, did not call him.

[60] He also said on cross-examination that his memory comes and goes and when he was with D/Cst. Buell he could not recall A.A. at all. He said he refreshed his memory from the disclosure and from seeing her at the preliminary inquiry.

[61] On cross-examination he said that although there was stress at work and at home in 2003, he would have done nothing to jeopardize his family and the subsequent separation had nothing to do with infidelity. He denied on cross-examination having feelings for A.A. and being with her as being an escape from stress because it was a difficult time for him both at work and with his wife's pregnancy. He said the relationship was professional only.

[62] He did say he only ever met three people outside the office – A.A. and two males, one from Greece and one from the United States. He said he discussed personal information with the Greek client because he knew his employer, but he said he did not think it was a problem to tell A.A. and the Greek client his personal information. Although A.A. was the only female he met outside the office, he

testified he could not recall her, yet she was the only female client who had personal information about him.

[63] On cross-examination he was referred to Exhibit 10, which were emails with respect to the possibility of a June 10 removal flight for A.A.

[64] As I have said, *R. v. W.(D.)* applies to the evidence of Mr. Willis. His testimony was problematic in a number of ways. He claimed to have no recollection of A.A. when he was questioned by D/Cst. Buell but, at trial, gave details of their conversation at Tim's in the May-June period of 2003. His explanation for this recollection, after the April 16 interview with D/Cst. Buell, was that his memory was sometimes good and sometimes bad. He also said his memory was refreshed by the disclosure and by seeing A.A. at the preliminary inquiry.

[65] He had testified that he only ever met three people outside the office, two males and A.A., yet he claimed to have no recollection of her when he was interviewed by D/Cst. Buell.

[66] He explained how A.A. had personal knowledge of him. He said when they met at the Tim's, after her PRRA had been denied, they discussed her options. He told her at this stage a marriage to a Canadian citizen would not help and would be

seen as a marriage of convenience. He said she was quiet after that and seemed dejected. He then said that she went on and asked him questions about his family and his jobs. This defies logic, he said she seemed dejected, yet she carried on a conversation with him about his personal information after she knew her options had run out to stay in Canada and she would be deported.

[67] He also said he drove his own vehicle to the meeting at Tim Hortons, whereas Mr. Lawrence said they did not use their own vehicles for work.

[68] He also said he could not have met her at the times A.A. said because he had to pick up his daughter from Mount St. Vincent University to take her home so that they could prepare the evening meal, as his wife was ill. However, some visits were in the summer, and there is no evidence about whether his daughter had classes in June, July, and August of 2003.

[69] He said it was a lack of training which caused the six-month delay in issuing the warrant, but he did not mention a lack of training to D/Cst. Buell, nor did his counsel cross-examine Mr. Lawrence about the extent of training that the officers received. I, therefore, give little weight to this explanation. Mr. Lawrence said a warrant would be issued immediately after a no-show so it would be on CPIC in case the police picked the person up. Furthermore, the date of the warrant coincides with the time period when A.A. said she last saw Mr. Willis. Also, he

said it was his first warrant and it had to be redone because of errors but he said he did not recall it was with respect to A.A.

[70] He also testified about a notebook he said he kept and from which he wrote the case highlights in Exhibit 6 and 7. He said he left it behind when he went to his new position in Montreal. However, Mr. Lawrence was not asked about their use of notebooks and this lessens the weight I would give to that testimony. A.A. had said that Mr. Willis told her if they had a relationship he could put her file away for five years; otherwise, he would have had to refer the matter to another officer.

Exhibit 8 shows that Mr. Willis, in fact, did put the file away for a period of three years. Mr. Lawrence said the usual practice was to be BF the file every six months to one year.

[71] Mr. Willis testified he did not know where A.A. worked, but Mr. Lawrence said it was usual to ask this. Furthermore, A.A. said he knew, because he said he would not go there for two weeks after her failure to show at the airport. Mr. Willis said he did not contact her brother or her coworkers because he did not know of F.A. or where A.A. worked.

[72] He testified he did not work overtime or on call in 2003 because of his wife's difficult pregnancy. However, Mr. Lawrence was not questioned about overtime in 2003. Therefore, I give little weight to this testimony as well. Also, it is not

consistent with A.A.'s testimony about their second meeting at Tim Hortons on a Saturday, when he said he had to deal with stowaways and was busy all that day until almost 9 00 p.m.

[73] Mr. Willis said he did not know how A.A. knew of the date change for her deportation. He said he did not tell her but she was his client and no one else would have reason to contact her.

[74] For these reasons, I do not believe Mr. Willis' testimony, nor does his testimony raise a reasonable doubt. I accept the evidence of A.A. and of Mr. Lawrence, and there is confirmation of portions of her story in the testimony of her brother, F.A., and R.D. with respect to the move to C. Street. As well, A.A. told her brother and her sister, V.A., and Katie Tinker and Sgt. McNeil of the sexual relationship.

[75] The third step of the *W.(D.)* process is for me to consider all of the evidence which I do accept. Based upon it, I am satisfied beyond a reasonable doubt of the guilt of Mr. Willis.

[76] Mr. Willis, would you please stand. I am satisfied beyond a reasonable doubt that the sexual assaults occurred as described by A.A. I am satisfied beyond a reasonable doubt that Mr. Willis breached his trust as a public official, a CBSA

officer, by his actions with respect to A.A. and use of his position as a CBSA officer. I am also satisfied beyond a reasonable doubt that Mr. Willis committed the offence of extortion as set out in the *Criminal Code* by threatening to turn A.A.'s file over to another CBSA official unless she engaged in a sexual relationship with him. I find Mr. Willis guilty of the three offences on the indictment: extortion, breach of trust as a public official, and sexual assault.

Hood, J