*R v Omar,* 2022 NWTSC 12S-1-CR-2019-000050

**IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES**

**IN THE MATTER OF:**

**HER MAJESTY THE QUEEN**

**-v-**

**ALI OMAR**

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**Transcript of the Reasons for Sentence delivered by the Honourable Chief Justice L.A. Charbonneau, sitting in Yellowknife, in the Northwest Territories, on the 26th day of May, 2022.**

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**APPEARANCES:**

J. Major-Hansford: Counsel for the Crown

L. Allen: Counsel for the Defence

 via teleconference

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Charge under s. 354(1)(a) *Criminal Code*

**I N D E X**

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**RULINGS, REASONS**

Reasons for sentence 1

THE COURT: Ali Omar was convicted, after trial, of having been in possession of proceeds of crime in Inuvik in March 2019. Today, it is my responsibility to sentence him for that offence.

 The trial evidence is referred to in more detail in my Reasons for Judgment finding Mr. Omar guilty. For today's purposes, I will just summarize the main facts.

The charge stemmed from the execution of a search warrant at the hotel room where Mr. Omar was staying in Inuvik. Various items were seized during the search, most notably, over $62,000 in Canadian currency. A digital scale that had cocaine residue on it was also seized, as well as Mr. Omar's cellphone. Data extracted from his cellphone showed that although the large majority of text messages were innocuous, some were indicative of Mr. Omar being involved in drug trafficking activities, including messages that reported how much cocaine was left to sell and how much money had been made.

The evidence also revealed that Mr. Omar opened a bank account at the CIBC in Inuvik on January 31st, 2019. That account was closed April 12th, 2019. During that time, Mr. Omar made several deposits in the account. From when the account was opened up until his arrest on March 9th, 2019, Mr. Omar deposited over $26,000 in the account. Between his release on process and when the account got closed less than a month later, he made further deposits totalling over $11,000. There were also several transfers of money out of the account.

As far as Mr. Omar's personal circumstances are concerned, I have the benefit of a Presentence Report which was supplemented significantly by his counsel's submissions at the sentencing hearing. There are a number of parts of the report that make reference to Mr. Omar refusing to answer questions or comment on the topic raised. He also did not provide a lot of information that would enable the author of the report to contact Mr. Omar’s family members and other potential collateral sources of information.

At the sentencing hearing, Mr. Omar's counsel explained that at the time the report was prepared, he had not told his family members about his situation, facing sentencing for this serious charge. He had not told his family about the charge at all. He has since told them. Under the circumstances, and with the explanations provided, I draw no negative inference from the fact that Mr. Omar was not entirely forthcoming with the author of the Presentence Report.

Mr. Omar will turn 28 years old next month. He does not have a criminal record. He was born in Kenya. His mother and siblings relocated to Vancouver when he was about one year old.

He reports that the family did not have a lot of money when he was growing up and they moved around a lot. He described the home as a loving home and says he had a happy childhood. There was no family violence or other forms of abuse in the household.

At the time of the offence, he was in a common law relationship. His girlfriend later became pregnant and has given birth very recently.

Counsel advised that that relationship ended last February, apparently largely because of these proceedings and the prospect that Mr. Omar might be incarcerated. Counsel says that Mr. Omar would like to resume the relationship and be reunited with his partner and child as a family. Counsel also advised that he is informed that this is what his ex-partner desires as well.

There is no independent confirmation of this. At the time the Presentence Report was prepared, Mr. Omar reported that he was not in communication with her. This was sometime ago and seems to have changed. As of now, it would appear that the resumption of this relationship is a possibility but it remains uncertain.

Mr. Omar relocated to British Columbia relatively recently. Counsel advises that he did so to be closer to family and to get away from negative influences. He now lives close to where his mother and many members of his family are. His mother has encouraged him to return to the practice of his Islamic faith and he now attends the local mosque. He is very ashamed of what he has done and he reports that his family members were very upset when he finally told them about the charge.

Mr. Omar is currently working full-time as a barber and his plans for the future are to attend college and obtain a hairdressing diploma. Ultimately, he would like to open his own barber shop.

Mr. Omar does not have any addiction issues with alcohol or drugs. He reports that he has had no involvement with any criminal activity since these events and that, in his counsel's words, he has made a 180-degree turn in his life.

Counsel advises that Mr. Omar and the other man who was involved with this drug selling operation in Inuvik were recruited by someone in southern Canada to go to Inuvik to do this and that Mr. Omar was not the mastermind of the operation. Counsel reports that Mr. Omar gained insight and perhaps a fuller picture of the nature of the business he got himself involved with after he was charged. Predictably, some of his associates were not pleased about so much money having ended up in the hands of the police. Mr. Omar told his counsel for the few weeks when he remained in Inuvik because his bail conditions required it, someone broke into his room and he was threatened. He also says that the other man involved ended up getting stabbed and seriously injured.

Mr. Omar told the author of the Presentence Report, and he told his counsel, that he is remorseful for his actions. He said that as well when he addressed the court directly at the conclusion of the sentencing hearing.

The Crown and defence are very far apart in their submissions as to what would be a fit sentence for this offence. The Crown seeks the imposition of a sentence of 30 months incarceration. The Crown emphasizes the need to denounce these types of offences and deter others that may be tempted to take advantage of the lucrative market that northern communities present to drug dealers.

Mr. Omar's counsel emphasizes the principles of restraint and the objective of rehabilitation and argues that for a young man without a criminal record like Mr. Omar, incarceration is not necessary to achieve the objectives of sentencing. He asks that I suspend the passing of the sentence and place Mr. Omar on probation for a period of three years.

The offence of being in possession of proceeds of crime does not attract a minimum penalty. The maximum penalty is ten years' imprisonment.

A conditional sentence is not available for this offence by operation of section 742.1(e)(ii) of the *Criminal Code*. The constitutionality of that provision has been challenged in another jurisdiction and the issue has made its way to the Supreme Court of Canada but no decision has been made yet. There is no constitutional challenge before me in this case, so the provision applies and a conditional sentence is not available as a sentencing option.

Trafficking in cocaine has a maximum penalty of life imprisonment. Being in possession of proceeds of crimes, as I just said, is punishable by a maximum of ten years' imprisonment. The maximum penalty is the same, regardless of the underlying crime that generated the proceeds. It may seem surprising to the public that the punishment for committing a crime and the punishment for having the proceeds generated from that crime are different, but that is how the relevant sentencing provisions are framed.

That said, an offence can be committed in any number of ways and each situation falls somewhere on a spectrum of relative seriousness. A person found in possession of a relatively small amount of money knowing this money came from petty thefts would be guilty of the same offence as Mr. Omar. That, however, would be lower on the spectrum of seriousness than the offence that Mr. Omar is being sentenced for today. In other words, the seriousness of the underlying offence, if it is established, necessarily has a bearing on the seriousness of the proceeds offence.

Here, the underlying criminal activity is trafficking in cocaine in a small, isolated northern community. This court has for many years treated this activity as very serious because of how destructive it is for our communities.

In *R. v. Mohammed,* 2015 NWTSC 38*,* I talked about the reasons behind this court's sentencing approach to cocaine trafficking. It is worth repeating here for the benefit of Mr. Omar and others: The reason why courts have to be firm in their sentencing practices is very simple and was referred to this morning.  Cocaine causes ravages and devastation in our communities.  Yellowknife has seen its fair share of the collateral damage that crack cocaine has caused.  The people who become addicted to this drug harm themselves of course.  They sometimes lose everything to it, their families, their work, and their health, but they also often harm others.  Houses get broken into, people commit robberies, sometimes on the street in broad daylight or in small convenience stores or gas stations to get money to buy more drugs, or they break into homes and steal property.  And they steal, in addition to property, the occupants' sense of safety in their own home, sometimes for a very long time.  Some addicts get to the point of being so dysfunctional that they neglect their own children.

 We do not just hear about cocaine in the criminal courts.  We hear about cocaine in family court frequently, and the Territorial Court hears about it in child welfare court frequently.

Justice Smallwood of this court made comments to the same effect two years later in *R. v. Dube*, 2017 NWTSC 77: It has been said repeatedly but bears repeating again trafficking in cocaine has had a devastating effect on the people in Yellowknife and elsewhere in the Northwest Territories. Cocaine has destroyed lives, jobs, families. It creates addicts who will lose their jobs, their business, their families because of the unrelenting grip of their addiction. The trafficking of cocaine has been referred to by the courts as a plague, a scourge, the tearing apart of the fabric of our society, and it continues to be the case.

Those that traffic in cocaine contribute directly to this. They prey on the most vulnerable members of the community for profit. And there are those who come to this jurisdiction simply to traffic in drugs because it is lucrative. There is easy money to be made off the addiction of others. The blameworthiness of those who traffic in cocaine is high.

Interestingly, the Supreme Court of Canada recently picked up on this theme in *R v Parranto*, 2021 SCC 46. In that case, at Paragraph 71, the majority of the Supreme Court said: While all people and places merit protection, sentencing judges may, as they consider appropriate, give special consideration to the disproportionate harm caused to particularly vulnerable groups and/or vulnerable and remote locations where escaping traffickers is more difficult and resources for combating addictions are more sparse. Here, for example, Mr. Felix was trafficking fentanyl destined for resale in the remote communities comprising the territory of Nunavut. As an outsider, he chose to traffic drugs to those vulnerable communities for easy money. It would have been open to the courts below to consider this as a significantly aggravating factor. Indeed, the Supreme Court of the Northwest Territories, which would “have front‑line experience and understand the needs of the community where the crime was committed”, has specifically denounced this sort of predatory conduct.

Immediately after this passage, The Supreme Court quotes Justice Smallwood in *Dube.*

I accept, and it is also apparent from the evidence, that Mr. Omar was not at the top of the operation that generated these proceeds. But he also was not merely a courier or strictly a street level trafficker. He was entrusted with holding, and to an extent managing, the flow of large sums of money. There is no evidence that he did any of the drug transactions himself and his counsel says he was never involved directly in any of them. However, I find that to be of no significance given that he clearly was responsible for handling the money.

The drug trafficking operation that generated these proceeds was ongoing for some time. This was not a one-off. Nor was Mr. Omar simply holding money, knowing where it came from, but without having had any involvement with the underlying activity. His involvement is clear from the evidence of the banking transactions and text messages.

The evidence establishes very clearly, in my view, that Mr. Omar was in Inuvik for the sole purpose of generating proceeds from cocaine trafficking activities. There is no evidence suggesting any other reason for him being there. He was not working. He was not a tourist. He was not someone who was there for other legitimate reasons and who, once there, became caught up in this.

His counsel said he was recruited to do this. This was not a momentary, spontaneous lapse in judgment. Nor can it be explained by Mr. Omar suffering from an addiction that he needed to feed. He simply succumbed to the temptation to do it for monetary gain without regard for, and I suspect without even thinking about, the ravages that these activities cause and the many people who suffer great distress as a result.

In short, this is exactly the type of activity that needs to be met with a stern response by the court. There are others who will try to recruit young people without criminal records to engage in this activity. There are also many young people who may find it very tempting to take the risk for quick and seemingly easy financial gain.

There are mitigating factors that must be considered in this case as well.

At the outset, I want to note that the absence of a criminal record is not mitigating. Rather, it is the absence of something that would otherwise be aggravating. However, restraint is a particularly important sentencing principle when dealing with a relatively youthful offender with an otherwise good background.

Mr. Omar is now gainfully employed. His rehabilitative potential is undeniable. He has actually gone a long way towards rehabilitation already and he has family support.

As I already noted, Mr. Omar has told a number of people he is remorseful, including this court. That does not carry the same mitigating weight when it comes at this stage of the proceedings after a trial. Mr. Omar was of course entitled to have this trial and there were triable issues here. He was, in fact, successful in establishing some breaches of his rights. To be clear, I am not faulting him for having exercised that right. I am simply noting that the expression of remorse post-conviction, while relevant, can only go so far in mitigation.

I can also appreciate that the seriousness of what Mr. Omar got himself involved with became clearer to him after his arrest, and that some of the things that happened at that point opened his eyes to the reality of the world he had involved himself with. In that sense, I accept that specific deterrence, meaning discouraging him from getting involved in this type of activity again, is not as significant a factor as it might otherwise be.

Counsel has argued that the breaches of Mr. Omar's rights should be treated as significant mitigating factors. He has referred to the breaches that I found occurred during the investigation, but he has also argued for the first time during final submissions that Mr. Omar's right to be tried within a reasonable time was breached and that this should be treated as a mitigating factor.

Having considered the issue, I find that the issue of unreasonable delay that would constitute a *Charter* breach is not properly before me. As I said, this was raised for the first time during sentencing submissions, without any notice.

Counsel suggested that it was open to him to do so at that late stage because of the language of the *Charter* Application Notice that was filed back in September 2010. That Notice alleged breaches of sections 7 and 8 of the *Charter* (arbitrary detention and breach of his right to be secure against unreasonable search and seizure). The relief sought in the Notice is the exclusion of evidence obtained as a result of those breaches, pursuant to section 24(2) of the *Charter*.

With respect, that Notice cannot reasonably be interpreted as raising the issue of Mr. Omar's right to be tried within a reasonable time. There is a reason why the *Rules of Court* require notice when *Charter* relief is going to be sought. That process serves to ensure that proper evidence is adduced, full submissions are made, and the court is given the tools it needs to give *Charter* issues the serious consideration they warrant.

Raising such an important issue at this stage and in the manner it was done in this case is not an available course of action. For that reason, while I thank counsel for their submissions on this point, I will not address that issue because it is not properly before me.

That said, the passage of time since the charges were laid is still relevant to the determination of a fit sentence today. Of course, considering the reality of the COVID pandemic, the pretrial motions that needed to be dealt with and the need for the court to schedule hearings taking into consideration everyone's availability, some delay was inevitable.

Be that as it may, I do accept that living with this charge hanging over his head for all this time has added to the difficulties that Mr. Omar has faced personally. I also accept that intervening events must be taken into consideration both in terms of the steps he has taken towards rehabilitation but also, importantly, the impact that the sentence will have on him. There is no question that facing sentencing, as the father of a very young child, creates a much more difficult and painful situation for him than would have been the case had this matter been dealt with sooner, before his girlfriend became pregnant, for example.

I now turn to the mitigating effect of the breaches that I found to have occurred during this investigation. In this case, I concluded that the search of the hotel room amounted to a warrantless search and therefore was unreasonable in the circumstances. I concluded that parts of the Information To Obtain the warrant should be excised and that without those, the warrant could not have issued.

The information was excised because it was obtained as a result of another breach: a police officer stopped the vehicle that Mr. Omar was driving and obtained certain information from him, including his name and where he had rented the vehicle from. This illegally obtained information was used in the Information To Obtain the search warrant. This is set out in my original ruling on this *Charter* motion (*R v Omar*, 2021 NWTSC 34), and in the Ruling I issued after being asked to revisit the *Charter* motion in light of evidence that emerged at trial (*R v Omar,* 2022 NWTSC 11)*.*

*Charter* breaches can be taken into account during a sentencing. That is consistent with the fundamental purpose of sentencing which is to contribute to the respect for the law and maintenance of a just, safe and peaceful society. *R v Nasogaluak*, 2010 SCC 6.

This principle has been applied in this jurisdiction. For example, in *R v Firth*, 2013 NWTTC 16, the sentencing judge found that the offender's detention conditions in the drunk tank, which included lack of bedding, insufficient heat in the cell, removal of clothing that might have provided him warmth in that cell, amounted to state misconduct that justified a reduction in sentence. The sentencing judge concluded that the detention conditions were "beyond uncomfortable", were "inhumane and inexcusable", and that the offender was subject to these conditions for a number of hours.

More recently in *R v Paradis,* 2019 NWTSC 27 (affirmed on appeal *R v Paradis,* 2020 NWTCA 2), the judge found at trial that there were several breaches of the accused's rights by police because they arbitrarily detained him, failed to advise him of the reasons for his detention, failed to advise him of his right to counsel, and searched his vehicle. The Court noted that there was no evidence that the treatment of the accused was demeaning to his dignity or that there was anything particularly unusual about how he was treated by the officers, but concluded that he was stopped without justification and that his expectation of liberty and privacy were interfered with. The Court found in that case that the breaches, while not at the most serious end of the spectrum, were significant. Those breaches were treated as mitigating factors on sentencing.

The position of Mr. Omar on the *Charter* application, both initially and when it was renewed at the conclusion of the trial evidence, was, and I suspect remains, that the police misconduct in this case was egregious, included bad faith, and amounted to extremely serious police misconduct. For reasons that are set out in both my Rulings on this issue, I disagree with that characterization.

Mr. Omar was stopped illegally as he was driving in Inuvik. The officer obtained certain information from him. That is a fact, and it was a breach of his rights. This was not, however, a prolonged detention. It did not involve extensive questioning. It did not involve, and is a far cry from, the kind of treatment that was at issue in *R v Firth* and some of the other cases referred to in *Nasogaluak*, some of which included cases of police violence.

I found that the breaches in this case were less serious than the ones in *Paradis*. So while I accept, as the judge did in *Paradis*, that the *Charter* breaches can be treated as mitigating, in my view, their mitigating effect is modest.

Crown and defence have filed cases for my consideration. Sentencing decisions are useful to identify governing principles. They can also assist in identifying ranges of sentences that are appropriate in a set of circumstances. But there are usually so many variables and distinctions between the facts and the offenders involved that it is very hard to find cases that are on all fours with the one before the court.

In addition, appellate decisions on sentence must always be looked at taking into account the very high standard of review that applies on sentence appeals. The fact that the Court of Appeal upholds a sentence does not necessarily mean agreement with that sentence.

Overall, the cases support the notion that, generally speaking, deterrence and denunciation are the paramount sentencing principles in cases like this. *R v Daschner,* 2013 ABQB paras 10-11. *R v Daschner* also sets out helpful factors to be considered specifically on sentencing in proceeds cases.

Some of the cases filed date back to when a conditional sentence was available in cases involving the possession of proceeds of crime derived from drug trafficking activities. Those cases discuss whether a conditional sentence can adequately express society's condemnation for this type of activity, given the harm that is associated with it. *R. v. Bui,* 2006 BCCA 245; *R. v. Daluro,* 2011 ABCA 312.

These cases, and others that discuss the availability of a suspended sentence for this type of offence, are instructive because they illustrate some of the situations that were found by the court to involve exceptional circumstances that justify not imposing a sentence of actual incarceration. *R. v. McInnis*, 2020 ONCJ 607, *R. v. Chappell,* 2020 BCSC 536, *R. v. Manhas,* 2019 BCSC 1293 and *R. v. McGill,* 2016 ONCJ 138, paras 69 to 87.

Having reviewed those cases carefully, I do not find that Mr. Omar's case is comparable to those where offenders received conditional sentences or suspended sentences. Mr. Omar was found with a considerable amount of proceeds of crime. He was involved in an ongoing commercial operation in a small and isolated northern community. He was not an addict who was doing this to support his own drug use, nor someone who was caught with money but had little to do with the criminal activity that generated it. He does not benefit from the special consideration and principles that apply to the sentencing of Indigenous offenders. His expression of remorse came after a conviction.

A suspended sentence is available in law for this offence but for possession of proceeds of crime gathered through trafficking in cocaine, it would be a very unusual sentence and should be reserved for exceptional circumstances. This case is not one that involves exceptional circumstances. Mr. Omar's story is sadly similar to that of many young men without any criminal history who were recruited to traffic drugs in the Northwest Territories because it is a lucrative market. He got caught and now realizes that the risk was not worth the potential consequences.

But this sentencing is not just about him, as I have already said. It is also about making sure that society's condemnation of this conduct is shown. It is about attempting to discourage others similarly inclined to make the same choice that he did.

I have taken into account his age, background, family support, the consequences that incarceration will have on him. I have taken into consideration the passage of time since these events which, in his specific circumstances, means the added hardship of facing imprisonment now as the father of a very young child. I have taken into account that his rights were breached during the investigation, although my assessment of the impact of those breaches is not in line with what his counsel invited me to find.

 Counsel argued I should give credit to Mr. Omar against any jail term imposed on a ratio of .5 to 1 for the time he was bound by release conditions. I have taken into account that his liberty was restricted to various degrees through his release conditions, but am not prepared to credit him for that using a fixed ratio in the manner suggested by counsel, for the following reasons.

The first Release Order dated March 19th required Mr. Omar to remain in the NWT, reside at a specific address, abide by a curfew except for work, report three times a week to the RCMP in person, and not have a phone or a similar electronic device. There was also a no contact order. The Release Order was amended April 9th. The amended terms allowed Mr. Omar to leave the NWT. He was required to reside at a specific address in Edmonton. The curfew condition was removed, the reporting was decreased to once a week, but remained in-person reporting. The no contact and prohibition to possess an electronic device remained.

This court vacated that Release Order and issued a new one on November 25th, 2021 at the conclusion of submissions at the end of the trial. This was done at Mr. Omar's request and with the consent of the Crown. Under that order, he was free to change his address so long as he provided his new address to the bail supervisor before moving. The reporting condition was changed to be by phone instead of in person and it was changed to "as directed" instead of being weekly reporting. The no contact condition and the device prohibition conditions remained. These revised terms remained in force after I found him guilty.

Mr. Omar appears to have abided by his release terms, save for a period of time where he was not reporting. As noted by Mr. Omar's counsel, some courts have given credit against a jail term as is done with remand time to account for very restrictive bail conditions. Strict release conditions that curtail an offender's freedom for a long time may also be taken into consideration as part of the overall assessment of what the sentence should be, without it being precisely and mathematically identified as the law requires it to be for remand time.

The release conditions that applied to Mr. Omar for the first three weeks after his release required him to remain in in Inuvik and I recognize that, under all the circumstances, this was challenging and stressful for him. He was also required to report three times a week in person, which is burdensome. At the same time, given the size of the Town of Inuvik, reporting three times to the RCMP detachment would not require travelling over any great distance, unlike what might be the case elsewhere.

The conditions here did not include house arrest. The curfew condition was in place for a relatively short time and included an exception for work. After the first amendment of the Release Order, condition to report in person once a week was really the one that was the most intrusive.

I find that the conditions in place, especially for the first few weeks, were somewhat intrusive, but they are still not among the most stringent release terms the court sees. It is not surprising that such conditions would be placed on a person facing a serious charge in the Northwest Territories, particularly when that person has no ties to the jurisdiction.

This is why, while I have considered that Mr. Omar was bound by conditions that had an impact on his day to day life as part of the overall balancing of the factors that must be considered on sentencing, I am not applying a specific reduction of his sentence to account for that time in the same way that we would for pretrial custody, or for an offender who lived for a time with very strict release terms.

Mr. Omar was in pretrial custody for 11 days and he is entitled to credit for that time.

The Crown has sought some ancillary orders that were not disputed. I will deal with those first. Under the circumstances, I find it is appropriate to issue a DNA order. This is a secondary designated offence so a DNA Order is not mandatory, but having considered the factors set out in the *Criminal Code*, including the nature of the offence, I agree that it should be made. The Firearms Prohibition Order is mandatory. It will begin today and expire ten years from Mr. Omar's release.

As far as the sentence itself, the 30-month sentence that the Crown seeks, when examined in light of the cases that have been filed, is within the range. Having considered the other factors, however, and exercising some restraint, I conclude that a slightly shorter sentence can achieve the goals of sentencing. Still, in my view, a sentence in the penitentiary range is required to reflect the seriousness of this offence.

Mr. Omar, but for the time you spent in custody after your arrest, my sentence would have been 26 months imprisonment. For the 11 days you spent in custody before you were released on bail, I will give you credit for 16 days. Accordingly there will be a further jail term of 25 months and 14 days.

The Warrant of Committal will be endorsed with the court's strong recommendation that, in considering Mr. Omar's placement, consideration be given to his connections to British Columbia or any other locations that he identifies during the placement process.

Mr. Omar, you are hereby directed to turn yourself into custody within the next 24 hours.

Mr. Major-Hansford, what is the exact location where he should turn himself in?

J. MAJOR-HANSFORD: Your Honour, at either the Victoria police station or at the Saanich police station. I wasn't certain, nor is it any of my business, where Mr. Omar resides. And so either of those, I am advised by Dan Mayo of the Vancouver Regional Island -- the Vancouver Island Regional Correctional Centre will be able to start the process.

THE COURT: Okay. I will ask you to give the correct spelling of those locations to the clerk. That needs to be endorsed on the Warrant of Committal.

J. MAJOR-HANSFORD: Thank you.

THE COURT: The Warrant of Committal should be sent to the RCMP. It should be sent to the two institutions the Crown has identified. And Mr. Omar, I do not know how the intake procedure will happen for sentencing from the Northwest Territories when the person is in southern Canada, but be sure to let them know where you would like to be close to and they will consider that, I am sure in the placement process.

 Finally, I will issue the Forfeiture Order once the draft Order is submitted.

J. MAJOR-HANSFORD: Thank you.

THE COURT: There will be an order -- will your forfeiture order include the exhibits, Mr. Major-Hansford?

J. MAJOR-HANSFORD: It will, yes.

THE COURT: All right. Thank you. That is the end of this matter. We will sign off Mr. Omar and we will sign off Mr. Allen. Thank you.

**(PROCEEDINGS CONCLUDED)**

**CERTIFICATE OF TRANSCRIPT**

Veritext Canada, the undersigned, hereby certify that the foregoing pages are a complete and accurate transcript of the proceedings transcribed from the audio recording to the best of our skill and ability. Judicial amendments have been applied to this transcript.

Dated at the City of Toronto, in the Province of Ontario, this 27th day of May, 2022.

Veritext Canada

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