



ID File No. / N° de dossier de la SI : 0003-B7-00081  
Client ID No. / N° ID client : 3007-2666

**Public Hearing – Audience publique**

**Reasons – Motifs**

<b>Between</b>	The Minister of Public Safety and Emergency Preparedness Le ministre de la Sécurité publique et de la Protection civile	<b>Entre</b>
<b>And</b>		<b>et</b>
<b>Person(s) Concerned</b>	<b>Adrian Edmond PASCAL</b>	<b>Intéressé(e)(s)</b>
<b>Date(s) of Hearing</b>	October 26, 2017 November 28, 2017 February 7, 2018 February 21, 2018 March 8, 2018 March 22, 2018 March 28, 2018 May 1, 2018 May 23, 2018 November 2, 2018	<b>Date(s) de l'audience</b>
<b>Place of Hearing</b>	<b>Toronto</b>	<b>Lieu de l'audience</b>
<b>Date of Decision</b>	<b>May 30, 2019</b>	<b>Date de la décision</b>
<b>Date of Reasons</b>	<b>June 7, 2019</b>	<b>Date de la motifs</b>
<b>Panel</b>	<b>I. Kohler</b>	<b>Tribunal</b>
<b>Counsel for the Minister</b>	<b>A. Rustja C. O'Farrell</b>	<b>Conseil du ministre</b>
<b>Counsel for the Person(s) Concerned</b>	<b>D. Kingwell</b>	<b>Conseil(s) pour l'intéressé(e) / les intéressé(e)(s)</b>

IN THE MATTER OF the *Immigration and Refugee Protection Act* and an Admissibility Hearing concerning Adrian Edmond Pascal.

**REASONS FOR DECISION RENDERED ON MAY 24, 2019**

[1] On May 24, 2019, I found Mr. Pascal inadmissible under s. 36(1)(a) and s. 37(1)(a) of the *Immigration and Refugee Protection Act* (Act), and issued Deportation Orders with reasons to follow. These are those reasons.

[2] This is a record of the reasons for decisions made under the provisions of the Act concerning Adrian Edmond PASCAL following an Admissibility Hearing conducted pursuant to s. 44(2) of the Act.

**REASONS – SERIOUS CRIMINALITY – SECTION 36(1)(a)**

[3] On April 29, 2015, an Immigration Officer wrote a report pursuant to s. 44(1) of the Act alleging that Mr. Pascal is inadmissible to Canada for serious criminality as described in s. 36(1)(a) of the Act, due to a conviction on April 11, 2014 under s. 267(a) of the *Criminal Code of Canada* (CCC).

[4] Section 36(1)(a) states:

A permanent resident or a foreign national is inadmissible on grounds of serious criminality for having been convicted in Canada of an offence under an Act of Parliament punishable by a maximum term of imprisonment of at least 10 years, or of an offence under an Act of Parliament for which a term of imprisonment of more than six months has been imposed.

[5] Having reviewed the evidence, and Mr. Pascal's concessions, I find that Mr. Pascal was born on November 8, 1987 in Jamaica, and became a permanent resident on July 26, 1994 at the age of six. Mr. Pascal is not a Canadian citizen. On April 11, 2014 Mr. Pascal was convicted of assault with a weapon contrary to s. 267(a) of the CCC. This conviction has not been successfully appealed. Mr. Pascal has not received a pardon for this offence. This offence carries a maximum punishment of ten years incarceration. Mr. Pascal concedes the allegation under s.

36(1)(a). From the foregoing, I made a decision on May 24, 2019 that Mr. Pascal is inadmissible under s. 36(1)(a) of the Act. On May 24, 2019 I issued a Deportation Order against Mr. Pascal. Due to his sentence Mr. Pascal has a right to appeal this Deportation Order at the Immigration Appeal Division.

**REASONS - ORGANIZED CRIMINALITY – SECTION 37(1)(a)**

[6] On April 29, 2015, an Immigration Officer wrote a report pursuant to s. 44(1) of the Act alleging that Mr. Pascal is inadmissible to Canada for organized criminality as described in s. 37(1)(a) of the Act.

**Standard of Proof - Reasonable Grounds to Believe**

[7] The standard of proof to be applied in allegations of inadmissibility under s. 37 of the Act is set out in s. 33 of the Act:

The facts that constitute inadmissibility under sections 34 to 37 include facts arising from omissions and, unless otherwise provided, include facts for which there are reasonable grounds to believe that they have occurred, are occurring or may occur.

[8] Section 33 of the Act provides that the facts leading to a finding of inadmissibility include facts arising from an omission. In addition, s. 33 sets out the standard of proof “reasonable grounds to believe” for the consideration of the facts in a proceeding under Act. The facts that constitute inadmissibility are facts for which there are reasonable grounds to believe that those facts have occurred, are occurring or may occur.

[9] The standard of proof of reasonable grounds to believe has been the subject of various decisions. In *Chiau*,<sup>1</sup> the Court stated:

The standard of proof required to establish reasonable grounds is more than a flimsy suspicion but less than the civil test of balance of probabilities. ... It is a bona fide belief in a serious possibility based on credible evidence.

[10] In *Mugesera*<sup>2</sup> the Supreme Court of Canada stated: “In essence, reasonable grounds will exist where there is an objective basis for the belief which is based on compelling and credible information.”

### **Burden of Proof**

[11] The Minister for Public Safety and Emergency Preparedness has the burden of establishing Mr. Pascal’s inadmissibility under s. 37(1)(a) of the Act.

[12] I do not accept Mr. Pascal’s argument that the Minister has failed to establish the existence and nature of a criminal organization known to Toronto police as the Galloway Boys beyond a mere suspicion. From the evidence before me, I find the Minister has established, through a preponderance of the evidence, that there are reasonable grounds to believe that the criminal organization known as the Galloway Boys exists and that Mr. Pascal is a member of it.

### **Allegation Properly Before the Tribunal**

[13] In his written submissions dated December 12, 2018, Mr. Pascal submits that the Minister’s s. 37(1)(a) allegation is not properly before the tribunal. Mr. Pascal submits that the report does *not* allege that he *was* a member of the Galloway Boys, or is, or was, a member of another criminal organization. Mr. Pascal submits that he did not have proper notice of the Minister’s allegations and therefore did not have full opportunity to advance evidence in reply at the hearing.

[14] The s. 44 report sets out the allegation by enunciating s. 37(1)(a) and stating that Mr. Pascal “is a member of, and *has engaged in* the activities of an organized crime group known to police as the Galloway Boys”<sup>3</sup> [emphasis added]. I find that the use of the words “has engaged in” in the context of this sentence refers to current and past activities. In addition, the Case Review and Recommendation report forms part of the s. 44(1) report and contains seven pages dedicated to the reasons the Minister made a s. 37(1)(a) allegation, including a chronology of incidents going back to 2004 that the Minister submits are indicators of a gang lifestyle and

membership. During this admissibility hearing, evidence was adduced by Mr. Pascal about his activities and police interaction going back to 2004. Mr. Pascal had full notice of the Minister's allegation and made full use of his opportunity over the course of one year to respond to the allegation. I find no breach of natural justice or procedural fairness. If there was actually a breach, I would have expected Mr. Pascal to alert me to this early on in the proceedings.

### **Credible or Trustworthy Evidence**

[15] Under section 173 the Act, the Immigration Division, in any proceeding before it,

- (c) is not bound by any legal or technical rules of evidence; and
- (d) may receive and base a decision on evidence adduced in the proceedings that it considers credible or trustworthy in the circumstances.

[16] In *Maldonado*,<sup>4</sup> the Court held that where a witness swears that certain facts are true, this creates a presumption that the facts are true unless there is valid reason to doubt their truthfulness. Nevertheless, in decisions such as *Hilo*<sup>5</sup> and *Kwame Kyere-Akosah*,<sup>6</sup> the Court suggests that a Board Member may properly believe documentary evidence over the sworn testimony of a witness as long as the Member clearly states the reasons why the documentary evidence is preferred over the oral testimony of the witness.

[17] Another factor in the determination of the credibility of the testimony by a witness is the interest that the witness has in the outcome of the hearing. In *Faryna v. Chorny*,<sup>7</sup> the British Columbia Court of Appeal stated the following:

The credibility of interested witnesses, particularly in cases of conflict of evidence, cannot be gauged solely by the test of whether the personal demeanour of the particular witness carried the conviction of truth. The test must reasonably subject his story to an examination of its consistency with the probabilities that surround the currently existing conditions. In short, the real test of the truth of the story of a witness in such a case must be its harmony with the preponderance of the probabilities which a practical and informed person would readily recognize as reasonable in that place and in those conditions.

[18] In decisions involving immigration matters, the Federal Court and the Federal Court of Appeal have held in a number of cases that evidence should be weighed in the totality of all of the evidence presented in the case and the issues to be decided.

[19] In summary, after considering the provisions of the Act and the decisions by the Courts, the evidence that is found to be credible or trustworthy will be analyzed by applying the standard of proof of reasonable grounds to believe as set out in s. 33 of the Act and consistent with the case law cited above.

### **Submissions – Organized Criminality**

[20] The Minister alleges that there are reasonable grounds to believe that Mr. Pascal is a member of a criminal organization known to Toronto police as the Galloway Boys. The Minister submits that the Galloway Boys is or was engaged in activity that is a part of a pattern of planned and organized criminal activity, namely drugs and firearms trafficking, firearms use and possession, homicides, auto theft, fraud, extortion, prostitution and robberies. The Minister submits that Mr. Pascal has engaged in the activities of the Galloway Boys.

[21] Mr. Pascal submits that the Galloway Boys did not exist, or does not exist any longer, and that he has never been a member of a criminal organization, whether it be the Galloway Boys or any other group, and is therefore not described under s. 37(1)(a) of the Act.

[22] Section 37(1)(a) states:

A permanent resident or a foreign national is inadmissible on grounds of organized criminality for being a member of an organization that is believed on reasonable grounds to be or to have been engaged in activity that is part of a pattern of criminal activity planned and organized by a number of persons acting in concert in furtherance of the commission of an offence punishable under an Act of Parliament by way of indictment, or in furtherance of the commission of an offence outside Canada that, if committed in Canada, would constitute such an offence, or engaging in activity that is part of such a pattern;

### **Galloway Boys - an Organization and Organized Criminality**

[23] In order to be found described under s. 37(1)(a) of the Act, there must be an organization for which there are reasonable grounds to believe to be or have been engaged in activity that is part of a pattern of criminal activity planned and organized by a number of persons acting in

concert in furtherance of the commission of an offence punishable under an Act of Parliament by way of indictment.

[24] While the Act requires an organization to exist under s. 37(1)(a), it does not define the term. The Federal Court in *Thanaratnam*<sup>8</sup> stated that:

Presumably, to meet the definition, a group must have some form of organizational structure. The words “however organized” suggest that it must be organized in some fashion, but there is no minimum or mandatory attributes that the group must have.

[25] The Federal Court of Appeal in *Sittampalam*<sup>9</sup> stated:

Parliament deliberately chose not to adopt the definition of “criminal organization” as it appears in subsection 467.1(1) of the *Criminal Code*. Nor did it adopt the definition of “organized criminal group” in the *United Nations Convention against Transnational Organized Crime* (the Convention). The wording in paragraph 37(1)(a) is different, because its purpose is different.

[26] While an exact definition has not been fashioned by the courts, it has been accepted that the term be interpreted broadly. The Federal Court of Appeal in *Sittampalam*<sup>10</sup> stated:

In my view, the same “unrestricted and broad” interpretation should be given to the word “organization” as it is used in paragraph 37(1)(a). The *IRPA* signifies an intention, above all, to prioritize the security of Canadians. This was confirmed by the Supreme Court of Canada in the decision of *Medovarski v. Canada (MCI)*; *Esteban v. Canada (MCI)* (2005), 258 D.L.R. (4<sup>th</sup>) 193 at para. 10:

The objectives as expressed in the *IRPA* indicate an intent to prioritize security. This objective is given effect by preventing the entry of applicants with criminal records, by removing applicants with such records from Canada, and by emphasizing the obligation of permanent residents to behave lawfully while in Canada...the objectives of the *IRPA* and its provisions concerning permanent resident, communicate a strong desire to treat criminals and security threats less leniently than under the former Act.

[27] Factors that may constitute a criminal organization were outlined by the Court in *Sittampalam*:<sup>11</sup>

In *Thanaratnam v. Canada (Minister of Citizenship and Immigration)*, 2004 FC 349 (CanLII), [2004] 3 F.C.R. 301 (F.C.), reversed on other grounds, [2006] 1 F.C.R. 474 (F.C.A.), O’Reilly J. took into account various factors when he concluded that the two Tamil gangs... were “organizations” within the meaning of paragraph 37(1)(a) of the *IRPA*. In his opinion, the two Tamil groups had “some characteristics of an organization”, namely “identity, leadership, a loose hierarchy and a basic

organizational structure” (at paragraph 31). The factors listed in *Thanaratnam*, as well as other factors, such as an occupied territory or regular meeting locations, both factors considered by the Board, are helpful when making a determination under paragraph 37(1)(a), but no one of them is essential.

[28] The Court further stated:

These criminal organizations do not usually have formal structures like corporations or associations that have charters, by-laws or constitutions. They are usually rather loosely and informally structured, which structures vary dramatically. Looseness and informality in the structure of a group should not thwart the purpose of the *IRPA*. It is, therefore, necessary to adopt a rather flexible approach in assessing whether the attributes of a particular group meet the requirements of the *IRPA* given their varied, changing and clandestine character.<sup>12</sup>

[29] The Federal Court in *Saif*<sup>13</sup> considered the Supreme Court decision in *B010*,<sup>14</sup> and found that “organized criminality” under s. 37(1)(a) must import requirements found in s. 467.1(1) of the CCC such as a group of three or more persons.

[30] In view of the case law, the evidence regarding the Galloway Boys will be assessed using a flexible approach, and shall consider the definition of an organization and organized criminality in broad and unrestricted terms with the CCC in mind.

[31] The Galloway Boys are not a group with a long, storied history. They are not depicted on television and film. They do not have flashy members who publicize the group and their activities. Until the extreme violence caused by Tyshan Riley and his crew in the early 2000’s, little was publicly known about this group. In 2010 Betsy Powell wrote a book about the Galloway Boys. It is in evidence before me. I find the book *Bad Seeds*<sup>15</sup> to be credible and trustworthy evidence and give it full weight.

[32] While *Bad Seeds* is written in the style of a novel, the information is of the same quality found in the news articles and criminal court documents in evidence. The author is a veteran crime journalist who covered the preliminary hearing and murder trial of Tyshan Riley, Phillip Atkins and Jason Wisdom. The author sifted through hundreds of hours of evidence, from wiretaps to police interviews with suspects and witnesses.<sup>16</sup> The book is filled with quotes and information from researchers, community leaders, police, the criminal court, and Galloway Boys



members themselves. I find this book was written using journalistic standards of checking sources, researching details and quoting accurately. The book provides a history of Toronto street gangs, as well as insight into a distinct group of people from southeast Scarborough.

*Territory of the Galloway Boys*

[33] Toronto police consider the Galloway Boys, also known as Galloway Boyz and G-Way, to be a criminal street gang that operates predominantly in southeast Scarborough, in an area bounded in the east by Meadowvale Road, the west by Markham Road, the north by Lawrence Avenue and a ravine further north, and by Lake Ontario to the south. According to Officer Petersen of the Toronto Police Service, the Galloway Boys area or “turf” is broken up into three zones: a red zone where Galloway Boys members are known to live and “ply their trade out of” (though they are known to traffic drugs throughout Toronto), a blue zone frequented and controlled by Galloway Boys members, and a grey zone frequented by Galloway Boys members and that is disputed territory with a rival gang. The centre of the Galloway Boys territory is in the Kingston Road and Galloway Road area.<sup>17</sup>

[34] By the late 1980’s, the gang problem in “Kingston-Galloway was too far gone.” In the 1990’s, an area of Kingston Road became a battleground for drug dealers from the Malvern area and the Kingston Galloway area. Roland Ellis, a Galloway Boys member and a Crown witness in the Tyshan Riley murder trial, stated, “we really didn’t want people from outside the area to be mixing in our crowd.” Selling drugs on Galloway Boys turf was not something just anyone could do. A Galloway Boys member testified at his 2002 trial, that people fighting over who could sell drugs in a particular location, morphed from a problem between individuals “into one area against another.” In order to protect their territory, Galloway Boys would conduct “G-checks”, a way to identify the origins of people found in the Galloway Boys territory, and to determine what they are doing there. If found to be strangers or members of other gangs and they refused to leave, “it could turn into someone getting hurt, getting killed, getting robbed.”<sup>18</sup>

[35] In the late 1990’s Toronto police identified dozens of territorial based gangs, largely concentrated in poorer areas with large numbers of public housing complexes. Many of the

names of the gangs referred to particular neighbourhoods or streets, such as Kingston/Galloway, the Mornelle Court gang and Malvern Posse.<sup>19</sup> As an organized group, Toronto police believe that the Galloway Boys started in the early to mid-2000's.<sup>20</sup>

[36] The name Galloway Boys may come from the Toronto police. The group appears to accept the name due to the group's strong bond and pride in the Galloway neighbourhood that the membership generally hails from.<sup>21</sup> According to Mr. Ellis, "we're Galloway first, we know we're from the same 'hood." A Galloway Boys member was said to have been "defending Galloway" when he chased a visiting basketball team out of the building while brandishing a gun because they beat his East Scarborough team.<sup>22</sup>

[37] From the foregoing I find that the Galloway Boys have an established territory, located in southeast Scarborough, bounded Meadowvale Road in the east, by Markham Road in the west, by Lawrence Avenue in the north and a ravine further north, and by Lake Ontario to the south. This territory is where the membership hails from, where they grew up. I find that the territory has an emotional pull for Galloway Boys members, to the point that defending the territory is not only for economic survival, but also due to a pride that takes on a nationalistic sense; the area is their homeland.

[38] I do not find that members of the Galloway Boys only ply their trade in their defined territory, as this would grossly limit their ability to profit from their criminal activity. A criminal-business enterprise involved in drug trafficking, for example, requires a constant demand for its supply of product. Demand for drugs, be it occasional use party drugs or an addict's daily hit, knows no geographic boundaries. In fact, leaving the heartland of the Galloway Boys, with its poverty and public housing, and conducting business in more affluent areas such as Aurora, Mississauga and London, greatly increases the profit earning potential of drug trafficking.

[39] I also do not believe that the Galloway Boys would continue to concentrate their criminal activities in the area known to police as their territory, as it exposes their members to a much higher level of police scrutiny. In 2004, Toronto's mayor instructed the police chief to ensure police were visible on the streets, and some areas were saturated with police. With the arrests of

17 Galloway Boys leaders and members<sup>23</sup> in 2004 and 2005, the movement of criminal activity out of the red zone and out of the entire Galloway Boys territory is a prudent act of survival as it supports the continuation of their criminal pursuits with less police interference.

[40] I find that the known territory is a home base that members frequent, a place they are willing to defend, and the location of some criminal activity. However, since 2004 Galloway Boys members have carried out robberies, sold drugs, and committed other crimes in areas outside of the known territory. Galloway Boys members are known to have committed crimes as far afield as Pickering and Woodbridge.<sup>24</sup>

*Structure of the Galloway Boys*

[41] Toronto police believe the Galloway Boys operate using an organized structure of cells or sub-groups with defined management, middle management/sales, sales and entry level positions. Members in middle management operate sub-groups consisting of a number of friends from the larger Galloway Boys group. Sub-groups sometimes take on their own name, but operate as part of the Galloway Boys. The sub-groups have been known by various names, such as Get Mad Crew, Mad Soldiers, K.G.B., Bad Seeds, Throw Backs, Black and White, Galloway Northside, Galloway Southside, Northside Gunners, PMSG, and Breakfast Club Boys.<sup>25</sup>

[42] As the generations of membership change, so too do the names of the groups. However, the different sub-groups remain under the umbrella of the Galloway Boys.<sup>26</sup> No matter which sub-group the member belongs to, he is ultimately a Galloway Boy. As Roland Ellis, analogized, the different Galloway Boys cells are like different precincts of the Toronto police, who “wouldn’t war [against each other] because [you’re from different Divisions], you guys are officers of the law, so you work together.” He stated that it is the same way for the Galloway Boys sub-groups: “you guys are police officers first, we’re Galloway first, we know we’re from the same hood.” Members and associates of the Galloway Boys cells often refer to these sub-groups simply as gangs or Galloway gangs.<sup>27</sup>

[43] The Galloway Boys is a tight-knit criminal community made up of people with “long-standing friendships, family connections, and associations.” Members grew up together, living in the same neighbourhoods, attending the same schools (such as Sir Robert Borden and the Scarborough Centre for Alternative Studies), and hanging out in the same community centre. The East Scarborough Boys and Girls Club on Galloway Road became a place where youngsters from different Galloway neighbourhoods met and became friends with their future Galloway Boys brethren. This Boys and Girls Club earned a reputation as a hangout for gangbangers-in-training.<sup>28</sup>

[44] There are connections between members of the sub-groups, as they are friends who came “from the same neck of the woods.” Members of different sub-groups have long standing friendships, such as that of Roland Ellis (Mad Soldiers), Tyshan Riley (Get Mad Crew) and Norris Allen, and sometimes work together as part of the same sub-group. Members of different sub-groups socialize at the same places, such as Smokey McPherson’s home, McTaggart’s bar and “The Pent” apartment building. Members from different sub-groups use “G-checks”, to determine where people are from and to collectively protect their common turf from rival gangs based outside of the Galloway Boys territory. Individuals who developed friendships while growing up in the Galloway area, but then moved away to another area, are still permitted to join and remain in the group.<sup>29</sup>

[45] Roland Ellis testified for seven days against Tyshan Riley and his two co-accused. He was found to be a credible witness at the preliminary hearing, due to his extensive personal experience as a gang member and his extensive association with the accused. As a witness in the murder trial, Mr. Ellis testified to the existence of the Galloway Boys and described “the different gangs in the Galloway neighbourhood, their membership, their activities and other symbols of gang culture such as tattoos. He testified as to the organization of the groups in Galloway and how each was connected to every other gang in the neighbourhood.”<sup>30</sup>

[46] Individual sub-groups decide what crimes they will commit and some “sit down and discuss things before they do it,” demonstrating organized planning. At Mr. Riley’s preliminary hearing, the court found that the police wiretaps demonstrated “strong evidence of the

relationship between the [accused, and] their connections in carrying out their criminal activities.”<sup>31</sup>

[47] From the foregoing I find that the name Galloway Boys is the name of the umbrella structure. Under the umbrella is a collection of loosely connected sub-groups. Each sub-group consists of a group of people who grew up together in a particular area of southeast Scarborough. I find that this particular area is within the boundaries described by Officer Petersen as Galloway Boys territory. Personal roots in this geographic area is the basis of a shared cultural bond between members of all of the sub-groups. Members of these sub-groups developed strong childhood and teenage friendships that morphed into working relationships focused on committing crimes together. I find that each sub-group is a cohesive unit having its own leadership. The different sub-groups accept each other as kin, and generally view those from outside the Galloway Boys area as foe. While working independently within their particular sub-groups, I find that members view themselves as part of a larger group. This larger group is the umbrella structure itself, which I find embodies the concept of an extended family. The Galloway Boys extended family is based on a shared Galloway culture and a shared Galloway homeland, that being the Galloway Boys territory defined by Officer Petersen. All of the sub-groups are part of the Galloway Boys family, and therefore all members of the sub-groups are members of the Galloway Boys.

[48] Based on the above findings, all references to the Galloway Boys in this decision are to be interpreted as referring to any one or more of the sub-groups under the Galloway Boys umbrella. As well, references to Galloway gangs are to be interpreted as the Galloway Boys sub-groups.

*Galloway Boys' Criminal and Profit Oriented Activities*

[49] The Galloway gangs have long been involved in drug trafficking. A turf war with men from Malvern over drug selling dates back to at least the 1990's in the section of Kingston Road that runs through the Galloway area. Since the 2000's the Galloway Boys have battled the Orton Park Bloods over the right to sell drugs in an area around Lawrence East and Orton Park Road.<sup>32</sup> As discussed below, this is the area that Mr. Pascal was found in 2009 wearing a bullet proof vest

and carrying crack cocaine, three cell phones and \$200 cash. Six weeks later he was found in this area with \$700 cash after he handed off his drugs to two colleagues who fled as police approached. Drug trafficking is not confined to the known Galloway Boys territory, as evidenced by the drug trafficking activities of Mr. Pascal and his crew at public event facilities in Mississauga and Aurora. Drug trafficking is a lucrative business, as demonstrated by the almost \$5800 seized in the Aurora incident and Mr. Pascal's ability to afford Balenciaga shoes.<sup>33</sup> Most recently, Toronto police surveillance observed Mr. Pascal driving around for three months distributing drugs<sup>34</sup> to lower level dealers. "Bundles" of Canadian currency were found in a locked compartment in his vehicle.

[50] The Galloway Boys are involved in prostitution, including grooming and exploiting vulnerable minors. As discussed below, in 2010, Mr. Pascal was living off the avails of a vulnerable 22 year old woman with three young children. Prostitution proceeds do not remain with the sex worker, but instead are turned over to the gang. According to Toronto police in the sex crimes unit, prostitution "is as lucrative as guns and drugs and it often goes undetected."<sup>35</sup>

[51] The Galloway Boys are involved in the arms trafficking business and munitions trades. A brazen 2003 theft in Scarborough of approximately 35 guns from a gun collector, including military assault rifles, machine guns, semi-automatic pistols, a bullet-pressing machine and dozens of rounds of ammunition, made the Galloway Boys "probably the most powerful gang" in Toronto.<sup>36</sup> Mr. Pascal possessed a loaded firearm in 2010 when he uttered threats at Windies Bar. In 2015, Mr. Pascal and two Galloway Boys colleagues were observed passing around a loaded handgun trying to bring it into the Mississauga Moonlight Convention Centre. And in 2018, a loaded semi-automatic handgun was found in a hidden compartment in the vehicle Mr. Pascal was driving.

[52] Through Project Brazen and Project Quell in 2013, Toronto police have charged Galloway Boys members with homicide, drug trafficking, firearm offences, conspiracy and participation in a criminal organization. Toronto police have also charged Galloway Boys members with prostitution, auto theft, fraud, extortion and robberies. The criminal activities carried out by the Galloway Boys, such as possession of cocaine for the purpose of trafficking (s. 5(2) *Controlled*

*Drugs and Substances Act* (CDSA)), possession of a prohibited firearm with ammunition (s. 95(1) CCC) and living off the avails of prostitution (s. 212(1)(j) CCC), are all indictable offences, meeting the requirements of s. 37(1)(a) of the IRPA. These offences are liable to a term of imprisonment of up to 10 years and life, meeting the requirement of s. 467.1(1) of the CCC.

[53] According to a court-certified gang expert, the Galloway Boys have been highly organized and deeply involved in a number of criminal enterprises since the Tyshan Riley era. The Galloway Boys have done “whatever they needed to do to make money.” A profit motive is at the core of the criminal efforts of the Galloway Boys. Financial benefits from their crimes are split among those who participate in the activities associated with the crimes.<sup>37</sup>

[54] Activities such as trafficking drugs, require a considerable amount of planning and organization by a number of people, in order to obtain the product (i.e. importation, wholesale purchase), store the product, re-package the product for retail sales, organize sellers, distribute the product to sellers, seek buyers for the product, and sell the product to its end user. When I review the underlying credible evidence of Mr. Pascal’s interactions with police, as well as the activities of Tyshan Riley and other Galloway Boys members of his era, I find that they demonstrate criminal activities where at least three individuals work in concert in the furtherance of the commission of indictable offences. As demonstrated by the Mississauga Moonlight Convention Centre incident discussed below, Mr. Pascal and his two Galloway Boys colleagues worked in a collaborative manner to bring a loaded handgun into the public facility to use for protection while drug trafficking by other Galloway Boys members occurred. In the case of the Aurora Canada Day incident, Mr. Pascal was part of a group of at least four men involved in drug trafficking: the three men who possessed almost \$5800, collectively, and the man who left the vehicle with a gun and the unsold drugs. As such, I find that the Galloway Boys are engaged in activity that is part of a pattern of criminal activity that is planned and organized by a number of people acting in concert in furtherance of the commission of indictable offences.

*Galloway Boys Leadership and Symbols*

[55] Leadership in the Galloway Boys is based on “who gets the most attention, who’s calling the shots, who has the most brains in the group.” One longtime leader was Norris Allen. Other leaders of the Galloway Boys gangs in the early 2000’s included Omar Lloyd Demetrius and Gary Eunick of the Get Mad Crew, Roland Ellis, leader of the Mad Soldiers, and Tyshan Riley, a member of the Get Mad Crew, leader of the Bad Seeds and later leader of the Throw Backs.<sup>38</sup>

[56] Tyshan Riley, born in 1982, became known as a “senior functionary, if not the leader” of the Galloway Boys. As a boy, Mr. Riley learned from Norris Allen how to earn respect through intimidation and refusing to back down. As a teenager Mr. Riley learned how to sell drugs from older drug dealers while hanging out at The Pent, the recreation room of a neighbourhood apartment building. By the age of 17, Mr. Riley would boast of earning up to \$3000 a day. After the 2002 murder of Mr. Allen, Mr. Riley solidified his control of the Galloway area through drug trafficking, thefts from other drug dealers, robberies, flashing his gun and shooting people. Mr. Riley also created the Throw Backs gang, hand-picking his members from different neighbourhoods to create a powerhouse that focused on avenging Mr. Allen’s murder. He organized “ride squads” to look for Malvern gang members to shoot. This street justice instilled fear in the community and gained him notoriety and power.<sup>39</sup>

[57] Symbols of the Galloway Boys have been found by police when reviewing social media and in street investigations. Symbols include depictions of prominent addresses, street signs or intersections within their known territory,<sup>40</sup> and depictions of logos of Galloway Boys gangs,<sup>41</sup> While Galloway Boys members previously identified themselves with common Crip identifiers and behaviours, they stopped doing so in public in order to avoid police detection.<sup>42</sup> Today much of the Galloway Boys identifiers are found on social media, clothing, and items found during search warrant activity.<sup>43</sup> The Galloway Boys have also developed their own slang terminology that is different from what other street gangs use.<sup>44</sup>

[58] From this I find that the Galloway Boys sub-groups have leaders who have the respect of their peers and are capable of attracting and organizing like-minded friends within the Galloway



Boys organization and new recruits from the Galloway Boys territory. I find that the Galloway Boys have particular identifying symbols and slang, which assist them recognizing other members, and to ward off rival gangs. I find that Galloway Boys symbols are not a necessity to demonstrate membership or affiliation due to their ability to draw police attention. In addition, seeing as Galloway Boys symbolism today is mainly found on social media, which is a relatively new communication vehicle, I find that the younger generation of Galloway Boys members are more likely to demonstrate their affiliation through that forum than are older members.

*Existence of the Galloway Boys Since the Tyshan Riley Era*

[59] Mr. Pascal submits that the Galloway Boys no longer exist since the arrest of Tyshan Riley and his crew. I have little evidence about the Galloway Boys between 2005 and 2011. Some community activists believe that the Galloway Boys no longer exist because of the convictions of a number of group members since the early 2000s, culminating with the 2009 convictions of Mr. Riley and his co-accused. Some community activists believe that the subsequent criminal activity has been more individualistic than gang related. Others believe that the Galloway Boys exist but in smaller, less organized groups of young people.<sup>45</sup>

[60] I do not find that the Galloway Boys ceased to exist just because police arrested 17 people<sup>46</sup> believed to be linked to the group. After Mr. Riley and the others were taken off the streets, the extreme violence that occurred in the Galloway area abated, and in all likelihood so did media interest in the area and the group. With a lack of media interest, I find that there would be little to no public information about Galloway Boys members and activities between 2005 and 2011.

[61] I do not believe that Galloway Boys members simply stopped their membership in the group and went solo, or stopped committing crimes and obtained legal jobs. Street gangs like the Galloway Boys are magnets for marginalized youth who lack resources and possess few marketable job skills. Gangs provide their members with an escape from dysfunctional homes. Gangs give their members power, security, status, respect, recognition and safety. The gang is an environment where members have a shared cultural identity; it is a place where they matter and

are accepted.<sup>47</sup> Leaving this environment and continuing to commit crimes on their own is unlikely due to the social, cultural, psychological and financial persuasion of the group and its members. Gang involvement also provides the allure of money, as organized crime is seen to be easier and more lucrative than unskilled labour at minimum wage. Leaving the gang world and entering mainstream society with its rules, limitations and discrimination is not easily done and not likely an appealing option for the remaining Galloway Boys members.

[62] I find that the extreme violence caused by Mr. Riley and his gang, and the resulting police focus on the Galloway Boys, encouraged the remaining members to move much of their criminal activities out of the Galloway Boys territory and operate under the radar. This would account for some community activists in the Galloway area believing that the Galloway Boys no longer exist, or exist in a smaller, less organized manner, or that their crimes are more individualistic. I note that a police witness at Mr. Riley's 2008 pre-trial motions hearing testified that many of Mr. Riley's comrades were "still active in shootings, homicides and other violent clashes."<sup>48</sup>

[63] A diminished Galloway Boys presence in the Galloway area may have resulted from the police crackdown and multiple convictions in the 2000's. However it appears to have been a temporary reprieve. In 2011, the Toronto police publicly stated that they believe that a new generation of Galloway Boys members have been active in crimes such as drug trafficking and homicide, and that some are vying to fill the leadership vacuum. Older members who were released from jail are said to be mentoring younger members in crime and in seeking leadership roles.<sup>49</sup> Toronto police believe that a rash of homicides and shootings over an eleven month period, including the 2012 Danzig Street community BBQ shootings and the 2011 murder of D'Mitre Barnaby, involved Galloway Boys members who were jousting for control of the Galloway Boys.<sup>50</sup> A court-appointed gang expert does not view this spate of violence as part of a turf war, but rather "something much more disorganized and more reckless and much more dangerous."<sup>51</sup> I find that this disorganized and reckless violence is the public face of Galloway Boys members competing amongst themselves for leadership and control within the gang.

[64] Despite the convictions in the early 2000's, I find that the Galloway Boys continue to exist and continue to commit crimes related to drugs, firearms and prostitution. With the absence

of strong charismatic leadership such as Tyshan Riley, the gang is vulnerable to competition amongst its members vying for control. I find that the 2011 – 2012 spate of violence was part of an internal battle for control of the Galloway Boys.

*Court Findings Re: the Galloway Boys*

[65] In 2009 Tyshan Riley, Phillip Atkins and Jason Wisdom were convicted for murder, attempted murder and for the commission of an offence for a criminal organization, namely the Galloway Boys. Mr. Riley’s girlfriend, Dana Lee Williams, pleaded guilty to conspiracy to intimidate a witness for the benefit of a criminal organization.<sup>52</sup> While Mr. Wisdom was later granted a new trial and the Crown decided to stay the charges,<sup>53</sup> this does not negate the Court’s finding that the Galloway Boys is a criminal organization and two men remain convicted for having committed a murder for that criminal organization.

[66] In the decision on pre-trial motions, the Criminal Court stated that the 2004 attempt to rob a Pickering Money Mart, involving four members of the Galloway Boys, “is strong evidence that these individuals were more than just friends who committed crimes together. It is strong evidence in support of the criminal organization charge.” The Court also stated that evidence of drug trafficking by the accused and other Galloway Boys members “tends to establish the existence of the gang, its membership and the way in which the gang and its members benefitted from the gang’s criminal activities.” Other criminal courts have accepted that the Galloway Boys are a criminal street gang operating out of southeast Scarborough.<sup>54</sup>

*Conclusion – Organization and Organized Criminality*

[67] Based on the foregoing, I find reasonable grounds to believe that the Galloway Boys is a criminal organization as defined by the legislation and the case law. I also find reasonable grounds to believe that the Galloway Boys is engaged and has been engaged in activity that is part of a pattern of criminal activity planned and organized by a number of persons acting in concert in furtherance of the commission of an indictable offence under an Act of Parliament. As such I find that the Galloway Boys is an organization referred to in s. 37(1)(a) of the Act.

## Membership in the Galloway Boys

[68] In order to be found described under s. 37(1)(a) of the Act, there must be credible evidence upon which to reasonably conclude that Mr. Pascal is a member of the Galloway Boys, or that Mr. Pascal engaged in activity that is part of a pattern of organized criminality.

[69] While the legislators separated the two issues, the Federal Court clarified that “‘membership’ in a gang and engaging in gang-related activities are discrete, but overlapping grounds on which a person may be inadmissible for ‘organized criminality’.”<sup>55</sup>

[70] There was no definition for the terms “member” or “member of an organization” under the *Immigration Act*, just as there is no definition under the current Act. Under the *Immigration Act in Ahani*<sup>56</sup> the Federal Court stated:

While I recognize that the terms “member”, “organization” or “terrorism” are not defined in the Immigration Act, this Court must examine whether, in the circumstances of the case, there are reasonable grounds to believe that the Respondent has or will engage in terrorism or is or was a member of such an organization. ... I do not share the view that the word must be narrowly interpreted. I am rather of the view that it must receive a broad and unrestricted interpretation...

[71] In the *Singh*<sup>57</sup> decision the Court stated, “...I think it is obvious that parliament intended the term “member” to be given an unrestricted and broad interpretation.”

[72] In the matter of *Chiau*<sup>58</sup> the Federal Court of Appeal applied this reasoning to the term “member” of criminal organization and affirmed that the term is to be given a broad and unrestricted interpretation:

However, by equating being a “member” with “belonging to” a criminal organization, the Trial Division Judge correctly concluded that, in this context, the term should be broadly understood.

[73] The current line of decisions by the Federal Court holds that the term “member of an organization” ought to be interpreted broadly. As such, the following review of the evidence concerning Mr. Pascal’s activities and associations will be conducted with the Court’s interpretation in mind.

*Background to Membership in the Galloway Boys*

Testimony and Report of Officer Kris Petersen

[74] Officer Kris Petersen is a constable with the Toronto Police Service. He testified over the course of two days about his knowledge of the Galloway Boys and his belief that Mr. Pascal is a member of the Galloway Boys. I found Officer Petersen to be straightforward and forthright in his testimony. He did not embellish his knowledge, and he frequently and clearly indicated when he did not know the answer to a question posed. He did not provide contradictory information and maintained his positions under rigorous cross examination. I do not find he has any personal animus towards Mr. Pascal. I find Officer Petersen to be a credible and trustworthy witness and give his testimony significant weight.

[75] Officer Petersen has testified in court as both an investigating officer and as a gang expert.<sup>59</sup> His testimony before me is not as an expert witness. The credibility assessment of his testimony is not based on the fact that he holds the title of “police officer”; deference has not been given to him as a police officer. Being a police officer has afforded Officer Petersen the opportunity to learn specific information about street gangs and the Galloway Boys through his work experiences, as well as from the shared experiences of his colleagues.

[76] Officer Petersen has been employed by the Toronto Police Service since 2001 and has served in a number of capacities in various divisions. He testified that he spent four to five years responding to 911 calls in 55 Division, one year on a special project in Homicide, two years with the Toronto Anti-Violence Intervention Strategy (TAVIS) dealing with gang violence, and two years in 43 Division. In 2011 he was transferred to the Gangs and Guns unit where he worked for four years, returning to 43 Division in 2015.<sup>60</sup> I find that this work history demonstrates significant experience in the geographic area the Galloway Boys originate from and are known to frequent, as well as significant experience policing street gang issues.

[77] In 2013 Officer Petersen was tasked by the Guns and Gangs Unit to produce a report about Mr. Pascal. That report was the main focus of his testimony at this hearing. Officer

Petersen testified that he knew at the time of writing his report that its purpose was for an admissibility hearing which could result in a deportation order being issued. Despite believing that Mr. Pascal and the Galloway Boys are dangerous and that it is good to deport dangerous people, Officer Petersen testified that “that opinion does not influence me in a direction in which I write a report.” He testified that he has been requested to do other similar reports, and that after reviewing the police data he has sometimes “rejected the finding of being a member.” He testified “I look at it trying to be as unbiased as I can based on the police reports.”<sup>61</sup> I find Officer Petersen to have carried out his duty of writing the report in an unbiased, neutral and professional manner, without any animus toward Mr. Pascal.

[78] Officer Petersen testified that 43 Division is located in an area known to be Galloway Boys territory. He testified that the report’s information about the structure and activities of the Galloway Boys comes from his own work experience in 43 Division, the experiences of other police officers working in 43 Division, police records, and information from wire taps on the group. Police information used to create Officer Petersen’s report includes field information reports, community inquiry reports, the Criminal Information Processing System, and the eCOPS police report system,<sup>62</sup> all of which I will simply refer to as police reports. I find that Officer Petersen has a solid foundation for creating a report that outlines his beliefs about Mr. Pascal’s involvement in the Galloway Boys.

[79] While there may be difficulties faced by police when defining and identifying street gangs, I do not find that these concerns diminish the value of Officer Petersen’s testimony or report. Officer Petersen differentiated neutral associations and gang-related associations, explained the meanings of report headings such as “reliable source information,” and explained the purpose of nicknames in gang culture. While a standard gang definition may increase society’s understanding of gangs, the lack of a standard definition has not prevented police and the courts from addressing gang-related crime. In addition, there are “many similarities between the characteristics of urban gangs” described by police and academic researchers.<sup>63</sup>

[80] I do not accept Mr. Pascal’s submissions that I reject the evidence of Officer Petersen because some evidence presented in *Odulate*<sup>64</sup> mirrors some evidence adduced in this hearing. I

do not have the evidence from *Odulate* before me. I am aware that a similar type of report was adduced in *Odulate*. However, that report was about a different street gang and written by a different police officer. I found that Officer Petersen testified in a straightforward, neutral and professional manner.

[81] I do not agree that credible conclusions about Mr. Pascal's criminal activities require personal involvement in Mr. Pascal's criminal matters. This viewpoint negates the credibility of a wide range of academic research methods. While Officer Petersen has not had any personal interactions with Mr. Pascal in the course of his policing duties, I do not find that this undermines the relevance, credibility or trustworthiness of Officer Petersen's testimony and report.<sup>65</sup> Rather, I find that this lack of personal interaction with Mr. Pascal increases Officer Petersen's objectivity and neutrality in his research and conclusions.

[82] The issues raised by Mr. Pascal regarding the findings in some criminal cases were answered in a reasonable manner. Despite some criminal courts not accepting Officer Petersen's assessment of an incident or interaction with a suspect, no court has suggested that he perjured himself. As well, there is no evidence that Officer Petersen was ever disciplined by his employer regarding any court findings. I do not find that a few negative court findings, in the context of seventeen years of policing and testifying in court, negatively impacts the credibility and trustworthiness of Officer Petersen's report and his testimony at this hearing. Moreover, those criminal court cases are not related to Officer Petersen's testimony or report which is about Mr. Pascal.

[83] I find that Officer Petersen's report is an internally researched document laying out Officer Petersen's beliefs based on access to police resources and his professional knowledge about street gangs and the Galloway Boys. The report describes incidents in a neutral fashion under headings that indicate criminal gang indicia. I find the report to be credible and trustworthy. My findings regarding the Galloway Boys and Mr. Pascal are not based primarily on Officer Petersen's beliefs or report. These form a small portion of the credible evidence before me. My findings are based on an independent review of all of the credible and trustworthy evidence.

[84] I find the police reports and associated documents to be credible and trustworthy for the purpose of understanding what occurred at particular places and times. The criminal charges themselves do not form the basis for my findings. Rather, the underlying details (i.e. statements, observances, items seized) that I find credible or trustworthy have been considered, along with other credible evidence, on which I base my findings.<sup>66</sup>

#### Identifying Gang Membership

[85] I find that the credible evidence adequately answers Mr. Pascal's concerns about police methodology when identifying gang membership. The Toronto Police Service uses specific procedures and protocols to assist them in information-gathering and identifying members of street gangs. They use a number of criteria found in their intelligence databases to assess whether an individual is a member or affiliate of a gang, or is at risk of becoming involved in a gang. Criteria include being involved in a gang related crime, admitting to gang membership or association, physical evidence, reliable source information, information received from directly associating with known gang members, gang symbols or identifiers, and court findings. However, there is no exhaustive list of criteria.<sup>67</sup>

[86] Officer Petersen testified that the concept of a "gang related crime" does not have a simple definition. It is context driven, requiring police to look closely at actual activities, crime similarities, geographic information, associations, gang paraphernalia found, etc. Officer Petersen testified that the term "association" refers to people who are frequently found to be in the company of known gang members. However, there is no indication that the individual is participating in criminal activity or receiving benefits from the gang. My use of the terms "associate" and "association" does not specifically refer to gang members unless stated. My use of these terms carries their plain language meanings. Officer Petersen testified that "physical evidence" refers to actual things, such as a sweatshirt with gang symbols. "Reliable source information" refers to confidential human sources. "Court findings" refers to testimony by gang members in court where they have testified to their gang membership. Officer Petersen testified that matching one criteria one time is not enough, as "anybody could be found in that situation. It



could just be a matter of circumstances.” Rather, the totality of the evidence is taken into consideration, as is the quality of it. There is a minimum requirement of meeting two criteria in order to be listed on the police intelligence databases that track Toronto gangs.<sup>68</sup>

[87] The Toronto police criteria have lead them to conclude that Mr. Pascal is a member of the Galloway Boys. I find the criteria to be trustworthy and Officer Petersen’s explanations to be helpful. However, I will make an independent determination as to whether the credible evidence underlying Mr. Pascal’s interactions with police, and about his personal associations, meet the broad and unrestricted interpretation of membership set out by the Federal Court.

[88] Mr. Pascal grew up living at 4010 Lawrence Avenue East. This address is located within the Galloway Boys territory, and is known to police as a building that members of the Galloway Boys frequent.<sup>69</sup> In 2003, at the age of 15, Mr. Pascal moved with his family to 410 McCowan, an area not far west of the Galloway Boys territory. Many of the police interactions Mr. Pascal has had in Scarborough occurred in the Galloway Boys territory or just west of that area. Almost all of Mr. Pascal’s police interactions involve people he grew up with at the 4010 Lawrence East apartment building, school and the Boys and Girls Club. From this I find that Mr. Pascal continued to frequent the area he grew up in, and that he has strong bonds with people he grew up with from an area known as Galloway Boys territory.

*Police Interaction and Indicia of Membership*

[89] In my assessment of the evidence of Mr. Pascal’s interactions with police, I have not focused on the criminal charges laid or the courts’ dispositions. The police and the courts have their own particular criteria, evidentiary rules and legal standard when coming to their conclusions. They are different from how the Immigration Division assesses evidence under s. 37(1)(a) of the Act.

[90] The evidence before me consists greatly of police reports and synopses. The evidence provides information about 28 separate interactions with police in Ontario between 2004 and 2018. From my review of the credible evidence surrounding these interactions, I find 15

incidents that cumulatively establish Mr. Pascal's membership in the Galloway Boys.<sup>70</sup> The following is a review of six of those incidents spanning the time period.

2018 Arrest – Drugs & Firearms

[91] After a police investigation that began in November 2017, Toronto police arrested Mr. Pascal on January 18, 2018. Mr. Pascal was 30 years old. On January 23, 2018, Toronto police arrested Imran Maragh. Both Mr. Pascal and Mr. Maragh were charged with numerous drug and firearm offences.<sup>71</sup> From Mr. Pascal's counsel's letter dated April 1, 2019, I am aware that the drug and firearm charges "have been resolved". I have no information on the disposition of these charges. As stated earlier, charges and dispositions are not the focus of my analysis. My assessment addresses underlying evidence that I find to be credible or trustworthy.

[92] Over the course of the three month investigation, police observed Mr. Pascal and Maragh using two vehicles, a 2016 BMW X6 and a 2016 Honda Civic, during what police believed to be drug transactions. Police identified both men as high level drug traffickers. The two men were sometimes observed swapping vehicles throughout the day. Upon arrest, Mr. Pascal had the Honda's keys and Mr. Maragh had the keys to the BMW. Police impounded and searched both vehicles, and found that both vehicles were equipped with locked hidden compartments that contained large amounts of drugs, firearms, and bundles of money. The Honda's hidden compartment was found to have a Taurus 9mm semi-automatic handgun loaded with 15 rounds of ammunition, 94 grams of crack cocaine, 123 grams of powder cocaine and several bundles of Canadian currency. The BMW's hidden compartment was found to have two semi-automatic handguns (a Glock 33 .357 calibre and a Smith & Wesson), 54 grams of crack cocaine, 1340 grams of powder cocaine and several bundles of Canadian currency. Upon arrest Mr. Maragh was found to be in possession of a loaded semi-automatic handgun tucked into his waistband.<sup>72</sup>

[93] According to Officer Petersen, the wholesale value of 1340 grams of cocaine found in the BMW could be between \$30,000 and \$50,000. Based on that estimate, the wholesale value of the 123 grams of cocaine found in the Honda could be approximately \$3,000 to \$5,000. According to

the police, neither Mr. Pascal nor Mr. Maragh have gun permits, the firearms are not registered in Canada, and the firearms were obtained from the commission of an offence.<sup>73</sup>

[94] Mr. Pascal was observed interacting on a daily basis with Mr. Maragh, who was found in possession of a loaded firearm. A loaded firearm was found in the Honda Mr. Pascal was driving and two firearms were found in the BMW Mr. Maragh was driving. I find that guns and drugs found together are strong indicia of involvement in a criminal organization.

[95] Mr. Pascal was driving two vehicles for three months that have hidden compartments filled with guns, drugs and bundles of money. I find that locked hidden compartments with these items are strong indicia of a highly organized criminal group involved in drug trafficking. It is costly to build and install hidden compartments in these vehicles. It is costly to purchase the firearms and quantities of drugs found in those compartments. I find that it requires various people to source and acquire the drugs, guns and hidden compartments. Therefore, I find that it took a planned and organized effort involving a large network of well-resourced people to equip the Honda and BMW with hidden compartments, and source and purchase the quantity and variety of drugs they contained. I have no evidence that Mr. Pascal has the income, derived legally or otherwise, that would allow him to afford these things. I find that the owners of these vehicles, and their cargo, are well-ensconced members in a highly organized criminal group that is heavily involved in drug trafficking.

[96] I have no evidence that Mr. Pascal owns either vehicle. If Mr. Pascal does not own one of these vehicles, I find that the vehicles' owners place a high level of trust in Mr. Pascal to permit him to drive around with such valuable illicit cargo. As such, I find that Mr. Pascal is very closely associated to the people who own the vehicles and their cargo, and that Mr. Pascal is a high level member in the same criminal organization as the vehicle owners.

[97] Both Mr. Pascal and Mr. Maragh were observed numerous times over the three month investigation interacting with people in a manner believed by police to be drug trafficking. Considering the vehicles were equipped with hidden compartments containing substantial amounts of drugs, guns and bundles of money, I find that Mr. Maragh and Mr. Pascal are high

level drug traffickers and members of an organized criminal entity heavily involved in drug trafficking. I also find that the drug transactions Mr. Pascal and Mr. Maragh were observed conducting were drug sales (or distribution) to lower level drug dealers from the Galloway Boys. This accounts for the hidden compartments filled with large quantities of drugs, bundles of money, and firearms for protection.

[98] Upon arrest Mr. Pascal was found to be in possession of several keys and fobs. After an investigation of those keys and locations Mr. Pascal was known to frequent, police searched an apartment at 28 Avondale in Toronto. In the apartment police found a safe that contained a loaded Sig Saur handgun, a loaded Ruger .380 with a short barrel, ammunition, and 800 grams of cocaine, 700 grams of crystal meth and 100 OxyCotin pills (80 strength).

[99] I find that being in possession of keys and fobs that led to the discovery of a locked safe, containing two loaded firearms and a substantial amount of drugs, in an apartment Mr. Pascal is known to frequent, is indicative of Mr. Pascal being deeply involved with a large criminal organization. There is no evidence suggesting that Mr. Pascal has ever been in a financial position to purchase the firearms and drugs that were found in the safe. Based on Officer Petersen's calculation,<sup>74</sup> I find that the wholesale value of the 800 grams of cocaine found in the safe would be approximately \$17,000 to \$29,000. There is no evidence that Mr. Pascal can afford to pay rent on the locations he had keys and fobs to, and was known to frequent. I find that these locations are safe houses 'owned' by a criminal organization, and that the organization supplied the locked safe and its illicit contents. As a holder of keys to this location, I find that Mr. Pascal is a highly trusted member of that criminal organization. Officer Petersen testified that this occurrence is gang related and that, just like Mr. Pascal, Mr. Maragh is listed as a member of the Galloway Boys in the Toronto police intelligence database.<sup>75</sup>

[100] I find the police information about this investigation, specifically about the activities of Mr. Pascal and Mr. Maragh, the locked hidden compartments in the vehicles, a locked safe in an apartment, and the discovery of drugs, firearms, ammunition and money, to be credible and trustworthy. The information is derived from three months of police observation, the search of

vehicles directly linked to Mr. Pascal, and the contents found at an address Mr. Pascal is known to frequent with the assistance of keys he possessed.

[101] From all of the credible evidence, I find that this incident presents the latest stage in Mr. Pascal's career progression from a Galloway Boys foot soldier selling drugs on the street,<sup>76</sup> to trafficking at large parties held in public event facilities,<sup>77</sup> to distributing drugs to lower level dealers from a car's hidden compartment.

2016 - Shooting at Aurora Canada Day Party &  
2015 - Mississauga Moonlight – Loaded Firearm

[102] On July 1, 2016 at 10:00 pm, York Region police attended a party at the Mansion Events Centre in Aurora due to a report of gunfire which resulted in four gunshot victims. Witnesses observed the shooter drive off in a white Porsche and provided the license plate to police. Police tracked the vehicle by helicopter. Mr. Pascal was found in the vehicle and arrested along with four other men. Shell casings were found in the vehicle. All five men were charged with aggravated assault. Mr. Pascal and Raymond Anthony Powell were also charged with breach of recognizance. Mr. Pascal and the four others received a stay on the aggravated assault charges. The breach of recognizance charge was withdrawn.<sup>78</sup> Mr. Pascal was 28 years old at the time of the incident. I do not accept that Mr. Pascal was arrested because he is a Black man, as there were many Black men in the same age range at the Aurora event who were not accused of any crime.<sup>79</sup>

[103] Mr. Pascal testified that he went to the Aurora party with his uncle and they drank beer together. When his uncle went to the bathroom, Mr. Pascal heard gunshots. He looked for his uncle, and then went outside where he heard more gunshots. He saw his friend Jason Maragh in a white Porsche and got in. The "car was packed" and he did not see Mr. Powell in the vehicle. Mr. Pascal also testified that he had not seen Mr. Powell earlier inside the event facility. The white Porsche drove off down the highway and was pulled over in Richmond Hill.<sup>80</sup>

[104] I do not accept that Mr. Pascal did not see his friends at the party before he entered the white Porsche. The party occurred at an event facility in Aurora, a city north of Toronto. Mr. Pascal was living in Thornhill with his surety at the time. Mr. Maragh lived in Markham, Mr. Beharry lived in Oshawa, and Mr. Degoiias and Mr. Powell lived separately in Toronto.<sup>81</sup> I do not accept that these men coincidentally attended the same party outside of Toronto. I find that these men made prior arrangements to attend the Aurora party, and that Mr. Pascal went to the party with the specific expectation of meeting his friends Mr. Maragh, Mr. Powell and Mr. Beharry.

[105] Mr. Pascal testified that he had been at the party for approximately an hour before the shooting. If that is true, and I do not necessarily believe it is, I find that Mr. Pascal found his friends during that time using their cell phones. I find that Mr. Pascal left his uncle, spent his time at the party involved in endeavours with his friends, and then left with his friends who knew where the white Porsche was located.

[106] This was not the first time Mr. Pascal ditched his surety and breached his recognizance. On one such occasion, Mr. Pascal breached the recognizance he entered into only two months earlier, which required him to live with his surety and to abstain from direct or indirect communication with Gavin Anthony.<sup>82</sup> Instead, Mr. Pascal left his surety at a party, travelled in a vehicle with Mr. Anthony, and then fled Toronto, despite knowing there was a warrant for his arrest. When questioned about his reason for communicating with Mr. Anthony, Mr. Pascal repeatedly responded that he just wanted a ride home.<sup>83</sup> Mr. Pascal has a history of breaching conditions imposed on him. Mr. Pascal's behaviour demonstrates an attitude of being above the law, of not being required to follow conditions he agreed to. This unwillingness to follow court imposed conditions diminishes Mr. Pascal's trustworthiness. This flagrant attitude does not give me any confidence that the act of affirming to testify truthfully at this admissibility hearing has any real meaning to Mr. Pascal.

[107] While shell casings were found in the white Porsche, there is no evidence that a firearm was found in the vehicle or in the possession of any of the five men arrested. That does not mean that a firearm and the shooter were not in the vehicle prior to it being pulled over in Richmond

Hill. Mr. Pascal's testimony, along with the statements Mr. Degoiias and Mr. Powell gave to police, strongly indicate that a sixth man was in the white Porsche when it left the Aurora party.

[108] Mr. Powell's statement to police includes the phrases, "only three people can fit in the back seat"... "where could a fourth guy fit..." Mr. Degoiias told police "he doesn't know about the guy who got out of the car." Mr. Pascal testified that when he got into the white Porsche, "the car was packed, like (inaudible) sit on lap, have to sit on somebody's lap."<sup>84</sup>

[109] From this, as well as the fact that the white Porsche is a Porsche Cayenne,<sup>85</sup> I find that a sixth person was in the vehicle when it left the Aurora party, requiring Mr. Pascal to sit on someone's lap. I also find that this sixth person was dropped off prior to the white Porsche being tracked and/or intercepted by police.

[110] Amid the chaos of a shooting these men were able to find the vehicle quickly and leave before police arrived. I find that the vehicle was located close to the building where the shooting occurred, making it easy to find and quick to get away from the building. Due to shell casings found in the vehicle, I find that the sixth man, who left the white Porsche, was carrying a gun that had been fired from inside that vehicle.

[111] While none of the five men were charged with drug possession or trafficking, I find that Mr. Pascal and his friends were selling drugs at the Aurora party. I find evidence of this in the extraordinarily large amount of cash found in the possession of three of these men when they were arrested. One individual was carrying \$3,700, consisting of 121 bills, mainly \$50's and \$20's. Another person was carrying \$1,465, consisting of 73 \$20 bills and one \$5 bill. The third person had \$623 in his possession. When asked about the money found in his possession, Mr. Maragh told police that it was his girlfriend's money.<sup>86</sup> I do not find that statement credible, as I do not find it likely for someone to carry even as little as \$623 in cash, let alone \$1,465 or \$3,700, to a party in a public event facility. I find that this money was derived from drug sales at the Aurora event facility. I also find that the sixth man left the white Porsche with the remaining unsold drugs, ensuring that Mr. Pascal and his friends would not be charged or convicted of possession or trafficking.

[112] The Aurora incident is similar to an incident Mr. Pascal was involved in at a Mississauga event facility seven months earlier. At 3:30 am on November 29, 2015, police were called to the Mississauga Moonlight Convention Centre due to a report of a group of males with a handgun. Event security told police that they observed three men passing a firearm between them in an effort to avoid detection before entering the facility. Security pointed out Mr. Pascal, Mr. Powell (who was also at the Aurora shooting), and a third male. Police observed the third male throw an item under a parked car and then flee when police approached. The recovered item was a loaded handgun.<sup>87</sup>

[113] Members of street gangs carry loaded firearms and are willing to use deadly violence with total disregard for public safety. Members of street gangs have no tolerance for the presence of a rival gang.<sup>88</sup> I find that the male who threw the loaded handgun under the vehicle is a Galloway Boys colleague of Mr. Pascal. Like the Aurora incident, I find indicia of drug trafficking by the Galloway Boys at the Mississauga incident. I find that Mr. Pascal, Mr. Powell and the third male were trying to enter the Mississauga Moonlight facility with a gun in order to provide protection while drugs were being sold at the party by Galloway Boys members and bundles of cash were being carried, such as the \$5,788 found in the possession of Mr. Pascal and his colleagues in the Aurora incident.

[114] I find that the Aurora and Mississauga incidents demonstrate a pattern of criminal activity that is planned and organized by a number of people working in concert. This criminal activity is in furtherance of the commission of firearm and drug trafficking offences which are punishable by indictment under the CCC and the CDSA and are liable to imprisonment for up to ten years.<sup>89</sup> Mr. Pascal and his Galloway Boys colleagues work as a team selling drugs at large public event facilities. Each gang member has a role to play, such as getting the guns into the facility and providing protection, getting the drugs into the facility, selling the drugs and carrying the proceeds, providing the transportation (i.e. the white Porsche), and looking out for security, police and rival gang members. I find that more than three Galloway Boys members were involved in each of these incidents. However, the details of how the criminal endeavour is carried



out, and how many gang members are involved, is limited by which part of the team is arrested by police.

[115] At the Mississauga Moonlight facility, I find that Mr. Pascal, Mr. Powell and the third male were a team tasked with getting a gun into the facility. At the Aurora facility, I find that Mr. Pascal, Mr. Powell, Mr. Beharry and Mr. Maragh were tasked with selling the drugs and/or carrying the proceeds.

[116] Mr. Pascal testified that he knows Mr. Maragh from 4010 Lawrence East, where they both lived as children. Mr. Pascal knows Mr. Powell and Mr. Beharry from playing basketball at the Boys and Girls Club in his youth. Involvement in the Galloway Boys stems from childhood friendships, from school relations and from interactions at local community centres.<sup>90</sup> These childhood and youth connections, along with the credible evidence that Mr. Pascal, Mr. Powell and a third male were trying to get a gun into the Mississauga event facility, as well as the fact that three men possessed large amounts of cash at the Aurora party, that witnesses identified that specific white Porsche as the shooter's vehicle and gun casings were found in the white Porsche, all lead me to find that Mr. Pascal and his friends are members of a highly organized group working together trafficking large quantities of drugs at parties held at public events facilities, and that this highly organized group is the Galloway Boys. From the credible evidence I find that both the Aurora Canada Day shooting and the Mississauga Moonlight Convention incident were drug trafficking operations of the Galloway Boys.

#### 2009 – Wearing a Bullet Proof Vest

[117] On March 12, 2009, at the age of 21, Mr. Pascal was driving a vehicle that was stopped by police on Lawrence Ave. East near Orton Park Road, in the grey zone of the Galloway Boys territory. According to police, Mr. Pascal got out of his car, verbally confronted police and refused to accept their direction to stand on the sidewalk instead of the street. This caused a police officer to place his hand on Mr. Pascal's chest and feel a bullet proof vest under Mr. Pascal's clothes.

[118] According to police, Mr. Pascal resisted arrest, pushed an officer and fled the scene by foot, resulting in Mr. Pascal being taken to the ground by police. A quantity of crack cocaine was found in his possession, in addition to three cell phones and more than \$200 in cash. Mr. Pascal denies the drugs were his. I do not accept Mr. Pascal's denial that the crack cocaine police observed him removing from his pants was his. I find Mr. Pascal has a propensity to lie and mislead when he believes it is in his best interests.

[119] Sometimes Mr. Pascal gets caught up in his lies. Such was the case when he testified on March 22, 2018 that the car he was driving (at the time of the bullet proof vest incident) belonged to his sister-in-law. However on March 8, 2018, Mr. Pascal testified that this car belonged to his girlfriend, Ms. Ramphal. I have no evidence that Ms. Ramphal is or was Mr. Pascal's sister-in-law. I have evidence that Ms. Shannon Walsh is his sister-in-law.<sup>91</sup>

[120] Mr. Pascal provided multiple reasons for wearing a bullet proof vest. I do not find his reasons to be credible or sufficiently justify wearing a bullet proof vest during the course of legal activities. Mr. Pascal testified that he bought the bullet proof vest a year prior, in a store on Yonge Street for \$200 - \$300. I find that to be unlikely. Bullet proof vests are not easily acquired, as "you cannot just go to a local store and buy a bullet proof vest legally." Bullet proof vests purchased 'on the street' are generally stolen from police, security, or court officers.<sup>92</sup>

[121] Mr. Pascal testified that he bought the bullet proof vest because he had been shot three years prior. I am aware that Mr. Pascal was shot six years later in 2015. However, I have no credible evidence to substantiate Mr. Pascal's assertion that he was shot at a bus stop in 2006.<sup>93</sup>

[122] Mr. Pascal's testimony that the police attended the 2006 bus stop shooting and took a statement, is highly suspect. I find that Officer Petersen would have included such an incident in his report if it actually occurred because it involved a firearm in a public place. I do not accept that the Community Inquiry Report establishes that Mr. Pascal was shot at a bus stop in 2006.<sup>94</sup> The report provides no details regarding the date, location or circumstances that lead to the bullet wound.

[123] Mr. Pascal also testified that he bought the bullet proof vest to wear as a fashion statement, like the rapper Fifty Cent. I do not find this reason to be credible. Mr. Pascal was found wearing the vest under his clothing, as opposed to the fashion trend of wearing a bullet proof vest on top of clothes<sup>95</sup> or visible on a bare chest like Fifty Cent. Despite seeing it as cool, a fashion statement and an element of hip hop culture, Mr. Pascal does not believe it was appropriate to wear his bullet proof vest above his clothing. According to Mr. Pascal, “obviously you can’t wear it out like that” and “you don’t wear it in the mall out like that.”<sup>96</sup>

[124] I do not accept that Mr. Pascal was wearing the bullet proof vest while conducting legal everyday activities (such as dropping his girlfriend at the supermarket) because he was fearful, having previously been stabbed. Mr. Pascal was stabbed in London three years earlier, not in Scarborough where he was found wearing the vest. I do not accept that he was wearing the bullet proof vest while conducting legal activities because “anything could happen at any given time” and “Scarborough’s a bad area.”<sup>97</sup>

[125] Just six weeks after the bullet proof vest incident, Mr. Pascal was found on foot hanging around an outdoor basketball court in the same area. In that incident, upon seeing police approach, Mr. Pascal handed something to two males who fled, and Mr. Pascal was found to be in possession of \$700 in \$10’s, \$20’s, and \$50’s.<sup>98</sup> Mr. Pascal testified that his mother was contacted to verify that the money was for her rent. I do not believe that Mr. Pascal’s mother was truthful with the police officers who called her. I am very skeptical about the veracity of her claim that the \$700 was for rent due to her willingness to take the blame for Mr. Pascal, which she demonstrated during her testimony about who told Mr. Pascal’s criminal counsel that she was a single mother.<sup>99</sup> As such, I find that Ms. Brooks told police the \$700 was her rent money in order to prevent her son from being charged with a crime. From my review of the basketball court incident, I find that the \$700 was the proceeds of drug trafficking and Mr. Pascal handed off his drugs to his drug dealer colleagues who fled as police approached.

[126] I find that bullet proof vests are worn by drug traffickers and members of criminal street gangs including the Galloway Boys.<sup>100</sup> I find that around the time of his arrest Mr. Pascal was selling crack cocaine in the area. A quantity of crack was found in his possession and there is no

credible evidence that Mr. Pascal was a crack user. There were three cell phones in the car and over \$200 in cash in his possession. I do not accept Mr. Pascal's response that two of the cell phones did not work and just happened to be in the car. I find that together these items (crack cocaine, three cell phones and over \$200 cash<sup>101</sup>) along with wearing a bullet proof vest, are strong indicia that Mr. Pascal was a street dealer selling crack cocaine in the area around the time of this occurrence.

[127] Orton Park and Lawrence East is on the boundary of the grey zone which is an area that the Galloway Boys and the Orton Park Bloods dispute.<sup>102</sup> Encountering rival gang members while selling drugs in a disputed area heightens the risk of being shot. Therefore it was prudent for Mr. Pascal to be wearing a bullet proof vest to ensure his safety. There is no evidence that Mr. Pascal is or was a member of the Orton Park Bloods. The credible evidence points to Mr. Pascal's involvement in the Galloway Boys. Previous to this incident, Mr. Pascal's criminal and anti-social behaviour was usually committed in the company of young men who identified themselves as Galloway Boys or were known to police as involved with the Galloway Boys. Four years after Mr. Pascal's initiation crimes of robbery, he had become a foot soldier in the Galloway Boys drug trafficking business. From the credible evidence surrounding this incident, I find strong indicia that in March 2009 Mr. Pascal was a member of the Galloway Boys.

[128] As stated earlier, I am unable to accept much of Mr. Pascal's testimony about this bullet proof vest incident because I find that Mr. Pascal has a propensity to lie and mislead when he believes it is in his best interests. Such was the case in 2014, when Mr. Pascal told his criminal counsel lies and allowed his criminal counsel to mislead a sentencing court, stating that Mr. Pascal was raised by a single mother, when in fact his mother was married and living with his step-father since 1995. The sentencing court was also misled to believe that Mr. Pascal's criminal behaviour was due to a lack of supervision and guidance in his youth, because Mr. Pascal moved out at the age of 14, when he actually lived in his mother's home until he was 22 years old. This was done in order to gain sympathy from the court in Mr. Pascal's successful effort to obtain a decreased jail sentence that would prevent negative immigration consequences.<sup>103</sup>

2006 - Stabbing in London

[129] On September 24, 2006, at the age of 18, Mr. Pascal was stabbed in the abdomen in London, Ontario. Mr. Pascal testified that he was visiting London to attend a party. He was staying at the home of his friend Marchell Davis. He went to London with his friend Jason Maragh, who was also present at the Aurora shooting in 2016.

[130] Mr. Pascal testified that a verbal argument took place on the street with a stranger who then stabbed him:

“After the party – after the party, everyone decided to go to the store. And I bumped into some guy by accident. I think I was on my phone or something, texting, bumped into the guy and the guy said, what am I doing? And we got like a verbal argument. (Inaudible) pulled out a knife, stabbed me and ran away. I ran – I wasn’t too far from the house. I ran and I ran back inside and told them I just got stabbed. That’s when Jason called – contacted the police, the ambulance, and they came, brought me to the hospital.”<sup>104</sup>

[131] Mr. Pascal’s testimony is different from what he told police in London.<sup>105</sup>

[132] Mr. Pascal told London police that the stabbing occurred when he was “walking up the walkway to the residence” of Mr. Davis’ home. However, he testified that he was at a store when he was stabbed.

[133] Mr. Pascal told London police that a man was standing near the home’s walkway, the man stared at him and Mr. Pascal yelled “what is your problem?” This is very different from Mr. Pascal’s testimony that he was texting and bumped into the man at the store, and the man said to Mr. Pascal “what are you doing?”

[134] Mr. Pascal told London police that the man, without saying anything, ran up to Mr. Pascal and stabbed him with a screwdriver. However, Mr. Pascal testified that they had a verbal argument and the man pulled out a knife and stabbed him. Neither running up to Mr. Pascal, nor being stabbed with a screwdriver was mentioned in his testimony.

[135] There was no explanation for the inconsistencies between Mr. Pascal's two stories. I find that the two versions of this event are much too divergent to accept that the inconsistencies are caused by the passage of time.

[136] Mr. Pascal's stories also do not mesh with the information Mr. Maragh and Mr. Davis told London police.

[137] Mr. Pascal testified that when he entered the home after being stabbed, he "told *them* I just got stabbed. That's when *Jason* called – contacted the police..."<sup>106</sup> [emphasis added]. This indicates there were a number of people in the house at that moment, including Jason Maragh. However, Mr. Maragh told London police that he arrived after the stabbing, and that the home was empty except for Mr. Pascal.<sup>107</sup> In addition, Mr. Maragh did not call the police because he saw police arriving soon after he reached at the house.<sup>108</sup>

[138] Mr. Pascal testified that he was at a party prior to being stabbed. Mr. Davis did not tell police that Mr. Pascal was attending a party. Rather, Mr. Davis stated that when he left home at 7:30 pm, Mr. Pascal was on the couch watching DVD's. If Mr. Davis was told at 9:30 pm that Mr. Pascal had been stabbed, there would not be a reasonable amount of time for Mr. Pascal to go to a party, return from the party and be stabbed.<sup>109</sup>

[139] The statements Mr. Davis and Mr. Maragh gave to London police also contradict each other. Mr. Davis told the police officer that Mr. Maragh called him at 9:30 pm, notifying Mr. Davis that Mr. Pascal had been stabbed, and that he returned home at "about quarter to ten." However, Mr. Maragh told London police that he, himself, did not arrive at Mr. Davis' home until just before 10:00 pm, and Mr. Davis was not at the house.<sup>110</sup> It does not make sense that Mr. Maragh called Mr. Davis to inform him about the stabbing before Mr. Maragh even arrived to discover Mr. Pascal.

[140] Despite the fact that Mr. Pascal's wound was one inch in length and appeared to be from a knife, Mr. Pascal was adamant with police that he was stabbed with a screwdriver. Police found no blood outside of the home. No crime scene could be found. Police viewed Mr. Pascal, Mr.

Maragh and Mr. Davis as all being uncooperative in the course of the investigation.<sup>111</sup> I find the police report to be credible and trustworthy, as I have no credible evidence to view it otherwise. There is no evidence that London police viewed these three men any differently from other people in the city.

[141] From the many inconsistencies, I do not find Mr. Pascal's testimony about the London stabbing to be credible or trustworthy. I find that Mr. Pascal and his friends were untruthful with London police, because truthful statements would have uncovered evidence of Mr. Pascal's and his friends' involvement in criminal activity at the time of the stabbing.

[142] It is also noteworthy that Mr. Maragh did not know Mr. Pascal's last name, despite having grown up with him at 4010 Lawrence Ave. East, and travelling to London together. Mr. Maragh also did not know Mr. Davis' real name, just the nickname "Shanni". Mr. Davis did not know the real name of either Mr. Maragh or Mr. Pascal (who was staying in his home). Mr. Davis only knew their nicknames. When police asked why, Mr. Davis "advised it was so none of them could 'snitch' on one another."<sup>112</sup> The use of nicknames is a common practice among members of criminal street gangs, including the Galloway Boys.<sup>113</sup>

[143] I find that Mr. Pascal was not stabbed out of the blue by a stranger. When I consider the lack of truthfulness and lack of willingness to assist police, the use of nicknames and lack of knowledge of real names, as well as the violent incident itself, I find that Mr. Pascal and Mr. Maragh were in London for a criminal purpose with Mr. Davis, and that Mr. Pascal's stabbing was directly related to this criminal purpose. I note that in 2015, Mr. Pascal had another interaction with London police. At that time he was found in a private home during a police drug raid. Police found a variety of drugs including 12 grams of cocaine (valued at \$1200) and a digital scale with cocaine residue sitting on the coffee table, both of which were found near Mr. Pascal.

[144] While London is not close to Scarborough, it is a place where members and associates of the Galloway Boys have been found.<sup>114</sup> From all of this, I find that Mr. Pascal's stabbing, and

the credible underlying evidence, demonstrates strong indicia of Mr. Pascal's membership in the Galloway Boys.

2010 - Charges - Living Off the Avails

[145] Mr. Pascal's relationship with Kadi-Ann Dixon from January to May 2010 was the subject of a number of criminal charges. Mr. Pascal was 22 years of age.

[146] Based on Ms. Dixon's statements, police alleged that Mr. Pascal assaulted Ms. Dixon as well as forced her into prostitution, and that he was living off the avails.<sup>115</sup> Living off the avails of prostitution is an indicator of gang involvement. The Galloway Boys are known to be involved in prostitution, including forcing vulnerable females into the sex trade.<sup>116</sup>

[147] Ms. Dixon told police that she, Mr. Pascal, and her three young children under the age of five, were living together in an apartment on Engelhart Crescent. During that time period, she stated that Mr. Pascal continually threatened to kill her and her children. She told police that Mr. Pascal choked her into unconsciousness in February 2010 because she sent a text to one of Mr. Pascal's friends. She said that Mr. Pascal assaulted her on April 9, 2010, resulting in a black eye and a fingernail ripped out, because she did not answer the phones he gave her. She stated that Mr. Pascal punched her in the face on May 15, 2010, because she did not want to accompany Mr. Pascal when asked to. This incident led Ms. Dixon to end her relationship with Mr. Pascal.<sup>117</sup>

[148] On May 17, 2010, Toronto police received a 911 call where a woman could be heard screaming "help me" and there was the sound of furniture breaking. Ms. Dixon told police that Mr. Pascal and Dwayne Campbell pushed their way into the apartment. Once inside Mr. Campbell stood in front of the door and blocked it while Mr. Pascal swore at her and assaulted her. Ms. Dixon broke free and fled the second floor apartment through the open living room window because Mr. Campbell would not allow her to pass through the front door.<sup>118</sup>

[149] An odd twist in this incident was the appearance of Matthew Grant at the apartment while police were investigating. Mr. Grant approached the investigating officers. He told the police that



he forced his way into the apartment with a friend, yelled at Ms. Dixon demanding to know where his belongings were, and then Ms. Dixon fled through the window because he was “holding her back and not letting her leave.” Ms. Dixon insisted that Mr. Grant had nothing to do with the incident, but that she knew Mr. Grant is “involved in the organization” and acted as a pimp to a female known as Lulu.<sup>119</sup>

[150] From this I find that Mr. Pascal told Mr. Grant specific details about this incident and ordered Mr. Grant to “take responsibility” (an act not uncommon within the Galloway Boys<sup>120</sup>) for the incident with Ms. Dixon, in order to prevent Mr. Pascal from being arrested. I also find that Mr. Grant’s willingness to take responsibility and Ms. Dixon’s knowledge of Mr. Grant, demonstrates that Mr. Pascal and Mr. Grant are involved in the same criminal organization and that Mr. Pascal has a higher stature in that organization than Mr. Grant.

[151] Mr. Pascal denied living with Ms. Dixon at the Englehart apartment. However, he admitted to keeping his TV at her home and borrowing Mr. Campbell’s Play Station and putting it in Ms. Dixon’s home. Mr. Pascal testified that he only had a casual relationship with Ms. Dixon. He denied assaulting her and living off the avails of prostitution.

[152] Mr. Pascal testified that it was untrue that he forced Ms. Dixon into prostitution. He stated that Ms. Dixon was working as a prostitute occasionally before he met her. Mr. Pascal admitted to buying Ms. Dixon phones because she asked him to. While denying he forced Ms. Dixon to give him her prostitution earnings, Mr. Pascal admitted that she gave him money: “She just gave me money, like if I ask her for money she gave me like five hundred bucks or two hundred bucks.”<sup>121</sup> I find that Mr. Pascal’s actions and attitude is similar to a Galloway Boys member who also denied being his girlfriend’s pimp.<sup>122</sup>

[153] Mr. Pascal explained Ms. Dixon’s act of climbing out the living room window as demonstrating that Ms. Dixon “wasn’t all there”, implying that she did so because she has mental health issues as opposed to being fearful.<sup>123</sup> Mr. Pascal’s testimony that Ms. Dixon was hysterical and that he was trying to calm her down mirrors his testimony about his girlfriend Ms. Ramphal, who he was charged for assaulting in 2008. According to Mr. Pascal, Ms. Ramphal was “kind of

out of it, drunk, being obnoxious” and Mr. Pascal was just trying to calm her down. However, neighbours who witnessed their argument observed Mr. Pascal grabbing Ms. Ramphal by the hair and dragging her down the hall. Police found Mr. Pascal to be loud and belligerent.<sup>124</sup> From the credible evidence, I find that Ms. Dixon was trying to prevent Mr. Pascal from taking the TV and other items, and, as she told police, Mr. Pascal assaulted her.

[154] I find Mr. Pascal’s descriptions of this incident to be highly self-serving and nuanced to deflect any impression that violence occurred or that he was at all responsible for her climbing out the window. At one point during the Minister’s examination, Mr. Pascal stated “she tried to get” and stopped without stating what Ms. Dixon was trying to get, instead pivoting to “she was telling me not to take the TV.”<sup>125</sup> He repeatedly testified that he was “helping” her out the window and easing her down to the ground. I find that Ms. Dixon fled through the window because she was trying to flee Mr. Pascal who was assaulting her and Mr. Campbell prevented her exit through the door.

[155] From the credible evidence related to this incident and the involvement of the Galloway Boys in prostitution,<sup>126</sup> I find that Mr. Pascal was living with Ms. Dixon, a 22 year old single mother of three, and that he lived off the avails of her prostitution, threatening her and forcing her to give him her earnings. I note that Mr. Pascal has a history of threatening harm and death, as he was convicted in 2013 of three counts of uttering threats when he got kicked out of a bar and convicted in 2014 of uttering a death threat to a witness of an attempted murder.<sup>127</sup>

[156] I find that Mr. Pascal assaulted Ms. Dixon in February 2010, on April 9, 2010 and May 15, 2010 as a way to exert his control over her actions and keep her leashed to him. I find that Ms. Dixon’s decision on May 15, 2010 to sever her relationship with Mr. Pascal angered Mr. Pascal and caused him to attend her residence on May 17, 2010, specifically to assault Ms. Dixon and remove items from her home.<sup>128</sup> During his testimony Mr. Pascal recognized his need for an anger management course; a need demonstrated by his behaviour with both Ms. Dixon and Ms. Ramphal.<sup>129</sup>

[157] I find that Mr. Pascal's behaviour fits the controlling and violent relationships that members of the Galloway Boys have had, as they live off the avails of vulnerable women.<sup>130</sup> I do not accept that this incident is not related to the Galloway Boys because Ms. Dixon did not live in the Galloway Boys territory. As discussed earlier, I do not find that criminal acts committed by the Galloway Boys only occur within the boundaries of their territory. I find that Mr. Pascal's pimping activities was part of a group effort involving Mr. Campbell and Mr. Grant. From all of the credible evidence regarding this incident, I find that Mr. Pascal's relationship with Ms. Dixon is indicative of his involvement in the Galloway Boys' prostitution activities.

*Same Faces at Different Places*

[158] Mr. Pascal's encounters with law enforcement present a history of re-occurring associations with individuals who are violent, have serious criminal convictions, are believed by police to be involved with a street gang, or are otherwise involved in criminal activity. All of these men have roots in the Galloway Boys territory.

- Andrew Matthew was convicted with Mr. Pascal for the 2004 convenience store robbery. Mr. Matthew was also convicted for a 2009 stabbing in a Sudbury bar, with Mr. Pascal present.<sup>131</sup>
- Gavin Anthony was with Mr. Pascal at Windies Bar in 2010, which resulted in Mr. Pascal being convicted of three counts of uttering threats. Mr. Anthony was convicted of attempted murder for the 2011 Canlish Road shooting that Mr. Pascal was present at.<sup>132</sup>
- Jason Maragh was with Mr. Pascal in London in 2006 when Mr. Pascal was stabbed. Mr. Maragh was also with Mr. Pascal at the 2016 Aurora shooting.<sup>133</sup>
- Raymond Anthony Powell was with Mr. Pascal at the 2015 Mississauga Moonlight Convention Centre loaded handgun incident. Mr. Powell was also with Mr. Pascal at the 2016 Aurora shooting.<sup>134</sup>
- Mr. Pascal was with both Mr. Maragh and Mr. Powell at the 2016 Aurora shooting, which demonstrates a connection between Mr. Maragh and Mr. Powell.
- Rajefe Williams was with Mr. Pascal travelling in a stolen vehicle in 2005. Mr. Williams was also found with Mr. Pascal in a GO station parking lot in 2008.<sup>135</sup>

- Dwayne Campbell was found with Mr. Pascal in the home of a member of a female gang in 2009. Mr. Campbell was also present and involved in the 2010 confinement and assault of Ms. Dixon.<sup>136</sup>

[159] As demonstrated above, these men were found with Mr. Pascal at two separate crime scenes. If such a re-occurrence happened once it could be viewed as a coincidence. However, six re-occurrences are not coincidental. I find this is indicative of the involvement of these men in organized criminality. In this case, based on the credible evidence which includes their personal connections to the Galloway Boys territory, I find the re-occurrences are indicative of their membership in the Galloway Boys.

[160] The personal connections of these men go back ten to twenty years and are rooted in the southeast Scarborough territory of the Galloway Boys. Whether they know one another from the 4010 Lawrence Avenue East apartment building, the Boys and Girls Club, Sir Robert Borden High School or an elementary school, the formative years these men spent together as children and youth created strong and lasting bonds, which are the foundation of the Galloway Boys organization.

[161] Born in 1987, Mr. Pascal is only five years younger than Tyshan Riley. In 2002, two years before Mr. Pascal's involvement in his gang initiation convenience store robbery, Norris Allen, a well-known leader of the Galloway Boys was murdered. Mr. Allen was only seven years older than Mr. Pascal. At the time of Mr. Pascal's convenience store robbery, Tyshan Riley and his Throw Backs crew were terrorizing the streets of Scarborough, shooting men they believed to be in a rival gang.<sup>137</sup> I find that Mr. Pascal grew up knowing about Mr. Riley and other Galloway Boys members, hearing about their criminal escapades and being encouraged to join them. Mr. Pascal would not be the first teenager from the Galloway area to be seduced into the gang by older Galloway Boys members.<sup>138</sup>

[162] Mr. Pascal, Mr. Powell, Mr. Matthew, Mr. Maragh and Mr. Anthony went to Sir Robert Borden High School together. Mr. Pascal and Mr. Powell played basketball at the Boys and Girls Club. Mr. Pascal, Mr. Maragh and Mr. Williams lived at 4010 Lawrence Ave. East. Mr. Pascal

and Mr. Campbell know each other from senior elementary school.<sup>139</sup> The Boys and Girls Club of East Scarborough is where Tyshan Riley played basketball, and is a place which “earned a reputation for gangbangsters-in-training.”<sup>140</sup> As stated by Roland Ellis, who attended Sir Robert Borden High School,<sup>141</sup> “we were all school friends, we grew up together. We were saying if we know each other for more than six, seven years or whatever, why not link – because you know we’re all together, we’re probably going to be together for the rest of our lives.” According to Mr. Ellis, this ethos was passed down from the older “original gangsters” in the area.<sup>142</sup>

[163] I find that Mr. Pascal and his friends did not come together randomly for the commission of a single offence. Rather, as members of the Galloway Boys, they have worked together on various crimes in group formations determined by the organizational needs of the particular crime. This is demonstrated by the presence of Anthony Powell and Jason Maragh at the Aurora shooting, along with their earlier activity with Mr. Pascal at the Mississauga Moonlight Convention Centre and the London stabbing, respectively.

*An Abundance of Violence and Guns*

[164] Mr. Pascal has a knack for being where violent incidents occur and guns are found. Over the fourteen years reviewed, Mr. Pascal had thirteen police interactions where there was violence and/or a gun involved. Almost all of these incidents involved men originally from the Galloway Boys area and Galloway Boys members.

- He participated in a robbery with an imitation firearm (2004).
- He was part of a group of young males that threatened a woman with a gun in public (2006).
- He was stabbed while in London (2006).
- He assaulted his girlfriend, Ms. Ramphal (2008).
- He was present when a friend stabbed a stranger in a Sudbury bar (2009).
- He assaulted his “girlfriend”, Ms. Dixon (2010).
- He uttered threats with a loaded handgun bulging from his waistband (2010).
- He accompanied a friend who openly carried a loaded handgun and was present when this friend shot a man, and then he uttered a death threat to a witness (2011).

- He repeatedly stabbed a jail inmate (2013).
- He was shot in the back at a New Year's Eve party (2015).
- He was part of a group of three men who worked together to enter a Mississauga public event facility with a loaded handgun (2015).
- He was at a Canada Day party in Aurora when gunfire broke out and four people were shot (2016).
- He was driving a vehicle with a loaded handgun in it, associating on a daily basis for three months with a man carrying a loaded handgun on his person and with two handguns in his vehicle (2018).

[165] I do not find such a high frequency of being present at violent crime scenes or where guns are found to be coincidental or the result of just being in the wrong place at the wrong time. Rather, I find thirteen incidents in fourteen years to be strong indicia of Mr. Pascal's long term involvement in serious criminality and in organized criminality. When I look at the credible evidence underlying most of these incidents, I find strong linkages to the Galloway Boys. The credible evidence leads me to find that Mr. Pascal has been present at so many violent incidents and so many locations where guns were found, because of his membership in, and his engagement in activities with, the Galloway Boys.

#### *Other Issues*

##### Police Stops for Improper Purposes

[166] The evidence demonstrates that Mr. Pascal has had 28 police interactions over 14 years. For a person not living a criminal lifestyle, that constitutes a lot interaction with police.

[167] I do not accept Mr. Pascal's submissions that police have an "aggressive targeted approach" towards him or that police automatically believe he is involved in crime. This does not explain away the underlying credible evidence. Nor does it explain why Mr. Pascal frequently encounters police in cities outside of Toronto. In addition to Scarborough and Toronto, Mr. Pascal has been found to be involved in crimes in Mississauga, Hamilton, London, Aurora and

Sudbury, five cities that are far from 43 Division and southeast Scarborough. For Mr. Pascal's argument to have any credence, all police officers in every Ontario jurisdiction would have to be involved in an organized effort against Mr. Pascal. There is absolutely no evidence of this, and therefore the proposition that Mr. Pascal is arrested as the "usual suspect" is implausible.

Police Sweeps, Physical Indicia and the MNE

[168] Mr. Pascal submits that not being picked up in any of the police sweeps or crackdowns on the Galloway Boys is an indicator that he is not a member of the Galloway Boys. I do not accept this argument as the Galloway Boys is a large criminal organization made up of many sub-groups. Police projects likely focus on specific sub-groups and it is possible that Mr. Pascal is not a member of any of those specific sub-groups targeted by police.<sup>143</sup> However, it could be said that the three month police surveillance that resulted in Mr. Pascal's January 2018 charges, was a particular Galloway Boys project.

[169] Mr. Pascal has not been found to have in his possession any physical indicia of the Galloway Boys, such as tattoos or sweatshirts emblazoned with the name and logo of the Galloway Boys or his sub-group. He is also not known to have made or appeared in any Galloway Boys videos or taken to social media to espouse any affinity with the Galloway Boys. This does not mean that Mr. Pascal is not a member of the Galloway Boys. Not all members overtly publicize their membership, especially since it attracts police attention. Physical indicia are a small portion of membership indicia.

[170] I do not find any credible evidence that Mr. Pascal is a member of the MNE. The MNE operates in an area close to Galloway Boys territory, and they share a region east of Markham Road south of Lawrence. Some MNE members have attended the same high schools and community centres as members of the Galloway Boys, and they have created long-lasting friendships. Mr. Pascal has a friend, Gavin Anthony, who is known to police to be a member of the MNE. Mr. Anthony is the only MNE member who has been present during any of Mr. Pascal's police interactions. If Mr. Pascal were a member of the MNE, I would expect other MNE members to appear in the credible evidence.

[171] I also do not find any credible evidence that Mr. Pascal is a sole proprietor, carrying out criminal activities on his own without the involvement of the Galloway Boys structure, manpower and financial resources. If Mr. Pascal was on his own, the credible evidence would not present the direct involvement of a number of men, such as Mr. Maragh, Mr. Powell and Mr. Beharry working together with him at the Aurora shooting, or Mr. Powell and the third man working together with Mr. Pascal to get a loaded handgun into the Mississauga Moonlight Convention Centre. There is also no evidence that Mr. Pascal could personally afford the large quantity of drugs he has been found with and had access to, or that resulted in almost \$6000 being carried by three men at the Aurora shooting and “bundles of Canadian currency” in the hidden compartment of his vehicle.

Breach of Natural Justice and Procedural Fairness

[172] Mr. Pascal was arrested in January 2018, during the course of this admissibility hearing and prior to his testimony being heard. On February 7, 2018, the Minister adduced the prosecution summary regarding the events that led to his arrest and criminal charges.<sup>144</sup> Mr. Pascal’s counsel did not object to the document being adduced. That day, Officer Petersen provided testimony about the prosecution summary and incident. Mr. Pascal’s counsel did not object to this testimony being heard, but rather sought the option of having time to prepare for cross examination on another date, depending on what testimony would be heard that day. I agreed. Ultimately, no request was made to adjourn for cross-examination preparation, and Officer Petersen finished his testimony that day. I note that Mr. Pascal’s counsel did not ask Officer Petersen any questions regarding these most recent criminal charges.

[173] On February 21, 2018, as the Minister was ready to call Mr. Pascal as a witness, Mr. Pascal made an application seeking that he not be required to testify about these recent criminal charges until he received the Crown’s disclosure. I ruled in Mr. Pascal’s favour. The hearing continued for a number of sittings and the Crown’s disclosure was still not received. The Minister was scheduled in advance to provide oral submissions on November 2, 2018. No request was made by Mr. Pascal to delay those submissions until the Crown’s disclosure was



received and his testimony could be heard. On November 2, 2018, as the resumption began, Mr. Pascal's counsel stated that the criminal counsel had just received the Crown's disclosure that morning. Mr. Pascal's counsel finished his statements on this matter with, "So I just wanted to discharge that [undertaking]." Neither party sought to recall Mr. Pascal to provide testimony about the January 2018 charges.

[174] In Mr. Pascal's written submissions, dated December 12, 2018, he seeks to have these charges, and presumably the underlying evidence, not considered at this admissibility hearing. He submits that this would be a breach of natural justice and procedural fairness, because Mr. Pascal did not have an opportunity to respond to these charges.

[175] I do not find any breach of natural justice or procedural fairness in considering the oral and documentary evidence adduced at this hearing regarding this incident.

[176] At no point during or after Counsel's explanation about the receipt of the Crown's disclosure, did Counsel (or the Minister) make a request or give any indication about a desire to recall Mr. Pascal. Mr. Pascal was well aware that the Minister was scheduled to provide oral submissions that day. If Mr. Pascal wanted the opportunity to respond to the January 2018 charges, I would have expected his counsel to notify me of this at the time he discharged his undertaking. No mention was made of any desire or intention that Mr. Pascal be recalled to testify before, during or even after the Minister provided his oral submissions. Throughout this admissibility hearing neither party has been shy to bring up issues at any time. This has resulted in many spontaneous oral applications interrupting testimony and delaying previously scheduled portions of the substantive proceedings. If Mr. Pascal wanted to be recalled for further testimony, he could easily have made that known.

[177] Therefore, I find that Mr. Pascal's natural justice and procedural fairness rights are not breached by an assessment of this evidence without having heard his testimony about the January 2018 charges. If I am wrong, my conclusion that Mr. Pascal is a member of the Galloway Boys remains the same even without consideration of the underlying evidence regarding this incident.

Character Witnesses – Not a Galloway Boys Member

[178] Mr. Pascal brought forward a number of character witnesses who testified that Mr. Pascal is not a member of the Galloway Boys. I have not given their statements about Mr. Pascal's membership in the Galloway Boys any weight.

[179] I find that his mother, Ms. Brooks, is not a trustworthy witness because she minimized Mr. Pascal's criminal behaviour, massaged the truth and lied in order to shelter her son from blame.<sup>145</sup> In addition, Ms. Brooks' belief that Mr. Pascal is not a member of the Galloway Boys is not persuasive. Her testimony demonstrates that she has had minimal involvement in his life since 2010. She was also unable to explain anything about the Galloway Boys, despite the fact that she lived in the heart of Galloway Boys territory for many years.<sup>146</sup> The evidence establishes that the Galloway Boys are well known within that community.<sup>147</sup> As well, I find that Ms. Brooks has a very strong personal interest in the outcome of her son's admissibility hearing, as she does not want her son deported from Canada. I find this negatively impacts her ability to be straightforward and truthful. I also find that Ms. Brooks, is not a trustworthy witness due to her history of lying to government authorities to receive financial benefits for herself and her son.<sup>148</sup> From all of this, I do not find Ms. Brooks to be a trustworthy witness and give her evidence very little weight.

[180] Fevan Abraham is Mr. Pascal's common law partner. They have been in a relationship since the summer of 2015 and started living together in November 2016. Despite being together for three years, I do not find that Ms. Abraham has a close relationship with Mr. Pascal. Mr. Pascal has shared minimal details about his life with Ms. Abraham; very little about his past activities and seemingly less about his current activities. For example, Ms. Abraham does not know any details about his criminal activities prior to their relationship. She did not know that he sold drugs prior to their relationship. She did not know that Mr. Pascal owned and wore a bullet proof vest. Ms. Abraham erroneously believed that Mr. Pascal filed an income tax return while they resided together. Ms. Abraham did not know the location of Mr. Pascal's workplace, nor what he earned as a furniture mover, but believed it was an amount substantially higher than what the bank statements purported his legal income to be. With regards to knowing that he is

not a member of the Galloway Boys, Ms. Abraham stated “I know from knowing him, and from what I’ve witnessed myself...and from what I’ve ever heard.”<sup>149</sup> However, from her low level of knowledge, I find that Ms. Abraham is unaware of Mr. Pascal’s actual daily activities and associations. Therefore, I am unable to put any weight on Ms. Abraham’s testimony and letter stating that Mr. Pascal is not a member of the Galloway Boys.

[181] Dwayne Campbell is a school friend from senior elementary school. Mr. Campbell was present with Mr. Pascal during two police interactions including the confinement and assault of Ms. Dixon in 2010, which diminishes his credibility. Dwayne Campbell testified that since 2010 he has had very little interaction with Mr. Pascal. His testimony demonstrates that he knows almost nothing about Mr. Pascal’s activities prior to 2010. Mr. Campbell was not aware that Mr. Pascal sold drugs when he was a teenager or that Mr. Pascal had been convicted of robbery in 2005. He did not know that Mr. Pascal wore a bulletproof vest in 2009, or why he would do so.<sup>150</sup> Despite his minimal knowledge of what Mr. Pascal had been doing over the years, Mr. Campbell testified that Mr. Pascal is not involved with the Galloway Boys. Mr. Campbell’s belief is not based on a strong relationship or full knowledge of Mr. Pascal’s activities. As such, I am unable to give Mr. Campbell’s statements that Mr. Pascal is not part of the Galloway Boys any weight.

*Mr. Pascal’s Membership – Conclusion*

[182] From the foregoing, I find that Mr. Pascal is a member of the Galloway Boys. He has been involved in criminal activity in the company of men he has known since his childhood and youth in the Galloway Boys territory. Over the span of 14 years, since 2004, Mr. Pascal has continually engaged in criminal offences with the Galloway Boys, from his early endeavours of robbery and threatening for money, to prostitution and then drug trafficking.

[183] Mr. Pascal’s history of drug trafficking began as a foot soldier for the Galloway Boys. It progressed to group selling at parties in large public event facilities and then to selling drugs to lower level Galloway Boys dealers. This career progression demonstrates Mr. Pascal’s ongoing and progressively deeper involvement in drug trafficking with the Galloway Boys.

**CONCLUSION ON ADMISSIBILITY UNDER S. 371(1)(A) OF THE ACT**

[184] Having considered characteristics such as structure, territory, leadership and identity, as well as the activities of the Galloway Boys, I find that there is credible evidence that establishes reasonable grounds to believe that the Galloway Boys is a criminal organization for the purpose of s. 37(1)(a) of the Act. The credible evidence demonstrates that Mr. Pascal has belonged to this criminal organization since 2004 and has continued his membership to the present time. Therefore, I find that there is credible evidence that establishes reasonable grounds to believe that Mr. Pascal is a member of the Galloway Boys.

[185] I find that the criminal activities of Mr. Pascal and the Galloway Boys has provided material benefits for the group and its members. I have no evidence that this group formed randomly for the immediate commission of a single offence. Instead, the credible evidence demonstrates ongoing planned endeavours, with formations of three or more men committing indictable offences together, such as drug trafficking, with the same men being involved in more than one crime. Therefore, I find reasonable grounds to believe that Mr. Pascal's activities were and are part of a pattern of planned and organized criminal activities.

[186] From the credible evidence adduced at this hearing, I find there are reasonable grounds to believe that Adrian Edmond Pascal, a permanent resident of Canada, is inadmissible under s. 37(1)(a) of Act. Therefore, on May 24, 2019 I issued a Deportation Order against Mr. Pascal in accordance with s. 229(1)(e) of the *Immigration and Refugee Protection Regulations*. As stated in my decision dated May 24, 2019, Mr. Pascal may make an application to the Federal Court for judicial review of this decision, with leave of that Court.

**PRIVATE HEARING TO PUBLIC HEARING**

[187] Prior to this proceeding opening in October 2017, Mr. Pascal made an application for the admissibility hearing to be heard in the absence of the public, and for documents to be sealed.

Evidence was adduced<sup>151</sup> and submissions were heard on November 28, 2017. The hearing was made private on a temporary basis until a decision was rendered on the application.

[188] Due to scheduling issues and time constrictions, the decision on the application was rendered orally on May 23, 2018. I found it speculative that Mr. Pascal would be targeted in Jamaica if it was known that he was found inadmissible under s. 37(1)(a). Regarding the risk of stigma and violence to Mr. Pascal in Canada, I found the possibility of an Access to Information Request (ATIP) to be quite low. Ultimately, I did not find that there was a serious possibility that the life, liberty or security of Mr. Pascal would be endangered if the admissibility hearing were held in public.

[189] Nonetheless, I ordered the hearing to remain private until its conclusion because of the assessed security risk of this hearing. Just prior to this hearing opening in October 2017, there was a shooting incident at Mr. Pascal's mother's home. After the shooting, this hearing was assessed by IRB personnel as a security risk, resulting in police attendance at all sittings held at the Immigration Holding Centre (IHC). This continuing security assessment gave me cause for concern for the safety of all individuals working and attending the IHC when Mr. Pascal's hearing was taking place. As such I found that there was a serious possibility that the safety and security of people in the IHC would be endangered from a wide public knowledge that this hearing was taking place.

[190] I also determined that this hearing would remain private after its conclusion if Mr. Pascal was not found described under s. 37(1)(a), in order not to be perceived as a member of the Galloway Boys if an ATIP request were to be made.

[191] I also decided that if Mr. Pascal was found described under s. 37(1)(a), that the entire hearing would revert to a public hearing, with all transcripts from all sittings being re-marked as “public”. Therefore, as Mr. Pascal has been found described under s. 37(1)(a) of the Act, this admissibility hearing will now revert back to a public hearing.

(signed)

“Iris Kohler”

---

I. Kohler

June 7, 2019

---

Date

---

<sup>1</sup> *Chiau v. Canada* [1998] 2 FC 642, F.C.J. No. 131.

<sup>2</sup> *Mugesera v. Canada (Minister of Citizenship and Immigration)* 2005 SCC 40 (CanLII).

<sup>3</sup> Exhibit AH-1, pp. 6-7.

<sup>4</sup> *Maldonado v. M. E. I.* [1980] 2 FC 302 (C. A.).

<sup>5</sup> *Hilo v. M. E. I.* [1991] F. C. J. no. 228.

<sup>6</sup> *Kwame Kyere-Akosah v. M.E.I.* [1992] F. C. J. no. 411.

<sup>7</sup> *Faryna v. Chorny*, [1952] 2 D.L.R. 354.

<sup>8</sup> *Thanaratnam v. Canada (Minister of Citizenship and Immigration)*, 2004 FC 349 (CanLII), para 30.

<sup>9</sup> *Sittampalam v. Canada (Minister of Citizenship and Immigration)* (F.C.A.) [2007] 3 F.C.R. 198, para. 40.

<sup>10</sup> *Sittampalam v. Canada (Minister of Citizenship and Immigration)* (F.C.A.) [2007] 3 F.C.R. 198, para. 36.

<sup>11</sup> *Sittampalam v. Canada (Minister of Citizenship and Immigration)* (F.C.A.) [2007] 3 F.C.R. 198, para. 38.

<sup>12</sup> *Sittampalam v. Canada (Minister of Citizenship and Immigration)* (F.C.A.) [2007] 3 F.C.R. 198, para. 39.

<sup>13</sup> *Saif v. Canada (Minister of Citizenship and Immigration)*, 2016 FC 437.

<sup>14</sup> *B010 v. Canada (Minister of Citizenship and Immigration)*, 2015 SCC 58.

<sup>15</sup> Exhibit AH-24, Item 1.

<sup>16</sup> Exhibit AH-24, Item 1, p. x.

<sup>17</sup> Exhibit AH-1, pp. 28, 30; Exhibit AH-4, p. 61; Exhibit AH-9, p. 40; Exhibit AH-24, Item 1, pp. xvii, 180; Transcript, October 26, 2017, pp. 56-61; Transcript, February 7, 2018, p. 128.

<sup>18</sup> Exhibit AH-24, Item 1, pp. 30, 34, 35, 118, 132

<sup>19</sup> Exhibit AH-24, Item 1, p. 42.

<sup>20</sup> Transcript, October 26, 2017, p. 53.

<sup>21</sup> Exhibit AH-2, pp. 17, 36.

<sup>22</sup> Exhibit AH-24, Item 1, pp. 18, 45.

<sup>23</sup> Exhibit AH-24, Item 1, pp. 70, 72-73, 133.

<sup>24</sup> Exhibit AH-4, pp. 32, 34.

<sup>25</sup> Exhibit AH-1, p. 28; Exhibit AH-24, Item 1, pp. xvii, 21, 46, 54, 90, 116, 128; Transcript, October 26, 2017, p. 51.

<sup>26</sup> Transcript, February 7, 2018, pp. 63-64.

<sup>27</sup> Exhibit AH-24, Item 1, pp. 44, 77.

- 
- <sup>28</sup> Exhibit AH-24, Item 1, pp. 17-20, 83, 115, 117, 180.
- <sup>29</sup> Exhibit AH-24, Item 1, pp. xvii, 19-20, 34, 110, 118-119, 121, 127-128, 138, 204; Exhibit AH-4, pp. 34, 40.
- <sup>30</sup> Exhibit AH-24, Item 1, pp. 138, 154, 180; see also Exhibit AH-4, p.40.
- <sup>31</sup> Exhibit AH-24, Item 1, pp. 46, 119, 154.
- <sup>32</sup> Exhibit AH-1, pp. 28, 30; Exhibit AH-24, Item 1, p. 34; Transcript, October 26, 2017, pp. 56-61.
- <sup>33</sup> Exhibit AH-3, p. 108.
- <sup>34</sup> Exhibit AH-15.
- <sup>35</sup> Exhibit AH-2, pp. 9, 14
- <sup>36</sup> Exhibit AH-2, p. 17; Exhibit AH-24, Item 1, pp. 147-148.
- <sup>37</sup> Exhibit AH-1, p. 28; Exhibit AH-2, pp. 4-8, 10-13, 17; Exhibit AH-4, pp. 7, 33-34; Exhibit AH-24, Item 1, p. 185.
- <sup>38</sup> Exhibit AH-4, pp. 2, 15, 27; Exhibit AH-2, p. 17; Exhibit AH-24, Item 1, pp. xvii, 21, 46, 119, 124-125.
- <sup>39</sup> Exhibit AH-4, pp. 33, 61; Exhibit AH-24, Item 1, pp. 19-21, 24, 55, 61.
- <sup>40</sup> Exhibit AH-1, p. 31; Exhibit AH-24, Item 1, pp. 117, 179; Transcript, October 26, 2017, pp. 61-64.
- <sup>41</sup> Exhibit AH-1, pp. 32-33; Exhibit AH-24, Item 1, pp. 17, 21, 55, 91, 138; Transcript, October 26, 2017, pp. 63-66.
- <sup>42</sup> Exhibit AH-1, p. 29; Exhibit AH-24, Item 1, pp. 44-45.
- <sup>43</sup> Transcript, October 26, 2017, pp. 60-61.
- <sup>44</sup> Exhibit AH-24, Item 1, p. 146.
- <sup>45</sup> Exhibit AH-6, p. 95; Exhibit AH-9, pp. 38-41.
- <sup>46</sup> Exhibit AH-24, Item 1, p. 133.
- <sup>47</sup> Exhibit AH-24, Item 1, pp. 38, 43-44.
- <sup>48</sup> Exhibit AH-24, Item 1, p. 167.
- <sup>49</sup> Exhibit AH-2, pp. 4-5, 7, 16-18, 24; Exhibit AH-9, p. 39.
- <sup>50</sup> Exhibit AH-2, pp. 7-8, 26-27; Exhibit AH-9, pp. 40-41.
- <sup>51</sup> Exhibit AH-6, p. 96.
- <sup>52</sup> Exhibit AH-4, p. 126; Exhibit AH-24, Item 1, pp. 155, 217.
- <sup>53</sup> Exhibit AH-9, pp. 42-46.
- <sup>54</sup> Exhibit AH-4, pp. 32, 38, 48-49, 61, 119.
- <sup>55</sup> *Thanaratnam v. Canada (Minister of Citizenship and Immigration)*, 2004 FC 349 (CanLII), para 30.
- <sup>56</sup> *Ahani (Re)* [1998] F.C.J. No. 507.
- <sup>57</sup> *M.C.I. v. Singh* [1998] F.C.J. No. 1147, para 52.
- <sup>58</sup> *Chiau v. M.C.I.* [2001] 2 F.C. 297 (C.A.), para 57.
- <sup>59</sup> Transcript, February 7, 2018, p. 26.
- <sup>60</sup> Transcript, October 26, 2017, pp. 33-40.
- <sup>61</sup> Transcript, February 7, 2018, pp. 31-32.
- <sup>62</sup> Transcript, October 26, 2017, pp. 51-54; 68-72.
- <sup>63</sup> Exhibit AH-9, pp. 1-34; Exhibit AH-24, Item 1, pp. 45-46.
- <sup>64</sup> *Odulate v. MPSEP*, 2017 CanLII 49219 (CA IRB).
- <sup>65</sup> *Daia v. Canada (Public Safety and Preparedness)*, 2014 FC 198.
- <sup>66</sup> *Thuraisingam v. Canada (Minister of Citizenship and Immigration)*, 2004 FC 607.
- <sup>67</sup> Exhibit AH-9, pp. 1-34; Exhibit AH-4, p. 52-53; Transcript, October 26, 2017, pp. 72-76.
- <sup>68</sup> Transcript, October 26, 2017, pp. 72-81.
- <sup>69</sup> Exhibit AH-1, p. 28.
- <sup>70</sup> 2004 convenience store robbery, 2005 travelling in a stolen car, 2006 demanding money with a gun, 2006 stabbing in London, 2009 wearing a bullet proof vest and carrying drugs, 2009 carrying \$700 cash and handing off drugs, 2010 living off the avails of prostitution, 2010 utter threats at Windies Bar possessing a loaded handgun, 2011 utter death threat at Canlish Road shooting, 2015 shooting at New Year's party, 2015 drug raid in London, 2015 Mississauga Moonlight Convention Centre firearm incident, 2016 shooting at Aurora Canada Day party, 2017 shooting at Mr. Pascal's mother's house, 2018 drugs and firearms charges.
- <sup>71</sup> Exhibit AH-15.
- <sup>72</sup> Exhibit AH-15.
- <sup>73</sup> Transcript, February 7, 2018, p. 15; Exhibit AH-15.
- <sup>74</sup> Transcript, February 7, 2018, p. 15.
- <sup>75</sup> Transcript, February 7, 2018, pp. 12, 14.
- <sup>76</sup> For example: 2009 bullet proof vest incident and 2009 basketball court with \$700 incident.

<sup>77</sup> For example: 2015 New Year's party shooting, 2015 Mississauga Moonlight Convention Centre, 2016 Aurora Canada Day shooting.

<sup>78</sup> Exhibit AH-3, pp. 80-81; Exhibit AH-8, pp. 211-217, 221-228.

<sup>79</sup> Exhibit AH-3, pp. 177-203.

<sup>80</sup> Transcript, March 28, 2018, pp. 49-50.

<sup>81</sup> Exhibit AH-3, pp. 194-198.

<sup>82</sup> Exhibit AH-3, pp. 31-33.

<sup>83</sup> Transcript, March 28, 2018, pp. 18-21, 72-73.

<sup>84</sup> Transcript, March 28, 2018, p. 49; Exhibit AH-3, pp. 123-124.

<sup>85</sup> Exhibit AH-3, p. 159.

<sup>86</sup> Exhibit AH-3, pp. 118-121.

<sup>87</sup> Exhibit AH-3, pp. 247-248.

<sup>88</sup> Exhibit AH-2, p. 7; Exhibit AH-4, p. 96.

<sup>89</sup> For example, s. 95(1) CCC.

<sup>90</sup> Exhibit AH-24, Item 1, pp. 20, 83, 115, 117, 180; Transcript, March 28, 2018, pp. 48, 52.

<sup>91</sup> Exhibit AH-8, p. 244; Transcript, March 8, 2018, p. 77; Transcript, March 22, 2018, pp. 63, 72-73.

<sup>92</sup> Transcript, February 7, 2018, p. 133; Transcript, March 8, 2018, p. 73.

<sup>93</sup> Transcript, March 8, 2018, pp. 74-75; Transcript, March 22, 2018, pp. 66-67.

<sup>94</sup> Exhibit AH-3, p. 1.

<sup>95</sup> Exhibit AH-8, pp. 11-12.

<sup>96</sup> Transcript, March 8, 2018, p. 75.

<sup>97</sup> Transcript, March 8, 2018, pp. 75-76.

<sup>98</sup> Exhibit AH-1, pp. 38-39.

<sup>99</sup> Transcript, May 1, 2018, pp. 34-35.

<sup>100</sup> Exhibit AH-24, Item 1, pp. 89, 120, 151.

<sup>101</sup> Exhibit AH-24, Item 1, p. 57.

<sup>102</sup> Exhibit AH-1, p. 30.

<sup>103</sup> Exhibit AH-3, pp. 105-107; Exhibit AH-8, p. 103; Exhibit AH-16, p. 1.

<sup>104</sup> Transcript, March 22, 2018, p. 56.

<sup>105</sup> Exhibit AH-3, pp. 217, 223, 225.

<sup>106</sup> Transcript, March 22, 2018, p. 56.

<sup>107</sup> Exhibit AH-3, p. 219.

<sup>108</sup> Exhibit AH-3, pp. 216, 219.

<sup>109</sup> Exhibit AH-3, pp. 221-222.

<sup>110</sup> Exhibit AH-3, pp. 217, 221-222.

<sup>111</sup> Exhibit AH-3, pp. 216, 225.

<sup>112</sup> Exhibit AH-3, pp. 218, 219, 221-222.

<sup>113</sup> Exhibit AH-24, Item 1, pp. xvii-xviii, 94, 128.

<sup>114</sup> Exhibit AH-2, p. 12.

<sup>115</sup> Exhibit AH-17, pp. 2-4.

<sup>116</sup> Transcript, October 26, 2017, p. 92; Exhibit AH-2, p. 14; Exhibit AH-24, Item 1, p. 111.

<sup>117</sup> Exhibit AH-17, pp. 3-4.

<sup>118</sup> Exhibit AH-17, p. 3.

<sup>119</sup> Exhibit AH-17, pp. 3-4.

<sup>120</sup> Exhibit AH-4, p. 31; Exhibit AH-24, Item 1, pp. 47, 119.

<sup>121</sup> Transcript, March 8, 2018, pp. 78-88.

<sup>122</sup> Exhibit AH-24, Item 1, p. 111.

<sup>123</sup> Transcript, March 8, 2018, p. 83.

<sup>124</sup> Exhibit AH-3, 67.

<sup>125</sup> Transcript, March 8, 2018, p. 81.

<sup>126</sup> Exhibit AH-2, p. 14; Exhibit AH-24, Item 1, p. 111.

<sup>127</sup> Exhibit AH-1, pp. 37, 43; Exhibit AH-3, pp. 22-33, 46-57; Exhibit AH-8, pp. 16-108.

<sup>128</sup> Exhibit AH-17, pp. 3-4.

<sup>129</sup> Transcript, March 28, 2018, p. 58.



<sup>130</sup> Exhibit AH-2, p. 14.

<sup>131</sup> Transcript, March 28, 2018, pp. 4-6.

<sup>132</sup> Exhibit AH-1, p. 37.

<sup>133</sup> Exhibit AH-3, pp. 121, 211.

<sup>134</sup> Transcript, March 28, 2018, pp. 42-44, 49-50; Exhibit AH-3, p. 124.

<sup>135</sup> Exhibit AH-1, pp. 35, 39.

<sup>136</sup> Exhibit AH-1, pp. 36-38.

<sup>137</sup> Exhibit AH-24, Item 1, pp. 15, 49-53.

<sup>138</sup> Exhibit AH-24, Item 1, pp. 18-20.

<sup>139</sup> Transcript, March 28, 2018, pp. 38-39; Transcript, March 28, 2018, pp. 48-52; Transcript, May 23, 2018, p. 5; Exhibit AH-3, p. 124.

<sup>140</sup> Exhibit AH-24, Item 1, p. 19.

<sup>141</sup> Exhibit AH-24, Item 1, pp. 116-117.

<sup>142</sup> Exhibit AH-24, Item 1, pp. 21-22.

<sup>143</sup> Transcript, February 7, 2018, pp. 81-82.

<sup>144</sup> Exhibit AH-15.

<sup>145</sup> Transcript, May 1, 2018, pp. 25, 33-35.

<sup>146</sup> Transcript, May 1, 2018, pp. 19-20, 25-26.

<sup>147</sup> Exhibit AH-6, pp. 95-96; Exhibit AH-9, pp.38-41.

<sup>148</sup> Exhibit AH-18, p. 1; Transcript, May 1, 2018, pp. 22-25.

<sup>149</sup> Transcript, May 1, 2018, p. 69.

<sup>150</sup> Transcript, May 23, 2018, p. 36-37, 39, 41, 43, 44.

<sup>151</sup> Exhibit AH-13.