

E-10

Vancouver Police File 2022-66177

Court Registry: Vancouver



IN THE PROVINCIAL COURT OF BRITISH COLUMBIA

IN THE MATTER of an Application for a Warrant to Search
Pursuant to Section 487 of the *Criminal Code* – Form 5

WARRANT TO SEARCH

TO: The Peace Officers in the Province of British Columbia:

WHEREAS it appears on the affirmation of Detective Constable Amber McElroy, a Peace Officer in the Province of British Columbia, affirmed on the 15th day of July, 2022;

THAT there are reasonable grounds for believing that the following offences have been committed:

- i) Two counts of Failure to Comply with Probation Order, contrary to section 733.1 of the *Criminal Code of Canada*.

(the "Named Offences")

AND THAT there are reasonable grounds for believing that the following items will afford evidence of the Named Offences:

- a) Exhibit 2266177-1: a Black Motorola Smart phone currently located in the Special Investigation Section ("SIS") secured locker #31 at 3585 Graveley Street, Vancouver;
- b) Exhibit 2266177-2: a Blue Levono Tablet S/N HGA9TE8G currently located in the Digital Forensics Unit ("DFU") at 1570 Kootenay Street, Vancouver;
- c) Exhibit 2266177-3: a Lexar USB currently located in SIS secured locker #31;
- d) Exhibit 2266177-4: Kingston USB currently located in SIS secured locker #31;
- e) Exhibit 2266177-5: a Sandisk Mini SD card with Lexar Adapter currently located SIS secured locker #31, and
- f) Exhibit 2266177-6: a Sandisk Mini SD card with Sandisk Adapter currently located in SIS secured locker #31.

The above Exhibits will be forensically examined for the following things/data:

- i. Emails from Patrick FOX to the editor of www.desicapuano.com between the dates of April 17, 2022, and May 5, 2022;
- ii. Communication between FOX and the editor of www.desicapuano.com and any other person relating to the offence, between the dates of April 17, 2022 and May 5, 2022;
- iii. User account information (that can be used to establish user's identity and the users of the digital device);
- iv. To determine ownership, use and evidence of the offence.

(the "Things/Data")

AND THAT there are reasonable grounds for believing that the said things/data are in Exhibits 2266177-1 up to and including 2266177-6 listed above, currently in police custody in the location stated.

THIS IS THEREFORE, to authorize and require Detective Constable Amber McElroy or her designate to enter the said premise between July 15, 2022, up to and including July 28, 2022.

And to search the cellular phone for the things/data and to bring them before me or some other justice, or submit a report in writing in respect of anything seized.

ISSUED BY

Issued at 2:00 pm, on July 15, 2022
(time) (date)

at Burnaby, British Columbia.
(city)

Name: C Osborn

C. Osborn
Judicial Justice

C Osborn
A Judicial Justice in and for the
Province of British Columbia
Assigned to the Justice Centre

Information to obtain the warrant to search is filed at the Vancouver Court Registry located at 222 Main Street, Vancouver in the Province of British Columbia.