



CANADA
PROVINCE OF ALBERTA
PROVINCE D'ALBERTA

Report to a Justice Rapport à un juge de paix

Identifier No. - Police File No.
N° d'identification - N° du dossier de police
2013-590586

Form 5.2
Criminal Code
Section 489.1

Formule 5.2
Code criminel
Article 489.1

I, Constable Marc Daniel Andrew Loov
J'ai, Name of Peace Officer or Public Officer nom de l'agent de la paix ou agent de la Couronne
of the Royal Canadian Mounted Police, Fort McMurray Alberta
de Name of Enforcement Agency nom de l'organisme chargé de l'application de la loi

have pursuant to
conformément à

Check applicable
box
Cocher la case
appropriée

- Section 487 of the *Criminal Code* (Search Warrant) or
l'article 487 du Code criminel (mandat de perquisition) ou
- Section 487.01 of the *Criminal Code* (General Warrant) or
l'article 487.01 du Code criminel (mandat général) ou
- Section 489 of the *Criminal Code* (Additional Items Seized via Search Warrant) or
l'article 489 du Code criminel (autres articles saisis en vertu d'un mandat de perquisition) ou
- Otherwise in the execution of duties (Common Law)
autrement, dans l'exercice de mes fonctions (common law)
- Other Statute _____
en vertu d'une autre loi fédérale Specify . spécifier

searched the premises situated at Apartment 601, 21 MacDonald Drive, Fort McMurray, Alberta
perquisitionné les lieux suivants:

(If seizure pursuant to search other than premises, set out details) *(si la saisie est faite à la suite d'une perquisition autre que des lieux, donner les détails)*

on 05/29/2013, and seized the following things and dealt with them as follows:
le et saisi les choses suivantes et en ai disposé de la façon suivante:

Type of Occurrence Murder of Anthony Smith, contrary to section 235 of the Criminal Code
Genre d'événement

Describe each thing seized. State whether it was returned to the person lawfully entitled to its possession, in which case the receipt therefore shall be attached hereto, or it is being detained to be dealt with according to law and the location and manner in which or where applicable, the person by whom it is being detained.
Décrire chaque chose saisie. Indiquer si les choses ont été remises à la personne ayant droit à leur possession, auquel cas un reçu doit être joint au présent rapport, ou si les choses ont été détenues pour qu'il en soit disposé conformément à la loi, l'endroit où elles sont détenues, la personne qui les détient et les modalités de la détention.

<u>Item No.</u> <i>N° de l'article</i>	<u>Description</u>	<u>Date Seized</u> <i>Date de la saisie</i>
	See attached Appendix 'A'	

DISPOSITION/DÉCISION

- Returned to person lawfully entitled to have possession.
remis à la personne ayant droit à la possession.
- May return to person lawfully entitled to have possession.
pourrait être remis à la personne ayant droit à la possession.
- A person has been charged, retain as an exhibit for Court purposes.
une personne a été inculpée, garder comme pièce à conviction à des fins judiciaires.
- No charges have been laid, hold pending further investigation.
aucune accusation n'a été portée, conserver pendant que l'enquête se poursuit.
- Application for forfeiture.
Demande de confiscation.

Item No.(s)/N° de(s) l'article(s)

See Appendix 'A'

See Appendix 'A'

See Appendix 'A'

ACCUSED/PRÉVENU

<u>Name/Nom</u>	<u>Age/Âge</u>	<u>Charge/Inculpation</u>	<u>First Court Date/Première date de comparution en cour</u>
Hanad Mohamed	23	First Degree Murder, et al	Friday, May 31, 2013

DATED on 06/04/2013,
FAIT le
at Fort McMurray, Alberta.
à

Peace Officer Agent de la paix

Order of Justice
Ordonnance de juge de paix

Date 06/05/2013
Location Fort McMurray, Alberta
Lieu _____

Pursuant to Section 490 of the Criminal Code of Canada, I hereby direct that the item(s) numbered on the attached Report to a Justice document and listed below be:
En vertu de l'article 490 du Code criminel du Canada, j'ordonne par les présentes que l'(les) article(s) numéroté(s) dans le Rapport à un juge de paix ci-joint et énuméré(s) ci-dessous soit(ent):

Item No.
N° de l'article

- KDB6 (a) Returned to the person(s) lawfully entitled to have possession of them on production of satisfactory proof of ownership.
remis à la (aux) personne(s) ayant droit à leur possession sur production d'une preuve satisfaisante de propriété.
- KDB1 - KDB5
KDB7 - KDB8 (b) Detained by the Royal Canadian Mounted Police for Court purposes.
retenu(s) par Name of Enforcement Agency nom de l'organisme chargé de l'application de la loi *à des fins judiciaires.*
- _____ (c) Held by the _____ pending further investigation.
conservé(s) par Name of Enforcement Agency nom de l'organisme chargé de l'application de la loi *pendant que l'enquête continue.*
- KDB9 (d) Forfeited to Her Majesty, to be disposed of as the Attorney General directs.
confisqué(s) par Sa Majesté, afin qu'il en soit disposé comme l'ordonne le procureur général.

Michelle Conn
Justice of the Peace in and for the Province of Alberta
Juge de paix dans et pour la province d'Alberta

SECTION 490(2) / ARTICLE 490(2)

If seized articles are to be detained for more than three months and no proceedings are instituted in which the things detained may be required, an application must be made to a Justice for an Order for further detention, before the expiration of that period.

Si les articles saisis doivent être retenus durant une période excédant trois mois et que des procédures n'ont pas été intentées au cours desquelles les choses retenues peuvent être requises, une demande doit être adressée à un juge de paix pour qu'il ordonne la prolongation de la rétention, avant l'expiration de cette période.

ENDORSEMENT BY JUSTICE / VISA DU JUGE DE PAIX:

On the application of _____
Sur la demande de _____

I order a further detention of the item(s) listed above (or attached) to _____
j'ordonne la prolongation de la rétention de(s) l'article(s) énuméré(s) ci-dessus (ou ci-annexé(s)) _____ date

or I order the following item(s) be returned as follows:
ou j'ordonne que l'(les) article(s) suivant(s) soit(ent) remis de la façon suivante:

(List items and to whom they are to be returned.) *(Énumérer les articles et à qui ils doivent être remis.)*

DATED on _____
FAIT le _____

at _____, Alberta.
à _____

Justice of the Peace in and for the Province of Alberta
Juge de paix dans et pour la province d'Alberta

Appendix 'A'

Item No.	Description	Date Seized	Disposition
KDB1	Greyhound ticket/medicine packaging	October 16, 2011	Retain as an Exhibit for Court Purposes
KDB2	Adata Micro SD card	October 16, 2011	Retain as an Exhibit for Court Purposes
KDB3	Grey and White Otterbox Iphone case	October 16, 2011	Retain as an Exhibit for Court Purposes
KDB4	Black Samsung cell phone and charger	October 16, 2011	Retain as an Exhibit for Court Purposes
KDB5	Black Blackberry cell phone	October 16, 2011	Retain as an Exhibit for Court Purposes
KDB6	Black Buxton Suitcase	October 16, 2011	May Return to Person Lawfully Entitled
KDB7	Black Iphone cell phone	October 16, 2011	Retain as an Exhibit for Court Purposes
KDB8	White Iphone with broken screen	October 16, 2011	Retain as an Exhibit for Court Purposes
KDB9	1.725 grams of Marihuana	October 16, 2011	No Charges Laid, To Be Destroyed



RCMP File Number 2013-590586

TPS File Number 2587429

Form 1
Criminal Code
(Sections 487 and 487.3)

CANADA
Province of Alberta

**IN THE PROVINCIAL COURT OF ALBERTA
CRIMINAL DIVISION
JUDICIAL DISTRICT OF FORT MCMURRAY**

IN THE MATTER of Applications for:

**A Search Warrant,
Pursuant to Section 487 of the Criminal Code;**

and

**A Sealing Order,
Pursuant to Section 487.3 of the Criminal Code;**

APPLICATION AND INFORMATION ON OATH

This is the information of Constable Marc Daniel Andrew Loov, a peace officer and member of the Royal Canadian Mounted Police, in the City of Fort McMurray, in the Province of Alberta, hereinafter called the informant, taken before me.

**IN RESPECT TO AN APPLICATION FOR A SEARCH WARRANT, I HAVE
REASONABLE GROUNDS TO BELIEVE and do believe that**

- A. The following offence has been committed:
Murder of Anthony Smith, contrary to section 235 of the Criminal Code.
(offence)
- B. The following thing will afford evidence of the Offence:
A black Iphone cell phone
(thing)
- C. The thing(s) or some part of them are in the following building, receptacle or place:
Apartment 601, 21 MacDonald Drive, Fort McMurray, Alberta
(place)

THE INFORMANT'S GROUNDS FOR BELIEF are as follows:

INTRODUCTION OF THE AFFIANT

I, Constable Marc Daniel Andrew Loov (Cst. Loov), make Oath and say THAT:

1. I am a peace officer and member of the Royal Canadian Mounted Police (RCMP) presently employed in Fort McMurray, in the Province of Alberta. I am one of the peace officers participating in an investigation into the named offence. As such, I have personal knowledge of the matters sworn to in this document, except where based on information from others and in those cases, I believe that information to be true.
2. I have been a member of the RCMP for nearly 6 years, and am presently assigned to the Serious Crimes Unit of the Fort McMurray RCMP. The primary function of the Serious Crimes Unit is the investigation of serious crimes against persons. I have been involved in many types of investigations including homicides, suspicious and sudden deaths, assaults, and robberies.
3. I have been involved in the investigation into the named offence investigation since May 28, 2013. I have read material and have been in communication with investigators assigned to this matter.
4. Toronto Police Service has been investigating the named offence, since March 28, 2013. As a result of their investigation, the Fort McMurray RCMP Serious Crimes Unit, has been asked to assist.
5. Text within this Information on Oath that is written in *italics* between [square brackets] is written to clarify and connect other information in this document. It is also a representation of my beliefs.

OVERVIEW OF THE INVESTIGATION

6. On March 28, 2013, Anthony Smith (Smith) and Mohammad Khattak (Khattak) attended a nightclub at 577 King Street West in Toronto, Ontario.
7. At approximately 2:40 a.m., both Smith and Khattak were shot across the street from the nightclub, resulting in the death of Smith, and gunshot wounds to Khattak. It is believed that Nisar Hashimi (Hashimi) is the person who shot Smith and Khattak.
8. Following the shooting, Hashimi got into a [REDACTED] which belonged to Hashimi. Hanad Mohamed (Mohamed) [REDACTED]
9. On April 4, 2013, Hashimi turned himself into police and was charged with first degree murder.
10. On May 24, 2013, Mohamed was arrested for first degree murder.

PROPOSED ORDERS

11. I make this Application Information on Oath to Obtain in support of applications for:
 - a. A Search Warrant, pursuant to Section 487 of the Criminal Code; and
 - b. A Sealing Order, pursuant to Section 487.3 of the Criminal Code.

SOURCES OF INFORMATION

12. Detective Constable Ryan McIntyre (DC McIntyre), is an investigator into the named offence, and is assigned to investigative duties within the Homicide Squad of the Toronto Police Service.
13. Corporal Brian Fitzpatrick (Cpl. Fitzpatrick), and Constable Jennifer MacLean (Cst. MacLean), are investigators into the named offence, and assigned to the Serious Crimes Unit of the Fort McMurray RCMP.

DETAILS OF THE INVESTIGATION

14. On May 29, 2013, I was given a typed affidavit, sworn by DC McIntyre, which is attached to this Information, and titled Exhibit "A". I read the affidavit, and spoke with DC McIntyre. I believe the information contained within Exhibit "A" to be true.
15. On May 29, 2013, I spoke to Cpl. Fitzpatrick. He said:
 - a. On May 24, 2013, he attended the front desk at 21 MacDonald Drive, Fort McMurray, Alberta. The attendant told him that Hamdi Yusuf (Yusuf), Mohamed's sister, lived in apartment 601, of Tower 2.

[Investigator's Comment: I am familiar with an address commonly referred to as Tower 2. Based on my experience, I know the address of Tower 2 is located at 21 MacDonald Drive, in Fort McMurray, Alberta.]

- b. On May 24, 2013, he attended apartment 601, 21 MacDonald Drive, in Fort McMurray, Alberta and arrested Hanad Mohamed for first degree murder of Anthony Smith in Toronto, Ontario.
 - c. Mohamed was wearing sweat pants, a t-shirt, and shoes. He had his wallet, but did not have a cell phone.
 - d. Mohamed had a roommate, which brought him his wallet. His roommate's identity is unknown.
16. On May 28, 2013, at approximately 4:20 p.m., I went to apartment 601, 21 MacDonald Drive, in Fort McMurray, Alberta, with Cpl. Fitzpatrick and Cst. MacLean, to identify Mohamed's roommate, and inquire into the location of Mohamed's cell phone. I heard a conversation between Cst. MacLean and Hamdi Yusuf. Yusuf said:
 - a. Mohamed's cell phone is in the apartment.
 - b. She did not know where it was, but had used the phone since Mohamed was arrested.
 - c. She said she needs his cell phone, because it is the only way Mohamed can get ahold of her.
17. On May 28, 2013, at approximately 7:00 p.m., I met Hamdi Yusuf at the RCMP Detachment, in downtown Fort McMurray, Alberta, with Cst. MacLean. Yusuf said:
 - a. She knows Mohamed's cell phone is still in her apartment, but she cannot locate it. She will continue to look for it.
 - b. The phone is a black Iphone.

CONCLUSION

18. I believe, Anthony Smith was murdered on March 28, 2013, in Toronto, Ontario by Nisar Hashimi.

19. I believe, Information was received that, immediately following the murder, Hanad Mohamed [REDACTED]
20. I believe, Mohamed's cell phone was used to contact Hashimi, twenty-three times, and was determined to be in the location of the murder, just prior to the murder.
21. I believe, Mohamed's sister, Hamdi Yusuf, provided information that Mohamed's cell phone was in her apartment at apartment 601, 21 MacDonald Drive, in Fort McMurray, Alberta.
22. I believe there are reasonable grounds to believe the following named offence has been committed:
 - a. Murder of Anthony Smith, contrary to section 235 of the Criminal Code.
23. I believe the thing I am seeking will afford evidence respecting the commission of the named offence. Specifically a black Iphone cell phone
24. I believe the thing I am seeking will afford evidence of the named offence and may assist with identifying additional witnesses, who were contacted in proximity to the time of the named offence, and may help establish a sequence of events, before and after the occurrence of the named offence.
25. I believe that an examination of the contents of the thing I am seeking, is necessary to provide evidence of the named offence.
26. I make this Affidavit and Information on Oath for the Orders being sought to search the place, for the thing, for evidence of the named offence.

PROPOSED TERMS AND CONDITIONS FOR THE SEARCH WARRANT

27. [I propose] it is hereby authorized and required that:
 - a. Between the hours of 3:00 p.m. and 9:00 p.m. on the 29th day of May A.D. 2013, to enter into the said premises and to search for the said thing and to bring the before a justice.

IN RESPECT TO AN APPLICATION FOR A SEALING ORDER

28. In addition to the above Warrant, I am applying for a Sealing Order prohibiting access to and the disclosure of any information relating to this Information, related Warrant, Order, and Report to a Justice which are to be filed in relation to this investigation, bearing RCMP Police File Number 2013-590586 or Toronto Police Service File Number 2587429, pursuant to Section 487.3 of the Criminal Code;
 - a. I believe that the ends of justice would be subverted by the disclosure of any information relating to this Information, related Warrant, Order, and Report to a Justice which are to be filed in relation to this investigation, bearing RCMP Police File Number 2013-590586 or Toronto Police Service File Number 2587429, as it would compromise the ongoing investigation into the Murder of Anthony Smith. I believe that this outweighs the public interest in access to this information. The reasons to believe that disclosure of the information contained in this Information would subvert the ends of justice are as follows;
 - i. This investigation has garnered significant media attention. I believe that should the public be made aware of the contents of this Information, related Warrant, Order, and Report to a Justice which are to be filed in relation to this investigation, bearing RCMP Police File Number 2013-590586 or Toronto Police Service File Number

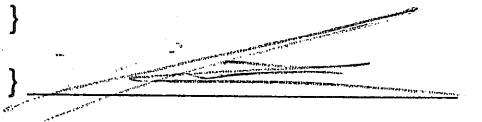
2587429, that personal information of witnesses and other innocent persons would be revealed, and therefore violate their dignity and privacy, thereby subverting the ends of justice.

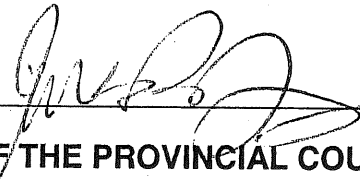
- ii. This investigation is currently ongoing, and involves the use of police techniques, such as the interception of private communications. Disclosure of such techniques will compromise the nature and extent of any ongoing investigation.
- iii. I believe that should the public or the person(s) responsible for the murder of Anthony Smith be made aware of the contents of this Information, related Warrant, and Report to a Justice which are to be filed in relation to this investigation, RCMP Police File Number 2013-590586 or Toronto Police Service File Number 2587429, that the investigation may be jeopardized, thereby subverting the ends of justice.

29. I am requesting that the sealing order be granted for this Information, related Warrant, and Report to a Justice which are to be filed in relation to this investigation, bearing RCMP Police File Number 2013-590586 or Toronto Police Service File Number 2587429, be sealed and prohibited from being disclosed to all interested parties and members of the public for an indefinite period of time, or until further order of a court of competent jurisdiction.

SWORN before me, at the City of Fort McMurray
In the Province of Alberta,

This 24 day of May, 2013

}
}
}

(Cst. Marc Daniel Andrew Loov)



JUDGE OF THE PROVINCIAL COURT OF ALBERTA
PROVINCIAL COURT - CRIMINAL DIVISION

Exhibit "A"
Sworn Affidavit of
Detective Constable Ryan McIntyre

I, Ryan McIntyre, make oath and say as follows:

I, Ryan McIntyre (8864), of the City of Toronto, am a police officer employed by the Toronto Police Service. I hold the rank of Detective Constable and am currently assigned to investigative duties within the Homicide Squad. My duties include the investigation of homicides and suspicious deaths. I am responsible for witness interviews, the preparation of search warrant applications, and other assigned duties during the course of these investigations.

I have been involved in this investigation since Thursday, March 28th 2013.

On May 29th, 2013 at 10:30am I provided the following information to Constable Marc LOOV of the Wood Buffalo Detachment Serious Crimes Unit:

On Thursday, March 28th, 2013 in the evening hours the victims Anthony SMITH and Mohammad KHATTAK attended the LOKI Nightclub located at 577 King Street West in Toronto.

At approximately 2:40am both victims were shot just across the street from the nightclub out front of 590 King Street West. SMITH suffered several gunshot wounds including one to his head, while KHATTAK also suffered several gunshot wounds and collapsed in a nearby alley. Officers were in close proximity to the shooting and were on scene within minutes.

Both victims were transported to St. Michael's Hospital where Anthony SMITH succumbed to injuries.

The Toronto Police Service Homicide Squad was notified, an investigation into the individual(s) responsible for the murder immediately commenced.

Project Traveller is an ongoing Part VI wiretap investigation that involves several of the involved persons in this homicide investigation.

[REDACTED]

[REDACTED]
[REDACTED] HASHIMI is believed to be the person who shot and killed SMITH.

On March 29th, 2013 [REDACTED] came forward to police and provided a statement. He advised that he observed the male who shot and killed Anthony SMITH get into a [REDACTED]. He advised there was [REDACTED] in this vehicle. [REDACTED] wrote down the licence plate of the vehicle. This vehicle belonged to Nisar HASHIMI.

On April 4th, 2013 Nisar HASHIMI turned himself in to police. HASHIMI was charged with First Degree Murder at this time. A production order was also done on HASHIMI's cell phone number.

On April 4th, 2013 I received an anonymous phone call. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

I conducted checks in regards to Hanad MOHAMED. He was identified through police record checks as Hanad Abdulkadir MOHAMED born 1990.03.15. He is 6'3 and 225lbs, black skin, brown eyes and short black hair. He had a last known address of 17 Bagot Court in the City of Toronto.

Hanad MOHAMED was arrested for Possession of Marihuana in late 2012 and provided a Fort McMurray cell phone number of 780-607-2098 to police. A production order was done on the cell phone number he provided.

On May 9th, 2013 I received Hanad MOHAMED's cell phone records from March 27th, 2013 to April 8th, 2013. These records were analyzed and put Hanad MOHAMED's cell phone in the area of the murder just before it takes place. MOHAMED also contacts

Nisar HASHIMI 23 times leading up to the murder and hits off the same cell phone towers as HASHIMI after the murder.

Hanad MOHAMED also hits off of a cell phone tower in Toronto at 8:12am on April 4th, 2013. At 11:21am on April 4th, 2013 MOHAMED's phone then begins to hit off of phones in Alberta eventually hitting off of a tower in Fort McMurray by the end of that day.

[REDACTED]

[REDACTED]

On May 10th, 2013 Hanad MOHAMED is stopped by a uniformed officer at Old City Hall Courts in Toronto. He once again provides the uniform officer the same Fort McMurray number of 780-607-2098.

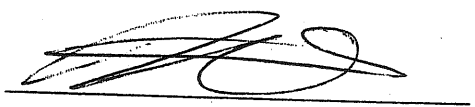
After an analysis of all evidence in regards to Hanad MOHAMED, Toronto Police Homicide Squad took out a Warrant in the 1st Instance for First Degree Murder. After failed attempts to located MOHAMED in Toronto his cell phone was tracked to the Fort McMurray area.

After speaking with Toronto Police Intelligence Unit out of Toronto Pearson Airport, it was confirmed that Hanad MOHAMED had taken a flight out of Toronto on May 14th, 2013 for Alberta.

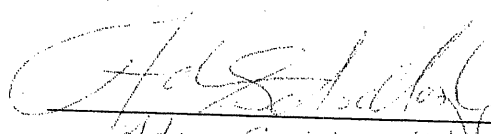
I then contacted Corporal Brian FITZPATRICK of the Wood Buffalo Detachment Serious Crimes Unit out of Fort McMurray. FITZPATRICK was advised in regards to the Warrant in the 1st Instance for Hanad MOHAMED, provided the warrant documents and a picture.

On Friday May 24th, 2013 I was contacted by Corporal FITZPATRICK and advised that Hanad MOHAMED had been arrested.

Sworn before me at Fort McMurray,
in the Province of Alberta,
the 29th day of May A.D. 2013.



Detective Constable Ryan McIntyre


Adam SCHEDLOSKY (Cpl.) #49249 RCMP
Commissioner of Oaths in and for the Province of Alberta