

CANADA  
PROVINCE OF QUEBEC  
DISTRICT OF LONGUEUIL  
FILE NO: 505-01-173446-218  
505-01-173448-214  
505-01-173447-216

COURT OF QUEBEC

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**SAMUEL ROBERGE,**

Applicant,

-vs-

**HIS MAJESTY THE KING,**

Respondent;

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**WRITTEN PLEADINGS FOR MOTION FOR ABUSE OF PROCESS**

**TO THE HONOURABLE JUSTICE SACHA BLAIS OF THE COURT OF QUEBEC OF THE DISTRICT OF LONGUEUIL, THE APPLICANT RESPECTFULLY SUBMITS THE FOLLOWING:**

1. The Applicant Samuel Roberge ("**Roberge**") alleged numerous acts of misconduct by both the Crown and the police in the present file. Roberge submits that any one of the alleged wrongful conduct warrants a stay of proceedings, therefore, the aggregate of all the said misconduct necessarily causes a stay of proceedings;
2. Roberge refers the Judge to the motion dated June 2, 2024, for a history of the relevant facts. For purposes of the present document, Roberge will focus on the additional fact disclosed by the testimony of the police officers at the trial and the other additional information obtained during the trial;

Breach of the Right to an Attorney

3. Dominic Ahier testified that he denied access to Me Sanderson to meet her client because this it was prohibited for a lawyer to meet a client in detention at the Longueuil police station. Nevertheless, he could not provide a written policy or regulation that would disallow a lawyer from speaking to his client in detention. He simply testified that he had never seen it and therefore it should not exist ;
4. Although Me Sanderson did not testify at the trial it is obvious that a person detained at a police station should have a right to consult his attorney of choice whether he is in the detention or not;
5. Moreover, Mr. Ahier testified that Evelyne St-Germain ("**St-Germain**") told him that she had told Me Sanderson not to come to the police station. This testimony was directly opposite to the testimony of St-Germain who stated that she never told Me

Sanderson not to come to the police station. In fact, she was adamant that she did not say that and she insisted that Me Sanderson could come to the station;

6. Mr. Ahier also admitted that it was possible that he told Me Sanderson that Roberge would not be interrogated. Evidently, Me Sanderson came to the police station if Mr. Ahier remembered speaking to her. Therefore, necessarily Me Sanderson came to the police station and was denied access to her client. This is obviously a breach of the right to an attorney;
7. It should be noted that when Mr. Ahier was asked if he has ever signed his name next to an incorrect date. He said absolutely not and that he would not do that;
8. It should be noted that Me Sanderson mentioned to the Court that she had already met with an accused, being Zachary Fournier on September 20, 2020 in the peak of COVID. Mr. Ahier mentioned that records of all events in detention were kept by the police. He said it would be possible to obtain such forms, however, when Me Sanderson sent a subpoena for such information it was denied by the Court;
9. Martin Claveau (“**Claveau**”) testified that he read the full card of rights of the accused to Roberge in the van. However, Didier Tanguay had no recollection of that. Claveau also produced a report at the police station (Exhibit R7-1) without taking any notes. He testified that perhaps he wrote the notes on his hand or a bit of paper. Since the alleged notes were never provided to the defence, there is a violation of Roberge’s right to make full defense (*R. v. La*);
10. Claveau also testified that he did not try to extract any information from Roberge yet the conversation immediately after that when he was discussing “*la pluie et le beau temps*” was subject to some sort of privilege;
11. It is also not credible when St-Germain stated “*au contraire*” Roberge never asked to speak to his attorney. It is also quite unusual for St-Germain to refuse the right for Roberge to speak to his lawyer but he could speak to his mother. Although the undersigned does not do 100 criminal trials per year, Me Sanderson has not heard of a case in which the police officer refused the right to speak to an attorney but allowed the person who was arrested to call his mother;
12. Since the police were trying to obtain information from Roberge, it was even more important that they provide him the right to call his attorney prior to speaking to him. What was even more worrisome was that Claveau believed that by simply reading the card (which is vigorously contested by Roberge and not supported by the evidence) that he had provided Roberge with his rights. In order to provide his rights, Claveau had to allow Roberge to call the lawyer of his choice at that moment next to the roadside and not force the subject to wait until he gets to the police station as was done in this particular case;

13. The Court of Appeal in [Tremblay](#)<sup>1</sup> and [Freddie](#)<sup>2</sup> specifically stated that the confidentiality excuse was simply that and it was not credible;
14. There was no risk that Roberge could run away because there were 4 police officers present at the arrest, he was handcuffed behind him and he was seated in a van. This to was simply an excuse to try to support the denial of the right to call his attorney similar to the confidentiality excuse;

Conduct of the Crown:

15. The Crown has had in her possession since January 12, 2023, the police report dated June 24, 2022, which was filed as Exhibit R7-6 pages 4 and 5 (herein referred to as the “**First Report**”). Me Malouin must have known that there were errors on the report and this is most likely the reason that she prevented the defence from having any additional information thereon;
16. The emails in which Me Malouin refused the evidence were filed as Exhibit R7-18 pages 1 to 3 (see paragraphs 67 to 73 of the Amended Motion for Abuse, dated June 2, 2024);
17. It was only on the last day of trial on June 20, 2024, that Roberge became aware of the fact that the wrong box on the top of the form was checked off. That is, the box “ERM” should have been checked off because the request had come from Gabriel Savoie-Bilodeau (“**Savoie-Bilodeau**”) of the *Escouade Régionale Mixte* “ERM” and not from “BARC”;
18. Fortunately, Me Sanderson met with Francois Mailloux (“**Mailloux**”) on June 19, 2024 who explained the acronyms at the top of the form to Me Sanderson. Definitely, Me Malouin was well aware of these acronyms;
19. On June 20, 2024, Mailloux testified that based on the First Report (Exhibit R7-6 pages 4 and 5), the request for the services of BIM came from the *Bureau Analyse du Renseignement Criminel* (“BARC”) and not from the “ERM”. He explained that ERM stands for *Escouade Regionale Mixte*;
20. It is interesting to note that the First Report form does not have an option to check off for the *Sureté du Québec* (such as SQ) but it does have an option for ERM. The departments at the top of the form appear to be part of the SPAL because of the crest for the *Service de police Agglomération de Longueuil* on the top left of the form;

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<sup>1</sup> 2021 QCCA 24.

<sup>2</sup> 2021 QCCA 249.

21. Furthermore, since Me Malouin eventually consented that the 6 police officers who allegedly signed the First Report testify, she should have allowed Me Sanderson to cross-examine them on March 31, 2023 after Me Sanderson sent the subpoenas to the police officers (Exhibit R7-17). This would have allowed a more spontaneous testimony from the officers and all the information with respect to the fake initials and other erroneous information described below would have been divulged much before the trial. Consequently, Roberge could have used this information to cross-examine the police officers at the trial;
22. With respect, if the testimony of the said 6 officers was relevant, then obviously the documents related to their testimony were relevant;
23. Me Malouin claimed that she had a detailed plan of the trial (*précis et concrèt*) as indicated at paragraph 20 of the judgment of Sacha Blais with respect to unreasonable delays, dated June 3, 2024. If such a plan actually existed (which is vigorously contested by the Applicant), then Me Malouin must have kept this plan a secret because it was never provided to the defence or the Court. Furthermore, if she had a detailed plan, then she would have known that St-Germain would be testifying on the merits and her name would have appeared on the list of witnesses in her email dated October 5, 2023 (Exhibit R-7 I.2);
24. In either case, Me Malouin either made a misrepresentation to Justice Blais with respect to the secret plan or she made misrepresentations to Me Sanderson with respect to the list of police officers (Exhibit R-7 1.2);
25. Furthermore, Me Malouin clearly gave the impression to Justice Labrie that there would be no police officers who would testify at the trial on the merits (see page 24, lines 12 to 19, page 28, lines 7 to 23, page 30, lines 8 to 20, page 40, line 23 to page 41, line 15 and page 48, lines 4 to 16 of Exhibit R7-24);
26. As explained in paragraphs 56 to 58 of the amended motion for abuse, dated June 2, 2024, both Justice Lepage and Justice Labrie both assumed that Me Malouin would have taken measures in some manner to bring Didier Tanguay to justice as she had done to Mailloux in 2013 and 2014;
27. It is unexplainable that Didier Tanguay had no discipline as a result of the perjury yet Francois Mailloux had discipline for acts which are much less grave than those which are alleged against Didier Tanguay;
28. Based on the foregoing, Me Malouin did not do the acts which were presumed to have been done by both Justice Labrie and Justice Lepage;
29. Initially, the Crown asserted that there that there would be no evidence of the arrest presented at the trial on the merits which began on November 6<sup>th</sup>, 2023. On the first day of trial, being November 6, 2023, Me Malouin deposited a police report prepared by Claveau and Didier Tanguay of the Longueuil Police (Exhibit R7-1);

30. The Crown also alleged that no police officers from the Longueuil police would testify at the trial as the investigation was done by the *Sûreté du Québec*;
31. On September 26, 2023, Justice Labrie referred to the stenographic notes of February 22, 2023 to confirm that Me Malouin confirmed that no police officers from the SPAL would testify:

Premièrement, la procureure de la Poursuite a exposé lors de l'audition du 22 février 2023 les motifs pour lesquels elle refuse de divulguer les documents demandés par la Défense. (Voir pièce A-11, transcription de l'audition du 22 février 2023, pages 16 à 20 et page 31. Essentiellement, Maître Malouin soutient que les éléments demandés par la Défense ne sont pas pertinents. Ces documents, s'ils existent, sont relatifs à l'arrestation du requérant le 23 juin 2022 alors que les infractions qui lui sont reprochées se terminent en février 2021. De plus, il s'agit d'une enquête menée par la Sûreté du Québec alors que le mandat d'arrestation du requérant a été exécuté par des policiers du SPAL plus de seize (16) mois après la fin des infractions reprochées. Par conséquent, **selon Maître Malouin**, les informations demandées ne pourraient aucunement soutenir un moyen de défense ni même permettre de tester la crédibilité **des témoins de la Poursuite qui seront des policiers de la Sûreté du Québec**.

32. It should be noted that six (6) police officers from the Longueuil Police testified at the trial on the merits at the following dates and times:
  - a) November 9, 2023 at 2:03 P.M. Eve St-Germain
  - b) November 9, 2023 at 2:17 P.M. Pascal Roy
  - c) November 14, 2023 at 9:38 A.M. Maxime Laprise
  - d) November 16, 2023 at 2:46 P.M. Patrick Cupani
  - e) November 16, 2023 at 3:01 P.M. Francois Dubé
  - f) November 17, 2023 at 9:40 A.M. Caroline Plamondon;
33. Since there was clearly an error in the judgment of September 26, 2023, Me Lauzon-Bouchard and Me Malouin had an obligation to inform Justice Labrie at the first possible chance. As opposed to informing Justice Labrie, the Crown continued to allow Justice Labrie to believe incorrect information and he repeated the same error in fact in his judgment of November 21, 2023, as explained in more detail below;
34. At the end of the judgment of Justice Labrie rendered on November 21, 2023, Me Sanderson mentioned to Justice Labrie that several officers from Longueuil testified at the hearing on the merits contrary to the citations provided above at paragraph 24 above. Justice Labrie simply answered that he heard that only officers from the Sûreté du Québec would testify (page 51, line 10 to 25 Exhibit R7-24). The only person who could have provided this erroneous information to Justice Labrie is the Crown because it was definitely not Me Sanderson;

35. Moreover, the investigation was done by the *Escouade Régionale Mixte*, which is actually a police force composed of both officers from the SQ and officers from various local police forces from the South Shore including Longueuil. Several police officers at the trial confirmed this fact during their testimony. In fact, it appears that the *Escouade Régionale Mixte* can even include officers from the Royal Canadian Mounted Police (RCMP);
36. The most important testimony on this issue was by Mr. Michael Brouillard (“**Brouillard**”) on June 3, 2024. Brouillard confirmed that the *Sûreté du Québec* have separate quarters on Nobel Street in Boucherville and that the ERM are not with the *Sûreté du Québec*;
37. Savoie-Bilodeau was not credible during his testimony on this issue. Me Sanderson asked him directly if he had access to the quarters of the *Sûreté du Québec* and he pretended that he was not sure by stating the places he had access;
38. On January 5, 2024, Me Sanderson suddenly became aware of the fact that a co-accused, namely Mr. Alla Hussain Abdelhamid, who had been on the lamb (*en cavale*) since February 2021 had turned himself into the police at the airport. Initially, Me Malouin told Me Sanderson that he was arrested in December 2023 (see page 4, line 13 to page 5 line 5 and page 8, line 21 to page 12, line 18 of the stenographic notes of the hearing of January 5, 2024<sup>3</sup>);
39. Later, the Crown admitted that Abdelhamid was arrested in October 2024 before the trial. Me Malouin admitted that she remembered because Me Gauthier, the lawyer of Abdelhamid, initially asked if he had to do the trial with Roberge as the trial was fixed to proceed just a few weeks after Abdelhamid was arrested. It should be noted that Me Caroline Bouchard-Lauzon was also present at the time when Me Malouin told Me Sanderson that Abdelhamid turned himself in December;
40. With respect to the firearms charge against Roberge, Roberge submits that this is also abusive especially considering the pictures of the guns that were found at the home of Jean-Simon Larose (“**Larose**”) (Exhibit P-28 G photo numbers 33, 37 and 42). Furthermore, the expert, Gilbert Desjardins who testified on November 17, 2023, confirmed that the speeds of the bullets are not posted on the box or on the gun. Therefore, an ordinary individual would not know that this particular pellet gun was a firearm weapon for purposes of the *Criminal Code*. He Added that you definitely could not know without testing the guns and he had not been provided any of the guns found at the home of Jean-Simon Larose;

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<sup>3</sup> It should be noted that the lawyers received the stenographic notes for January 5, 2024 on July 8, 2024.

41. Roberge submits that the Crown was acting maliciously by charging Roberge with possession of a firearm but not even testing the guns located at the home of Larose;
42. Finally, the Crown knew that the content of the cellular phones of Michel Iler were not provided to the defense yet Me Malouin tried claim this evidence was in the hands of a third party (*i.e.* the police). This is not accurate as the police are supposed to provide all the evidence in their possession to the defense without prompting from the defence;

Testimony of Steven Martel and Guillaume Pilon with Respect to Cellular Phones of Michel Iler

43. In the afternoon of January 4, 2024, Me Sanderson asked Guillaume Pilon (“**Pilon**”) the reason for which the cellular phones of Michel Iler (“**Iler**”) were not provided to the defence. Mr. Pilon stated that he made the request to the “Division Technologique” for all the cellular phones seized on February 17, 2021 but that he never received the answer back from the division with respect to phones of Iler;
44. This answer was spontaneous and made before all the police officers (including Francis Blais) had a chance to discuss the issue of Iler’s phones amongst themselves. Therefore, it is more accurate than the testimony of Mr. Steven Martel (“**Martel**”), who as we recall was the affiant for all the warrants issued in the present file;
45. On March 11, 2024, Martel testified that the reason that the cellular phones of Iler were not obtained was because there has always been a backlog at the Technology Division. Therefore, they only send a selected amount of phones to be analyzed. He added that there was no disculpatory evidence on the phones of Iler, that they were old phones (such as an iPhone 5) and because Iler was old. When Me Sanderson asked how old was Iler, Martel could not answer;
46. But that is not all. Brouillard testified that he did not work in the Technology Division of the Sureté du Québec, however, he had taken a course which many other detectives had taken in the past, namely Kioske Enfield. This course allowed him to be able to extract cell phone data if the police had the password. In fact, Mr. Blais asked Mr. Brouillard to do the cellular phones of Iler in January 2024 and he was able to provide the information in less than one month;
47. Brouillard added that he took the course in 2020 which was before the seizure at the home of Roberge on Febraury 17, 2021. He added that 3 other people in his division also took the course with him, implying that many people took the course. Consequently, Martel was not telling the truth when he said it was not possible to get all the data from all the cellular phones in 2021;

48. In hindsight, due to these misrepresentations by Martel with respect to the cellular phones of Iler, perhaps the error with respect to the criminal record of Samuel Perron on the warrants was not simply a “*coquille*”. The description of 2 twenty dollar bills as a “*liasse d’argent*” was also likely an intentional exaggeration;
49. On June 17, 2024, Mr. Karnayeff-Bisson testified that the Technology Division did have a backlog but that they always did all the cellular phones that were provided to them. He explained that the maximum time would be between 3 to 6 months for the turnaround of the phones. Since the seizure of the cellular phones occurred in February 2021, there was ample time before the arrest of Roberge on June 23, 2022 to obtain the extraction of the cellular phone data of Iler. The State was clearly trying to avoid providing this evidence to the defence;

Exhibit M7-6 pages 4 and 5 (The First Report)

50. The testimony by the police officers of Longueuil with respect to the First Report caused many jaws to drop;
51. The first officer to testify thereon was Captain Julien Levesque (“**Levesque**”);
52. From the onset, it is important to note that, although the police officers were called by the defense, they are obviously testifying in favour of the Crown. Consequently, the answers that were suggested by the Crown were not credible in the slightest. Evidently, if the Crown suggests an answer the police officer will answer “yes”. Therefore, the Judge should disregard all the testimony of such officers after they were interrogated by Me Sanderson. In fact, Me Sanderson should have been authorized to use suggestive questions due to the fact that the officers were exactly that, police officers working for the State, with the exception of Mailloux evidently;
53. It should be noted that Levesque knew that there was an error with respect to the signature dates since March 30, 2023 because he had checked at that time and he knew that Jean-Francois Moreau was on vacation on June 24, 2022;
54. Supposedly the police officers admitted that they had a practice of leaving the date on the report that it was printed even if they did not sign on that date. This practice presumably was to give the impression that report was made contemporaneously with the event, even though it could have been signed several days later;
55. Levesque testified that he had insisted that the practice is now changed and that the police officers of the BIM no longer simply print the form and then sign on any date (*i.e.* the date of signature must be the date that they actually sign);

56. Levesque also produced a report on March 30, 2023, a copy of which was filed as Exhibit R7-18 pages 15 to 24. The report concludes at page 18 that all the copies are identical. However, during his testimony he admitted that there was an error because on the “copie planif BIM” (page 21 of Exhibit R7-18), there was a space taken out at 14:25 P.M. As a result, Levesque admitted that the copies were not all identical;
57. It should be noted that St-Germain also testified of another strange practice. She admitted that often the BIM prepare reports for a specific detective but that they do not produce same if the detective tells the BIM that they do not need it. This lack of disclosure is definitely questionable. Presumably, this is the reason that Exhibit R7-25 was never signed or provided to the defence in a timely manner;
58. The most astonishing testimony on the First Report arose with respect to the testimony of the person who supposedly wrote the report, being Mr. Viet Long Nguyen (“**Nguyen**”). Me Sanderson had announced the witness as being the one who had “supposedly” written the report and Me Malouin objected to Me Sanderson’s comment as being “*perjorative*”;
59. Nevertheless, the first question was whether Nguyen wrote the report and answered “non”. He added that he also did not put his initials next to his name at 17:30 (5:30 P.M.) and 10:04 A.M. In fact, he testified that he never went to 699 Curé Poirier and that his shift ended at around 3:00 P.M. Therefore, his name should not be next to the entry at 17:30;
60. Nguyen also testified that he only brought the first page of the 2 reports (i.e. The First Report and The Second Report) and did not bring the signature pages. He said he did not need them. This is quite strange considering that Nguyen was allegedly the person who was the “redacteur” of the First Report;
61. It did not go unnoticed that the superior of Nguyen was Francis Tremblay, the husband of Me Malouin;
62. Another officer also confirmed that he left early at 3:00 PM and therefore his name should not be at 17:30. I believe it was Moreau and/or Picard;
63. Several of the officers admitted that they were aware of the alleged practice of signing the report after the date indicated. However, they only admitted to same after it was suggested by Me Malouin. It is submitted that obviously if the Crown suggests an answer to a witness who is a police officer he is going to say “yes”. The testimony on this practice was not credible. Furthermore, it was a despicable practice and the officers must have known that it was wrong;
64. There is no mention in the First Report that Claveau read the rights to Roberge from a card. In fact, the report contains an entry to the contrary at 14:27 that his rights were given “*verbalement*”;

65. The First Report ends at 17:30 hours, however, the fact that Me Sanderson came to the police station and that St-Germain and Ahier refused to allow Me Sanderson to speak to her client is not indicated on the report. The report is quite detailed, however, there are no notes that were provided by any of the 6 police officers who allegedly came to the police station on the St-Jean Baptiste to sign the report;
66. Didier Tanguay testified that he may have taken notes that day with his colleagues on "What's Up". However, he could not remember if the account was personal or they all used it;
67. If the police officers were really using What's Up to take notes, this practice should also be banned because there is no manner to ensure that the defence obtains the notes;
68. Moreover, there are no entries on the First Report with respect to cars that may have come and gone during the day;
69. The entry at 14:25 which states that Roberge leaves the front door and goes to his car is also contradicted by the video because Roberge does not go directly to the car. He stops to talk to a unidentified man next to a pick-up truck that was also in the driveway. They talk for several minutes and then Roberge goes to the car based on the video;
70. It should be noted that the only vehicle indicated in the report is the BMW, however, based on the video there were 2 other vehicles in the driveway and a motor home next to the pick-up trucks. This can be compared to the report (filed as Exhibit R7-25 and referred to below as the Second Report) in which the other vehicles in the driveway at the home of Roberge appeared;
71. It should be remembered that Didier Tanguay also lied during his testimony of January 13, 2023 that the door was open during the arrest (explained in detail in the amended motion for abuse, dated June 2, 2024);
72. Based on all of these contradictions and erroneous information, it is submitted that the First Report was fraudulent and was more than likely made after the Crown advised the police officers of the motion for the warrantless search;
73. The First Report was also not in the PDF version of the reports of the arrest which were provided by Jonathan Bouchard to Savoie-Bilodeau on July 26, 2022 as confirmed by the testimony of Mr. Savoie Bilodeau on June 19, 2024 (Exhibit R7-29);
74. The First Report and the Second Report were also not provided to Me Boillat-Madfouny in March 2023 as confirmed by Savoie-Bilodeau (see email exchange with Me Boillat-Madfouny filed as Exhibit R7-18 pages 8 to 10);

75. Furthermore, as the information with respect to the BMW was not in any of the reports filed prior to the trial held on January 13, 2023, it was not credible. The only place in which the information with respect to the BMW appeared was with respect to the three (3) suspicious reports described herein);
76. If the reports existed on July 26, 2022, then they would have been sent to Savoie-Bilodeau who confirmed that none of them were sent to him at that time. This is the reason that he did not send them to Me Boillat-Madfouny in March 2023;
77. It should be noted that Me Malouin always objected to the 6 police officers who signed the First Report testifying in any manner whatsoever notwithstanding that Me Sanderson sent subpoenas in March 2023 (Exhibit R7-17 and the stenographic notes of March 31, 2023);
78. It was only after the Crown presented the undisclosed witnesses from the SPAL at the trial that she was forced to allow Me Sanderson to call them as witnesses in her defence otherwise she would have contested to their presence again at the trial in June 2024;
79. As explained above, since First Report and the Second Report had BARC checked off as opposed to ERM, Me Malouin should have known there was something suspicious;
80. Moreover, Levesque had already admitted that the the police officers had not all signed on the St-Jean Baptiste Day and that Moreau was on vacation that day. Consequently Me Malouin intentionally tried to prevent the truth from being discovered by the defence. This is exactly what was meant by aligning with the police in *Ontario (Attorney General) v. Clark*, [2021 SCC 18](#). A practice which should not be practiced by the State;

#### Second Report filed as Exhibit R7-25

81. On June 5, 2024, during the testimony of Nguyen, a new report that was never provided to the defense suddenly appeared. Initially, Nguyen provided a copy with no signature page, however, later Mr. Sacha Genest-Picard (Badge # 11749) (“**Picard**”) provided the Court with both pages and it was deposited as Exhibit R7-25;
82. The most important issue with respect to this report (the “**Second Report**”) is that it is signed by 2 new officers that were not even part of the arrest, being Nancy Therrien, Badge # 11478 (“**Therrien**”) and François Lebrasseur, Badge # 11611 (“**Lebrasseur**”). They also have only 2 observations at 11:55 AM ;

83. It is strikingly particular that Picard and St-Germain both have several entries at 8:10 A.M. and 9:25 A.M. but that they did appear on the signature page of the Second Report and their names do not even appear on the signature lines as having even participated in the observations;
84. St-Germain testified that she was at the location on Brown Avenue in St-Hubert and that she drove to St-Alexandre. St-Germain testified that she left at 9:25 A.M. and arrived at St-Alexandre at 9:53 A.M. This is 28 minutes. This distance is approximately 47 kilometers and the fastest route is 37 minutes based on Google maps if you pass by Highway 10;
85. The Second Report indicated at the top of the page that the surveillance ended at 14:15 except the time of the last entry is 14:25;
86. Furthermore, there were no notes provided by any of the police officers to confirm the times in either the First Report or the Second Report;
87. It should be remembered that St-Germain admitted that she was present with another officer from the BIM, Pascal Roy, and 2 other officers from the drug squad of the SPAL for the search and seizure at the home of Roberge on February 17, 2021;
88. St-Germain also testified that she was aware of the fact that Didier Tanguay had made a "*petite erreur*" when he committed perjury during the trial of January 13, 2023. With respect, perjury is not a little error;
89. Nevertheless, St-Germain did confirm that the entire department was talking about the acquittal of Roberge. It should be noted that the other officers all testified that they were not aware of same;
90. Furthermore, Stéphanie Gauvin who was the *Exhibit man* testified that she did not observe any of the objects being seized at the house of Roberge on Brown Avenue. That is, she remained at the kitchen table of the house. This means that there is no proof in the record of who seized which drugs or other items in which part of the house;
91. Furthermore, Gauvin testified that she took the cocaine out of the bag and placed it on a scale. This is not a sterile environment and this could have contaminated the contents of the alleged product;
92. Based on the foregoing misconduct by the Longueuil police, including St-Germain, there could also have been misconduct by such officers at the home of Roberge. St-Germain testified that Pascal Roy and 2 other officers from Longueuil were present for the search and seizure on Brown Avenue;

93. It should be noted that Levesque testified on June 18, 2024 at 3:18 PM that the Second Report was not in the archives;
94. However, this testimony is contradicted by the testimony of Claveau who produced all the records from the archives as Exhibit R7-28 which did include the Second Report in the archives;
95. It is interesting to note that Me Malouin tried to pretend that this document did not come from the archives by stating that the email came from Picard. However, Claveau confirmed that the crest on the email means that the document was from archives. Moreover, why would Picard re-scan the documents received from archives? This suggested answer by the Crown was not credible;

#### Third Report filed as Exhibit R7-18 pages 11 and 12

96. The report entitled "Demande D'Assistance au BIM" filed at pages 11 and 12 of Exhibit R7-18 was allegedly prepared by Jonathan Bouchard ("**Bouchard**"), a Lieutenant of the Longueuil police. Jonathan Bouchard was the person in charge of the BIM. The said report shall hereinafter be referred to as the "**Third Report**";
97. Bouchard is very tall, perhaps 6 foot 3 or 4 inches, and each time a question was posed to him he looked up in the courtroom and did not look at the Judge;
98. Bouchard testified that he prepared the Third Report for statistical purposes only. This testimony was contradicted by both Didier Tanguay and Francois Mailloux. During the testimony of Didier Tanguay, Me Sanderson gave an example of the purpose of the form. She asked if for example, a detective named "Richard Lord" working in the drug department wanted the BIM to do surveillance (filiature) for him, then he could fill out the form. Didier Tanguay confirmed "*oui*";
99. Didier Tanguay did not say that the form was for statistical purposes;
100. Similarly, Francois Mailloux confirmed that he had used this form to request services from the BIM while he was a detective at Longueuil;
101. The title of the document itself confirms that the form is not used for statistical purposes. It is interesting to note that there is no file number on the form and it is not signed or dated. Levesque confirmed that usually all documents have a file number and are signed in order to archive same;

#### Exhibit R7-18 pages 13 and 14 (the "**Bilodeau-Savoie Email**")

102. Bouchard was also not credible with respect to the email which he allegedly received from Bilodeau on June 21, 2022 (the "**Bilodeau-Savoie Email**"). He immediately stated that he deleted many of his emails and even in his sent items. He said that he often gets notifications from outlook that his inbox is full;

103. Francois Mailloux confirmed that he had an email with SPAL for more than 15 years and that he never received such a notice;
104. It is not credible that in this day and age and this technology that an inbox becomes too full to hold emails. However, even if it was the case, why did Bouchard know that day that he had already deleted the Bilodeau-Savoie Email;
105. Bouchard also testified that Nguyen asked for the Bilodeau-Savoie Email after the arrest of Roberge in the afternoon of June 23, 2022. However, Bouchard did not know the reason that he asked for it. Bouchard testified that Nguyen called him to ask for the email;
106. Nguyen testified that he had no recollection of the email and did not know the reason it was sent to him;
107. Nguyen testified that he did not have access to his email from his cellular phone and he also said that he may have deleted the email without even being prompted by Me Sanderson;
108. With respect, it is not credible that he did not have access to his emails on his cellular phone;
109. This testimony of Nguyen and Bouchard regarding the Bilodeau-Savoie Email were very elusive and support the pretensions of Roberge that it was fabricated;
110. Bilodeau-Savoie could not explain the reason that you could not see the attachments on page 14 of R7-18. He said to Me Malouin that he learnt a new thing about the emails. Again Me Malouin was suggesting answers to Bilodeau-Savoie;
111. It is true that the witnesses were called by the defence, therefore, technically the Crown could make suggestive questions, however, obviously if a Crown prosecutor suggests a question, the police officer will know if is not a trap and does not even need to think and will confirm the veracity of the statement. The fact that Me Malouin was required to use suggestive questions for all the police officers including Levesque reduces the credibility of both the Crown prosecutor and the police;

#### Search and Seizure at de la Rotonde and Testimony of Felicia Laurent

112. On February 17<sup>th</sup>, 2021, the SQ and the Montreal police also searched the residence of Iler;
113. There were several police officers at the premises of Iler located on Nuns' Island. Based on the notes of the officers it appears that the officers had lengthy

conversations with Iler but they did not record any such conversations. Moreover, the notes of one officer were even changed and barred out;

114. The notes of Jean-François Larivière (#13440) provide “*je remets la clé du VR à Michel Iler. Celui demeure avec nous pour discuter. Il ne veut pas quitter.*”
115. It is quite suspicious that the time of this event was initially 8:32 in the morning but thereafter someone changed the time to 10:22. There are no initials next to the change of time;
116. There are no police notes on the discussion that Michel Iler had with the police officers nor is there any mention of who he spoke to. The notes of Mr. Larivière were already filed into evidence during his cross-examination during the trial on the merits. A copy of the notes appear also on pages 8 to 12 of the PDF document filed by the defence entitled “Exhibits VD7-21 to 23 Notes of Demers, Pichette and Carrière”;
117. The notes of Larivière specify (page 12 of Exhibit R7-21 to 23) that Michel Iler quitte avec le Chevrolet Malibu gris;
118. When Me Sanderson questioned Me Malouin on this issue, she mentioned that Iler simply went in the condo to get his cheque book. However, this is not the same event, Me Malouin must be referring to the notes of Marco Demers (page 16 of Exhibit R7-21 to 23).
119. Demers’ notes provide that at “*10h35 Michel Iler se présente à l’appartement 306 en compagnie de Nicolat (which was barred out and replaced with Francis) Pichette. Il demande son livret de chèque se trouvant sur le micro-onde sous des casquettes. Remise du carnet de chèque par Demers. Un sachet de poche (contaminé) tombe du livret. Carnet Banque Canadienne de commerce #019-00261-010-78-42287 chèque de 18 à 25. Donne code du iPhone sur Divan #2121*”;
120. Presumably this is the reason that Larivière changed the time on his notes from “8:32” to “10:32” so they would match up with the notes of Marco Demers;
121. The notes of Francis Pichette do not have any entry with respect to accompanying Iler upstairs to get his checkbook (page 18 and 19 of Exhibit R7-21 to 23);
122. Similarly, the notes of Audrey Carrière mention that Iler was speaking to the “*enquêteurs*” yet the names of the detectives are not mentioned (page 20 and 21 of Exhibit R7-21 to 23);
123. Ms. Felicia Laurent testified that at around 5:00 AM before the search, Iler and herself left the apartment to go to get crack cocaine. She said Iler called the dealer just before they left but that when they arrived downtown to the meeting place, the dealer never came out. She thought that was strange because they had bought off him before;

124. Ms. Laurent testified that Iler locked the door when they left, however, the SWAT did not need to break the door when they entered the premises. She looked as if it was a stupid question to ask;
125. Felicia Laurent testified that after they arrived back at de la Rotonde and saw the police in the underground parking, Iler and herself never left the building and they both stayed at the apartment in the parking during the entire search. She stated that she never left and Audry Carrière never drove her home;
126. She also stated that Iler never left with his vehicle;
127. Ms. Laurent also testified that the police officers never put Iler in handcuffs and never arrested both of them. She confirmed that the police officers only kept them apart for approximately 20 minutes but that she could see Iler all the time and he never went upstairs during the search of the apartment. She specifically stated that Iler wanted to go upstairs but that the officers refused;
128. This is more credible than the testimony of Demers and Larrivière because it is not a normal practice to allow people to enter the premises while there is a search and seizure is being done by the police therein;
129. Ms. Laurent remembered that she had seen a gun in the apartment but that it did not work. She mentioned that when it was hidden in the cushions you could not see it contrary to the pretensions of Marco Demers who testified you could see it. It is strange that the SWAT would break in an apartment and see a gun and simply leave it between the cushions of the couch to take pictures;
130. Since Ms. Laurent was on crack cocaine, it is true that she may not have been 100 percent credible. Nevertheless, she was angry that she had to testify because she did not even know Roberge and had never seen him before. Moreover, she answered the questions with precision and openly. In fact, she openly admitted that Iler had a gun but that it probably only used to scare people because it did not work;
131. The expert, Gilbert Desjardins, confirmed that the gun did not work on one occasion when he pulled the trigger;
132. She also testified that she had been pulled over by the police in a vehicle in Verdun and that the police had towed the car. This information was never provided to the defence;
133. However, since there were so many changes on the notes of Demers and Larrivière, her testimony remained more credible than the testimony of Demers and Larrivière and definitely raised more than a doubt with respect to the credibility of Larrivière and Demers;
134. Larrivière and Demers had no recollection of the conversations with Iler indicated in the notes;

135. It should be remembered that was not the first contradiction with respect to Larrivière and Demers. It should be recalled that Demers allegedly saw Roberge drop a bag in the Lamborghini outside of the Cochonerie Restaurant which he saw from a distance of more than 30 meters through tinted windows. However, Larivière did not see this transaction even though they were sitting in the same car together at the same time;
136. Based on the foregoing, the Applicant submits that there are too many inconsistencies and serious issues with respect to the evidence and the abuse of process in the present file that the only remedy possible is a stay of proceedings.

**FOR THE AFOREMENTIONED REASONS MAY IT PLEASE THIS HONOURABLE COURT OF QUEBEC TO:**

**ORDER**                      a stay of proceedings in the present file;

**SIGNED AT THE CITY OF CARIGNAN,**  
This 9<sup>th</sup> day of July, 2024

*Jacqueline Sanderson*

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Me Jacqueline Sanderson

File No: **505-01-173446-218**  
**505-01-173448-214**  
**505-01-173447-216**

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COURT OF QUEBEC  
DISTRICT OF LONGUEUIL

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**SAMUEL ROBERGE,**

Applicant;

- vs. -

**HIS MAJESTY THE KING,**

Respondent;

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**MOTION FOR ABUSE OF PROCESS**

**WRITTEN PLEADINGS OF THE APPLICANT**

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Lawyer # AS0BL8

By email

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