

COURT OF KING'S BENCH OF MANITOBA

B E T W E E N:

HIS MAJESTY THE KING,)	<u>Bryton M.P. Moen</u>
)	for the Crown
- and -)	
)	<u>Matthew T. Gould</u>
LAWRENCE JOSHUA FOWLES,)	<u>Keenan Fonseca</u>
)	for the accused
accused.)	
)	
)	<u>Judgment Delivered:</u>
)	December 22, 2025

MONNIN J.

INTRODUCTION

[1] In the early morning hours of January 14, 2024 ("January 14"), Teasers Burlesque Palace ("Teasers"), located at 611 Archibald Street in Winnipeg, was struck by gunfire. Two shots were fired. No one was injured.

[2] A truck described as a white Dodge Ram ("Dodge Ram") left the scene. A witness who was waiting outside in his own vehicle followed the Dodge Ram to the Riverside Bar, located at 531 St. Mary's Road, in Winnipeg.

[3] A male suspect exited the Dodge Ram and entered the Riverside Bar. The Winnipeg Police Service ("WPS") was informed and the male suspect, who is the accused in this matter, was arrested. The Dodge Ram was seized and analyzed by the WPS.

Charges Against the Accused

[4] The accused is charged with the following offences:

- Possession of a firearm knowing that possession is unauthorized (s. 92(1) of the ***Criminal Code***, R.S.C., 1985 c. C-46 ("***Code***") ("Count 1");
- Possession of a loaded restricted firearm (s. 95(1) of the ***Code***) ("Count 2");
- Possession of firearm contrary to an order (s. 117.01(1) of the ***Code***) ("Count 3"); and,
- Reckless discharge of a firearm (s. 244.2(1) of the ***Code***) ("Count 4").

(The relevant provisions of the ***Code*** can be found at Appendix "A").

[5] The Counts are fully set out in the indictment, and it is on those four Counts which this matter proceeded to trial. The accused pleaded not guilty to all four Counts.

[6] For the reasons described in more detail below, I find that:

- the Crown has proven beyond a reasonable doubt all of the elements of an offence under Counts 1 and 3; and,
- the Crown has not proven beyond a reasonable doubt all of the elements of an offence under Counts 2 and 4.

The Evidence

[7] Thirteen exhibits were filed at trial (see Appendix "B"). The Crown called 16 witnesses, which included lay witnesses, members of the WPS, a forensic firearms expert, and a DNA expert.

[8] The accused exercised his right to remain silent. Counsel for the accused did not call any other witnesses.

Statement of Agreed Facts

[9] The Statement of Agreed Facts (Ex. 1) provides as follows:

1. On or about January 14, 2024, Teasers Burlesque Palace (situated at 611 Archibald Street, Winnipeg, Manitoba) was shot at. As part of their investigation into the shooting, Winnipeg Police seized multiple exhibits.
2. Among the exhibits seized was a white Dodge Ram truck (Manitoba licence plate: LBL 855).
3. The white Dodge Ram truck was seized from the Riverside Bar (also known as the Riverside Inn), situated at 531 St. Mary's Road, Winnipeg on January 14, 2024, and towed to Winnipeg Police Headquarters.
4. The truck was analyzed for fingerprints, and a suitable impression was located to the right of the window, at the rear driver's side door. That print was analyzed and there was a positive match for the left index finger of the accused, Mr. Fowles.
5. Inside the truck several items were located, including a Glock semi-automatic pistol which was located inside the truck, in a drawer/compartiment that is under the radio in the front dash. The firearm was analyzed by the Royal Canadian Mounted Police Forensic Laboratory, and the firearm was operational and functional. The firearm was classified as a restricted firearm.
6. Also found in the truck was an expended cartridge, which was located on the front passenger seat.
7. The firearm had blood on the inside trigger guard by the trigger (area AF). There was also biological material on the grip (area AH), the slide (area AJ), and the exterior surfaces (area AA). The DNA was analyzed, and areas AF and AH were a match for the accused. The DNA evidence is 1.5 quintillion times more likely to be observed if it originated from the accused rather than if it originated from an unknown, unrelated individual.

8. The DNA from area AJ matches the DNA of the accused. The DNA evidence is 1.8 trillion times more likely to be observed if it originated from the accused rather than if it originated from an unknown, unrelated individual.
9. The DNA from area AA did not meet the minimum requirements for further processing.
10. The accused is under a lifetime firearms prohibition order made pursuant to section 109 of the *Criminal Code* on November 15, 2011.
11. After being arrested by the Winnipeg Police the accused was interviewed. The statement is admissible for the purposes of cross-examination.
12. Continuity of all exhibits in this case is admitted. Without limiting the generality of the foregoing, the exhibits delivered to the RCMP lab were examined in the same condition as they were collected.

Testimony of Brian King

[10] Brian King ("Mr. King") is 44 years old and works at a restaurant located in Teasers. Although he was not scheduled to work on January 13, 2024 ("January 13"), he went to Teasers that night to visit a friend who was working. He arrived around midnight in his black truck and parked in front, facing south on Archibald Street, about five feet to the south of the main doors and went inside.

January 14

[11] In the early hours of January 14, Mr. King decided to go home. He left Teasers and got into his truck. Mr. King believed that his truck was running, and that the heater was on. He denied that his windows were frosted or otherwise obstructed. He saw a marked WPS cruiser parked in front, and it drove away a brief time later. Moments later, another vehicle came up behind Mr. King, facing the same direction as his truck on Archibald Street. Mr. King heard what he believed to be two to three gun shots fired over the bed of his truck, towards the main entrance doors of Teasers. He had never heard gun shots before and described it as a "popping" sound. He looked into his rear-view

mirror and testified that he saw and heard the shots. He then turned to look through his rear window as he ducked down briefly. He denied seeing any muzzle flashes and did not see the type of firearm that was used. Mr. King testified that he did not make eye contact with the shooter, and he did not make out all of their facial features.

[12] He sat back up and saw the Dodge Ram drive past him, going south down Archibald Street and decided to follow it. Mr. King further testified that he saw the Dodge Ram turn right and head west on Marion Street where it briefly travelled the wrong way on a one-way section of Marion Street before turning left onto Youville Street continuing south. Mr. King said that he saw no other white truck on the road while he followed the Dodge Ram.

[13] Mr. King called a member of the Teasers' security staff, Christopher Adams ("Mr. Adams"), updating him about what he saw and where he was going while he was following the Dodge Ram. He also took photographs and a video of the Dodge Ram with his phone as he followed it to the Riverside Bar (Ex. 5-6).

[14] Mr. King testified he took a slightly different route, arriving at the rear of the Riverside Bar a short time thereafter. He backed up his truck to stay out of view of the Dodge Ram, and he watched it park in the rear parking lot. Mr. King testified that he saw only one man exit the Dodge Ram and enter the Riverside Bar. He did not see anyone in the front passenger seat. However, he admitted that the rear windows of the Dodge Ram were tinted, and he could not tell if there was anyone seated in the back. He took a photograph of the parked Dodge Ram (Ex. 6, Photograph No. 2). Mr. King continued to give updates over the phone to Mr. Adams, then parked his truck on St. Mary's Road, in

front of the Riverside Bar and went inside. At that time, his focus was on the man who entered the Riverside Bar, and he was no longer watching the Dodge Ram.

[15] Once inside, Mr. King told a member of the Riverside Bar security staff what had happened. He then took a photograph of the man, who was now sitting at the bar (Ex. 6, Photograph No. 3). Based on the information Mr. King received from Mr. Adams over the phone, he told the Riverside Bar security staff that the WPS were on their way. Mr. King waited until the WPS arrived and was directed by them to return to Teasers to meet with other officers, who then took him to the WPS headquarters to give his statement. After giving his statement, Mr. King recalled leaving the WPS headquarters around 4:00 a.m., returning to Teasers to get his truck.

[16] In the past five years, Mr. King has been going to Teasers on a regular basis (about three times a week). During this time, he has never seen Teasers' security staff assault anyone or use a baseball bat. Mr. King admitted to being friends with members of the Teasers' security staff but denied that this had any influence on his evidence and he denied discussing his evidence with anyone else that night or afterwards.

[17] In response to questions on cross-examination, Mr. King admitted that he uses government-issued marijuana daily to manage pain from a neurological condition. He normally smokes one joint, about three times per day. He said that he smoked marijuana at about 8:00 p.m. on January 13, and did not smoke any more after that. Mr. King admitted that when he left Teasers on January 14, he had planned to smoke marijuana again but decided against it when he saw the marked WPS cruiser parked outside. He did not recall exactly how much marijuana he had smoked on January 13, but said that

it did not make him “dumb”. He did not tell the WPS or the Crown that he had intended to smoke marijuana again and denied that he was hiding his marijuana use, stating that he openly supports its use.

[18] He was further asked about his driving record, and admitted that due to having several driving infractions, he no longer had a valid driver’s licence since approximately 2005, and he was not sure if he was suspended for life. Mr. King admitted that he has continued driving during this time, because he feels he has no choice. He also admitted that during the investigation of this matter, he asked authorities whether they could help him with his driver’s licence but that no such help was offered or provided.

Testimony of Kimberly Walker

[19] Kimberly Walker (“Ms. Walker”) is 59 years old and a mother of two. Her eldest son passed away when he was 16 years old. At the time, he was dating a young woman named Amber. Her son was also friends with the accused. After her son passed away, Amber and the accused began dating and had a child together. They have remained close with Ms. Walker, and she views them as family.

[20] In 2023, Ms. Walker had a car accident, and her vehicle was written off by the Manitoba Public Insurance Corporation (“MPI”). As part of her insurance coverage, MPI provided her with a replacement vehicle. Although she could not recall the specific make or model, she acknowledged that it looked like the Dodge Ram shown to her (Ex. 4, Photograph No. 1). Ms. Walker would lend the Dodge Ram to the accused from time to time. She would also lend it to others, such as Amber, her other son, and a couple of other individuals.

[21] Near the end of 2023, MPI informed her that it would stop providing her with the Dodge Ram. It was decided that the accused would take over the Dodge Ram and the payments for it. She could not recall the exact date when that occurred (either December 28 or December 30, 2023). After that happened, while she would use the Dodge Ram, she would not look through it, as she viewed it as belonging to the accused. Ms. Walker did not recall ever seeing any firearms in the Dodge Ram at any time. If she had ever found a firearm, she would have called the WPS. Ms. Walker also testified that around this time, the accused, who had been living with her, moved out and took the Dodge Ram with him.

Testimony of Constable Corey Kociuk

[22] Constable Corey Kociuk ("Cst. Kociuk") has served with the WPS for 19 years and has been a member of the Forensic Identification Unit for the past three years. He was tasked with processing the scene at Teasers after the shooting.

[23] He went to Teasers at approximately 8:30 a.m. on January 14 and took several photographs of, among other things, the front door, the front lobby area and doors, a bullet that was found on scene and another bullet embedded in the exterior right-hand side of the metal door frame of the front door (Ex. 3).

[24] Cst. Kociuk testified that a bullet was found on the floor of the front lobby area by a member of the Teasers' security staff, who provided it to the WPS (Ex. 3, Photograph Nos. 16-17). It was determined that the bullet had pierced through the front doors (Ex. 3, Photograph Nos. 2-5 and 8-9) and continued at an angle hitting the kickplate near the bottom of the second set of doors in the front lobby area (Ex. 3, Photograph

Nos. 10-12). Cst. Kociuk did not find any spent shell casings, despite searching inside the front lobby area and outside in front of the building and on Archibald Street.

[25] Cst. Kociuk was unable to remove the other bullet that was embedded in the right-hand side of the metal door frame (Ex. 3, Photograph No. 6) without causing further damage to the bullet. As a result, that bullet was not preserved, and it was not sent to the Royal Canadian Mounted Police ("RCMP") laboratory for analysis.

Testimony of Constable Bryce Buchanan and Constable Chad Thompson

[26] Counsel for the accused did not take issue in any substantive way with the testimony of Constable Bryce Buchanan ("Cst. Buchanan") and Constable Chad Thompson ("Cst. Thompson"). Their evidence was consistent in every material respect, and I have therefore combined the summary of their evidence.

[27] Cst. Buchanan has served with the WPS for approximately two years and Cst. Thompson has served for 15 years. They were partners on duty on January 13-14, 2024. Both are members of the WPS General Patrol East District. The East District station is located at 1750 Dugald Road and covers the east side of the City of Winnipeg (except for the downtown area).

January 13

[28] At approximately 11:17 p.m., Cst. Buchanan and Cst. Thompson were dispatched to Teasers to respond to a male patron making threats. They arrived at approximately 11:22 p.m., where Teasers' security staff told them that a male patron had removed his pants during a private dance, was escorted outside, and threatened to return with a gun. Cst. Thompson recalled that Mr. Adams seemed shaken and that he considered the threat

to be serious and wanted the WPS to stay. Teasers' staff gave them a description of the male patron (6 feet 3 inches tall, muscular build, wearing a red jacket, a red shirt, tan pants, and driving a white truck). As well, Mr. Adams gave them a photograph which he said that he took of the male patron standing outside Teasers (Ex. 7). A Teasers' employee working that evening told Cst. Thompson that they recalled going to school with the male patron, that his name was Josh Fowles, and that he was about 30 years old. Cst. Buchanan and Cst. Thompson went to their marked WPS cruiser in front of Teasers and ran a computer search, which produced a record for Mr. Fowles, indicating that he was 6 feet 1 inch tall, 190 pounds, with a medium build and which produced a photograph matching the one provided by Mr. Adams (Ex. 7). They stayed in their marked WPS cruiser for about 15 to 30 minutes before returning to the East District station. Cst. Buchanan testified that the drive between Teasers and the East District station takes about four to five minutes.

January 14

[29] Upon Cst. Buchanan's and Cst. Thompson's return to the East District station, they received a dispatch call at 1:16 a.m., regarding shots fired at Teasers by the male patron. They arrived at Teasers at 1:23 a.m. and confirmed the shooting and saw a bullet hole in the front doors. Cst. Buchanan and Cst. Thompson testified that they did not recall seeing the second bullet that was embedded in the right-hand side of the metal front door frame. They further testified that Mr. Adams showed them another photograph, which he said was sent to him by Mr. King, of the male patron now sitting in the

Riverside Bar (Ex. 8). Cst. Buchanan and Cst. Thompson said they called for additional WPS units to attend the Riverside Bar, while they stayed at Teasers.

[30] Cst. Buchanan and Cst. Thompson were eventually advised by Constable Anmolpreet Grewal ("Cst. Grewal"), who was now at the Riverside Bar, that Mr. King was returning to Teasers. Cst. Buchanan and Cst. Thompson met with Mr. King at Teasers at 2:07 a.m. and took him to the WPS headquarters at 2:40 a.m. so he could give his statement. Cst. Buchanan and Cst. Thompson returned Mr. King to Teasers at around 3:55 a.m. to retrieve his truck. They denied that anyone instructed Mr. King what to say in his statement and confirmed that they made no promises to him.

[31] Cst. Thompson testified that he had previous dealings with Mr. Adams regarding disruptive patrons at Teasers, but he had never seen weapons (such as a baseball bat), or violence used by Teasers' security staff against a patron.

Testimony of Christopher Adams

[32] Mr. Adams has worked at Teasers for 12 years and is the head of security. He was working on January 13-14, 2024. Mr. Adams denied drinking alcohol while working and he denied using drugs at all.

January 13

[33] Mr. Adams was told that a male patron had paid for a private dance, took off his clothes and blocked the doorway while the dancer was still in the room. Mr. Adams and another member of the Teasers' security staff went to the private room and asked the male patron to put his clothes back on and leave. The male patron was escorted outside with Teasers' security staff placing their hand on his back to guide him. Mr. Adams

recalled that this may have involved himself and two other members of the Teasers' security staff (Brian Summers and Myles McGregor). Although the male patron seemed intoxicated, he could still talk. In response to a question on cross-examination, Mr. Adams denied that a dispute arose with the male patron regarding tipping.

[34] While the male patron was being escorted outside, he threatened to return to Teasers and "shoot everyone" and that if he did not "get everyone", he would come back. Mr. Adams took a photograph of the male patron standing outside of Teasers (Ex. 7) and described him as being about 6 feet 1 inch tall, dark hair, muscular, wearing a red jacket, red shoes, and khaki pants. Mr. Adams testified that he watched the male patron get into a white Dodge truck (a 2020s model) and drive away. Mr. Adams testified that he called the WPS from his cell phone about the male patron making threats.

January 14

[35] Mr. Adams made another call to the WPS after shots were fired at Teasers. He heard what he believed to be bullets ricocheting in the front lobby area and saw a bullet hole in the front door. Mr. Adams further testified that he received information from Mr. King about what he saw outside and while he was following the Dodge Ram to the Riverside Bar. Mr. Adams provided the WPS with the photograph of the male patron sitting at the Riverside Bar, which he said was sent to him by Mr. King (Ex. 8).

[36] Mr. Adams testified that Teasers has security cameras throughout the premises, including the private rooms, the front lobby area and, he believed, outside the front doors. He recalled that the cameras were operational on January 13-14, 2024, but he did not have access to the footage. He did not recall speaking with the WPS about getting

footage or seeing any footage from those dates. He denied that he or any members of the Teasers' security staff punched, kicked, or used a baseball bat against the male patron or that anyone was cut.

Testimony of Myles McGregor

[37] Myles McGregor ("Mr. McGregor") has worked at Teasers since March 18, 2018. Although he was at Teasers on January 13–14, 2024, he was not working and was there socializing with friends. Mr. McGregor admitted that he was drinking that night. His recollection was that he had about four single drinks and rated his intoxication level to be five out of ten. He first denied any drug use that night but then said that it was possible that he had consumed marijuana and cocaine. However, he was still confident with his memory.

January 13

[38] Mr. McGregor recalled a male patron being escorted outside by Mr. Adams and another member of Teasers' security staff (Brian Summers). Since he was not working, he did not get involved, stating that it was not "his circus". He recalled that the male patron was wearing a red jacket. He denied seeing any punches, kicks, or the use of a baseball bat. However, he did not see what happened at the front lobby area and at the front doors.

January 14

[39] When the shooting happened, Mr. McGregor was inside the main bar area and did not see what occurred. After the shooting, he went to the front lobby area and found a "mangled" bullet on the floor (Ex. 3, Photograph No. 12) and he put it in his pocket so

that people leaving would not kick it away. He testified that he gave it to the WPS when they arrived. He was shown photographs (Ex. 3, Photograph Nos. 16-17) and testified that these were consistent with the bullet that he found.

[40] Mr. McGregor knew that Teasers had security cameras, but the owner controls access. While he has viewed security footage in the past, it was never transferred to him. He did not believe that there were security cameras outside the front doors, and he did not ask to view the camera footage for January 13-14, 2024.

Testimony of Brian Summers

[41] Brian Summers ("Mr. Summers") has worked at Teasers as a member of the security staff since June 2020. He was working on January 13-14, 2024.

January 13

[42] Mr. Summers initially testified that he called the WPS after a male patron made threats while being escorted outside of Teasers, although he could not recall the specific nature of the threats. Later during his testimony, he said that he was not sure if he made the call to the WPS. He recalled the male patron's hairstyle, which he described as a "fade", and that he was wearing a red jacket. Mr. Summers testified that after the male patron was escorted outside, he tried to come back in more than once. Each time, Teasers' security staff turned him away until he finally left. Mr. Summers testified that he and Mr. Adams escorted the male patron outside. He also testified that Mr. McGregor was not working that night and was not involved. Mr. Summers further testified that he did not recall a fight between Teasers' security staff and the male patron. Mr. Summers added that it was possible that the male patron was throwing punches outside of Teasers,

but he did not know with whom. Mr. Summers denied seeing anyone bleeding and denied the use of a baseball bat.

January 14

[43] After the shots were fired, Mr. Summers called 9-1-1. His memory was “pretty blurry” in that regard, as he could not recall parts of his WPS statement, including a reference that the male patron was assaulting four security guards. Mr. Summers testified that if that was contained in his statement, he did not remember. He could only recall himself and Mr. Adams being involved.

[44] Mr. Summers knew Teasers had security cameras but did not know if they were operational on January 13-14, 2024. He admitted to using alcohol and drugs that night, but not while he was working.

Testimony of Constable Cole Borland and Constable Ryan Rafland

[45] I again point out that counsel for the accused did not take issue in any substantive way with the testimony of Constable Cole Borland (“Cst. Borland”) and Constable Ryan Rafland (“Cst. Rafland”). Their evidence was consistent in every material respect, and I have therefore combined the summary of their evidence.

[46] Cst. Borland has served with the WPS for 16 years and Cst. Rafland has served for 13 years. Both serve in the Tactical Support Team (“TST”), which handles high-risk and public safety incidents.

January 14

[47] At or around 1:30 a.m., Cst. Borland and Cst. Rafland were called about a report that a male suspect had fired shots at Teasers and was now at the Riverside Bar. They

were told that the male suspect was wearing a red jacket and tan pants. The TST arrived at the Riverside Bar at about 1:40 a.m. and secured the exterior before entering. Once inside, they saw the male suspect wearing a red jacket sitting at the bar. They approached him from behind, identified themselves, and took control of his arms. The male suspect was compliant, and he was escorted to the front lobby area and was handed over to another WPS unit to complete the arrest. After the male suspect was handed off, their involvement in the incident ended. They testified that they did not do any gunshot residue ("GSR") testing, as such testing is not part of their duties.

[48] During his testimony, Cst. Borland was provided with photographs taken of the male suspect on January 13-14, 2024 (Ex. 6, Photograph No. 3, Ex. 7-8). He identified the accused sitting in the courtroom as the suspect they detained at the Riverside Bar.

Constable Anmolpreet Grewal and Constable Justin Carriere

[49] I am again pointing out that counsel for the accused did not take issue in any substantive way with the testimony of Cst. Grewal and Constable Justin Carriere ("Cst. Carriere"). Their evidence was consistent in every material respect, and I have therefore combined the summary of their evidence.

[50] Cst. Grewal has served with the WPS for approximately five years and Cst. Carriere has served for approximately three and a half years. Both serve with the General Patrol East Division.

January 14

[51] Cst. Grewal and Cst. Carriere were dispatched to Teasers to assist Cst. Buchanan and Cst. Thompson and arrived at 1:26 a.m. On their arrival, they were informed that at

around 11:30 p.m. on January 13, a male patron had been escorted out by Teasers' security staff and had threatened to return with a gun. They were also informed that at around 1:16 a.m. shots were fired at Teasers. They were provided with the name Lawrence Fowles as being the suspect, that he was driving the Dodge Ram, and he was at the Riverside Bar on January 14.

[52] They went to the Riverside Bar, spoke with Mr. King, and directed him to return to Teasers. They parked behind the Riverside Bar, maintaining visual contact with the Dodge Ram, waiting for the TST to arrive. Cst. Carriere testified that they saw no one enter or exit the Dodge Ram during this time.

[53] When the TST arrived, Cst. Grewal and Cst. Carriere entered the Riverside Bar. The suspect was detained and was handed over to Cst. Grewal and Cst. Carriere in the front lobby area. They took custody of the suspect at about 1:44 a.m., and the notice of arrest was provided at about 1:55 a.m., with the suspect being advised of his right to counsel and his right to remain silent. A TST member gave Cst. Grewal the key fob for the Dodge Ram, which was found on the male suspect. They did not recommend doing GSR testing, as it was not their call.

[54] Cst. Grewal and Cst. Carriere observed that the male suspect was slightly intoxicated, but he remained coherent and steady on his feet. They noticed a cut on his upper lip, which he said happened when he slipped and fell. They called paramedics, who determined that the male suspect needed medical treatment, and he was brought to the emergency department at the St. Boniface General Hospital by Cst. Grewal and

Cst. Carriere. After receiving treatment, they took him to the WPS headquarters at 6:53 a.m.

[55] During their testimony, Cst. Grewal and Cst. Carriere were shown photographs of the male suspect (Ex. 7-8). They identified the accused sitting in the courtroom.

Testimony of Sergeant Jaret Harms

[56] Sergeant Jaret Harms ("Sgt. Harms") has served with the WPS for 22 years and is currently in charge of the Surveillance Unit. On January 14, at 11:35 a.m., he went to the Riverside Bar, where he met with the owner who gave him access to the surveillance video from that date (10 clips, without sound) (Ex. 12). Sgt. Harms testified that the timestamps on all 10 clips were approximately one minute behind the actual time. The following is a summary of the relevant and key sections (Ex. 12, Clip No. 6, is omitted intentionally):

A. EX. 12, CLIP NO. 1: REAR PARKING LOT AT THE RIVERSIDE BAR

- Timestamped start time and end: 1:13:27 a.m. - 1:14:03 January 14, 2024.¹
- 1:13:33 a.m.: The Dodge Ram enters the Riverside Bar parking lot.
- 1:14:02 a.m.: The Dodge Ram positions to park.

B. EX. 12, CLIP NO. 2: REAR PARKING LOT AT THE RIVERSIDE BAR

- Timestamped start and end: 1:14:24 a.m. - 1:14:54 a.m.
- 1:14:23 a.m.: The parking lights of the Dodge Ram are engaged. The accused enters the frame from the bottom left-hand side and enters the Riverside Bar.

¹ All timestamps provided are approximate.

- 1:14:54 a.m.: A dark coloured truck arrives in the Riverside Bar parking lot from the back lane. This is Mr. King in his truck.

C. EX. 12, CLIP NO. 3: BACK ENTRANCE

- Timestamped start and end: 1:14 :44 a.m. - 1:15:00 a.m.
- 1:14:56 a.m.: The accused walks into the back entrance hallway. What appears to be blood can be seen on his upper lip area.

D. EX. 12, CLIP NO. 4: MAIN HALL

- Timestamped start and end: 1:14:40 a.m. - 1:15:51 a.m.
- 1:14:59 a.m.: The accused walks into the front lobby area. He is seen wearing a red jacket, khaki pants, and red shoes. His haircut (described by Mr. Summers as a "fade") can be seen. What appears to be blood can be seen on his upper lip area.

E. EX. 12, CLIP NO. 5: BAR ENTRANCE

- Timestamped start and end: 1:14:52 a.m. - 1:16:28 a.m.
- 1:15:03 a.m.: The accused walks into the bar area and talks with a security guard. He is seen wearing a red jacket, khaki pants, and red shoes. His "fade" haircut can be seen.

F. EX. 12, CLIP NO. 7: MAIN BAR 3

- Timestamped start and end: 1:16:24 a.m. – 1:23:50 a.m.
- 1:16:44 a.m.: The accused enters the frame. He sits down at the main bar, with his head hanging down. He appears to ask one of the bartenders for napkins. He is provided with napkins, and he wipes his upper lip area.

- 1:18:30 a.m.: The accused continues to wipe his upper lip area and is provided with more napkins by the bartender.
- 1:22:32 a.m.: Another security guard from the Riverside Bar enters the frame. The accused appears to recognize him, shakes his hand, and then attempts to give him a hug. They proceed to have a conversation.
- 1:22:45 a.m.: The accused is talking with the security guard and appears to be making punching and swinging gestures with closed fists. The accused continues to wipe his upper lip area.

G. EX. 12, CLIP NO. 8: MAIN BAR

- Timestamped start and end: 1:23:51 a.m. - 1:40:17 a.m.
- 1:25:27 a.m.: The accused is talking with the security guard, making punching, and kicking gestures. He stands up and continues to make these gestures. He sits down again at the bar and continues to wipe his upper lip area.
- 1:39:11 a.m.: The security guard can be seen to step back from where he was standing near the accused. Lights can be seen moving in the background.
- 1:39:14 a.m.: Three to four members of the TST are seen approaching the accused who is still sitting at the bar. The TST members put their hands on the accused and move his arms behind his back. They proceed to pat him down.

- 1:39:53 a.m.: A member of the TST opens the accused's red jacket. He appears to be bare chested.
- 1:40:06 a.m.: The TST members can be seen walking the accused away from the bar and out of the frame.

H. Ex. 12, CLIP No. 9: BAR ENTRANCE

- Timestamped start and end: 1:39:36 a.m. - 1:42:34 a.m.
- 1:39:55 a.m.: Two members of the WPS can be seen walking into the bar area. More WPS members and more TST members are also seen.
- 1:40:24 a.m.: The accused is escorted by members of the TST and led to the front lobby area.
- 1:40:30 a.m.: The accused is surrounded by WPS and TST members. The accused is directed towards the back entrance of the Riverside Bar.

I. Ex. 12, CLIP No. 10: REAR PARKING LOT AT THE RIVERSIDE BAR

- Timestamped start and end: 1:44:13 a.m. - 1:47:36 a.m.
- The Dodge Ram can still be seen where it was parked.
- 1:44:24 a.m.: A marked WPS cruiser is seen entering the frame from the left side. It parks and two WPS members exit (one of them appears to be Cst. Grewal).
- 1:46:21 a.m.: An ambulance enters the frame.
- 1:46:37 a.m.: A paramedic exits and eventually walks out of the frame toward the back entrance of the Riverside Bar.

[57] Sgt. Harms testified that he did not obtain any video from Teasers. He testified that the WPS was informed that there was no exterior surveillance video and that the internal video was not preserved.

[58] Sgt. Harms obtained video footage (in colour, without sound) from the Great Canadian Oil Change, which shares a parking lot with Teasers in front, across Archibald Street (Ex. 13). That video was about 20 minutes long. By agreement between the parties, a key section, (about eight minutes and 20 seconds in length), was viewed in court. It shows a white truck, with a prominent diagonal black stripe on the bed area of the truck. A male, wearing a dark jacket enters the white truck and it leaves the parking lot in an unknown direction. Sgt. Harms testified that these events occurred between 1:00 a.m. and 1:05 a.m. on January 14. This timeframe was contained in his notes, and it was based on information provided to him.

[59] Sgt. Harms testified that the WPS did not pursue the white truck seen in the Great Canadian Oil Change video (Ex. 13) or the person seen entering it, because neither matched the descriptions provided to them.

Testimony of Constable Karen Houde

[60] Constable Karen Houde ("Cst. Houde") has served with the WPS for 14 and a half years and serves with the Forensic Identification Unit. Her role was to process the Dodge Ram that had been seized at the Riverside Bar after a search warrant had been obtained. Cst. Houde explained that during investigations, while they aim to locate all relevant evidence, it is not always possible to do so.

[61] Cst. Houde testified that she saw what appeared to be blood, both inside and outside of the Dodge Ram (Ex. 4, Photograph Nos. 4-7, and 38-39, Swab ("SW") No. 5). She also saw what appeared to be blood on the driver's side door, the front passenger door and the steering wheel (Ex. 4, Photograph Nos. 15-17 and 36-37, SW No. 4). Inside the Dodge Ram, she found a torn red Hugo Boss t-shirt on the front passenger seat, with what appeared to be bloodstains (Ex. 4, Photograph No. 23), a water bottle, a coffee lid, a Gatorade bottle, several bags, what appeared to be a bloodstained pack of cigarettes, one spent shell casing, car spray, a cigar pack, a cologne bottle and a pack of gum (Ex. 4, Photograph Nos. 8-12, 19-21 and 24). She testified that no fingerprints were found on these items. Several other items were located inside but were either not processed or not sent to the RCMP laboratory.

[62] Cst. Houde testified that one fingerprint was lifted from the rear-side passenger door, and another was lifted from the rear-side driver's door (Ex. 4, Photograph Nos. 45-48; see also, Ex. 1, para. 10). These were processed and sent to the RCMP laboratory for testing and a match was found with the left index finger of the accused (see also, Ex. 1, para. 4).

[63] Cst. Houde testified that she opened the lower front dash compartment and found a firearm with the magazine inserted (Ex. 4, Photograph Nos. 14, 26 and 31-32). The slide was locked open, making it impossible to fire in that position. After removing the firearm from the lower dash compartment, she observed stains on the barrel and the handle and took swabs (Ex. 4, Photograph Nos. 27-30, and 41-44). The magazine was

removed. It was empty. No bullets were found in the chamber of the firearm (Ex. 4, Photograph No. 28) and none were found inside the Dodge Ram.

[64] The lone spent shell casing was found on the front passenger seat (Ex. 4, Photograph Nos. 21-22). It was a .40 calibre Smith & Wesson (Ex. 4, Photograph Nos. 25 and 40). No other spent shell casings were found. The firearm and the spent shell casing were sent to the RCMP laboratory for analysis.

[65] In response to questions on cross-examination, Cst. Houde testified that she wore latex gloves, but not a full protective suit when conducting her investigation, and she confirmed that no photographs were taken of the Dodge Ram and its interior prior to it being towed from the Riverside Bar. She confirmed that the red torn Hugo Boss t-shirt was removed from the vehicle before processing the firearm. The firearm was sealed in a firearm box for safekeeping. She denied that there was any transference or cross-contamination, or that the red stains could have been something like food (i.e., the closed container of strawberry jam seen in Ex. 4, Photograph No. 31).

[66] In further response to questions on cross-examination, Cst. Houde testified that she did not test every stain that looked like blood. Relying on her training, she tested select areas using a "Hemastix" or "hemo-stick," which is a presumptive test for blood. It was suggested that using a hemo-stick can give false positives when reacting to plant peroxidases (such as onions or potatoes). She acknowledged the possibility of false positives. However, she used a hemo-stick because the swabs were being sent to the RCMP laboratory for confirmation. The following samples were sent to the RCMP laboratory:

- Sample 1: Handle inside the driver's side door (Ex. 4, Photograph 37);
- Sample 2: The outside of the upper portion of the driver's side door (Ex. 4, Photograph No. 38);
- Sample 3: Torn red Hugo Boss t-shirt (Ex. 4, Photograph No. 23);
- Sample 4: Spent shell casing (Ex. 4, Photograph Nos. 25 and 40);
- Sample 5: Firearm (Ex. 4, Photograph Nos. 27-30 and 41-44); and,
- Sample 6: Known DNA sample from the accused.

[67] Three samples were accepted and analyzed by the RCMP laboratory (Sample 1, Sample 5 and Sample 6). Testing confirmed human blood and confirmed a DNA match between the blood on the firearm and the known sample of the accused (see also, Ex. 1, paras. 7-8). The RCMP laboratory was unable to obtain fingerprints from the spent shell casing.

Expert Testimony of Esther Moreau – RCMP Forensic Firearms Expert

[68] Esther Moreau's ("Ms. Moreau") qualifications as a specialist in forensic firearm and toolmark examination (Ex. 9) were not challenged during the *voir dire*, and she was accepted and qualified as an expert in the following areas:

- Firearm analysis/operability;
- Mechanical assessment of firearms;
- Legal classification of firearms; and
- Bullet and cartridge case comparison.

[69] Ms. Moreau provided two opinions. The first opinion addressed the following:

- To determine the calibre and the classification of the firearm found in the Dodge Ram (Ex. 4, Photograph No. 30).; and
- To determine whether the spent shell casing found in the Dodge Ram (Ex. 4, Photograph 25) had been fired from the firearm found in the Dodge Ram.

[70] The second opinion addressed the following:

- To determine whether the bullet found and retrieved in the front lobby area at Teasers (Ex. 3, Photograph Nos. 17-18) was fired from the firearm found in the Dodge Ram.

[71] She testified that the findings and conclusions of the RCMP laboratory are independently verified by a second examiner. In this case, both opinions were verified by Mr. Kenneth Chan, also from the RCMP laboratory.

Ms. Moreau's First Opinion

[72] Ms. Moreau concluded that the firearm was a .40 calibre, semi-automatic Glock pistol ("Glock") and it holds up to ten rounds and is designed to be fired with one hand. She also determined that the barrel of the firearm had been filed down making it shorter than legally permitted. After testing, Ms. Moreau found the Glock to be functional and operational. She concluded that it was a restricted firearm under s. 2 of the **Code** (see also, Ex. 1, para. 5).

[73] Ms. Moreau confirmed that the spent shell casing was a .40 calibre, Smith & Wesson (Ex. 4, Photograph No. 25). During her testimony Ms. Moreau also explained that when the Glock is fired, hot gases push the slide backward, the ejector

catches the spent shell casing, and it is extracted and ejected out to the right. The ejected spent shell casings usually land near where the firearm is shot.

[74] Ms. Moreau performed test fires with the Glock and then compared the test-fired spent shell casings with the spent shell casing found in the Dodge Ram. She also conducted a micro-examination looking for agreement (a match) with microscopic tool marks from the Glock with the test-fired spent shell casings and the spent shell casing found in the Dodge Ram. Ms. Moreau explained that while firearms made at the same factory might share some features at first, each firearm develops its own unique microscopic markings over time, especially in situations like the present matter, where parts of the firearm have been modified. For this reason, testing must always be done using specific firearms.

[75] Ms. Moreau determined that there were three areas of agreement between the test-fired shell casings and the spent shell casing found in the Dodge Ram:

- Breech-face marks (where the slide contacts the casing);
- The firing pin aperture sheer mark; and
- Primer flow-back or aperture mark.

[76] Based on these three areas of agreement, Ms. Moreau concluded that the spent shell casing found in the Dodge Ram was fired from the Glock. In response to a question on cross-examination, Ms. Moreau said that she could not express her conclusion as a percentage, but states that she was certain that the spent shell casing found in the Dodge Ram was fired from the Glock that was found in the vehicle.

[77] Ms. Moreau was asked about false positives with ballistics testing. She testified that while some studies have reported a small rate of false positives, it is not possible to have an industry wide percentage of such occurrences, because different laboratories use different methods. She reiterated that the RCMP laboratory addressed this concern by having a second individual verify her findings and conclusions.

Ms. Moreau's Second Opinion

[78] Ms. Moreau testified that the bullet found at Teasers on January 14 was badly deformed. This affected her ability to determine its calibre and whether it was shot from the Glock.

[79] She estimated that the bullet was from the .38 calibre family class (which is the next class over from the .40 calibre family class). Ms. Moreau did not weigh the bullet, as it would not have affected her conclusion. Bullet weight can vary among manufacturers, and the weight of a bullet may change when it deforms or loses material upon impact. In response to a question on cross-examination, Ms. Moreau testified that using the wrong calibre of bullet in a firearm would be impossible or dangerous.

[80] Ms. Moreau compared the test-fired bullets with the bullet found at Teasers. She testified that Glocks often leave fewer distinctive marks on bullets than other firearms. While there were some individual characteristics of agreement, they were not enough for her satisfaction. Her finding was therefore inconclusive, as she could not confirm or rule out that the bullet found at Teasers was fired from the Glock found in the Dodge Ram.

Expert Testimony of Laurie Karchewski – DNA Expert

[81] Laurie Karchewski's ("Ms. Karchewski") qualifications (Ex. 10) were not challenged during the *voir dire*, and she was therefore accepted and qualified as an expert to provide an opinion in the following areas:

- Interpretation and reporting of body fluids;
- Interpretation and comparison of DNA typing profiles; and
- Forensic application of statistics to forensic DNA typing results.

[82] DNA can only show presence, not cause. That is, it can confirm that it is present, but not how it got there. Ms. Karchewski testified that there are small sections in everyone's DNA that form a unique pattern. For forensic testing, there is a focus on specific regions of DNA, called "short term repeats", which are standard markers used when conducting an analysis and investigation. She focuses on 15 short term repeat locations to compare DNA samples. If all 15 short term repeat locations are in agreement, it is considered a match. If all 15 short term repeats are not in agreement, then it is ruled not to be a match.

[83] Ms. Karchewski received three samples from the WPS:

- A known sample from the accused;
- A swab taken from the Glock (Ex. 4, Photograph Nos. 27-30); and
- A swab taken from the spent casing (Ex. 4, Photograph Nos. 22 and 40).

[84] Her analysis and investigation were done before Ms. Moreau's testing to avoid any risk of cross-contamination. She compared the DNA found on the samples from the

Dodge Ram to the known sample from the accused. Testing of the three swabs from the Glock revealed:

- SW AF (blood) – grip area: This matched the known sample of the accused at 1.5 quintillion, which is deemed to be a strong match;
- SW AH – grip area (biomaterial other than blood): This matched the known sample of the accused at 1.5 quintillion (see also, Ex. 1, para. 7); and,
- SW AH – slide action (biomaterial other than blood): This matched the known sample of the accused at 1.8 quintillion, which is deemed to be a strong match (see also, Ex. 1, para. 8).

[85] The spent shell casing did not contain enough DNA for testing (see also, Ex. 1, para. 9). This is not uncommon, as the heat and gases released when a firearm is shot usually destroy the DNA that may be present. DNA would only be recoverable if the spent shell casing is handled after it is fired and ejected.

[86] In response to a question on cross-examination, Ms. Karchewski acknowledged that transfer of DNA is possible, especially when someone is actively bleeding. However, she underscored that this is why her analysis was done before the ballistics testing to ensure that this would not occur.

[87] Ms. Karchewski also testified that only certain samples were sent to the RCMP laboratory, and she therefore could not confirm whether every visible stain was blood or if it came from someone else. She also noted that in order not to overwhelm their system, the standard practice is two samples per “bleeder”, which was followed in this investigation.

THE POSITION OF THE PARTIES

The Crown's Position

[88] The thrust of the Crown's argument is that the only common-sense inference for the Court to draw is that the accused:

- Was at Teasers on January 13-14, 2024;
- Was escorted outside after a private dance;
- Threatened to return to Teasers with a gun;
- Returned to Teasers and fired shots;
- Drove to the Riverside Bar;
- Was arrested there while he was actively bleeding,
- Had the Dodge Ram key fob on him; and,
- His blood and/or biomaterial was found on the Glock and on the Dodge Ram.

[89] The Crown submits that the Court must look at all the evidence together and it cannot assess each witness' testimony in isolation. It was further submitted that the Court may accept some parts of a witness' evidence and reject others, but the final decision must be based on the whole of the evidence and the consistency that emerges. In support of its position, the Crown emphasized the following evidence.

Teasers' Security Staff

[90] Mr. Adams testified that on January 13, the accused was escorted outside Teasers and threatened to return with a gun. After the accused was escorted outside, Mr. Adams took a photograph (Ex. 7) and called the WPS. Early on January 14, Mr. Adams heard

metal striking metal, which is corroborated by the known damage, the bullet holes and what other witnesses reported. He may have been mistaken about Mr. McGregor being involved with escorting the accused outside, but this does not affect his evidence or the fact that Teasers was shot at on January 14.

[91] Although he was not working, Mr. McGregor was present. He recalled being told that the accused removed his clothing during a private dance, and that he was wearing a red jacket and that he was escorted outside by Mr. Adams and Mr. Summers. He later found a bullet on the floor and gave it to the WPS.

[92] While Mr. Summers was reluctant to testify, his evidence essentially matched that of Mr. Adams. The accused was escorted outside and he made threats. The accused was described as wearing a red jacket, red shoes, and tan pants. This is corroborated by the photographs taken of the accused (Ex. 7-8).

[93] The Crown submitted that while there were some inconsistencies between the recollections of the Teasers' security staff, such variations were minor differences, and they reflect an honest recollection rather than a fabrication. Also, it was submitted that whether the accused was "roughed up" is irrelevant, as it does not justify coming back and firing shots.

Cst. Buchanan and Cst. Thompson

[94] Cst. Buchanan and Cst. Thompson first attended Teasers at 11:22 p.m. on January 13, in response to a male patron making threats. They left, and got another call at 1:16 a.m., on January 14, reporting shots fired. Their evidence was that it takes about

four to five minutes to drive from the East District station to Teasers. This aligns with the timestamps in Mr. King's video of the Dodge Ram driving to the Riverside Bar (Ex. 5).

Mr. King

[95] Mr. King testified that the Dodge Ram pulled up and fired shots at Teasers. He followed the Dodge Ram to the Riverside Bar and watched the accused exit the vehicle and enter the bar. He took videos and photographs of the Dodge Ram, and of the accused sitting in the bar (Ex. 5-6). Mr. King's marijuana use, and traffic offences, do not undermine his credibility or reliability. Rather, he was forthright about these issues, and his evidence was consistent with the evidence of other witnesses.

Ms. Walker

[96] Ms. Walker testified that the Dodge Ram was transferred to the accused near the end of December 2023. Once that occurred, she viewed it as his. She testified that she never saw a firearm in the Dodge Ram on the occasion she borrowed it from the accused. However, she did not search the Dodge Ram, because she viewed it as belonging to the accused. Had she found a firearm, she would have called the WPS. Ms. Walker testified that around this time, the accused moved out of her home with the Dodge Ram.

Cst. Borland, Cst. Rafland, Cst. Grewal and Cst. Carriere

[97] Cst. Borland and Cst. Rafland went to the Riverside Bar after the shooting. They located the accused sitting at the bar, detained him and then transferred him over to Cst. Grewal and Cst. Carriere. The timestamps seen in the Riverside Bar video aligns with this evidence (Ex. 12).

[98] Cst. Grewal and Cst. Carriere went to Teasers after the shooting and then went to the Riverside Bar. They spoke with Mr. King and directed him back to Teasers. While waiting for the TST, they watched the parked Dodge Ram and saw no one else enter or exit it. The accused was arrested with a fresh cut on his upper lip, and he was brought to the emergency department for treatment. Cst. Grewal was provided with the key fob to the Dodge Ram which was found on the accused at the time of his arrest.

Sgt. Harms

[99] The video he obtained from the Riverside Bar shows the accused arriving in the Dodge Ram. It also shows that he was actively bleeding and wiping his upper lip area. The Great Canadian Oil Change video shows a white truck with a distinctive diagonal black stripe on the bed, which is not present on the Dodge Ram (Ex. 13). The person seen getting in the white truck is wearing a dark jacket, not a red jacket as had been described by witnesses and seen in photographs (Ex. 7-8, 13).

Forensic/Expert Evidence: Cst. Houde, Ms. Karchewski and Ms. Moreau

[100] Cst. Houde found the Glock, a spent shell casing, and what appeared to be bloodstains on the Dodge Ram. She performed presumptive tests for blood, which were sent to the RCMP laboratory for confirmation. Ms. Karchewski confirmed the DNA on the Glock matched the accused. The accused was actively bleeding, which explains how the blood got there.

[101] Ms. Moreau confirmed that the Glock was functional, operational, and that it was a restricted firearm. She also confirmed that the spent shell casing was fired from the Glock. She could not include or exclude that the bullet found at Teasers was shot from

the Glock. She testified that the bullet found at Teasers was too damaged to confirm its exact calibre, but she estimated it to be in the .38 calibre family, which is close to the .40 calibre family. The Crown urged the Court not to look at this in isolation, but in the total context of the evidence.

The Defence's Position

[102] The defence argued that there are reasonable inferences other than guilt. The thrust of the defence's argument is that the Crown's case relies on witnesses whose memories were inconsistent and were not credible or reliable, all of which create a reasonable doubt. In support of its position, the defence emphasized the following evidence.

Teasers' Security Staff

[103] Mr. Adams provided his statement some 16 months after the incident, which undermines the reliability of his evidence, and which conflicts with the evidence of others. As for Mr. Summers, he gave conflicting versions of what occurred and who was involved with escorting the accused outside. Mr. McGregor's evidence did not fit with that of the other Teasers' security staff members, and he did not know where the bullet that he found came from. It was suggested that Teasers' security staff members may have discussed the incident to protect themselves if they assaulted the accused. The fact that Teasers had cameras, but no footage was produced adds to this suspicion. It was submitted that overall, their evidence did not assist the Crown's case.

Mr. King

[104] It was argued that Mr. King was not credible or reliable due to his daily marijuana use and his many traffic offences. In short, someone who chooses to ignore the law should not be believed. It was also argued that Mr. King's connection to the shooting and the Dodge Ram was not strong. He ducked while the shooting happened and never saw the shooter. This was compounded by his evidence that he lost sight of the Dodge Ram on his way to the Riverside Bar and that he could not see if anyone was in the backseat of the Dodge Ram because of the tinted rear windows. Finally, Mr. King's timeline did not coincide with the WPS dispatch times and the Riverside Bar video (Ex. 12).

Ms. Walker

[105] The defence submitted that Ms. Walker's evidence points to several people using the Dodge Ram before the accused took it over. This supports the possibility that someone else could have placed the Glock inside the Dodge Ram.

Forensic/Expert Evidence: Cst. Houde, Ms. Karchewski and Ms. Moreau

[106] The defence argued there was a possibility of transference, cross-contamination, false positives, and the fact that not all areas of the Dodge Ram that appeared to have blood on them were not tested, also created a reasonable doubt. Either it was not blood, or it could have belonged to someone else. Alternatively, it was argued that there was no evidence regarding when the accused's blood got on the Glock. Finally, Ms. Moreau's evidence was unreliable, and she could not match the bullet found at Teasers with the Glock.

The WPS

[107] The WPS failed to test the accused for GSR and ignored another white truck and another person seen in the video obtained from the Great Canadian Oil Change (Ex. 13). This demonstrates a “tunnel vision” approach to their investigation.

DISCUSSION, ANALYSIS AND DECISION

Credibility and Reliability

[108] Counsel for the defence contends that certain witnesses were not credible and/or not reliable. I will now address these arguments.

[109] Credibility relates to whether a witness is telling the truth, and reliability concerns a witness’s accuracy and the ability to observe and recall events. A credible witness may give unreliable evidence (see ***R. v. H.C.***, 2009 ONCA 56, at para. 41 and ***R. v. Gold***, 2021 MBQB 5, at para. 38).

[110] The Court can accept all, some, or none of a witness’s testimony (see ***R. v. W.H.***, 2013 SCC 22, at para. 32 and ***Gold*** at para. 41). Included in this consideration is whether the witness’s evidence harmonizes with any independent evidence that has been accepted by the Court (see ***Persaud v. Manitoba***, 2022 MBKB 209, at para. 66).

Mr. King

[111] Mr. King was open and forthright about his marijuana use. He testified that he last smoked at 8:00 p.m. on January 13, and that he did not smoke any more that day or on January 14. There is no reason not to accept that evidence. As well, there was no suggestion that he was still feeling any effects of his marijuana use or was otherwise impaired when he witnessed the shooting and followed the Dodge Ram to the

Riverside Bar. He was also open and forthright about his driving offences. In my view, neither of these undermined his credibility or the reliability of his evidence.

Teasers' Security Staff

[112] There were some inconsistencies with the evidence from the Teasers' security staff, in particular as it relates to who escorted the accused outside and whether there was a physical altercation. I do not accept the evidence that the accused was simply "guided out" with a hand on his back. A physical altercation likely occurred at Teasers on January 13, with the accused being on the receiving end of it.

[113] However, this does not affect the credibility and the reliability of their evidence that the accused was at Teasers on January 13, and that he was escorted outside. It also does not affect Mr. Adams' and Mr. Summers' testimony that while being escorted outside, the accused made threats. This is consistent with the unfolding of events, where a call was made to the WPS, leading to Cst. Buchanan and Cst. Thompson attending at Teasers on January 13. It also does not affect the evidence of Teasers' security staff that someone shot at Teasers in the early hours of January 14. There is no dispute that this occurred.

[114] As for Mr. McGregor, I have no concerns regarding the reliability of his evidence that he located the bullet in the front lobby area after the shooting and he provided it to the WPS. This is again consistent with the unfolding of events and the evidence of Cst. Buchanan and Cst. Thompson who attended after the shooting and Cst. Kociuk, who attended at Teasers to process the scene.

[115] To conclude on this issue, I have no significant issues regarding the credibility and the reliability of these witnesses as it relates to key events (with the exception being whether physical force was used on the accused while he was being escorted outside of Teasers on January 13).

DID THE CROWN PROVE BEYOND A REASONABLE DOUBT ALL OF THE ELEMENTS OF AN OFFENCE?

The Law: Circumstantial Evidence

[116] The Crown's case is largely based on circumstantial evidence. The leading case remains ***R. v. Villaroman***, 2016 SCC 33, where the Supreme Court of Canada stated:

[26] ...There is a special concern inherent in the inferential reasoning from circumstantial evidence. The concern is that the jury may unconsciously "fill in the blanks" or bridge gaps in the evidence to support the inference that the Crown invites it to draw. ...

. . .

[30] ...Telling the jury that an inference of guilt drawn from circumstantial evidence should be the only reasonable inference that such evidence permits will often be a succinct and accurate way of helping the jury to guard against the risk of "filling in the blanks" by too quickly overlooking reasonable alternative inferences. ... The inferences that may be drawn from [an] observation must be considered in light of all of the evidence and the absence of evidence, assessed logically, and in light of human experience and common sense.

. . .

[35] ... In assessing circumstantial evidence, inferences consistent with innocence do not have to arise from proven facts: *R. v. Khela*, 2009 SCC 4, [2009] 1 S.C.R. 104, at para. 58; see also *R. v. Defaveri*, 2014 BCCA 370, 361 B.C.A.C. 301, at para. 10; *R. v. Bui*, 2014 ONCA 614, 14 C.R. (7th) 149, at para. 28. Requiring proven facts to support explanations other than guilt wrongly puts an obligation on an accused to prove facts and is contrary to the rule that whether there is a reasonable doubt is assessed by considering all of the evidence. The issue with respect to circumstantial evidence is the range of reasonable inferences that can be drawn from it. If there are reasonable inferences other than guilt, the Crown's evidence does not meet the standard of proof beyond a reasonable doubt.

. . .

[37] When assessing circumstantial evidence, the trier of fact should consider "other plausible theor[ies]" and "other reasonable possibilities" which are inconsistent with guilt ... [and which] must be based on logic and experience applied to the evidence or the absence of evidence, not on speculation.

. . .

[55] ... Where the Crown's case depends on circumstantial evidence, the question becomes whether the trier of fact, acting judicially, could reasonably be satisfied that the accused's guilt was the only reasonable conclusion available on the totality of the evidence. ...

[117] Further, in ***R v Meier***, 2025 MBCA 74, the Manitoba Court of Appeal stated what when dealing with circumstantial evidence the Court must look at the totality of the evidence:

[31] Rarely will a circumstantial case turn on a single piece of evidence. As such, a trial judge must look at the totality of the evidence, rather than examining each piece of evidence individually. This point was made by the Nova Scotia Court of Appeal in *R v Downey*, 2018 NSCA 33 at para 100:

What the trier of fact (whether judge or jury) is obliged to do is have regard to the whole body of evidence in its totality and decide whether the essential elements of the offence have been proven beyond a reasonable doubt. It is a serious error of law for the decision-maker to isolate every particular piece of evidence and examine it forensically through the lens of criminal proof beyond a reasonable doubt.

(See also, ***R v McIvor***, 2021 MBCA 55, at paras. 43-46; and ***R v Barca***, 2022 MBCA 80.)

[118] In other words, I must consider the range of reasonable inferences that can be drawn from the circumstantial evidence before me. If there are reasonable inferences other than guilt, the Crown's case does not meet the standard of proof beyond a reasonable doubt.

Application to the Present Matter

[119] The Crown submits that what happened at the Riverside Bar on January 14, engages Counts 1 and 3, and what happened at Teasers on January 13-14, 2024, engages Counts 2 and 4. I agree.

[120] Therefore, I will first address my findings as they relate to Counts 1 and 3. I will then address my findings as they relate to Counts 2 and 4.

Counts 1 and 3

[121] Under Count 1, the Crown must prove beyond a reasonable doubt that the accused was in possession of a restricted firearm, while knowingly not having a licence or registration certificate.

[122] Under Count 3, the Crown must prove beyond a reasonable doubt that the accused was in possession of a restricted firearm, while prohibited by an order under the ***Code*** or any other Act of Parliament.

[123] I am satisfied that the Crown has proven beyond a reasonable doubt all of the elements of an offence under Counts 1 and 3. This is based upon the following evidence that I accept based on a review of all the evidence.

[124] I have no difficulty in finding that the accused drove the Dodge Ram from Teasers to the Riverside Bar on January 14, where he was subsequently arrested. I accept Mr. King's evidence that he was sitting in his truck in front of Teasers when the Dodge Ram came up behind him, and shots were fired at Teasers. He then followed it to the Riverside Bar and saw no other white truck on the road. This is supported by his photographs and video that he took while following the Dodge Ram to the Riverside Bar on January 14 (Ex. 5-6, Photograph Nos. 1-3).

[125] Mr. King took a photograph of the accused sitting inside the Riverside Bar and sent it to Mr. Adams, who testified that he gave it to Cst. Buchanan and Cst. Thompson when they returned to Teasers on January 14. There is no dispute that the person in these

photographs (Ex. 6, Photograph 3 and Ex. 8) is the accused. Nor is there any dispute that they match the earlier photograph taken of him at Teasers (Ex. 7). This is also supported with the evidence of Cst. Buchanan's and Cst. Thompson's that their computer search provided a description and a photograph of the accused that were consistent with those provided by Teasers' security staff and employee.

[126] I pause here to state that I am not persuaded by the defence's argument that Mr. King's timeline does not align with the WPS dispatch times. His evidence puts the Dodge Ram on the road heading to the Riverside Bar at 1:11 a.m.. It also shows the Dodge Ram parked at the Riverside Bar at 1:18 a.m. and the accused sitting at the Riverside Bar, at 1:25 a.m. (Ex. 6, Photograph Nos. 1-3 and Ex. 8). This is also consistent with Cst. Buchanan's and Cst. Thompson's evidence that they received a call about the shooting at 1:16 a.m., and arrived at Teasers at 1:23 a.m.

[127] I also find that the surveillance video from the Riverside Bar (Ex. 12), is consistent with Mr. King's timeline. It shows the Dodge Ram arriving at 1:13:33 a.m. and parking at 1:14:02 a.m. (Ex. 12, Clip No. 1). At 1:14:23 a.m., the video shows the parking lights of the Dodge Ram being engaged, and the accused is seen entering the Riverside Bar. At 1:14:54 a.m., Mr. King can be seen arriving at the Riverside Bar parking lot from the back lane (Ex. 12, Clip No. 2). I also note this is generally consistent with the fact that the drive from Teasers to the Riverside Bar takes about seven to eight minutes (Ex. 2). From my perspective, any differences in the respective timelines are modest and do not undermine the reliability of the evidence.

[128] I also note that there is no dispute that when the accused was arrested at the Riverside Bar, the key fob to the Dodge Ram was found on him. Add to this Ms. Walker's evidence, which I accept, that near the end of December 2023, the accused took over the payments and the ownership of the Dodge Ram. In addition, around that time the accused moved out of Ms. Walker's house and took the Dodge Ram with him. Common sense dictates that the accused was in possession of the Dodge Ram when he drove it to the Riverside Bar on January 14, where he was then arrested.

[129] After the WPS seized the Dodge Ram, Cst. Houde found the Glock in a closed compartment inside the Dodge Ram with the slide in a locked position. The accused's fingerprint was located on the Dodge Ram and his blood and/or biomaterial was found on the Dodge Ram and on the Glock (see also, Ex. 1, paras. 4, 7-8). The Glock had blood on the inside trigger guard by the trigger. There was also biological material on the grip, the slide, and exterior surfaces.

[130] I accept Cst. Houde's evidence that, based on her experience and expertise, the use of a hemo-stick did not lead to false positives in this case. On its face, this argument is a red herring. Cst. Houde testified that the swabs that she took were sent to the RCMP laboratory for confirmation. A fact which was established by Ms. Karchewski who testified that the presumptive tests were sent to the RCMP laboratory and DNA testing found strong matches with the known sample from the accused (see also, Ex. 1, para. 7).

[131] I pause here to address the defence's argument that there is a dispute whether the accused was actively bleeding on January 14. This argument is not persuasive and is readily contradicted by the evidence in several material respects. The photograph

taken by Mr. Adams outside Teasers (Ex. 7) and several clips from Riverside Bar video (Ex. 12) clearly show the accused actively bleeding and repeatedly wiping his upper lip area. In addition, Cst. Carriere and Cst. Grewal testified that at the direction of paramedics, they brought the accused to the emergency department at St. Boniface Hospital after his arrest to have the cut treated.

[132] In addition, the defence made a series of arguments regarding Ms. Karchewski's and Cst. Houde's evidence which can be summarized as follows:

- The Glock may have been placed in the Dodge Ram by someone other than the accused;
- There may have been some transference or cross-contamination during the investigation that caused the accused's blood to get on the Glock;
- Alternatively, the accused's blood found on the Glock may have gotten there before the night of the shooting; and,
- Cst. Houde failed to test all of the areas that appeared to be blood. This makes it possible that it could have belonged to someone else or that it was not blood at all.

[133] I find that all these arguments amount to pure speculation, and none are supported by the evidence. First, I accept the evidence of Ms. Karchewski and Cst. Houde regarding the steps taken to ensure that there was no transference or cross-contamination that occurred during their investigations. The fact of the matter is that the accused was actively bleeding, and his blood and biomaterial were found on the Glock, which was confirmed by the RCMP laboratory. The location of that blood and

biomaterial is important. It was found on the inside trigger guard, by the trigger area and the slide. The location of the Glock is also important. It was in a closed compartment in the dash compartment (with the slide action in a locked position) of the Dodge Ram. A vehicle which he owned and drove to the Riverside Bar, with the key fob found on him at the time of his arrest. Again, common sense dictates that the accused was in possession (having knowledge and control) of the Glock when he was arrested on January 14.

[134] Finally, there is no dispute that the Glock was a functional, restricted firearm and the accused did not hold a firearm licence or certificate, and he was under a lifetime firearms prohibition order since November 15, 2011 (see also, Ex. 1, para. 10). There is no suggestion that the accused was unaware of this lifetime prohibition order.

[135] In assessing all of the evidence, as it relates to Count 1 and Count 3, I am satisfied that there are no other reasonable inferences other than the accused's guilt.

Counts 2 and 4

[136] Under Count 2, the Crown must prove beyond a reasonable doubt that the accused was in possession of a restricted firearm (the Glock). The Crown must also prove that the Glock was either loaded or that there was readily accessible ammunition that was capable of being fired, and that the accused knew that he did not have a licence or registration certificate for the Glock.

[137] Under Count 4, the Crown must prove beyond a reasonable doubt that the accused intentionally discharged the Glock into or at a place, knowing that or being reckless as to

whether another person is present, or while being reckless as to the life and safety of another person.

[138] I will first deal with deal with Count 2. I will then deal with Count 4.

Count 2

[139] The Crown argued that to fire the shots at Teasers, the accused would have had a loaded gun. Implied in this argument, however, is the acknowledgment that there was no ammunition in the Glock found in the Dodge Ram, nor was there any readily accessible ammunition found in the Dodge Ram or on the accused. Therefore, based on the Crown's argument, in order to find the accused guilty under Count 2, I must also find the accused guilty under Count 4.

[140] To state the obvious, if I do not find the accused guilty under Count 4, then the Crown's case under Count 2 fails (specifically, that the accused was in possession of a loaded restricted firearm or was in possession of a restricted firearm with readily accessible ammunition capable of being fired). As discussed in more detail below, I have determined that the Crown has not proven its case regarding Count 4. Consequently, in considering all of the evidence, I find that the Crown has not proven beyond a reasonable doubt all of the evidence of an offence under Count 2.

Count 4

[141] I am not satisfied that the Crown has proven beyond a reasonable doubt all of the elements of an offence under Count No. 4. This is based upon the following evidence that I accept based on a review of all the evidence.

[142] I have no difficulty in finding that the accused went to Teasers on January 13, that he was escorted outside by Teasers' security staff and that he made a threat. This is established by the testimony of Teasers' security staff and Mr. Adams' photograph of the accused after he was escorted outside (Ex. 7). While there were minor variations in their descriptions of the accused and what he said, these accounts were largely consistent. He was wearing a red jacket, tan or khaki pants and red shoes, he was driving a white truck, and he made a threat.

[143] This is also consistent with the unfolding of events, namely, that Cst. Buchanan and Cst. Thompson attended Teasers on January 13, were given a description and a photograph of the accused (Ex. 7), were also told by a Teasers' employee that they went to school with the accused and that his name was Josh Fowles. Based on this information, they conducted a computer search, which gave them the name of Lawrence Fowles, whose photograph on record matched the photograph given to them (Ex. 7) and a description of the accused that was consistent with that provided by Teasers' security staff.

[144] Regarding the nature of the threat, Mr. Adams testified that the accused said words to the effect that he would "return with a gun". I again find that this is consistent with the unfolding of events, namely, Cst. Buchanan and Cst. Thompson both attended to Teasers on January 13, regarding a male patron making threats that he would return with a gun. I also accept Cst. Thompson's evidence that Mr. Adams seemed shaken and considered the threat to be serious. As noted, there is no doubt that Teasers was shot at

in the early hours of January 14. The questions that need answering, however, are who shot at Teasers and with what firearm?

[145] Ms. Moreau concluded that the bullet found at Teasers belonged to the .38 calibre class. However, the Glock and the lone spent shell casing found in the Dodge Ram are from the .40 calibre class. Also, Ms. Moreau testified that while she did find some agreement between the test fires made with the Glock and the bullet found at Teasers, she did not feel confident enough to say that it was a match. Therefore, her finding was inconclusive as she could not conclude that the bullet found at Teasers was or was not fired from the Glock. The Crown argued that I cannot assess this in isolation and that I must look at the totality of the evidence.

[146] To belabour the point, there is no dispute that the Glock and the spent shell casing found in the Dodge Ram were .40 calibre. Therefore, as a starting point, I cannot ignore Ms. Moreau's testimony on cross-examination that it would be impossible or dangerous to fire a bullet from a firearm that was of a different calibre.

[147] In addition, Ms. Moreau performed test fires with the Glock and then compared the spent shell casings from the test fires with the spent shell casing found in the Dodge Ram. She found three areas in agreement between the test fires and the spent shell casing, leading to a conclusion that that it was fired from the Glock. The Glock was unique. It was hand filed. Ms. Moreau's findings were reviewed and confirmed. I accept this evidence. However, this finding does not tell us when it was shot.

[148] Ms. Moreau also testified that when a bullet is fired from the Glock, the spent shell casing is ejected on the right-hand side near where it is fired. With someone sitting in

the front seat of the Dodge Ram and firing the Glock towards Teasers, the spent shell casings would have been ejected to the right. That explains the lone spent shell casing found in the front passenger seat of the Dodge Ram. However, there is no dispute that two shots were fired.

[149] I am mindful of Cst. Houde's evidence that the Forensic Identification Unit does not always find everything, however, I find that her investigation was thorough, and it was detailed. I am also mindful of Cst. Kociuk's evidence that he looked inside and outside in front of Teasers for spent shell casings, and he found none. If the second spent shell casing was not in the Dodge Ram and not at Teasers, where else could it be?

[150] Mr. King testified that the shooting happened behind him. I accept his evidence regarding what he heard and saw. However, I find that his evidence indicates that what he saw was only a partial picture. He ducked down, briefly. He testified that he did not see the type of firearm used, he did not make eye contact with the shooter, and that he did not see all the shooter's facial features. What Mr. King's evidence failed to establish is that he saw the accused, in the Dodge Ram, firing the Glock (or any firearm) towards Teasers on January 14.

[151] There is also Mr. King's evidence that while he followed the Dodge Ram to the Riverside Bar, he lost sight of it for a moment as he took a slightly different route. Mr. King arrived at the Riverside Bar after the Dodge Ram and then watched it park. He testified that he did not see anyone else exit other than the accused. However, he also testified that the rear windows were tinted, and he therefore could not tell if there was anyone sitting in the back seat. Mr. King also testified that after he saw the accused exit the

Dodge Ram and enter the Riverside Bar, he parked his truck in front. In doing so, he was no longer focused on the Dodge Ram. There was a moment of time between then and when Cst. Grewal and Cst. Carriere arrived at the Riverside Bar when the Dodge Ram was not being watched.

[152] In addition, I am mindful of the need to be cautious not to draw inferences unsupported by the evidence. In that connection, the defence strenuously emphasized the lack of GSR testing and that it could have assisted in determining whether the accused had used a firearm on January 14. While not decisive on its own, this does leave further room for an alternative theory other than guilt.

[153] When the totality of the evidence is assessed, I am left with the finding that an alternative theory other than guilt is possible; that another person, with another type of firearm, may have shot at Teasers on January 14. The defence submitted that it was possible that it was the individual getting into the other white truck seen on the Great Canadian Oil Change video in or around the same time as when the shooting occurred (Ex. 13). The defence also submitted that it was possible that there was another person in the Dodge Ram along with the accused who shot at Teasers, with another firearm and who got out on the way to the Riverside Bar when Mr. King lost sight of it, or while the Dodge Ram was not being watched while parked at the Riverside Bar.

[154] The circumstantial evidence must be such that the only reasonable inference available is that the accused intentionally fired the Glock at Teasers on January 14, (knowing that or being reckless as to whether another person was present). Proof beyond a reasonable doubt is the benchmark against which I must decide, and that threshold is

high. In these circumstances, I find that the Crown has not proven beyond a reasonable doubt all of the elements of an offence under Count 4.

CONCLUSION

[155] Regarding Counts 1 and 3, considering the totality of the evidence, I find that the Crown has proven beyond a reasonable doubt all of the elements of an offence. Therefore, the accused is guilty of these charges.

[156] Regarding Counts 2 and 4, considering the totality of the evidence, I am not satisfied that the Crown has proven beyond a reasonable doubt all of the elements of an offence. Therefore, the accused is acquitted of these charges.

_____ J

Appendix "A"

Criminal Code Provisions

Possession of firearm knowing its possession is unauthorized

92 (1) Subject to subsection (4), every person commits an offence who possesses a prohibited firearm, a restricted firearm or a non-restricted firearm knowing that the person is not the holder of

- (a) a licence under which the person may possess it; and
- (b) in the case of a prohibited firearm or a restricted firearm, a registration certificate for it.

. . .

Possession of prohibited or restricted firearm with ammunition

95 (1) Subject to subsection (3), every person commits an offence who, in any place, possesses a loaded prohibited firearm or restricted firearm, or an unloaded prohibited firearm or restricted firearm together with readily accessible ammunition that is capable of being discharged in the firearm, without being the holder of

- (a) an authorization or a licence under which the person may possess the firearm in that place; and
- (b) the registration certificate for the firearm.

. . .

Possession non autorisée d'une arme à feu : infraction délibérée

92(1) Sous réserve du paragraphe (4), commet une infraction quiconque a en sa possession une arme à feu prohibée, une arme à feu à autorisation restreinte ou une arme à feu sans restriction sachant qu'il n'est pas titulaire :

- a) d'une part, d'un permis qui l'y autorise;
- b) d'autre part, s'il s'agit d'une arme à feu prohibée ou d'une arme à feu à autorisation restreinte, du certificat d'enregistrement de cette arme

. . .

Possession d'une arme à feu prohibée ou à autorisation restreinte avec des munitions

95 (1) Sous réserve du paragraphe (3), commet une infraction quiconque a en sa possession dans un lieu quelconque soit une arme à feu prohibée ou une arme à feu à autorisation restreinte chargées, soit une telle arme non chargée avec des munitions facilement accessibles qui peuvent être utilisées avec celle-ci, sans être titulaire à la fois :

- a) d'une autorisation ou d'un permis qui l'y autorise dans ce lieu;
- b) du certificat d'enregistrement de l'arme.

. . .

Possession contrary to order

117.01 (1) Subject to subsection (4), every person commits an offence who possesses a firearm, a cross-bow, a prohibited weapon, a restricted weapon, a prohibited device, a firearm part, any ammunition, any prohibited ammunition or an explosive substance while the person is prohibited from doing so by any order made under this Act or any other Act of Parliament.

...

Discharging firearm — recklessness

244.2 (1) Every person commits an offence

(a) who intentionally discharges a firearm into or at a place, knowing that or being reckless as to whether another person is present in the place; or

(b) who intentionally discharges a firearm while being reckless as to the life or safety of another person.

Definition of *place*

(2) For the purpose of paragraph (1)(a), *place* means any building or structure — or part of one — or any motor vehicle, vessel, aircraft, railway vehicle, container or trailer.

...

Contravention d'une ordonnance d'interdiction

117.01 (1) Sous réserve du paragraphe (4), commet une infraction quiconque a en sa possession une arme à feu, une arbalète, une arme prohibée, une arme à autorisation restreinte, un dispositif prohibé, une pièce d'arme à feu, des munitions, des munitions prohibées ou des substances explosives pendant que cela lui est interdit par une ordonnance rendue sous le régime de la présente loi ou de toute autre loi fédérale.

...

Décharger une arme à feu avec insouciance

244.2 (1) Commet une infraction quiconque:

a) soit décharge intentionnellement une arme à feu en direction d'un lieu, sachant qu'il s'y trouve une personne ou sans se soucier qu'il s'y trouve ou non une personne;

b) soit décharge intentionnellement une arme à feu sans se soucier de la vie ou la sécurité d'autrui.

Définition de lieu

(2) Pour l'application de l'alinéa (1)a), *lieu* s'entend de tout bâtiment ou construction — ou partie de ceux-ci —, véhicule à moteur, navire, aéronef, matériel ferroviaire, contenant ou remorque.

...

Appendix "B"

Exhibit No.	Document
1:	Statement of Agreed Facts.
2:	Google Map showing the locations and driving distance between Teasers and the Riverside Bar.
3:	Crown Photobook of 17 photographs taken by the WPS at Teasers after the shooting.
4:	Crown Photobook of 48 photographs taken by the WPS of the Dodge Ram during the investigation.
5:	USB stick containing pictures and video taken by Mr. King who followed the Dodge Ram from Teasers to the Riverside Bar after the shooting.
6:	<p>Three photographs/video taken by Mr. King on January 14:</p> <p>Photograph 1: Timestamped at 1:11 a.m. on January 14. Image of the back of the Dodge Ram taken by Mr. King while he was following it from Teasers to the Riverside Bar.</p> <p>Photograph 2: Timestamped 1:18 a.m., on January 14. Image of the Dodge Ram parked at the Riverside Bar.</p> <p>Photograph 3: Timestamped at 1:25 a.m., on January 14. Image of accused sitting at Riverside Bar. Mr. King sent it to Mr. Adams who provided it to the WPS on January 14 (Ex. 8).</p>
7:	A photograph of the accused taken outside Teasers on January 13, by Mr. Adams.
8:	A photograph of the accused at the Riverside Bar on January 14, provided to the WPS by Mr. Adams.
9:	CV of Esther Moreau – Ballistics Expert.
10:	CV of Laurie Karchewski – DNA Expert.
11:	USB stick containing Ex. 5 and 12-13.
12:	Video from the Riverside Bar on January 14 (also contained in Ex. 11).
13:	Video from the Great Canadian Oil Change (also contained in Ex. 11).