

ADULT CHARGE SCREENING FORM FORMULAIRE DE VERIFICATION DES ACCUSATIONS PORTÉES CONTRE UN ADULTE

NOTICE: This form tells you the criminal charges you are facing and where possible, the sentence the crown is seeking.

Bring this form and any attached disclosure to your lawyer or to the Legal Aid Office (if you don't have a lawyer).

Avis : Ce formulaire vous indique les accusations criminelles portées contre vous et, dans la mesure du possible, la peine que demande le procureur de la Couronne.

Apportez ce formulaire et toute divulgation ci-joint qui vous a été communiqué à votre avocat ou au Bureau d'Aide juridique Ontario (si vous n'avez pas d'avocat).

REGINA v. WABOOSE, KASSIDY

SCOPE ID: 1490234

CHARGE(S) / ACCUSATION(S):

CC 733.1(1) - Fail to comply with probation order x 1

CC 430.(4) - Mischief under \$5,000 x 1

1. The Crown intends to proceed / Le procureur de la Couronne a l'intention de procéder :

- As charged above / selon les accusations ci-dessus
 As follows / de la façon suivante:

2. The Crown elects to proceed / Le procureur de la Couronne choisit de procéder :

- Summarily / par procédure sommaire By Indictment / par acte d'accusation
 Summarily if limitation period waived / Par procédure sommaire si le délai de prescription ne s'applique pas Deferred / Décision différée

3. This is an appropriate case for /

Il s'agit d'une affaire à laquelle les programmes suivants pourraient s'appliquer à cette matière :

- Direct Accountability / Responsabilisation directe Possible Mental Health Diversion / Déjudiciarisation possible pour cause de troubles de la santé mentale
 Domestic Early Intervention Program / Programme d'intervention précoce - violence conjugale Possible Indigenous Diversion / Déjudiciarisation possible pour Autochtones
 s. 810 Peace Bond / Engagement de ne pas troubler l'ordre public selon l'article 810

**This position is dependent upon /
Cette position dépend de ce qui suit:**

Other charge approved for diversion. Crown approves this charge being addressed in a similar manner. Once restitution to the owner of the residence is paid, this charge will marked withdrawn (diverted).

4. The Crown is seeking the following sentence upon an early guilty plea /

Le procureur de la Couronne demande la peine suivante en cas de plaidoyer de culpabilité précoce:

If not diverted, suspended sentence + 12 mos probation

Ministry of the Attorney General
Thunder Bay
Crown Attorney's Office

Ministère du Procureur général
District territorial de Thunder Bay
Procureur de la Couronne



125 Brodie Street North, 4th Floor
Thunder Bay, ON P7C 0A3

125, rue Brodie Nord, 4ième étage

(807) 626-7155
Fax: (807) 626-7199

5. **Upon a finding of guilt, the Crown will seek the following orders /
En cas de déclaration de culpabilité, le procureur de la Couronne demandera les ordonnances suivantes:**

Restitution s. 738 / Restitution, art. 738

The foregoing is based on information available on this date and may be subject to change upon further review or receipt of additional disclosure. Final sentencing decisions are up to the judge who hears your case.

Les choix ci-dessus se fondent sur les renseignements disponibles à la date de signature de ce formulaire et peuvent changer en cas de révision supplémentaire ou sur réception de divulgation additionnelle. Les décisions ultimes relatives à la peine seront rendues par le/la juge qui entend votre cause.

S. Elliot-Lehto

On behalf of the Crown / au nom du procureur de la Couronne

03/04/2024

Date

TO APPLY FOR LEGAL AID: Please bring / send this form to a Legal Aid Office and complete your application as soon as possible. More information is available at 1.800.668.8258 or www.legalaid.on.ca.

POUR DEMANDER L'AIDE JURIDIQUE : apportez ou envoyez ce formulaire au bureau d'Aide juridique Ontario et remplissez votre demande dès que possible. Renseignements : 1 800 668.8258 ou www.legalaid.on.ca

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CONDITIONS OF DISCLOSURE:

If you do not accept any of the following conditions you should return this disclosure to the Crown and come to a different agreement with the Crown or seek a court order with respect to disclosure.

1. You may use these materials for the purpose of making full answer and defence only.
2. You must keep these materials secure. *Disclosure is confidential information. The contents are not to be published, distributed or shared with anyone but your lawyer.*
3. Counsel may permit access to these materials to persons acting under his/her supervision.
4. If counsel is retained you will deliver all disclosed material to that counsel and the same conditions will apply.
5. In the event a different counsel is later retained, the former counsel will return the disclosure to the Crown Attorney's Office immediately. New counsel may obtain the disclosure along with this notice from the Crown Attorney's Office.
6. All future disclosure on this file is subject to these same conditions.

NOTICES:

1. Take notice that where any record of a judicial proceeding, book document, entry, or business record forms a part of this or any further future disclosure, the Crown intends to produce the same at the preliminary hearing and/or trial pursuant to the provisions of the CANADA EVIDENCE ACT.
2. Take notice that pursuant to s. 657.3(3) OF THE CRIMINAL CODE, that where a report or written opinion of an EXPERT WITNESS (including his/her name, area of expertise, and qualifications) forms part of the disclosure in this case, the Crown may seek to adduce the expert opinion evidence at the preliminary inquiry and/or trial of these charges.
3. Take notice that in the event you choose to proceed with a preliminary inquiry, pursuant to s. 540 the Crown will seek to tender credible or trustworthy information contained in the statements of witnesses made in writing or otherwise recorded that are provided in this or subsequent disclosure.
4. Take notice that in the event you are convicted or a finding of guilt is found in relation to an offence under s. 487.04 it is the intention of the Crown to seek an order for taking samples for the purpose of DNA ANALYSIS.
5. Take notice that in the event you are sentenced or found not criminally responsible in relation to an offence under s. 490.011 it is the intention of the Crown to apply for an order requiring a person to comply with the SEX OFFENDER INFORMATION REGISTRATION ACT.
6. If you are French speaking, you have the right to have your trial heard in French (or possibly as a bilingual proceeding). You must exercise that right by requesting that your trial be held in your official language of choice. If you wish to proceed in French, you should advise the judicial officer or duty counsel when you attend court. Duty counsel or a lawyer of your choice can explain your language rights more fully.

CONDITIONS RELATIVES À LA DIVULGATION:

Si vous êtes en désaccord avec l'une des conditions ci-dessous, vous devez retourner la divulgation au bureau du procureur de la Couronne. Vous aurez alors le choix de négocier une entente avec le procureur de la Couronne, ou encore de demander une ordonnance du tribunal relative à la divulgation.

1. Vous devez utiliser la divulgation uniquement dans le but de préparer votre défense pleine et entière.
2. Vous devez garder ces matériaux sécurisés. *La divulgation est confidentielle. Son contenu ne peut être publié, distribué ou partagé avec qui que ce soit, à l'exception de votre avocat.*
3. L'avocat peut autoriser des personnes agissant sous sa tutelle à consulter la divulgation.
4. Si vous retenez les services d'un avocat, vous devrez remettre toute la divulgation à cet avocat. Les présentes conditions continueront à s'appliquer.
5. Dans l'éventualité où vous changez d'avocat, votre ancien avocat devra immédiatement retourner la divulgation au bureau du procureur de la Couronne. Le nouvel avocat pourra obtenir la divulgation ainsi que le présent avis en se présentant au bureau du procureur de la Couronne.
6. Tout autres document venant s'ajouter à la divulgation est assujéti aux présentes conditions.

AVIS :

1. Veuillez noter que si le procès-verbal d'une instance judiciaire, un dossier, une entrée ou des documents commerciaux font parties de la divulgation ou toute divulgation future, le procureur de la Couronne peut présenter ces documents en preuve à l'enquête préliminaire et au procès conformément aux dispositions de la LOI SUR LA PREUVE AU CANADA.
2. En vertu du paragraphe 657.3(3) du CODE CRIMINEL, si un rapport ou un avis écrit par un TÉMOIN EXPERT (y compris le nom, le domaine d'expertise et les qualifications) fait parties de la divulgation, le procureur de la Couronne peut présenter cette preuve experte à l'enquête préliminaire et au procès.
3. Si vous choisissez d'avoir une enquête préliminaire, le procureur de la Couronne, en vertu de l'article 540, peut présenter en preuve les renseignements crédibles ou dignes de foi contenus dans les déclarations des témoins qui ont été faites, par écrit ou par moyen d'un enregistrement qui font parties de la divulgation ou toute divulgation future.
4. Si vous êtes condamné ou déclaré coupable d'une infraction visée à l'article 487.04, le procureur de la Couronne demandera une ordonnance du tribunal pour le prélèvement de substances corporelles aux fins de la banque de données ADN.
5. Si vous êtes déclaré non criminellement responsable ou si vous recevez une peine concernant une infraction visée à l'article 490.011, le procureur de la Couronne peut demander une ordonnance du tribunal exigeant que vous vous conformiez à la LOI SUR L'ENREGISTREMENT DE RENSEIGNEMENTS SUR LES DÉLINQUANTS SEXUELS.
6. Si vous parlez le français, vous avez le droit que votre procès se déroule en français (ou peut-être comme une instance bilingue). Vous devez exercer ce droit en demandant que votre procès se tienne dans la langue officielle de votre choix. Si vous souhaitez que votre procès se déroule en français, vous devriez en aviser le fonctionnaire judiciaire ou l'avocat de service lorsque vous comparez. L'avocat de service ou votre avocat peut vous expliquer plus en détail vos droits linguistiques.

General Report

Ontario Provincial Police

10.1.1

Police case ID: C23084618

Occurrence #(s): E231272991

Printed: 2023/10/05 16:26

Occurrence: E231272991 Mischief @2023/09/19 05:02

Author: #15618 BERARD, D.

Report time: 2023/09/21 22:30

Entered by: #513936 WILD, T.

Entered time: 2023/09/21 22:44

Report:**Benchmark Occurrence:** No.**Complaint:**

On September 19th, 2023, at approximately 05:02 hrs, police received a call for a disturb the peace at 109 McKenzie Avenue in Geraldton, Ontario. Caller, Amy CARLSON, telephone number [REDACTED], reporting that there's a fight going on at her neighbour's residence. She stated that she can hear somebody yelling Brynn and can also hear glass breaking and someone destroying something. Complainant claimed that she is unsure how many people are there but that it sounds really bad and is requesting police to attend. She can also hear one or two males yelling Brynn, she stated that her neighbour Brynn SHAWANAMASH (DOB: [REDACTED] 98).

No officers on duty, day shift to be called out early.

At 05:04 hrs, PCC received a duplicate call from another neighbour, Hannah CASSIE, telephone number [REDACTED], reporting lots of screaming that's been going on at 109 McKenzie Avenue, for the last 30 minutes. Caller's boyfriend said he saw three males take off on bikes towards First Street East, towards the area with duffel bags. She also advised that the screaming stopped once the males took off on the bicycles.

Occurrence Location: 109 McKenzie Avenue East in Geraldton.

History: Not applicable.

Investigation:

On September 19th, 2023, at approximately 06:04 hrs, police arrived on scene and conducted a door knock and spoke to William WILSON (DOB: [REDACTED] 65), Kevin JOHNSON (DOB: [REDACTED] 96) and Keira SHAWANAMASH (DOB: 1 [REDACTED] 2007), who all advised that Brynn is not home but explained approximately 20 minutes ago an unknown female came to the house and threw rocks at the window, breaking it. They claimed that Brynn left about five minutes prior to police arriving on scene. They believed she left with a male by the name of Joel DUBE (DOB: [REDACTED] 86). Police cleared the rest of

the residence but did not locate Brynn inside.

At 06:10 hrs, police attended [REDACTED], and spoke to Joel who claimed that he saw Brynn about 30 minutes ago unsure what happened at her residence and is unsure where she went.

At 06:11 hrs, police BOLO'd around Geraldton, leading to negative results.

At 06:25 hrs, police discontinued the BOLO. Follow up to be conducted.

On September 21st, 2023, at 20:44 hrs, PC BERARD attended 109 McKenzie Avenue East, to follow up with Brynn Shawanamash to gather more information. Brynn explained that on June 19th, herself, William Wilson, Keira Shawanamash and Kevin Johnson were at her residence when suddenly Kassidy WABOOSE (DOB: 26NOV2002). She informed PC Berard that Waboose came over and threw a rock through her front living room window, shattering it, and also threw a rock at the side front door window also shattering the window. She explained that Cassidy thought Brynn was sleeping with her boyfriend, Joseph MAGISKAN (DOB: [REDACTED] 1994) but Brynn claimed that she was not.

Brynn agreed to provide at statement.

At 20:48 hrs, PC Berard conducted an audio/video statement in the rear of vehicle 02-682.

At 20:51 hrs, the statement was concluded and at 20:55 hrs, PC Berard departed the residence.

Witness Interview(s): Brynn Shawanamash (DOB: [REDACTED] 98) video/audio statement was conducted on September 21st, 2023, at 20:48 hrs.

Suspect(s) / Vehicle(s): Cassidy Waboose (DOB: 26NOV2002).

Property: Not applicable.

Support Unit(s): Not applicable.

CPIC: Not applicable.

Notification(s): Not applicable.

Distribution: Not applicable.

Disposition: Cassidy Waboose to be located, arrested and charged for Mischief Under \$5,000.00.