

41. Mr. Yeung subsequently appealed his conviction to the Court of Appeal and on July 13, 2001 the Court of Appeal allowed the appeal and quashed the conviction. At the time of his appeal, Mr. Yeung was still serving his sentence.

**A BRIEF OUTLINE OF THE ACCUSED'S CONDUCT IN RELATION TO
REGINA V. CHRISTOPHER QUIGLEY**

42. On April 30, 1998, Christopher Quigley was under surveillance by Schertzer's CFC team 3. The officers involved in the investigation at that point were the accused Schertzer, Correia, Benoit, Pollard, Maodus, as well as the unindicted co-conspirator Reid and two other officers, Donison and Cieslik. Police suspected that Mr. Quigley was trafficking in marijuana. In the afternoon of April 30, plain clothes accused officers followed Mr. Quigley to the rear of George Harvey Collegiate on Keele Street in Toronto where he met another male person; and the two men were then seated in Quigley's vehicle. Accused officers then saw a bag being handled by the men, whereupon at 5:35 p.m. Schertzer ordered that Mr. Quigley and the other person be arrested. However, upon the arrests, the officers only discovered 10 pair of sunglasses in the bag that police had previously observed. Moreover, no drugs were found anywhere. Although it appears there was no basis to do so, both men were arrested for possession of stolen property. Cieslik took Mr. Quigley to 53 Division where the CFC offices were located. Donison took the other male to 53 Division. According to the Record of Arrest, Mr. Quigley was paraded by Cieslik before the booking sergeant at 53 Division at approximately 6:24 p.m. At the time of his arrest and booking, there were no visible injuries on Mr. Quigley.

43. After being paraded before the desk sergeant, Mr. Quigley was taken to the CFC offices inside 53 Division. Over the next 10 hours, Mr. Quigley was in the custody of several officers, including Schertzer, Benoit, Maodus. During this period, Mr. Quigley was denied his right to contact a lawyer. For a prolonged period, a number of officers, including Schertzer, Benoit and Maodus assaulted Mr. Quigley for the purpose of extracting information from him as to where he stored drugs and money. At one point another officer spoke to Mr. Quigley and identified himself as being of Portugese origin. That officer urged Mr. Quigley to talk, or else the other officers would keep at him all night. (I note that the self-identifying detail of Portugese ethnicity singles out Correia).

44. In any event, after a prolonged and significant series of assaults, Mr. Quigley ultimately told an accused that he had drugs at his residence and in his mother's residence, and that he kept money in his mother's safety deposit box. But even after giving up that information, the assaults continued. In total, Mr. Quigley was held by the accused for approximately ten hours without access to a lawyer or medical aid, and was beaten on numerous occasions. At about 3:20 a.m. on May 1, 1998, the accused officers turned Mr. Quigley over to uniformed police officers at 53 Division, so that he could be taken to the cells to await a show cause hearing. A short while later, paramedics were called, and Mr. Quigley was taken to hospital by ambulance. All in all, during his ordeal Mr. Quigley suffered very extensive bruising, a cut above his left eye that required eight stitches, and a fractured rib. He was also coughing up blood. The Special Investigations unit was not called.

45. In each of their memo books, Schertzer, Benoit and Maodus purported that at one point in time police acted in self-defence because Mr. Quigley lunged at Benoit after being told that police had executed a warrant at his mother's residence.

46. While he was in custody and being beaten by the accused, Reid prepared an information in support of a search warrant for Mr. Quigley's residence. The information did not reveal that Mr. Quigley was being assaulted by police while in custody. A warrant was issued and executed, and police found drugs at his residence.

47. Following the execution of that warrant, Reid prepared a new information in support of an application for a search warrant for the residence of Mr. Quigley's mother, Greeba Quigley. The information included details obtained from Mr. Quigley while being beaten, but the information did not reveal the means by which information had been extorted from Mr. Quigley. The warrant was issued and executed, and police seized the mother's safety deposit key with respect to her safety deposit box at a branch of the CIBC. However, notwithstanding information provided by Mr. Quigley while being beaten, no drugs were found in her residence.

48. Correia later prepared an information in support of a search warrant for the mother's safety deposit box at a branch of the CIBC. The information included details obtained from Mr. Quigley while being beaten, but the information did not reveal the means by which information had been extorted from Mr. Quigley. A warrant was issued, and executed at the branch on May 1, 1998, by Schertzer and Correia.

49. At the time of the execution of the warrant at the bank, the bank manager was present when Schertzer and Correia opened the safety deposit box. Schertzer and Correia opened the box and dumped its contents into a clear plastic bag. The money was not counted at the bank in the presence of the manager. Schertzer later completed TPS paperwork that indicated the amount seized was \$22,850. In completing the property receipt in respect of the money seized from the safety deposit box, Schertzer carefully accounted for the number of bills seized by each denomination, and in total the amount was \$22,850. In that careful accounting, there were no \$100 bills. However, I anticipate that the bank manager who was present will testify and say that what he saw dumped from the box included a rainfall of \$100 bills.

50. I anticipate that the court will hear evidence indicating that the real amount seized but not accounted for was in the amount of \$54,000.

51. Mr. Quigley was charged with four counts, including possession for the purpose of trafficking, simple possession, possession of stolen property, and assaulting a police officer.

52. Nowhere in the materials prepared for inclusion in the Crown Brief was it revealed that police had extorted information from Mr. Quigley by means of violence, and that they had violated his constitutional rights in a number of ways. Schertzer was the officer-in-charge of the case.

53. Ultimately, on June 3, 1998, Mr. Quigley pleaded guilty to a count of simple possession, and he received a fine in the amount of \$1,000. In addition, as part of the resolution, police returned to Mr. Quigley the amount of \$22,850.