

SUPERIOR COURT OF JUSTICE
(Toronto Region)

B E T W E E N:

HER MAJESTY THE QUEEN

- and -

BYRON SONNE

AGREED STATEMENT OF FACT
(Re: Trial Proper)

1. The parties agree on the following facts, for the purpose of Mr. Sonne's trial on charges of possession of an explosive substance (x4) and counselling the commission of the offence of mischief not committed.

June 15, 2010

2. On June 15, 2010, Bryon Sonne was seen taking photographs of the security fence that was being erected in advance of the G20 Summit.

TAB 1: Photo taken by surveillance cameras

Arrest June 22, 2010

3. Byron Sonne was arrested on June 22, 2010 while riding on a southbound Bathurst TTC bus. At the time of his arrest he was in possession of a camera, a Police Scanner and a piece of paper which contained a paragraph from an internet article posted by the G8/G20 Community Solidarity Network on the Toronto Mobilize website which purported to quote from “Jennifer Wispinski, with the Law and Government Division of the Parliamentary Information and Research Service”

TAB 2 – Photos of equipment and paper**Search of 58 Elderwood**

4. Prior to June 22, 2010 Mr. Sonne resided at 58 Elderwood Drive in the City of Toronto, Ontario with his wife, Kristen Peterson. A search warrant was executed at that location on June 22, 2010. The search took place over a number of days until June 26, 2010. Several items were seized from inside the house during the search. The continuity of the physical items seized in the home is admitted.

5. The property seized in the workroom and furnace room belonged to Mr. Sonne and not his wife.

6. The chemicals seized from 58 Elderwood Drive were of the nature and quantity described in the report of Gavin Edmonstone, B. Sc. Forensic Chemist, dated December 15, 2010.

TAB 3: Report of Gavin Edmonstone, December 15, 2010**Expert Evidence**

7. Dr. Crawford John Anderson, Head of the Military Engineering Section, Defence Research and Development Canada, in Suffield, Alberta, is an expert in Organic Chemistry and Improvised Explosive Devices.

TAB 4: CV of Dr. Anderson**Internet Activity**

8. Mr. Sonne used two email addresses: blsonne@rogers.com and blsonne@halvdan.com.

9. “**Facebook**” is a popular free social networking website that allows registered users to create profiles, upload photos and video, send messages and chat with other users. The level of access to a profile available to any given user is restricted according to privacy setting as set by the user. Byron Sonne had a Facebook profile in June, 2010.

TAB 5: Printout from Byron Sonne’s Facebook page

10. “**BitTorrent**” is a file sharing system that allows users to share data over the internet directly from peer to peer. A torrent file is a type of file that will direct a user’s computer to other computers on the internet that have portions of a specified file. By accessing multiple computers that have portions of a single file, the BitTorrent system will assemble a completed file from those multiple sources. In short, a torrent file does not itself contain the information to be ultimately downloaded and shared; rather, it contains instructions on where and how to download the associated file(s). The Pirate Bay is a website that hosts torrent files. Users can

create and upload torrent files to The Pirate Bay. Byron Sonne controlled an account on The Pirate Bay called “Goatmaster”. A number of torrent files had been uploaded to The Pirate Bay using the Goatmaster account.

TAB 6: Printout from Goatmaster account on The Pirate Bay

11. A “**blog**” is a modern communications tool. It is a type of website that can be updated anytime. A person or group of persons may access and edit the blog while the general public may, in some cases, add comments to blog postings. Typically, a blog will be displayed with the most recent entry first followed by older blogs in reverse-chronological order. Mr. Sonne hosted a blog using Blogspot, a free blog provider. The blog was entitled, “Toronto Goat”. Postings on the blog dated from February to August, 2009.

TAB 7: Printout of Toronto Goat blog

12. “**Twitter**” is a social networking website where people can post comments and have discussions with others online. A “tweet” is a short comment of no more than 140 characters. All tweets posted to Twitter are public and visible to anyone with a connection to the internet.

13. Users of Twitter may “follow” other twitter users by subscribing to their account. Once followed, any tweets posted by the account being followed will be displayed automatically in the main screen of the user who is following. A user does not need permission from the user who they wish to follow in order to begin following him or her. A user may “block” another user, however, to prevent them from becoming a follower of his or her tweets.

14. Anyone with access to the internet may view the public profile associated with a user’s

account on Twitter and view all of the tweets sent by that user. Included among the information available on the account's public profile is a list of all other users who are following or being followed by that user. A set of hyperlinks on the public profile would direct anyone who clicks on them to view a list of all users following or followed by that user at that particular time. From there, anyone clicking on the names of the users who are following or followed would be able to view all of those users' profiles, including all of their tweets and follower/following information.

15. Users may append to their tweets a "hashtag", indicated by the "#" symbol (for example "#g20report", "#mapleleaves", etc.). A hashtag is used to mark keywords or topics. Any tweet marked with a hashtag will be organized by Twitter together with other tweets of the same hashtag. Users can follow and read tweets relating to specific topics by viewing all tweets associated with a specific hashtag. In this manner, it is common for conversations to emerge between and among Twitter users on the basis of the hashtag as users respond and comment on other tweets posted with a given hashtag.

16. Mr. Sonne had a Twitter account with the title "Toronto Goat".

TAB 8: Printout from Toronto Goat Twitter account

17. "**Flickr**" is a website that allows users to upload, manage and share photographs and videos. Each photograph uploaded to Flickr has a permanent web address, or "URL" commencing with the characters, "http://www.flickr.com/...". By cutting and pasting this permanent link into emails, blogs, comments or otherwise sharing them on the internet, other users of the internet can be conveniently directed to a specific photo on Flickr. Mr. Sonne had a Flickr account under the title "Toronto_Goat".

TAB 9: Printout from the Toronto_Goat Flickr account

18. **“YouTube”** is a website that allows users to upload, manage and share videos. Each video uploaded to YouTube has a permanent web address, or “URL” commencing with the characters, “http://www.youtube.com/...”. By cutting and pasting this permanent link into emails, blogs, comments or otherwise sharing them on the internet, other users of the internet can be conveniently directed to a specific video on YouTube. Mr. Sonne had a YouTube account under the title “Torontogoat” which hosted 8 videos.

TAB 10: DVD of videos from the Torontogoat YouTube account

Conference Activity

19. “MiniSoOnCon 2009” was a conference hosted by hackerspaces in the Toronto-Hamilton-Niagara region in October, 2009. A “hackerspace” is a space – usually a lab, studio or office – where individuals can share in technology-related projects and art. Mr. Sonne was listed on a “wiki” website as a speaker at MiniSoOnCon 2009 for a 20-minute talk entitled “RF Countersurveillance / A primer on monitoring police and security frequencies using a trunk-tracking scanner, and how it can assist in penetrating a target”. A “wiki” is a website with content that may be edited by anyone at any time.

TAB 11: Printout from MiniSoOnCon Wiki page, “Participation”

Rocketry Correspondence

20. In June, 2010 Mr. Sonne had email correspondence with Angelo Castellano, the president of the Canadian Association of Rocketry (CAR).

TAB 12: Emails between Byron Sonne and Angelo Castellano

Credit Card Purchases

21. The Visa card with the number 4520 3400 0819 8130 in the name of Kristen Peterson was shared between Kristen Peterson and Byron Sonne.

TAB 13: Visa statements

22. On June 18, 2010, Mr. Sonne used his Visa credit card to purchase 1kg of Zinc Oxide from Tuckers Pottery Supply in Richmond Hill, Ontario.

TAB 14: Receipt from Tuckers Pottery Supply

23. On June 18, 2010, Mr. Sonne used his Visa credit card to purchase to purchase five 38oz plastic jars from Plastic World in Scarborough, Ontario.

TAB 15: Invoice from Plastic World

24. On two separate dates in March 2010, Mr. Sonne used his Visa credit card to purchase six Life Brand Instant Cold Compress.

TAB 16: Receipts from Shoppers Drug Mart

25. Mr. Sonne used his Visa credit card to make a number of purchases at the Canadian Tire Store on Eglinton Avenue in Toronto, Ontario. The product numbers appearing on the receipts of those purchases correspond with product descriptions as set out in a spreadsheet prepared by Canadian Tire employees.

TAB 17: Canadian Tire Receipts and Product Descriptions Spreadsheet

26. On May 1, 2010 Mr. Sonne used his Visa credit card to purchase two 6 inch MMO

Coated Titanium Mesh Anodes from an internet retailer called American Pyrotechnic Supply.

TAB 18: Email containing invoice from American Pyrotechnic

27. On January 7, 2010 Mr. Sonne wrote to Canadawide Scientific, an online retailer of laboratory supplies and equipment to inquire about the regulations governing the sale of Potassium Permanganate. He was advised that a Class A precursor license was required to purchase the substance.

TAB 19: Email correspondence between Byron Sonne and Joann Ford

28. On February 22, 2010 a package destined for Mr. Sonne originating in the US was stopped at the border. The package contained a rifle scope, valued at \$44.90 as well as two types of Crossman brand pellet gun oil. The scope was subject to the Commerce Control List and required filing of an Electronic Export Information Form prior to crossing the border. That form had not been filed and, consequently, the scope was seized pending filing of the form. The pellet gun oil was allowed through the border.

29. On December 15, 2009 Mr. Sonne used the Visa credit card he shared with Kristen Peterson to purchase an asp baton from an online retailer located in Markham, Ontario called "911 Gear."

TAB 20: Invoice from 911 Gear

30. On January 4, 2010 Mr. Sonne used his Visa credit card to make an online purchase of 2 lbs. of potassium Permanganate from an online retailer called "The Chemistry Store" located in South Carolina. On January 6, 2010 this purchase was voided. Sandy Chadwick, a

representative from The Chemistry Store, wrote to Mr. Sonne via email and explained that Potassium Permanganate is classified as hazardous material and could not be shipped.

TAB 21: Receipt #86879 from The Chemistry Store

31. On January 7, 2010 Mr. Sonne used his Visa credit card to purchase 1 lb. of Potassium Permanganate from Hydrosphere Water Gardens and Fisheries in Bradford, Ontario.

TAB 22: Receipt #3474-4090-9339-2904 from Hydrosphere Water Gardens and Fisheries