

Base Court Port Hawkesbury  
 IPC # 22-0152 Court File # 22-05

CANADA  
 Province of/Province du  
 Nova Scotia/Nouvelle Ecosse

FORM 5.1

## WARRANT TO SEARCH

Telecommunication that produces a writing

### Mandat de perquisition

télécommunication qui rend la communication sous forme écrite

(Pursuant to Section 487.1 of the Criminal Code /En vertu de l'article 487.1 du Code Criminel)

To the Peace Officers in the Province  
 of Nova Scotia

Aux agents de la paix dans la province  
 de Nouvelle-Écosse

WHEREAS it appears on the oath of

ATTENDU qu'il appert sur la foi du  
 serment de

Constable David Peck

Gendarme \_\_\_\_\_

A Peace officer and member of the Royal  
 Canadian Mounted Police in the Province  
 of Nova Scotia

Un Agent de la paix et membre de la  
 Gendarmerie Royale Du Canada dans la  
 Province de Nouvelle-Écosse

That there are reasonable grounds for  
 dispensing with an information presented  
 personally and in writing; and that there  
 are reasonable grounds for believing that  
 the following things:

Qu'il existe des motifs raisonnables de  
 dispenser de la présentation en personne  
 d'une dénonciation écrite et des motifs  
 raisonnables de croire que les choses  
 suivantes :

1. Smith & Wesson M&P 9 firearm;
2. Glock 17 firearm;
3. High capacity magazine;
4. Gun holster;
5. Firearms registration paperwork for Jeremy MacKenzie;
6. A cell phone of unknown brand and model

Relevant to the investigation of the  
 following indictable offences:

Pertinent pour l'enquête sur l'acte criminel  
 suivant:

46.  
 owned or used by Jeremy  
 MacKenzie.

**Jeremey MacKenzie:**

- 1. Section 86(1) - careless use of firearm;**
- 2. Section 91(2) - unauthorized possession of a prohibited device;**
- 3. Section 92(2) - possession of a prohibited device knowing its possession is unauthorized;**
- 4. Section 93(1) - possession at unauthorized place;**

**AND THAT** there are reasonable grounds for believing that these things or some part of them are to be found in the following building, receptacle or place:

**ET QU'IL existe** des motifs raisonnables de croire que ces choses ou quelque partie d'entre elles se trouvent dans le bâtiment, contenant ou lieu suivant :

**The residence at 68 High Street, Pictou, Nova Scotia;**

herein under referred to as the premises;      ci-après, "les lieux";

**THIS IS, THEREFORE,** to authorize and require you to enter into the said premises and to search for the said thing(s) under the following terms and conditions:

**CELA EST DONC** pour vous autoriser et exiger que vous entriez dans les dits lieux et cherchiez les choses dites selon les modalités suivantes:

***By day***

Upon completion of the search, as soon as it is practical but within a period not exceeding seven days after the execution of the warrant, a report will be made to the clerk of the court, pursuant to section 487.1(9) of the Criminal Code.

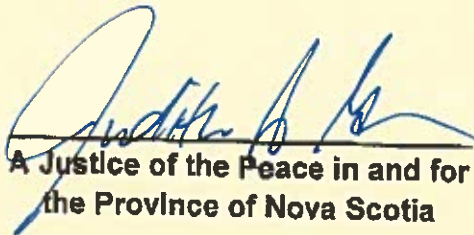
À la fin de la perquisition, dès que cela sera réalisable, mais dans un délai ne dépassant pas sept jours après l'exécution du mandat, un rapport sera présenté au greffier du tribunal, conformément à l'article 487.1 (9) du Code criminel.

This warrant may be executed between the hours of:

Ce mandat peut être exécuté entre les heures suivantes :

6:00 am on the 25<sup>th</sup> day of January 2022 and 5:00 pm on the 1<sup>st</sup> day of February, 2022

ISSUED at Dartmouth in the Province of Nova Scotia, on 22<sup>nd</sup> day of Jan. 2022 at the hour of 7:10 o'clock in the after noon.

  
A Justice of the Peace in and for  
the Province of Nova Scotia

JUDITH A. GASS  
Presiding Justice of the Peace  
in and for the  
Province of Nova Scotia

**TO THE OCCUPANT:** This search warrant was issued by telephone or other means of telecommunications. If you wish to know the basis on which this warrant was issued you may apply to the clerk of the court for the territorial division in which the warrant was executed, at:

**À L'OCCUPANT:** Le présent mandat de perquisition a été décerné par téléphone ou par un autre moyen de télécommunication. Si vous désirez connaître les raisons pour lesquelles le présent mandat a été décerné, vous pouvez demander un exemplaire de la dénonciation sous serment au greffier du tribunal pour la circonscription territoriale où le mandat a été exécuté à

15 Kennedy Street, Port Hawkesbury, Nova Scotia, B9A 2Y1

between the hours of 8:30 A.M. to 4:30 P.M., Monday to Friday, excluding holidays, to obtain a copy of the information on oath. You may obtain from the clerk of the court a copy of the report filed by the peace officer who executed this warrant. That report will indicate the things, if any that were seized and the location where they are being held.

Entre 8h30 et 16h30, du lundi au vendredi, sauf les jour fériés, pour obtenir une copie de la dénonciation faite sous serment. Vous pouvez obtenir du greffier du tribunal une copie du rapport déposé par l'agent de la paix qui a exécuté ce mandat. Ce rapport indiquera les objets saisis, le cas échéant, et l'endroit où ils sont détenus.

Base Court PORT Hawkesbury  
 JPC # 22-0152 Court File # 22-05

CANADA  
 PROVINCE OF NOVA SCOTIA

FORM 1

## INFORMATION TO OBTAIN A SEARCH WARRANT

(Pursuant to Section 487.1 of the Criminal Code)

This is the information of Constable David Peck of Waycobah, in the said Province of Nova Scotia, a Peace Officer and member of the Royal Canadian Mounted Police, hereinafter called the informant, taken before me. The informant says that he/she has reasonable grounds to believe and does believe that there is in:

The residence at 68 High Street, Pictou, Nova Scotia

the following items (things, or some part of them):

1. Smith & Wesson M&P 9 firearm;
2. Glock 17 firearm;
3. High capacity magazine;
4. Gun holster;
5. Firearms registration paperwork for Jeremy MacKenzie;
6. A cell phone of unknown brand and model;

which is/are (check as applicable)

- anything on or in respect of which any offence against this Act or any other Act of Parliament has been or is suspected to have been committed, or
- anything that there are reasonable grounds to believe will afford evidence with respect to the commission of an offence, or will reveal the whereabouts of a person who is believed to have committed an offence, against this Act or any other Act of Parliament, or
- anything that there are reasonable grounds to believe is intended to be used for the purpose of committing any offence against the person for which a person may be arrested without warrant, or
- offence-related property (as defined in the Criminal Code).

relevant to the investigation of the following indictable offences:

1. Section 86(1) - careless use of firearm;

2. Section 91(2) - unauthorized possession of a prohibited device;
3. Section 92(2) - possession of a prohibited device knowing its possession is unauthorized;
4. Section 93(1) - possession at unauthorized place;

My grounds for the belief that the alleged indictable offences have been committed, that the listed items (things) will be found in this location (building, receptacle or place), and that the items relate to the alleged indictable offences are as follows:

### INTRODUCTION AND OVERVIEW

1. I am a peace officer and have been a member of the Royal Canadian Mounted Police ("RCMP"), since April of 2008. I am a Constable with Waycobah detachment and have been attached to the general duty section since January of 2021. I have previously held positions within RCMP units including Street Crime, General Investigation, and Major Crime. I have investigated offences including, but not limited to assaults, drug related offences, firearms offences, and homicides.
2. I have knowledge of and do believe the matters deposed to, except where same are stated to be based upon information and belief. Where so stated, I do believe the same to be true, unless I say otherwise.
3. On January 10, 2022 the RCMP became aware of a video posted on social media which showed two males in possession of firearms. The person capturing the video, identified as Jeremy MacKenzie ("MACKENZIE") was in possession of what was believed to be an unpinned high capacity magazine, a prohibited device. The magazine was inserted into a firearm which MACKENZIE was handling in a careless manner. MACKENZIE's actions in the video, and by his own admission to police on January 13, 2022, suggested that MACKENZIE was intoxicated at the time the video was captured. Police are attempting to locate the firearm, holster, and the high capacity magazine which MACKENZIE was in possession of in the video, as well as the device which was believed to have been used to record the video. MACKENZIE is believed to reside at 68 High Street, Pictou, Nova Scotia, the same address listed on his firearms registration.

### DATABASES RELIED UPON

4. The Canadian Police Information Center ("CPIC") is a computerized data base repository maintained by the Royal Canadian Mounted Police in Ottawa, Ontario. It

can be accessed through authorized and restricted terminals, by authorized personnel, and is accessible by police and law enforcement agencies throughout Canada. This repository records information such as missing and wanted persons, stolen property, criminal records of individuals, and accesses records of the motor vehicle branches in the various provinces across Canada with regard to driver's license information, names, birth dates, descriptions, addresses, driving records, and motor vehicles registered to a particular named individual, through vehicle license numbers.

5. The Police Reporting & Occurrence System ("PROS"), is a computerized database repository maintained by the RCMP in Ottawa, Ontario. It can be accessed through authorized and restricted terminals, by authorized personnel. This repository records information that is collected through the normal course of an investigation; including the nature of the investigation, names, addresses, vehicles, birth dates, and various reports such as exhibit and continuation or progress reports.
6. The Canadian Firearms Registry ("CFRO") is an electronic database containing registration information for all restricted and prohibited firearms in Canada. The database is managed by the Canadian Firearms Program of the RCMP.

### **ABBREVIATIONS**

7. All addresses referred to in this Information To Obtain are within the Province of Nova Scotia unless stated otherwise.
8. All peace officers referred to in this Information To Obtain are members of the Port Hawkesbury RCMP unless stated otherwise.
9. Within this Information To Obtain, I have included square brackets [ ] which contain my interpretation of the preceding information. The square brackets are solely for the purpose of ease of reading and should not be considered as grounds of belief.

### **GROUND FOR BELIEF**

10. On January 14, 2022 I was tasked with reviewing a police investigation involving a video which had been posted to a social media web site. I received an email message from Sergeant Steven MacCallum which had the video clip attached.

11. The email message contained the identities of three persons, all of whom were seen in the video:

- 11.1. William Haverstock ("HAVERSTOCK");
- 11.2. Jessica KLEINHERENBRINK ("KLEINHERENBRINK");
- 11.3. MACKENZIE;

12. I watched the video and noted the following:

12.1. MACKENZIE was holding the device which was used to capture the video;

[I believe the device was a cell phone based on the ease with which MACKENZIE handled and maneuvered the device with one hand.]

12.2. HAVERSTOCK and MACKENZIE were both in possession of firearms while KLEINHERENBRINK was not;

12.3. HAVERSTOCK and MACKENZIE appeared to be friends, or at least close associates;

12.4. The video was captured inside a building which appeared to have design features and furnishings similar to a commercial restaurant;

12.5. HAVERSTOCK was handling the firearm in a responsible manner;

12.6. MACKENZIE appeared intoxicated and was waving the firearm around in a reckless manner;

12.7. While waving the firearm around, MACKENZIE briefly pointed the firearm at HAVERSTOCK's head, causing HAVERSTOCK to flinch, momentarily close his eyes, and move his head away from the muzzle;

12.8. MACKENZIE was quite vocal during the video, saying such things as:

12.8.1. "I just go where the gun tells me to go.";

12.8.2. "Silent majority... Diagonola!";

[HAVERSTOCK later told me that Diagonola is an imaginary country made up by MACKENZIE. MACKENZIE even had a real flag made up to represent Diagonola. The flag is seen in the video.]

12.9. I noted the following about the firearm MACKENZIE was holding:

12.9.1. The black pistol was contained within a black gun holster;

[I often used a similar gun holster through the course of my duties with the RCMP.]

12.9.2. The pistol appeared to have a black high capacity magazine inserted into it. MACKENZIE seemed to be emphasizing the high capacity magazine by clearly displaying it in the video;

12.10. Neither HAVERSTOCK or MACKENZIE talked about the firearms, fired them, or did anything else to indicate whether the firearms were loaded when the video was captured;

12.11. Near the end of the video MACKENZIE took a large drink of what was believed to be liquor and then started to become physically ill. The video ended at this time.

13. On January 14, 2022 I reviewed the electronically documented police investigation (PROS file 2022-39074) and learned the following:

13.1. Pictou RCMP currently had carriage of the investigation and had determined the identities of the three persons seen in the video;

13.2. Corporal Christopher Brownoff of the Pictou RCMP had determined that the video was captured at 901 Whycomagh Mountain Road, Whycomagh. This was the location of Iron Mountain Wilderness Cabins, a business owned and operated by HAVERSTOCK and KLEINHERENBRINK;

13.3. Corporal Brownoff had spoke to MACKENZIE's father and confirmed that MACKENZIE was currently residing at the family residence at 68 High Street, Pictou;

13.4. MACKENZIE had Post-Traumatic Stress Disorder ("PTSD") from serving in Afghanistan with the Canadian Military;



- 13.5. Sergeant Lawrence Peyton of the National Weapons Enforcement Support Team ("NWEST") had reviewed the video and determined that the two firearms were believed to be:
- 13.5.1. MACKENZIE - Glock 17;
  - 13.5.2. HAVERSTOCK - Smith & Wesson M&P 9;
- 13.6. Sergeant Peyton had conducted CFRO queries and determined:
- 13.6.1. Both HAVERSTOCK and MACKENZIE held a valid possession and acquisition license ("PAL") for restricted firearms;
  - 13.6.2. MACKENZIE had two restricted firearms registered to him, both having the registration address of 68 High Street, Pictou. The two firearms were:
    - 13.6.2.1. Glock 17, Gen4:
      - 13.6.2.1.1. Serial Number: AEGL432;
      - 13.6.2.1.2. FIN: 13171926;
      - 13.6.2.1.3. Class: restricted;
    - 13.6.2.2. Smith & Wesson M&P 9 M20:
      - 13.6.2.2.1. Serial Number: NEF5468;
      - 13.6.2.2.2. FIN: 13107764;
      - 13.6.2.2.3. Class: restricted;
  - 13.6.3. HAVERSTOCK had seven firearms registered to him including two Smith & Wesson M&P 9's;
  - 13.6.4. HAVERSTOCK did not have a Glock 17 registered to him;
- 13.7. Corporal Brownoff interviewed MACKENZIE on January 13, 2022 and learned the following:
- 13.7.1. MACKENZIE arrived in Nova Scotia shortly before Christmas of 2021 to be closer to his children who lived in Dartmouth;

- 13.7.2. MACKENZIE had been living in Saskatoon, Saskatchewan prior to moving to Pictou;
- 13.7.3. MACKENZIE had served in the military for over 14 years;
- 13.7.4. MACKENZIE did not recall any of the events from the video as he was hammered at the time the video was captured;
- [I believe the term hammered to mean heavily intoxicated.]
- 13.7.5. MACKENZIE thought the contents of the video were good for a laugh;
- 13.7.6. MACKENZIE denied having any knowledge of the firearm he had been holding;
- 13.7.7. When asked about the high capacity magazine, MACKENZIE responded, "Don't they sell them like that?" and said that high capacity magazines could be purchased as pinned;
- [If the high capacity magazine was limited or pinned to ten rounds, it would not be a prohibited device.]
- 13.7.8. MACKENZIE said that he did not know whether the high capacity magazine seen in the video was pinned or not;
- 13.7.9. MACKENZIE confirmed that both of his firearms, the Glock and the Smith & Wesson M&P were locked up at his parent's residence;
- 13.7.10. MACKENZIE would not confirm that the firearm he had been holding was his own Glock 17, or even if it was a Glock 17;
- 13.7.11. MACKENZIE denied transporting any firearms to HAVERSTOCK's location;
- 13.8. Pictou RCMP were requesting assistance from Waycobah RCMP to speak to both HAVERSTOCK and KLEINHERENBRINK to further the investigation;
14. On January 14, 2022 myself and Constable Guy Boudreau attended the Iron Mountain Wilderness Cabins and spoke to HAVERSTOCK. HAVERSTOCK

refused to provide a recorded statement, but did disclose the following without being under police caution:

14.1. HAVERSTOCK was a firearms instructor and would not do anything to jeopardize his firearms license;

14.2. MACKENZIE had attended Iron Mountain Wilderness Cabins on January 9, 2022. This was the first time MACKENZIE had attended HAVERSTOCK's establishment;

14.3. HAVERSTOCK had never met MACKENZIE prior to January 9, 2022, but did follow MACKENZIE on social media because he found MACKENZIE humorous;

14.4. MACKENZIE was not welcome back at the cabins due MACKENZIE's behaviour and the video becoming public;

14.5. The events seen the video were a result of too much whisky;

14.6. HAVERSTOCK owned the firearms seen in the video. HAVERSTOCK did not disclose specific details about either of the firearms;

[I believe HAVERSTOCK lied to police about owning the firearms because HAVERSTOCK does not have a Glock 17 registered to him.]

14.7. HAVERSTOCK did not own the high capacity magazine seen in the video and knew nothing about it. HAVERSTOCK said that he did not know where the magazine was.

15. While at HAVERSTOCK's property, Constable Boudreau briefly saw KLEINHERENBRINK as she approached the main lodge where members were talking to HAVERSTOCK, however she headed in a different direction and could not be located.

16. On January 18, 2022 an email message was forwarded to me by Corporal Brownoff. I read the email and learned the following:

16.1. The email message had been authored by Robert Ryan, an Operations Coordinator with the Nova Scotia Provincial Firearms Office;

- 16.2. When purchased, Glock firearms come standard with 10 round magazines, not high capacity magazines;
  - 16.3. MACKENZIE would have had to apply to obtain authorization to transport his restricted firearms within Nova Scotia;
  - 16.4. There was no record of MACKENZIE having authorization to transport his restricted firearms within Nova Scotia.
17. If MACKENZIE's cell phone is located during the search, a separate search warrant will be authored to search the device.

### TERMS AND CONDITIONS

18. It is requested that this search warrant respectfully be authorized to enter the said premises and search for the said things under the following terms and conditions:
- 18.1. I request a one week period to carry out the execution of the search during daytime hours for the following reasons:
    - 18.1.1. The search warrant will be executed by members of the Pictou RCMP. I have no control over their resources or availability and cannot say with certainty when they will be able to execute the search;
    - 18.1.2. I believe MACKENZIE's cell phone contains the original version of the video I reviewed. To increase the chances of locating his cell phone, the members of Pictou RCMP will be instructed to attempt to execute the search when MACKENZIE is present at 68 High Street, Pictou;
    - 18.1.3. I know that MACKENZIE's parents also reside at 68 High Street, Pictou. The extended time period will allow Pictou RCMP to plan and safely execute the search so as to minimize the risk and disruption to MACKENZIE and his parents;

### SUMMARY

19. I believe the following:
- 19.1. Cell phones are readily available to the general public and most modern cell phones made within the last ten years have the ability to effortlessly capture high quality digital audio and video;

- 19.2. Cell phones have become a necessity of daily for life for most people and as such, most people keep their cell phones on their person, or in their home;
- 19.3. MACKENZIE currently resides at his parent's address at 68 High Street, Pictou;
- 19.4. MACKENZIE's firearms license dictates that his restricted firearms must be stored at 68 High Street, Pictou;
- 19.5. MACKENZIE owns a Glock 17 and a Smith & Wesson M&P 9. Both are restricted firearms and are therefore required by law to be stored at 68 High Street, Pictou;
- 19.6. MACKENZIE told Corporal Brownoff that both of his restricted firearms are stored at 68 High Street, Pictou;
- 19.7. MACKENZIE attended Iron Mountain Wilderness Cabins in Whycocomagh on January 9, 2022;
- 19.8. MACKENZIE captured at least one video of himself, HAVERSTOCK, and KLEINHERENBRINK while at the Iron Mountain Wilderness Cabins;
- 19.9. MACKENZIE captured the video using his personal cell phone;
- 19.10. The device used to capture the video contains the original, unedited version;
- 19.11. MACKENZIE uploaded the video captured at Iron Mountain Wilderness Cabins to a social media web site;
- 19.12. The device used to capture the video is in the possession of MACKENZIE and will be located on his person, or at 68 High Street, Pictou;
- 19.13. MACKENZIE was in possession of a Glock 17 and a high capacity magazine while at Iron Mountain Wilderness Cabins;
- 19.14. MACKENZIE owns a high capacity magazine that is compatible with a Glock 17 and it is being stored at 68 High Street, Pictou;
- 19.15. MACKENZIE was in possession of a gun holster while at Iron Mountain Wilderness Cabins;
- 19.16. The black gun holster is being stored at MACKENZIE's residence at 68 High Street, Pictou because MACKENZIE used the gun holster to transport the Glock 17 to and from Iron Mountain Wilderness Cabins;

- 19.17. MACKENZIE brought his Glock 17 and high capacity magazine from Pictou to Whycomomagh and had both in his possession on January 9, 2022 because HAVERSTOCK does not own a Glock 17;
20. I believe MACKENZIE has committed the named offences:
- 20.1. Section 86(1) - careless use of firearm:
- 20.1.1. By being intoxicated and waving around a restricted firearm in a dangerous manner;
- 20.2. Section 91(2) - unauthorized possession of a prohibited device:
- 20.2.1. By being in possession of an unpinned high capacity magazine at Iron Mountain Wilderness Cabins;
- 20.3. Section 92(2) - possession of a prohibited device knowing its possession is unauthorized:
- 20.3.1. MACKENZIE told Corporal Brownoff that he did not know whether the high capacity magazine was pinned or not.
- 20.3.2. MACKENZIE has extensive firearms experience and has a valid restricted firearms license. In order to obtain his firearms license, MACKENZIE would have taken two courses:
- 20.3.2.1. Canadian Firearms Safety Course;
- 20.3.2.2. Canadian Restricted Firearms Safety Course;
- 20.3.3. MACKENZIE has received sufficient training to know the difference between a prohibited device and a non-prohibited device;
- 20.4. Section 93(1) - possession at unauthorized place:
- 20.4.1. MACKENZIE's restricted firearms license allows his restricted firearms to be stored only at 68 High Street, Pictou, not 901 Whycomomagh Mountain Road, Whycomomagh which is approximately 180 kilometers away;
- 20.4.2. There was no record of MACKENZIE having authorization to transport his restricted firearms anywhere within Nova Scotia.
21. I believe that searching for the above named items will afford evidence of the named offences by:
- 21.1. Proving that the firearm seen in the video is a fully functional Glock 17;

- 21.2. Proving that the high capacity magazine seen in the video is a prohibited device;
  - 21.3. Proving that the Glock 17, high capacity magazine, and gun holster seen in the video are all being stored at MACKENZIE's residence;
  - 21.4. Proving that MACKENZIE transported his Glock 17 and high capacity magazine to Whycomomagh and back to Pictou;
  - 21.5. Proving that MACKENZIE handled a restricted firearm in a careless manner;
22. My grounds for believing that it would be impracticable to appear personally before a justice to make application for this warrant in writing are as follows:
- 22.1. The Justice of the Peace Center in Dartmouth is approximately 300 kilometers away;
  - 22.2. My base court is in Port Hawkesbury is only open during business hours from Monday to Friday.

23. To my knowledge, there have been no previous attempts to receive a warrant in respect of this same matter.

I am requesting that the search warrant be granted between the hours of 6:00 am, on the 25<sup>th</sup> day of January 2022 and 5:00 pm, on the 1<sup>st</sup> day of February 2022.

WHEREFORE the informant prays that a search warrant may be granted to search the said premises for the said things.

**Sworn to or solemnly affirmed by telephone or other form of telecommunication**  
 at \_\_\_\_\_ Nova Scotia  
 on \_\_\_\_\_, 20 \_\_\_\_\_,  
 before me

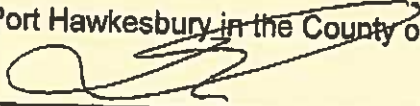
\_\_\_\_\_  
 (Signature of Informant)

\_\_\_\_\_  
 Designated Justice of the Peace

**OR Peace Officer Declaration in lieu of Oath pursuant to section 487.1(3.1) of the Criminal Code**

I, Constable David Peck, peace officer, a member of the Waycobah RCMP, at Port Hawkesbury, in the Province of Nova Scotia, do declare that all matters contained in this information are true to my knowledge and belief.

At Port Hawkesbury in the County of Inverness this 22<sup>nd</sup> day of January, 2022

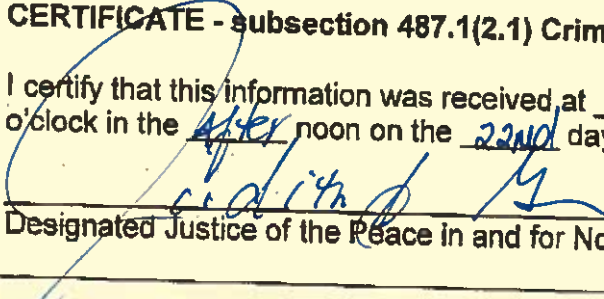
  
 \_\_\_\_\_  
 Peace Officer

Port Hawkesbury RCMP  
 Department

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**CERTIFICATE - subsection 487.1(2.1) Criminal Code**

I certify that this information was received at Dartmouth Nova Scotia at 6:15 pm o'clock in the after noon on the 22nd day of Jan, 2022

  
 \_\_\_\_\_  
 Designated Justice of the Peace in and for Nova Scotia

JUDITH A. GASS  
 Presiding Justice of the Peace  
 in and for the  
 Province of Nova Scotia