

**Summary table of sentences in counterfeiting cases  
August 2014  
(by province)**

| <b>BRITISH COLUMBIA</b>  | <b>DESCRIPTION</b>  | <b>SENTENCE</b>   |
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| <p style="text-align: center;"><i>R. v. Flynn</i><br/>2012 BCPC 313 (CanLII)</p> <p>Sect. 449 (making)<br/>Sect. 450 (possession)<br/>Sect. 452 (uttering)</p> <p>Amount: Can\$1,333,530</p>           | <p>Mr. Flynn was arrested for counterfeiting offences, and released on bail in 2010. He was arrested again in December 2011 for counterfeiting offences, and for offences relating to credit cards. Mr. Flynn entered a guilty plea on all six counts in each of the two cases. Crown counsel recommended a sentence of four years with credit on a one-for-one basis for time served, while defence counsel suggested a range of two to three years and an enhanced credit for time already served.</p> <p>The judge rendered her decision on August 3, 2012, taking into account, among other things, the following factors found in the Bank of Canada's affidavit: the prevalence of counterfeiting offences in Canada and around the world, the impact of counterfeiting offences on individuals and businesses, and the impact on Canadian taxpayers. The judge imposed 18 months of imprisonment in the first case (\$184,830) and 24 consecutive months in the second case (\$1,148,700). The judge decided that there was no basis for granting enhanced credit for time served before sentencing. A total of 268 days credit for time served was granted.</p>   | <p>42-month prison term less 268 days for time served</p>   |
| <p style="text-align: center;"><i>R. v. Crocker</i><br/>2011 BCPC 1801</p> <p>Sect. 449 (making)<br/>Sect. 450 (possession)<br/>Sect. 458 (instruments)</p> <p>Amounts: Can\$165,010<br/>US\$1,900</p> | <p>Following Mr. Crocker's arrest, the police found counterfeit bank notes in the amount of Can\$165,010 and US\$1,900, along with various instruments designed for making counterfeit money.</p> <p>When the sentence was handed down, the judge took the following aggravating factors into account: the large amount of material and equipment needed to make counterfeit money; the fact that Mr. Crocker was running a marijuana-growing operation in a residential apartment; the dangerous manner in which Mr. Crocker fled in his car when the police attempted to place him under arrest; and Mr. Crocker's significant possession of mail belonging to other individuals. With respect to mitigating factors, the judge took into account the remorse expressed by Mr. Crocker as well as his guilty plea.</p> <p>The judge also stated that case law recognized the extremely negative consequences that counterfeit money has on the acceptance and use of money by the community and by businesses. The judge also stressed that the difference between Mr. Crocker's case and that of Mr. Lindt, who received a conditional sentence, was that Mr. Crocker committed several offences after his first arrest.</p> | <p>48-month prison term following a guilty plea</p> <p>(28 months plus 20 months for time served)</p> <p>*36 month prison term for counterfeiting offences*</p> |

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| <p><i>R. v. Homeniuk</i><br/>2011 BCPC 114 (CanLII)</p> <p>Sect. 450 (possession)<br/>Sect. 452 (uttering)</p> <p>Amount: Several Can\$50 bills</p>                               | <p>Ms. Homeniuk pleaded guilty to the following four counts: three counts of circulating counterfeit money and one count of possessing counterfeit U.S. currency. Ms. Homeniuk was found to be in possession of a US\$50 counterfeit bank note. She also passed several \$50 counterfeit bills. Ms. Homeniuk was Mr. Lindt's wife (see decision below). She did not have a criminal record.</p>   | <p>3-month conditional prison term</p> <p>15 months probation</p>                         |
| <p><i>R. v. Lindt</i><br/>2011 BCPC 113 (CanLII)</p> <p>Sect. 449 (making)<br/>Sect. 450 (possession)<br/>Sect. 458 (instruments)</p> <p>Amounts: US\$96,200<br/>Can\$129,450</p> | <p>Mr. Lindt entered a guilty plea on the following counts: (1) making counterfeit money, (2) possession of counterfeit U.S. bank notes and (3) possession of instruments for the purpose of making counterfeit money. For counts (2) and (3), Mr. Lindt was accused jointly with Mr. McGaw. Mr. Lindt made at least US\$96,200 and Can\$129,450 in counterfeit bills. Mr. Lindt had prior convictions for fraud and for assault causing bodily harm.</p>   | <p>Prison term of 2 years less 1 day conditional 1 year probation</p>                     |
| <p><i>R. v. McGaw</i><br/>2011 BCPC 422 (CanLII)</p> <p>Sect. 450 (possession)<br/>Sect. 458 (instruments)</p> <p>Amounts: Can\$129,450<br/>US\$96,200</p>                        | <p>Mr. McGaw pleaded guilty at the preliminary hearing to the following charges: possession of counterfeit Canadian and U.S. bank notes and possession of counterfeiting instruments. Mr. McGaw was observed while he was purchasing three ink cartridges. In doing so, he was breaching his undertaking. He was arrested on 13 May while in the company of his father in a motor vehicle.</p> <p>An amount of US\$77,400 in counterfeit money was found in the motor vehicle along with equipment used to cut money, a continuous ink system and other items used to make counterfeit money. A total of US\$96,200 and Can\$129,450 in counterfeit bills was seized. Mr. McGaw had a criminal record, including a 2006 sentence for possessing counterfeit money for which he received a 75-day prison term.</p> | <p>36-month prison term (2 months plus 34 months for time served)</p>                     |
| <p><i>R. v. Wallden</i><br/>2007 BCPC 122 (CanLII)</p> <p>Sect. 449 (making)</p> <p>Amount: Can\$19,000</p>   | <p>Mr. Wallden pleaded guilty to a charge of making counterfeit money. This was a sophisticated computerized operation. An amount of \$19,000 in counterfeit bills was seized.</p>  | <p>22-month prison term (6 months plus 16 months for time served) 12 months probation</p> |
| <p><i>R. v. Goruk</i><br/>2007 BCPC 219 (CanLII)</p> <p>Sect. 449 (making)<br/>Sect. 450 (possession)<br/>Sect. 458 (instruments)</p>   | <p>Mr. Goruk pleaded guilty to several offences: making counterfeit money, possession of counterfeit money, possession of equipment for the purposes of manufacturing counterfeit money, and possession of marijuana and cocaine. The police seized Can\$32,430 and US\$261 in counterfeit bills, as well as equipment typically used in counterfeiting: computers, scanners, printers, special paper, etc.</p>   | <p>6-year prison term (5 years and 2 months plus 10 months for time served)</p>           |

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| Amount: Can\$200,000   | Mr. Goruk admitted to police that he had printed about \$200,000 in counterfeit bills. Mr. Goruk was 52 years old and had been in and out of jail most of his adult life for property and drug-related offences and for crimes of violence. He had already served several long sentences, including four years for making counterfeit money in 1999.   |  |
| <i>R. v. Sponaugle</i><br>2006 BCPC 127 (CanLII)<br><br>Sect. 452 (uttering)<br><br>Amount: Can\$6,000   | Mr. Sponaugle pleaded guilty to several charges of possessing counterfeit money. He was involved with five others in uttering Canadian and U.S. counterfeit bills. About \$6,000 had been put in circulation. Mr. Sponaugle had a criminal record, but not for similar offences.   | 2-year prison term   |
| <i>R. v. Grozell</i><br>2004 BCPC 502 (CanLII)<br><br>Sect. 449 (making)<br>Sect. 450 (possession)<br>Sect. 452 (uttering)<br><br>Amounts: Can\$9,400<br>US\$1,190 | Mr. Grozell pleaded guilty to several offences, including possessing, uttering and making counterfeit money, impersonation, fraudulent use of credit card data, etc. Police seized a laptop, an ink-jet printer, Can\$7,500 in uncut bank notes, and Can\$1,900 and US\$1,190 in counterfeit bank notes.<br><br>Mr. Grozell was also arrested on another date, and a search of his vehicle yielded, among other things, the following counterfeit bank notes: six Can\$100, two Can\$5, one Can\$20 and one US\$20. A laptop with images of various denominations, a photocopier and other equipment associated with making counterfeit money were also found. | 38-month prison term<br>(26 months plus one year for time served)<br>*ratio greater than two for one |
| <i>R. v. Le</i><br>1993 CanLII 1882 (BCCA)<br><br>Sect. 450 (possession)<br>Sect. 452 (uttering)<br><br>Amount: Can\$2,400   | Mr. Le was found guilty of possessing and uttering counterfeit money. He was in possession of 24 \$100 counterfeit bank notes. Mr. Le had been a painter for 30 years and had no criminal record. This was to support his wife and two children.   | 9-month prison term  |
| <i>R. v. Bernsten</i><br>(1988) BCJ No. 1180<br><br>Sect. 450 (possession)<br>Sect. 452 (uttering)<br><br>Amount: US\$240  | Mr. Bernsten uttered a US\$20 counterfeit bank note and was found in possession of 11 other counterfeit notes. Mr. Bernsten was 25 years old. He had no criminal record and held a regular job.<br><br>The trial judge's sentence was upheld on appeal.  | 6-month prison term  |
| <i>R. v. Leung</i><br>(1985) BCJ No. 2165 (BCCA)<br><br>Sect. 450 (possession) and others  | Three defendants with no criminal records pleaded guilty to several offences of possessing counterfeit traveller's cheques and money, uttering fraudulent traveller's cheques and using forged documents.<br><br>The first defendant was found in possession of counterfeit traveller's cheques valued at US\$65,000 and US\$1,600 in counterfeit bills. The second defendant cashed US\$5,500 in  | 2-year prison term<br>(1st and 3rd defendant)<br><br>Prison term of two years and three              |

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| Amount: US\$65,000 | counterfeit traveller's cheques in 11 banks. The third defendant was in possession of an unspecified amount of counterfeit money. | months, served consecutively (3rd defendant) |
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| <b>ALBERTA</b>   | <b>DESCRIPTION</b>  | <b>SENTENCE</b>  |
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| <p><i>R. v. Paolinelli</i><br/>2004 CanLII 53858<br/>(ABPC)</p> <p>Sect. 449 (making)<br/>Sect. 450 (possession)<br/>and others</p> <p>Amount: US\$100,000</p> | <p>Mr. Paolinelli pleaded guilty to possessing and making counterfeit money in the amount of US\$100,000. He also pleaded guilty to several other offences. The police also seized computers, scanners, printers and various items that had been used to make counterfeit money. Mr. Paolinelli was 23 years old, held a bachelor's degree in business administration and was the father of two children. His criminal record included a 90-day prison sentence in 2004 for uttering counterfeit money.</p>   | <p>36-month prison term<br/>(30 months plus 6 months for time served)<br/>*ratio greater than two for one</p>  |
| <p><i>R. v. Christophersen</i><br/>2002 ABPC 173 CanLII</p> <p>Sect. 450 (possession)<br/>Sect. 458 (instruments)<br/>and others</p> <p>Amount: Can\$1,590</p> | <p>Mr. Christophersen pleaded guilty to several charges: (10-04-2001) forgery of a birth certificate, forgery of an Alberta health care card and forgery of an Alberta driver's licence.</p> <p>(18-01-2002) possession of counterfeit money and possession of instruments used to make counterfeit money (\$5, \$10 and \$20).</p> <p>(20-02-2002) failure to appear.</p> <p>(25 August 2002) possession of a counterfeit mark, possession of a prohibited loaded firearm, possession of instruments intended to commit forgery and possession of stolen insurance cheque slips.</p> | <p>44-month prison term</p> <p>6 months<br/>(10-04-2001)</p> <p>18 consecutive months<br/>(18-01-2002)</p> <p>8 consecutive months (possession of a counterfeit mark)</p> <p>12 consecutive months firearm</p> |

| <b>SASKATCHEWAN</b>  | <b>DESCRIPTION</b>  | <b>SENTENCE</b>   |
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| <p><i>R. v. Gibson</i><br/>Provincial Court of Saskatchewan<br/>23 December 2010</p> <p>Sect. 450 (possession)<br/>Sect. 452 (uttering) and others</p> <p>Amount: Can\$1,600</p> | <p>Mr. Gibson pleaded guilty to the four following charges: having received counterfeit money, being in possession of counterfeit money, having used counterfeit money and conspiracy in view of using counterfeit money. He also pleaded guilty to charges related to firearms and several charges related to theft.</p> <p>Mr. Gibson used \$1,600 in counterfeit money to purchase a television. He also gave counterfeit money to several individuals in exchange for an amount less than legitimate currency.</p> <p>Mr. Gibson was charged along with four individuals.</p> | <p>36-month prison term<br/>(24 months for counterfeit money offences<br/>6 consecutive months for firearm offences<br/>6 consecutive months for theft)</p> |

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| <p><i>R. v. Hayden</i><br/>2006 CanLII 59807<br/>(SKPC)</p> <p>Sect. 450 (possession)<br/>and others</p> <p>Amount: Can\$700</p>                                   | <p>Mr. Hayden and three other individuals were apprehended in a stolen vehicle. Mr. Hayden was found to be in possession of a scanner, a printer, a CD with images of a \$100 bank note (front and back), and seven counterfeit \$100 bills.</p> <p>Mr. Hayden was charged with possession of a stolen vehicle and of counterfeit money. He was 26 years old and had been convicted 24 times, including a prior conviction for possession of counterfeit money.</p>   | <p>30-month prison term<br/>(25 months plus 5 months for time served)</p>  |
| <p><i>R. v. Grant</i><br/>2005 CanLII 24605<br/>(SKPC)</p> <p>Sect. 449 (making)<br/>Sect. 450 (possession)<br/>Sect. 458 (instruments)</p> <p>Amount: Unknown</p> | <p>Mr. Grant pleaded guilty to the following offences: making counterfeit money, possession of counterfeit money, possession of items designed for the manufacture of counterfeit money and possession of up to 30 grams of cannabis. Mr. Grant had a long criminal record including several property offences.</p>   | <p>18-month prison term<br/>(30 days for possession of cannabis, concurrent)</p>   |
| <p><i>R. v. Rafuse</i><br/>2004 SKCA 161 (CanLII)</p> <p>Sect. 450 (possession)<br/>and others</p> <p>Amount: Can\$500</p>   | <p>Mr. Rafuse was a passenger in an automobile intercepted by the RCMP. The police found five counterfeit \$100 bills in the accused's wallet. The accused also provided false identification at the time of his arrest. The accused was 21 years old and had about 20 past convictions for other types of offences. He was on probation at the time of his arrest.</p> <p>The trial judge sentenced him to 12 months in prison on the charge of possession and 6 months served consecutively for identity theft, in addition to the 3½ months for time served. The Court of Appeal reduced the sentence for possession of counterfeit money to 6 months, but did not change the sentence for identity theft.</p> | <p>12-month prison term<br/>(6 months for possession of counterfeit money and 6 months for identity theft, served consecutively)</p> |
| <p><i>R. v. Lussier</i><br/>2004 CanLII 52845<br/>(SKPC)</p> <p>Sect. 450 (possession)<br/>Sect. 452 (uttering)</p> <p>Amount: US\$300</p>                         | <p>Mr. Lussier pleaded guilty to charges of possessing two counterfeit US\$100 bills and two counterfeit traveller's cheques and for uttering a counterfeit \$100 bill. Mr. Lussier was out on bail, having been released on his own recognizance for several charges five months prior to his arrest. Since 1993, he had been found guilty on 35 occasions, mainly for property offences.</p>  | <p>7½-month prison term<br/>(6 months plus six weeks for time served)</p>  |

| MANITOBA  | DESCRIPTION   | SENTENCE   |
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| <p><i>R. v. Vetesnik</i><br/>2006 CanLII 57315<br/>(MBPC)</p> <p>Sect. 449 (making)<br/>Sect. 452 (uttering)<br/>Sect. 458 (instruments)</p> <p>Amount: Can\$88,000</p> | <p>Mr. Vetesnik pleaded guilty to the charge of possessing equipment for the purposes of making counterfeit money and to the charge of making counterfeit \$50 and \$100 bills. The accused had been involved in a very sophisticated operation that included the making and distribution of close to \$88,000 in counterfeit money.</p> <p>Mr. Vetesnik was 27 years old and had a very long criminal record. His prior convictions included forgery, credit-card theft and uttering counterfeit money in 1998. He committed additional criminal acts until 2001, when he was sentenced to two years for possession of a controlled substance for the purposes of trafficking. These recent convictions were the first since 2001.</p> | <p>5-year prison term<br/>(3 years plus 2 years for time served)</p> |

| ONTARIO  | DESCRIPTION  | SENTENCE  |
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| <p><i>R. v. Charbonneau</i><br/>Ontario Court of Justice<br/>28 April 2013</p> <p>Paragraph 452(a) –<br/>uttering<br/>Section 450 – possession</p> <p>Amount: about \$1,700<br/>(17 <i>Canadian Journey</i><br/>\$100 notes)</p> | <p>After pleading guilty, Ian Charbonneau was sentenced to 45 days in prison (joint recommendation by counsel from both sides) on four counts related to counterfeit money. Fourteen additional counterfeit <i>Canadian Journey</i> \$100 notes were seized upon his arrest.</p>   | <p>45-day prison sentence<br/>1 year of probation<br/>Restitution of \$200 to both retailers involved</p>                     |
| <p><i>R. v. Bernard</i><br/>Ontario Superior Court<br/>21-04-2010</p> <p>Sect. 430 (mischief)<br/>Conspiracy to defraud the public</p> <p>Amount: substantial</p>  | <p>Mr. Bernard was found guilty of conspiracy to defraud the public and mischief. Mr. Bernard and his accomplice, Mr. Reid, hired people, mainly young women, to purchase goods in department stores using counterfeit money (fake \$50 bills). The goods would then be returned and converted into legitimate currency.</p> <p>Aggravating factors: greed as motive, planning, highly organized, large territory and time period.</p> | <p>A 30-month prison term consecutive to the current sentence</p>   |
| <p><i>R. v. Bawania and Ejtehad</i><br/>2010 Ontario Court of Justice</p> <p>Sect. 449 (making)<br/>Sect. 450 (possession)<br/>Sect. 458 (instruments)</p>   | <p>On 15 January 2010, the defendants pleaded guilty to various offences, including conspiracy to make counterfeit money and possession of equipment for the purpose of making counterfeit money. Mr. Bawania also pleaded guilty to two counts of possession of counterfeit money.</p> <p>The investigation, known as “OPHIR II,” revealed that the criminal organization the accused were members of was using</p>                   | <p>12-year prison term for Mr. Bawania (9 years plus 36 months for time served)</p> <p>8-year prison term for Mr. Ejtehad</p> |

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| <p>Conspiracy to make counterfeit currency</p> <p>Amount: Can\$4,200,000</p>  | <p>various clandestine means to carry out counterfeiting. When handing down the sentence, the judge took the following factors into account: the police seized Can\$4.2 million in counterfeit money, the accused were awaiting their sentence in relation to the OPHIR I investigation, the defendants' operation was very sophisticated and extensive, and the counterfeit money was of very high quality.</p>   | <p>(5 years plus 36 months for time served)</p>  |
| <p><i>R. v. Bawania, Ejtehad and Jani</i><br/>Ontario Court of Justice</p> <p>Sect. 449 (making)<br/>Sect. 450 (possession)<br/>Sect. 458 (instruments)<br/>Conspiracy to make counterfeit currency</p> <p>Amount:<br/>Can\$6,765,770</p> | <p>On 25 February 2008, the defendants pleaded guilty to various charges for having participated in an operation that involved the making of counterfeit money. The complex investigation lasted 10 months and involved the participation of an undercover officer who purchased over \$125,000 in counterfeit money. A total of 383,634 counterfeit bank notes amounting to \$6,765,770 in value was withdrawn from circulation.</p>  | <p>48-month prison term plus six consecutive months for breach of undertaking for all the accused<br/>(18 months plus 36 months for time served)</p> |
| <p><i>R. v. Mihalkov</i><br/>2009 ONCA 154</p> <p>Conspiracies<br/>Sect. 449 (making)<br/>Sect. 450 (possession)</p> <p>Amount: Can\$3,100,000</p>  | <p>Mr. Mihalkov was a partner in an operation that manufactured \$3.1 million of counterfeit money. After being charged and committed for trial, he belatedly pleaded guilty to counts of conspiracy to make counterfeit money, conspiracy to possess counterfeit money, and possession of credit cards and social insurance cards. Mr. Mihalkov was a young man with a clean record. The judge emphasized denunciation and deterrence in determining the sentence.</p>  | <p>48-month prison term<br/>(18 months plus 30 months for time served)</p>   |
| <p><i>R. v. Ijam</i><br/>2007 ONCA 597 (CanLII)</p> <p>Sect. 449 (making)<br/>Sect. 458 (instruments)</p> <p>Amount: Can\$8,000</p>   | <p>The Court of Appeal for Ontario commuted a 21-month prison term to a suspended sentence. Mr. Ijam pleaded guilty to the following charges: possessing the proceeds of crime, possessing equipment designed for committing forgery and making counterfeit money. The accused was in possession of \$8,000 in counterfeit money. These were the first offences for the 19-year-old youth.</p>   | <p>21-month prison term, conditional</p>   |
| <p><i>R. v. Senthilkumar</i><br/>2007 CanLII 51516 (ONCJ)</p> <p>Sect. 449 (making)<br/>Sect. 458 (instruments) and others</p> <p>Amount: Can\$1,400,000</p>  | <p>Mr. Senthilkumar took part in a vast and well-structured operation involving the forgery of credit cards, debit cards and IDs, and the making of counterfeit \$50 and \$20 bills in the amount of \$1.4 million.</p> <p>Mr. Senthilkumar pleaded guilty to numerous counts, including conspiring to defraud the public, possessing cards adapted to commit forgeries and two counts of possessing an instrument for the purpose of producing counterfeit money.</p> <p>Mr. Senthilkumar had a reasonably lengthy record but had</p> | <p>51-month prison term<br/>(38 months plus 13 months for time served)</p>   |

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|   | committed most of his offences while he was a young offender. He had not been convicted since 1999.  |   |
| <p><i>R. v. Cripps</i><br/>[2006] O.J. No. 5697<br/>Ontario Court of Justice</p> <p>Sect. 450 (possession)<br/>Sect. 452 (uttering)</p> <p>Amount: Can\$1,300</p> | <p>Mr. Cripps and his accomplices entered various businesses with the intent of circulating counterfeit \$100 bills. They successfully passed nine counterfeit \$100 bills before being arrested. The police seized two counterfeit bills from the glove compartment of Cripps's car. The police also found two counterfeit bills on Cripps. A total of \$865.72 in cash was recovered at the time of the arrest. Mr. Cripps was charged with possessing counterfeit money and uttering counterfeit money. Mr. Cripps and his accomplices were involved in distributing counterfeit money, but not in making it. The recovered amounts were returned to the victims. Mr. Cripps was 24 years old at the time of the crime. He had a criminal record. His pre-sentencing report was not favourable.</p> | <p>6½-month prison term<br/>(6 months)</p> <p>*The judge asked that 7 days' credit be given for time served (without specifying a ratio).</p>     |
| <p><i>R. v. Todorov</i><br/>2006 CanLII 59797<br/>(ONSC)</p> <p>Sect. 452 (uttering)</p> <p>Amounts: US\$3,000,000<br/>and<br/>Can\$250,000</p>                   | <p>Mr. Todorov was party to a large counterfeiting operation. He assisted in the delivery of the counterfeit money to market although he was not directly involved in its sale. The operation was extensive, sophisticated and extremely lucrative. It was conducted from three different locations, involving a large number of people and many computers and printers. The counterfeit \$20 bills were of high quality and resulted in losses totalling \$3 million. In addition, \$250,000 worth of \$10 bills were made.</p> <p>Mr. Todorov was 20 years old at the time of the offence and 23 at the time of sentencing. He lived with his parents and worked at his father's car dealership.</p>   | <p>33-month prison term<br/>(32 months plus 1 month for time served)</p> <p>Extensive operation and conditional sentence refused by the Court</p> |
| <p><i>R. v. Caporale</i><br/>2005 CanLII 19764<br/>(ONCJ)</p> <p>Sect. 449 (making)</p> <p>Amounts: Can\$500,000<br/>Can\$1.4 million in circulation</p>          | <p>Mr. Caporale pleaded guilty to several offences involving the making of counterfeit money (fake \$100 bills). Over \$500,000 was found in the apartment where the seizure occurred, and over \$1.4 million in counterfeit money (in value) was in circulation as a result of Mr. Caporale's actions. Mr. Caporale had a history of similar offences.</p>  | <p>66-month prison term<br/>(40 months plus 26 months for time served)</p> <p>Key role in a vast operation</p>                                    |
| <p><i>R. v. Kore</i><br/>[2005] O.J. No. 6350</p> <p>Conspiracy<br/>Sect. 449 (making)<br/>Sect. 458 (instruments)</p> <p>Amount: Can\$240,000</p>                | <p>The accused pleaded guilty to the following offences: conspiracy with the intent to make counterfeit money, possession of a machine that the defendant knew had been used to make counterfeit money.</p> <p>The investigation revealed that Mr. Kore and his accomplice, Mr. Aaron England, headed a vast counterfeit money manufacturing operation. Mr. Kore was involved in producing</p>   | <p>48-month prison term<br/>(42 months plus 6 months for time served)</p>   |



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|  | <p>the counterfeits and supervising others hired to print them. Two wiretap authorizations allowed police to monitor over 100 communications between Mr. Kore and Mr. England in which they discussed in detail the subtleties of producing counterfeit bills. When police officers searched the last location used for counterfeiting, they found large quantities of inkjet cartridges, a computer and sheets of potential counterfeit bills. The operation could have produced \$600,000 of counterfeit bills a day. On the day of the arrest, police seized \$240,000 in counterfeit bills.</p>  |   |
| <p><i>R. v. Weber</i> 2001<br/>CanLII 24366 (ONCJ)</p> <p>Sect. 449 (making)<br/>Sect. 452 (uttering)</p> <p>Amount: Can\$3,500,000</p>  | <p>Mr. Weber pleaded guilty to one count of making over \$3.5 million in counterfeit \$100 bills and two counts of uttering 26 counterfeit \$100 bills. The bills were of a type often seen in circulation.</p> <p>An investigation of Mr. Weber's activities by the RCMP revealed that he had purchased a lot of equipment for a sophisticated operation of manufacturing \$100 bills. A search warrant carried out at Weber's residence led to the seizure of \$233,900 in counterfeit \$100 bills. A report from the RCMP's Ottawa lab showed that 35,787 additional counterfeit \$100 notes from this operation had been passed in Canada. Mr. Weber had a criminal record, in particular involving the counterfeiting of bank notes and cheques. Deterrence was the main consideration in determining the sentence.</p> | <p>62-month prison term<br/>(5 years plus 2 months for time served)</p> |
| <p><i>R. v. Haldane</i><br/>[2001] O.J. No. 5161<br/>(ONSC)</p> <p>Sect. 449 (making)<br/>Sect. 458 (instruments)</p> <p>Amount: Can\$340</p>  | <p>Mr. Haldane was found guilty of making counterfeit money and of possessing counterfeiting equipment. Seventeen counterfeit \$20 bills were seized in his room. Mr. Haldane had a long criminal record.</p>  | <p>30-month prison term</p>   |
| <p><i>R. v. Mankoo</i><br/>[2000] O.J. 1869<br/>(ONCA)<br/>2000 CanLII 9009<br/>(ONCA)</p> <p>Possession of counterfeit traveller's cheques, etc.</p> <p>Amount: over Can\$300,000</p> | <p>The appellant pleaded guilty to the following charges: possession of counterfeit traveller's cheques, forged identification and embossing plates capable of reproducing counterfeit cheques and papers. He was a courier for counterfeit money (for an amount exceeding \$300,000). He had a criminal record and was on probation at the time of the offences. The Court of Appeal ruled that a conditional sentence was not appropriate in this case.</p>  | <p>23½-month prison term</p>  |
| <p><i>R. v. Dunn</i><br/>1998 CanLII 3017</p>  | <p>The trial judge sentenced the defendant to 30 months of imprisonment. The Court of Appeal overturned the sentence and</p>   | <p>Suspended 21-month prison term</p>                                   |

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| <p>(ONCA)</p> <p>Sect. 449 (making)</p> <p>Amount: unknown</p>  | <p>imposed a suspended 21-month prison term.</p> <p>The appellant and two accomplices rented a photocopier and made counterfeit U.S. bank notes. The evidence indicated that Mr. Dunn played a secondary role in the case, the quantity of money involved was minimal and the quality of the counterfeit money was not sophisticated. Mr. Dunn was detained for 19 days and this experience made a profound impression on him. Since then, he has been working and attending college and has married a teacher. He was 22½ years old at the time of the offence.</p>  |  |
| <p><i>R. v. Kiss</i><br/>1996 CanLII 4703<br/>(ONCA)</p> <p>Conspiracy (making)<br/>Sect. 450 (possession)<br/>Sect. 452 (uttering)</p> <p>Amount: US\$6,500,000</p>    | <p>Mr. Kiss and Mr. Sulug pleaded guilty to the following charges: conspiracy to make and utter counterfeit U.S. bank notes valued at \$6.5 million, and possession of counterfeit U.S. bank notes valued at \$3 million. Mr. Kiss also pleaded guilty to possessing equipment for the purposes of making counterfeit money. Mr. Sulug pleaded guilty to a charge of possessing a loaded semi-automatic handgun for which he did not have registration.</p> <p>US\$3.5 million in counterfeit notes had been distributed in 20 countries over a period of three to four years, in addition to the US\$3 million in their possession that was seized. The operation was considered to be more sophisticated than usual, with a fairly extensive distribution network. The counterfeits were above average in quality.</p> <p>Mr. Kiss was 54 years old, a first-time offender and was married with adult children. Mr. Sulug was 34 years old, a first-time offender and single.</p> | <p>7-year prison term<br/>for Mr. Kiss</p> <p>5-year prison term<br/>for Mr. Sulug</p> |
| <p><i>R. v. Rachid</i><br/>[1994] O.J. No. 4228<br/>(Ontario Provincial<br/>Division)</p> <p>Sect. 450 (possession)<br/>Sect. 452 (uttering)</p> <p>Amount: US\$360</p> | <p>Mr. Rachid was found guilty of possessing and uttering counterfeit money. He had 18 counterfeit \$20 bills in his possession at the time of his arrest. Mr. Rachid was 26 years old and did not have a criminal record.</p>  | <p>5-month prison term<br/>23 months of<br/>probation</p>                              |
| <p><i>R. v. Cohen</i><br/>[1993] O.J. No. 4301</p> <p>Sect. 452 (uttering)</p> <p>Amount: US\$100</p>   | <p>Mr. Cohen pleaded guilty to the following offence: uttering a counterfeit US\$100 bill.</p>  | <p>\$1,000 fine</p>  |

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| <p><i>R. v. Bruno</i><br/>[1991] O.J. No. 2680</p> <p>Art. 450 (possession)</p> <p>Amount: US\$1,000,000</p> | <p>Mr. Bruno was in possession of over \$1 million in counterfeit U.S. bills.</p> | <p>30-month prison term</p> |
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| QUEBEC  | DESCRIPTION  | SENTENCE  |
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| <p><i>R. v. Roy</i><br/>Court of Québec –<br/>Matane<br/>3 June 2014</p> <p>Section 449 – making<br/>Section 450 – possession<br/>Paragraph 452(a) –<br/>uttering</p> <p>Amount: about \$170<br/>- One \$20 note<br/>- One \$50 note<br/>One \$100 note</p> | <p>On 3 June 2014, Steve Roy pleaded guilty to several counts, including possessing counterfeit money and uttering counterfeit money (a \$20 note) on 14 December 2011.</p> <p>He pleaded guilty to charges of making counterfeit money (a \$100 note) and possessing counterfeit money (a \$50 note photocopy) on 16 February 2012.</p> <p>He also pleaded guilty to two counts of breaking and entering on 2 April 2010.</p> <p>He was sentenced to 9 months in prison following a joint recommendation by counsel from both sides. He already had a criminal record (breaking and entering, theft, assault, mischief, etc.). His last sentence dated back to 2012 (a 6-month conditional sentence).</p> | <p>9-month prison sentence<br/>3 years of probation</p> <p>“The recommendation from the two counsel was deemed lenient – albeit not unreasonable – by the judge.”<br/>[Translation]</p> |
| <p><i>R. v. Martin</i><br/>2012 QCCQ 1215<br/>(CanLII)</p> <p>Sect. 450 (possession)<br/>Sect. 452 (uttering)</p> <p>Amount: US\$535,400<br/>Can\$21,500</p>  | <p>Ms. Martin pleaded guilty to three charges involving the use of counterfeit money and one charge of possessing counterfeit money. When a search warrant was carried out at her apartment in 2007, US\$535,400 and Can\$21,500 in counterfeit bills were seized along with software, a high-tech printer, ink, a cutter and a dryer.</p> <p>At sentencing, the judge took into account the large amount of counterfeit money that was seized, the quality of the counterfeit money and the seizure of instruments that showed definite planning. The judge also recognized the legislator’s denunciation of this offence and the importance of deterrence.</p>   | <p>Prison term of<br/>2 years less a day</p> <p>2 years of supervised probation</p>   |
| <p><i>R. v. Lefebvre</i><br/><i>Saint-Jean-sur-Richelieu</i></p> <p>Sect. 449 (making)<br/>Sect. 450 (possession)<br/>Sect. 452 (uttering)<br/>Sect. 458 (instruments)</p> <p>Amount: unknown</p>   | <p>On March 14, 2012, Mr. Philippe Lefebvre was sentenced to 18 months of imprisonment.</p> <p>The accused was arrested in August 2011 in Saint-Jean-sur-Richelieu, in possession of 11 counterfeit notes, and was arrested again in September 2011 for the offence of uttering counterfeit money, but this time in the Montreal area.</p> <p>The Crown attorney assigned to the case explained to the Court the economic consequences of circulating counterfeit currency. In its decision, the Court referred to the prior convictions and substance-abuse problems of the accused.</p>  | <p>18-month prison term</p>   |
| <p><i>R. v. Lebrun</i><br/>450-01-061702-093, C.Q.<br/>19 March 2010</p>  | <p>The accused pleaded guilty to charges of possessing counterfeit bills (21 counterfeit \$50 bills) and of breach of undertaking and breach of probation. He had a criminal record, though for other offences, and was on his own recognizance at the time of the offence.</p>  | <p>8-month prison term</p>  |

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| <p>Sect. 450 (possession) and others</p> <p>Amount: Can\$1,050</p>   |   |   |
| <p><i>R. v. Ménard</i><br/>Court of Quebec<br/>28-09-2009</p> <p>Sect. 449 (making)<br/>Sect. 450 (possession)<br/>Sect. 452 (uttering)<br/>Sect. 458 (instruments)</p> <p>Amount: unknown</p> | <p>Mr. Ménard pleaded guilty to the following four charges: possessing equipment used to make counterfeit money, possessing counterfeit Can\$20 bills, making counterfeit money and uttering counterfeit bank notes. Mr. Ménard had a criminal record. His sentence was mitigated in light of his guilty plea.</p>  | <p>4-year prison term</p>   |
| <p><i>R. v. Jeyarajah and Thangavelu</i><br/>Court of Quebec<br/>20-09-2007</p> <p>Art. 452 (uttering) and others</p> <p>Amount: Can\$240,000</p>  | <p>The defendants pleaded guilty to charges of uttering counterfeit money and possessing forged social insurance cards and passports. Mr. Thangavelu was also charged with possession of equipment for making counterfeit bank notes. On six different occasions during the investigation, Mr. Jeyarajah gave an undercover officer counterfeit bank notes totalling \$240,000. Mr. Thangavelu accompanied him on two of these occasions, and his participation made possible the distribution of \$95,000. The accused had no prior criminal record. Given that they were part of an organization, the defendants were considered by the Court to be distributors, and not just couriers.</p>  | <p>Prison term of 2 years less 1 day (Jeyarajah) and 15 months (Thangavelu)</p> |
| <p><i>R. v. Blanchette</i><br/>1998 CanLII 12941 (CAQC)</p> <p>Sect. 450 (possession)<br/>Sect. 452 (uttering)</p> <p>Amount: Can\$1,000,000</p>   | <p>Ms. Blanchette appealed the 3-year sentence imposed by the judge. The Court of Appeal upheld the sentence and emphasized the following: Note that with modern-day technology, it is relatively easy for those with reprographic printing knowledge to make counterfeit money. In our opinion, the deterrence and denunciation principles must take precedence to dissuade those who may consider becoming involved in such undertakings.</p> <p>In the present case, the counterfeit money that was to be uttered was of fairly good quality and valued at about \$1 million. In addition, the crime could not have been committed without the involvement of the defendant, who was experienced in reprographic printing. The Court also reiterated the seriousness of the offence by underlining the precedents: <i>The Queen v. Lacoste</i> (1965), B.R. 224, <i>Dagenais v. The Queen</i> (1969), B.R. 380; <i>Attorney General of Canada v. Sigouin</i>, 1970 (C.A.) 569.</p> | <p>3-year prison term</p>   |
| <p><i>R. v. Desrochers</i><br/>[1998] A.Q. No. 934 C.Q.</p> <p>Sect. 449 (making)</p>  | <p>Mr. Desrochers pleaded guilty to the following offences: making and possession of counterfeit money. The police found a photocopy machine along with Can\$998,080 in counterfeit bills printed on one side. The defendant had a criminal record and a problem with cocaine.</p>  | <p>3-year prison term</p>   |

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| <p>Sect. 450 (possession)</p> <p>Amount: Can\$998,080</p>  |  |                           |
| <p><i>R. v. Nantel</i><br/>Superior Court<br/>01-10-1997</p> <p>Sect. 450 (possession)<br/>Conspiracy (uttering)</p> <p>Amount: US\$1,800,000</p>    | <p>A jury found Mr. Nantel guilty on three counts: conspiring to utter counterfeit US\$100 bank notes, possessing said bank notes and offering to circulate them. The defendant had procured counterfeit U.S. bank notes totalling \$1.8 million and had reached an agreement with a buyer, an undercover agent, to receive Can\$180,000 for them.</p> <p>The defendant, who did not play a leading role in the counterfeiting network, had a criminal record for robbery, fraud and possession of stolen goods. In sentencing, the judge considered his age (52 years) and his illness (depression) as mitigating factors, while emphasizing the importance of the general principle of deterrence.</p> | <p>3-year prison term</p> |
| <p><i>R. v. Germain</i><br/>1995 CanLII 5412<br/>[1995] A.Q. No. 254<br/>CAQC</p> <p>Sect. 452 (uttering)</p> <p>Amount: unknown</p>                 | <p>The Quebec Court of Appeal commuted a \$15,000 fine imposed by the trial judge to \$3,000 in light of the fact that the defendant's income barely exceeded minimum wage. Counsel from both sides agreed that a \$3,000 fine was a fair penalty given the facts of the case. The crime was uttering counterfeit money.</p>   | <p>\$3,000 fine</p>       |
| <p><i>R. v. Sonsalla</i><br/>(1971) 15 C.R.N.S. 99<br/>CAQC</p> <p>Sect. 450 (possession)<br/>Sect. 458 (instruments)</p> <p>Amount: Can\$24,100</p> | <p>Mr. Sonsalla was found guilty of possessing counterfeit money and instruments designed for making counterfeit money. He had \$24,100 in \$20 bills as well as film and other items used with printers to make counterfeit money. The trial judge imposed a 1-year prison sentence. The Court of Appeal overturned the sentence and imposed a 4-year prison sentence.</p> <p>This decision is cited in the following judgments:<br/><i>R. v. Senthilkumar</i>, 2007 CanLII 51516 (ONCJ), <i>R. v. Al Saidi</i>, 2006 NBPC 22 (CanLII), <i>R. v. Christophersen</i>, 2002 ABPC 173 (CanLII) and <i>R. v. Kiss</i>, 1996 CanLII 4703 (ONCA).</p>   | <p>4-year prison term</p> |
| <p><i>R. v. Lacoste</i><br/>[1965] C.A. 224 (CAQ)</p> <p>Sect. 450 (possession)</p> <p>Amount: Can\$32,000</p>                                       | <p>In this case, an individual was charged with possessing 6,400 \$5 bills. The defendant had no previous record and was sentenced to three months in prison by the trial judge. The Quebec Court of Appeal intervened and increased the sentence to three years in prison.</p> <p>This decision is cited in the following judgments:<br/><i>R. v. Desrochers</i>, [1998] A.Q. No. 934, Court of Quebec, <i>R. v. Senthilkumar</i>, 2007 CanLII 51516 (ONCJ) and <i>R. v. Kiss</i>, 1996 CanLII 4703 (ONCA).</p>   | <p>3-year prison term</p> |

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| <b>NEW BRUNSWICK</b>  | <b>DESCRIPTION</b>  | <b>SENTENCE</b>  |
|---|---|--|
| <p><i>R. v. Al Saidi</i><br/>2006 NBPC 22 (CanLII)</p> <p>Sect. 450 (possession)<br/>Sect. 452 (uttering)</p> <p>Amount: US\$12,200</p>                               | <p>Mr. Al Saidi and his accomplices uttered US\$2,100 in counterfeit money and were found in possession of two bundles of money: one bundle of 51 counterfeit U.S. bank notes and another bundle of 50 counterfeit U.S. bank notes. The total value of the counterfeit money (uttered and in their possession) was \$12,200.</p>  | <p>20½-month prison term<br/>(8 months plus 12½ months for time served)</p> <p>Prison term<br/>A consecutive 1-month prison term for breach of undertaking</p> |
| <p><i>R. v. Dickson</i><br/>1999 CanLII 3949 (NBQB)</p> <p>Sect. 449 (making)<br/>Sect. 450 (possession) and others</p> <p>Amount: Can\$10 and Can\$6,000 (fraud)</p> | <p>Mr. Dickson pleaded guilty to two counts of having manufactured counterfeit money and two counts of possession of counterfeit money. He also pleaded guilty to seven counts of engaging in unauthorized use of credit card information and one count of knowingly possessing a credit card obtained through criminal activity. Lastly, he pleaded guilty to having defrauded Mr. Bernard Mullin (\$6,000).</p> <p>The judge imposed a 6-month prison term for the counterfeiting offences. Essentially, Mr. Dickson had twice attempted to use two counterfeit \$5 bills. When he was arrested, he was in possession of two counterfeit \$5 bills. Mr. Dickson had manufactured the counterfeit bank notes using a computer and a printer. The judge imposed 12 consecutive months for the credit card offences.</p> | <p>Prison term<br/>18 months conditional</p> <p>(6 months for counterfeiting offences)</p>   |

| <b>NOVA SCOTIA</b>  | <b>DESCRIPTION</b>  | <b>SENTENCE</b>   |
|---|---|---|
| <p><i>R. v. Nasser</i><br/>2005 CanLII 63852 (NSPC)</p> <p>Sect. 450 (possession)<br/>Sect. 452 (uttering)</p> <p>Amount: Can\$15,890</p> | <p>Mr. Nasser pleaded guilty to possessing and uttering counterfeit money. He had two accomplices. They were found in possession of \$15,890 in counterfeit money. They uttered \$428.31 in counterfeit money (counterfeit \$10 bills). Mr. Nasser was 20 years old, has turned his life around, and is working for Bell.</p> | <p>Prison term conditional<br/>2 years less a day</p> <p>150 hours of community service</p> |
| <p><b>PRINCE EDWARD ISLAND</b></p>  | <p><b>DESCRIPTION</b></p>   | <p><b>SENTENCE</b></p>  |

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| <p><i>R. c. Daley</i><br/>Supreme Court -<br/>Charlottetown<br/>April 7, 2014</p> <p>Paragraph 452(a) –<br/>uttering</p> <p>Amount : \$100 Canadian<br/>Journey series</p> | <p>On April 7, 2014 in front of a Supreme Court Judge in Charlottetown (PEI), Matthew James Daley was sentenced to 90 days of imprisonment after pleading guilty to one count of using a false cheque and one count of uttering a \$100 bank note.</p> <p>In this case, only one counterfeit \$100 was uttered. Its quality was very bad; the same image was used on both sides of the note. In fact, photocopies were roughly glued together.</p> | <p>Prison term 90 days</p> <p>(Prison term 70 days to be served intermittently, during weekends, for the counterfeiting offence)</p> |
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Note: Unless otherwise indicated, time served corresponds to a coefficient of twice the actual length of incarceration.

## Sentencing principles<sup>1</sup>

1. General deterrence<sup>2</sup>
  - a. Prevalence in the community: “...an ongoing issue that the Courts must review...”<sup>3</sup>
  - b. Impact of the offence on the community: Section 718 of the *Criminal Code*
2. Custodial sentences
  - a. Conditional sentences are no longer an option since November 2012
4. Aggravating factors
  - a. The making of counterfeit bank notes is usually judged more harshly than its possession and uttering.<sup>4</sup>

<sup>1</sup> Document drafted in July 2005 by Jason Wakely and David Littlefield of the Public Prosecution Service of Canada, Toronto, and updated in May 2010 by Manon Lapointe, Lauranne Ste-Croix and Émilie Goulet of the Public Prosecution Service of Canada, Ottawa.

<sup>2</sup> A principle that is recognized by various courts of appeal: *R. v. Rafuse*, 2004 SKCA 161 (CanLII), *R. v. Kiss*, 1996 CanLII 4703 (ONCA), *R. v. Blanchette*, 1998 CanLII 12941 (QCCA) and is followed by trial courts.

<sup>3</sup> *R. v. Rachid*, (1994) O.J. No. 4228 (Prov. Court)

<sup>4</sup> *R. v. Dunn*, (1998) O.J. No. 807 (C.A.)



- b. Good-quality counterfeit notes (passed more easily and therefore likely to cause more harm)
- c. Sophisticated scheme (premeditation<sup>5</sup> and seized amounts<sup>6</sup>)
- d. Substantial quantity of counterfeits<sup>7</sup>
- e. Greater role<sup>8</sup>
- f. Greed as motive

5. Mitigating factors

- a. Inferior-quality counterfeits
- b. Smaller quantities of counterfeits<sup>9</sup>
- c. Voluntary restitution<sup>10</sup>
- d. Guilty plea<sup>11</sup>

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<sup>5</sup> *R. v. Wong*, (1993) B.C.J. No. 535 (C.A.)

<sup>6</sup> *R. v. Mihalkov*, (2005) O.J. No. 4178 and *R. v. Senthilkumar*, 2007 (CanLII) 51516 (ONCJ)

<sup>7</sup> *R. v. Rafuse*, (2004) SKCA 161

<sup>8</sup> *Idem* 3, *R. v. Christophersen* (2002) A.J. No. 1330 (Prov. Court), *R. v. Al Saidi* (2006) NBPC 22 (CanLII) and *R. v. Sponaule*, 2006 CPBC 0126

<sup>9</sup> *Idem* 3

<sup>10</sup> *R. v. Jones* (1974) 17 C.C.C. (2d)

<sup>11</sup> *Idem* 7 and *R. v. Vetesnik*, (2006) CanLII 57315 (Man. Prov. Court)