



March 4, 2013

LEBON, Yves

This is my decision under the *International Transfer of Offenders Act (ITOA)* with respect to the application of Mr. Yves LeBon for transfer from the United States (U.S.) to Canada. I am reconsidering this matter pursuant to a decision of the Federal Court of Appeal dated February 25, 2013.

On July 18, 2008, Mr. LeBon was sentenced to a term of imprisonment of 10 years with respect to the offences of “Possession with Intent to Distribute Cocaine” and “Improper Entry by Alien.”

Mr. LeBon is a 48-year-old Canadian who entered the U.S. on August 17, 2007, under the pretense of a trip to meet family in Maine. He crossed into the U.S. at Champlain, New York. On August 22, 2007, Mr. LeBon was stopped for a minor traffic violation. The Trooper who completed the stop asked Mr. LeBon if he could search the vehicle and Mr. LeBon consented to the search. The search revealed 119 packages each containing one kilogram of cocaine.

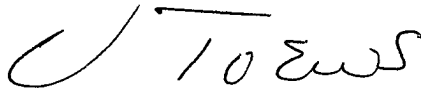
Mr. LeBon is a first time offender, who is married with one son. The Correctional Service of Canada (CSC) assessment is that Mr. LeBon’s social and family ties in Canada are very strong. Mr. LeBon’s record during incarceration indicates that he has adjusted satisfactorily and that he does not have any record of disciplinary intervention. He received a sentence with respect to acceptance of responsibility.

The Royal Canadian Mounted Police, the Canadian Security Intelligence Service and CSC do not have information that indicates that Mr. LeBon has ties to terrorism or a criminal organization within the meaning of section 2 of the *Criminal Code*.

Mr. LeBon was arrested with 119 kilograms of cocaine, an amount well beyond that which would have been characteristic of personal use and suggesting involvement of a criminal organization. He had travelled from New York to Illinois. Given this distance it is reasonable to conclude that there were at least two other individuals involved in this transaction – the person from whom Mr. LeBon received the drugs and the person to whom he was going to deliver the drugs. The involvement of three individuals suggests that, even though those other individuals have not been identified, this was an enterprise involving a criminal organization.

In my opinion, Mr. LeBon has also not been forthcoming with respect to his involvement in the transaction. He refused to answer question 4(c) "Nom du/des accomplices" on the transfer application form. He did not give a statement to authorities after arrest. Further, Mr. LeBon's version was limited to a simple rendition of the facts of his arrest. He did not provide any reasonable explanation as to how he came into possession of the drugs or where he was delivering them to.

This application was made under the ITOA prior to the coming into force of amendments to the Act on May 3, 2012. I am mindful of the more restricted list of factors that were included in the section 10 of the statute prior to amendment. Therefore, pursuant to the decision of the Federal Court of the Appeal dated February 25, 2013, I am approving Mr. LeBon's transfer from the U.S. to Canada.

A handwritten signature in black ink, appearing to read "Vic Toews". The signature is written in a cursive style with a horizontal line above the "T" and "O".

Vic Toews, P.C., Q.C., M.P.
Minister of Public Safety