

Court of Queen's Bench of Alberta

Citation: R v Maure, 2021 ABQB 697

Date: 20210831
Docket: 210412094U1
Registry: Edmonton

Between:

Her Majesty the Queen

- and -

Kelvin Maure

Accused

**Reasons for Decision
of the
Honourable Mr. Justice Sterling M. Sanderman**

[1] Kelvin Maure seeks judicial interim release on a significant number of charges (over 35) relating to his alleged possession of illegal firearms and the precursors to making explosive devices. Multiple charges have been preferred in relation to each weapon recovered by the RCMP during the course of their investigation. Every possible charge seems to have been contemplated by the authorities. The Crown was able to show cause during the bail hearing before a Provincial Court Judge why release should not be granted. Mr. Maure seeks a review of the decision. He was denied release on the secondary and tertiary grounds.

[2] Mr. Maure is 26 years of age and has no criminal record. He has provided the Court with a comprehensive release plan that appears to offer control of his activities in the community if released. Being cloaked with the presumption of innocence and guaranteed the protection of s

11(e) of the *Charter of Rights*, Mr. Maure appears to be a good candidate for release unless the Crown can show cause why he should be detained to await his trial set for April of 2022.

[3] The Crown still opposes his release on the secondary and tertiary grounds because of the unique factual allegations facing Mr. Maure.

[4] The RCMP began to investigate Mr. Maure after receiving information in relation to online posts he made and his potential association or fascination with extreme right-wing groups that have fascistic or neo-Nazi predilections. The concern engendered in the investigating policing agency was sufficient to place Mr. Maure under surveillance. While carrying out the surveillance, Mr. Maure was noted to possess assault weapons and was observed discharging them in a reckless fashion at a private rural property. The concern the RCMP had was sufficient to terminate the surveillance and arrest Mr. Maure. Search warrants were executed that resulted in the seizure of assault weapons, silencers, materials needed to construct explosive devices, significant quantities of ammunition, prohibited firearms and clothing similar to the shirts worn by members of the RCMP.

[5] In addition to these items being found, it was apparent that Mr. Maure had researched subjects that allowed one to remediate firearms that had been rendered inoperative and bring them back to functioning in a fully automatic capacity. Additionally, he had been studying the capability of certain explosives and how they could be used to create chaos in the transmission of electrical power.

[6] Because of Mr. Maure's possession of prohibited firearms, his cavalier attitude in relation to the discharge of semi-automatic assault rifles, his interest in promoting social unrest and his connections, however tenuous with potentially neo-Nazi organizations, the Crown argues that his detention is warranted on both the secondary and tertiary grounds.

[7] Mr. Maure suggests that there are litigable issues in relation to the validity of the search warrants executed in this matter. He points to his carefully crafted release plan that offers constant supervision in the community. He also suggests that the Crown has overstated to a considerable extent his relationship with far-right political groups. He argues that his fascination with weaponry and a certain lifestyle is the sign of an immature, role-playing young man who miscalculated enormously the seriousness of his conduct. The conduct is magnified when viewed through the lens of the concern that all citizens should have in relation to the rise of neo-Nazi groups consisting of violent young men even in the most established western democracies. He asks for release on the strict terms he suggests.

[8] The increased presence of violent neo-Nazi leaning groups should be a concern to all those who believe in a political order characterized by polite discourse between opposing groups. Violence employed to create chaos for chaos alone has no place in modern society. The Crown's concerns about Mr. Maure's beliefs are valid but misplaced. There is no concrete evidence before the Court that ties him inexorably to these beliefs or groups.

[9] To deny him bail based on these assertions would be wrong. It would be reminiscent of the over-reaction during the McCarthy era of the early 1950's and to the unjustified fear of communist subversives. The Crown has failed to show cause why Mr. Maure should be detained and he will be released on the following conditions:

1. Mr. Greg Yewchuk will act as surety for Mr. Maure and will post \$1500 cash;

2. Mr. Maure will reside with his mother, Donna Maure, at her 108 Street apartment in Edmonton AB;
3. Mr. Maure cannot be out of the apartment complex where he resides unless he is accompanied by Mr. Yewchuk or his mother;
4. Mr. Maure will present himself at the door of his mother's apartment when requested to do so by any Peace Officer;
5. Mr. Maure cannot leave the City of Edmonton, except to go to Court in Stony Plain, Alberta;
6. Mr. Maure will not possess any firearms, ammunition or explosives; and
7. Mr. Maure will not access the Internet or have electronic devices capable of accessing it in his possession;

[10] Any other terms that the Crown suggests, that I find to be reasonable, will be considered. Those suggestions can be made within 10 days of the release of this decision. If approved by me, they will be added to Mr. Maure's bail Order.

Heard on the 26th day of August, 2021.

Dated at the City of Edmonton, Alberta this 31st day of August, 2021.

Sterling M. Sanderman
J.C.Q.B.A.

Appearances:

Richard Tchir
for the Crown

Robert LaValley
for the Accused