



FEB 29 2012

**GOULET, Richard**

This is my decision under the *International Transfer of Offenders Act* (ITOA) with respect to the application of Mr. Richard Goulet for transfer from the United States (U.S.) to Canada. I am reconsidering this matter pursuant to a decision of the Federal Court of Canada dated January 19, 2012.

On May 12, 2008, Mr. Goulet was sentenced to a term of imprisonment of seven years and three months with respect to the offences of Conspiracy to Distribute in Excess of 50 kilograms of Marijuana, Conspiracy to Import in Excess of 50 kilograms of Marijuana, and Criminal Forfeitures.

Mr. Goulet's arrest came about because of the arrest of Mr. Larry Bowen in February 2006 who was found to have 191 pounds of hydroponic marijuana in his vehicle. Mr. Bowen told U.S. Immigration and Customs Enforcement that, during 2005 and 2006, he had made over 10 trips delivering marijuana to Mr. Eric Tetreault and that the source of the marijuana was Mr. Goulet.

Mr. Bowen agreed to participate in a controlled delivery of marijuana to Mr. Tetreault. Mr. Goulet instructed Mr. Bowen on the delivery of the drugs to Mr. Tetreault. Mr. Tetreault was arrested as he attempted to take possession of the drugs and, on June 2, 2006, Mr. Goulet was arrested. Mr. Stéphane Ruel, who acted as a driver in transactions originated by Mr. Goulet, was also implicated in this transaction.

In Mr. Goulet's application for transfer he was asked to provide reasons why he was in the U.S. (Question 2), identify his accomplices (Question 4c), and, provide his version of the offence (Question 4d). His answer to question 4c identifies Mr. Eric Tetreault, Mr. Larry Bowen, Ms. Hope Bowen, Mr. Stéphane Ruel, and Mr. Scott Dowland. His answer to question 4d simply says that he was guilty.

Mr. Goulet's transfer file includes a Sentence Data Summary which sets out the details of the offence and was used as the basis for his sentencing in the U.S. Mr. Goulet has not contradicted or expanded upon any of the information included in that document and, therefore, I conclude that it is an accurate rendition of the events which gave rise to his imprisonment in the U.S.

The Sentence Data Summary indicates that:

- Mr. Goulet ran a drug smuggling operation that, between the three drivers (Bowen, Duprey and Ruel), had made more than 15 trips from Canada to Florida shipping drugs.
- Mr. Goulet's operation had at least (Mr. Larry Bowen, Mr. Eric Tetreault, Ms. Hope Bowen, Mr. Scott Dowland, Mr. Mike Duprey, Mr. Michel Richard, Mr. Stéphane Ruel, Ms. Shirley Belknap, and an individual named Mario) engaged in the enterprise of smuggling marijuana into the U.S. from Canada and delivering it to Florida.
- There were at least two trips north where more than \$500,000 (USD) in cash was delivered to Mr. Goulet.
- Mr. Goulet would pay members of the enterprise when they introduced him to marijuana purchasers.
- Mr. Goulet carried marijuana across the border to northern Vermont where it was stored in the garage of Ms. Hope Bowen and Mr. Scott Dowland. The smaller shipments were then combined into single, larger shipments for transport south.
- Evidence from Mr. Eric Tetreault was that Mr. Goulet caused between 1,400 and 2,100 pounds of marijuana to be delivered to him by his couriers.
- Mr. Tetreault also testified that he started purchasing marijuana from Mr. Goulet in 2004 and that there were numerous transactions between the two from 2004 to 2006.

Based upon my review of the Sentence Data Summary and Mr. Goulet's application, I find that Mr. Goulet has not been forthright in his application for transfer to Canada. He only identifies five of the nine individuals who were involved in the enterprise. His description of the offence is incomplete in that it does not set out the circumstances of his offence. Further, Mr. Goulet's application does not identify any of his accomplices in Canada who were involved in the enterprise. Based upon Mr. Goulet's application, one would conclude that the marijuana came into existence at the U.S.-Canada border.

I find that Mr. Goulet's statements in his application are self-serving and intended to minimize the extent of his offence. I have considered that application and all of the submissions and accompanying materials filed by Mr. Goulet. In particular, I acknowledge the submissions made by Mr. Conroy, counsel for Mr. Goulet, dated January 31, 2012.

In my initial decision, I denied Mr. Goulet's transfer based upon my opinion that he would, after the transfer, commit a criminal organization offence. Mr. Conroy's submission does not speak to that conclusion or any of the factual elements of the offence for which Mr. Goulet was charged, convicted and sentenced.

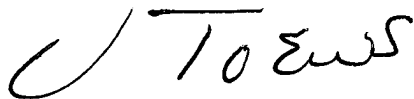
I find that Mr. Goulet was the directing mind of a criminal organization which transported marijuana from Canada to the U.S. between 2004 and 2006. That criminal organization had at least nine members.

In deciding whether Mr. Goulet will commit a criminal organization offence after his return, I am not required to predict the future. To say that I must be certain he would commit such an offence would render this section meaningless. Rather, I am required to consider whether in all the circumstances there is a 'significant risk' he will commit such an offence. The fact that Mr. Goulet was involved in a criminal enterprise of the nature that I have described above and that he was not forthcoming in his application with respect to the extent of the enterprise, the sources of his marijuana or his accomplices in Canada, leads me to conclude there is a significant risk Mr. Goulet will commit a criminal organization offence.

In arriving at this conclusion, I have reconsidered all of the file materials and the decision of the Court in the first judicial review application. I have weighed correspondence from Mr. Goulet's counsel. I have considered his lack of a prior criminal record and his efforts at rehabilitation while incarcerated in the U.S. I have balanced his family and social ties to Canada, the interest in reintegrating and rehabilitating Mr. Goulet, and whether he will commit a criminal organization offence after his return.

However, it is clear that, when the contents of the file are considered and the factors noted above are weighed, there is a significant risk that Mr. Goulet will commit a criminal organization offence. The offence for which he was sentenced was part of the activities of a large-scale, criminal organization that clearly had an ongoing capacity to participate in the high-end narcotics trade. There is nothing in the record which indicates that Mr. Goulet has severed his ties with this organization or that he would not fall back into this pattern of offence. His failure to be forthcoming in his application gives me even greater concern regarding this point.

I have concluded, having considered all of the factors in this applications and the purposes of the ITOA, that Mr. Goulet's transfer would not achieve the purposes of the ITOA.

A handwritten signature in black ink, appearing to read "Vic Toews". The signature is written in a cursive, flowing style.

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