

Investigative Report: Systemic Administrative Failure, Constitutional Torts, and Human Rights Violations in *Landry v. RCMP*

Executive Summary

This investigative report provides an exhaustive analysis of the legal, administrative, and constitutional dimensions regarding the dispute between Marie-Soleil Seshat Landry (the "Plaintiff") and the Royal Canadian Mounted Police (RCMP). The analysis is derived from a forensic review of draft pleadings, internal correspondence, administrative decisions, intelligence briefings, and open-source intelligence spanning the period from 2016 to 2025. The core of the dispute resides in a confirmed administrative error within the RCMP's Records Management System (PROS) and the Canadian Police Information Centre (CPIC) database. Criminal charges against the Plaintiff—formally withdrawn by the Provincial Court of New Brunswick in October 2016—were inaccurately recorded and maintained as **convictions** for approximately seven years. The Plaintiff alleges that this error was not merely a clerical oversight but a manifestation of systemic negligence, Misfeasance in Public Office, and transphobic discrimination.

This report examines the Plaintiff's draft Statement of Claim, which seeks **\$50,000,000.00** in damages for false imprisonment, breach of Charter rights (Sections 7, 11(d), and 15), and negligence. It further analyzes the procedural impasse between the Civilian Review and Complaints Commission (CRCC) and the Canadian Human Rights Commission (CHRC), detailing how jurisdictional arguments regarding statutory time limits have complicated the Plaintiff's pursuit of administrative remedy.

Crucially, this report contextualizes the Plaintiff's subsequent legal entanglements—including admitted acts of civil resistance regarding vehicle regulations and coerced guilty pleas—as downstream consequences of the systemic delegitimization caused by the falsified criminal record. Furthermore, it scrutinizes the failure of the RCMP to act on intelligence provided by the Plaintiff regarding a neo-Nazi threat, illustrating a breakdown in the duty of care owed to marginalized citizens.

1. Introduction and Scope of Inquiry

1.1 Objective of the Report

The primary objective of this report is to deconstruct the multi-faceted legal battle between Marie Landry and the RCMP. It serves to synthesize the available evidentiary record into a coherent narrative that evaluates the validity of the legal claims, the robustness of the administrative defenses, and the broader implications for police accountability in Canada. The analysis focuses on:

1. **The Administrative Failure:** The origin, duration, and mechanism of the false criminal record entry in File 2016-84414.
2. **The Human Impact:** The causal link between the false record and the Plaintiff's subsequent loss of liberty, economic ruin, and psychological trauma.
3. **The Legal Struggle:** The procedural history of complaints before the CRCC and CHRC, and the constitutional arguments presented in the Federal Court draft pleadings.
4. **The Intelligence Dimension:** The intersection of the Plaintiff's case with unaddressed threats from third-party extremists (Andrew Nelson), highlighting a disparity in police protection.

1.2 Parties to the Dispute

1.2.1 The Plaintiff: Marie-Soleil Seshat Landry

The Plaintiff is a self-represented litigant, researcher, and CEO of "Marie Landry Spy Shop" and "Landry Industries Conglomerate". She identifies as a transgender woman, a demographic factor she asserts is central to the alleged systemic discrimination and the police's dismissal of her credibility. The documents reveal a highly articulate individual who has engaged in complex legal research and intelligence gathering to advocate for her rights despite severe resource imbalances.

1.2.2 The Defendant: His Majesty the King in Right of Canada

Represented by the Attorney General of Canada, the Defendant is legally responsible for the actions and omissions of the RCMP, its regular members, and its civilian employees. The defense strategy, as gleaned from correspondence, relies heavily on procedural time bars and the minimization of the error as "administrative" rather than malicious.

1.2.3 Key Individuals and Entities

- **Cst. Gabriel Gallant:** An RCMP officer alleged by the Plaintiff to have initiated or knowingly perpetuated the false record. The Plaintiff claims Cst. Gallant expressed indifference to the court withdrawal, stating he "knew" she was guilty.
- **Cst. Tania Mallet:** An RCMP officer named as the informant on the original 2016 file and implicated in the Plaintiff's complaints regarding the mishandling of the case.
- **Andrew "Christo" Nelson:** A third party identified in the Plaintiff's intelligence briefings as a neo-Nazi figure. His threats against the Plaintiff and public officials were allegedly ignored by the RCMP, illustrating the lack of police protection claimed by the Plaintiff.
- **The "Municipal Employee":** An unnamed civilian staff member at the Codiac RCMP detachment whom the RCMP officially blames for the data entry error.

1.3 Methodology

The analysis relies on a forensic review of the provided research materials, including:

- **Draft Statements of Claim:** Detailed legal pleadings outlining causes of action and damages.
- **Official Correspondence:** Letters from the RCMP "J" Division admitting to the error.
- *Intelligence Briefings:* Internal memos and reports drafted by the Plaintiff regarding threats

and police inaction.

- **Email Threads:** Communications with government officials (PMO, Public Safety) documenting the administrative deadlock.

2. The "Patient Zero" Event: File 2016-84414

The factual matrix of this case is defined by a singular, catastrophic divergence between judicial reality and administrative record-keeping. This divergence began in January 2016 and persisted for seven years.

2.1 The 2016 Incident and Charges

In January 2016, the Plaintiff (then known legally as Jean-Yves Landry) was involved in an incident in Moncton, New Brunswick.

- **File Number:** RCMP Case 2016-84414.
- **Charges Laid:**
 1. **Indecent Act:** Section 173(1)(b) of the *Criminal Code* (Wilfully committing an indecent act in a public place).
 2. **Assault:** Section 266 of the *Criminal Code*.
- **Context:** The Plaintiff asserts these charges stemmed from a dispute with a neighbor that was colored by transphobia, and an act of self-defense during a domestic assault. She maintains that she was "swatted" and that the police response was disproportionate and biased from the outset.

2.2 Judicial Disposition: The Withdrawal

The critical legal event occurred in October 2016. The Crown, assessing the evidence, withdrew the charges.

- **Judicial Outcome:** The charges were formally withdrawn in the New Brunswick Provincial Court. A "Withdrawn" notation was entered on the Information Form.
- **Legal Effect:** The withdrawal of charges restores the accused to a position of legal innocence. There is no conviction, no finding of guilt, and crucially, no probationary conditions. The file should have been closed, and the CPIC entry updated to reflect "Charges Withdrawn."

2.3 The Administrative Failure

Despite the clear judicial outcome, the result was not correctly transmitted to or updated within the RCMP's internal records and the CPIC system.

- **The Error:** For the subsequent seven years (2016–2023), the Plaintiff's criminal record in the CPIC database incorrectly indicated a **conviction** for the Indecent Act and Assault charges.
- **The Mechanics of Failure:** The RCMP admitted in a September 2023 letter that this was an "administrative error conducted by a municipal employee of the Codiac RCMP detachment" who failed to update the disposition field in the PROS system.
- **The Persistence:** This was not a temporary glitch. The record remained active and false for 2,555 days. Every time a police officer across Canada queried the Plaintiff's name, the

system returned a "hit" for a sexual offense conviction.

2.4 The "Corrupt File"

The Plaintiff refers to File 2016-84414 as the "Corrupt File". This terminology highlights the Plaintiff's perspective that the error was not benign. The persistence of a "sexual offender" tag on a transgender woman creates a high-risk profile for police interactions. The Plaintiff alleges that Cst. Gallant and others knew of the withdrawal but allowed the record to stand as a form of extra-judicial punishment.

3. The "Lost Years" (2016–2023): Systemic Consequences

The persistence of the false record created a "legal phantom" that haunted the Plaintiff's interactions with the state, leading to a cascade of negative outcomes that the Plaintiff characterizes as the "Lost Years."

3.1 The Feedback Loop of Criminalization

The false record did not exist in a vacuum; it actively shaped the police's perception of the Plaintiff.

- **Profile:** Police approaching the Plaintiff saw a "Violent/Sexual Offender" warning. This likely escalated the threat assessment in routine interactions, leading to more aggressive policing tactics.
- **Loss of Credibility:** When the Plaintiff reported crimes (e.g., harassment, threats from Andrew Nelson), her status as a "convicted offender" likely diminished her credibility in the eyes of investigators, leading to the dismissal of her complaints.

3.2 Subsequent Legal Entanglements and "Coerced Pleas"

Between 2016 and 2023, the Plaintiff accrued new charges, including "Mischief" and "Joyriding". The Plaintiff contends that these convictions are legally unsafe and were coerced.

- **Denial of Bail:** The Plaintiff alleges that bail was consistently denied or made onerous because the Crown and Court relied on the falsified criminal history. A prior record of "Indecent Act" and "Assault" makes release on bail significantly harder to secure.
- **Constructive Coercion:** Facing indefinite remand in male correctional facilities (a terrifying prospect for a trans woman), the Plaintiff argues she accepted "deals" (guilty pleas) simply to secure her release. This phenomenon, known as "constructive coercion," renders the pleas involuntary. The Plaintiff asserts: "I plead guilty under duress. Landry maintains her innocence in all New-Brunswick charges accumulated in the 2016-2019 period".
- **False Imprisonment:** The Plaintiff claims she spent approximately three years (1,095 days) in pre-trial remand or incarceration that was directly caused by the false CPIC record.

3.3 The "Civil Resistance" Campaign

A unique aspect of the "Lost Years" is the Plaintiff's admitted campaign of "civil resistance" regarding vehicle regulations.

- **The Issue:** The Plaintiff identified a widespread issue of obscured license plates (plastic covers) in Moncton, which violate **Section 30(2) of the New Brunswick Motor Vehicle Act**.
- **The Act:** When police refused to enforce this law (allegedly due to their bias against the Plaintiff), she began removing the covers herself or damaging vehicles she believed posed a security risk.
- **The Rationale:** The Plaintiff frames this not as vandalism ("Mischief"), but as a citizen's enforcement of the law in the absence of police action. She argues: "These were not random acts. They were a response to... administrative errors and false accusations that denied me legitimate support from local authorities".
- **The Police Response:** The police viewed these actions through the lens of the false record and transphobia, characterizing the Plaintiff as mentally unstable ("a nutcase beating cars") rather than a citizen activist. This led to psychiatric detentions.

3.4 Psychiatric Detention as a Tool of Control

The documents reference detention in psychiatric wards (Restigouche, George-Dumont, Moncton City Hospital).

- **Medical File 918133331:** The Plaintiff seeks the retrieval of this file, alleging that the false criminal record was shared with medical staff.
- **Weaponization of Identity:** The Plaintiff alleges that her gender identity was weaponized to cast her as mentally ill. The false record of "Indecent Act" (often associated with deviant behavior in police bias) likely reinforced the psychiatric narrative, leading to involuntary committals rather than criminal processing, or vice versa, depending on which was more punitive.

4. Legal Analysis of the Statement of Claim

The Plaintiff's draft Statement of Claim (*Landry v. His Majesty the King*) articulates a complex theory of liability that blends administrative law principles with constitutional torts.

4.1 Causes of Action

4.1.1 Negligence

The claim for negligence is the most legally straightforward but factually devastating component.

- **Duty of Care:** The RCMP owes a duty of care to suspects and accused persons to maintain accurate records of their criminal history (citing *Hill v. Hamilton-Wentworth Regional Police Services Board*). This duty is heightened given the catastrophic consequences of a criminal record on liberty and employment.
- **Breach:** The failure to update the CPIC system following the 2016 withdrawal of charges constitutes a clear breach of the standard of care. The RCMP's admission of the "administrative error" effectively concedes this breach.
- **Causation:** The Plaintiff argues that this breach was the proximate cause of the subsequent denials of bail, loss of employment, and psychological injury.

4.1.2 Misfeasance in Public Office

This tort requires proof of deliberate unlawful conduct or recklessness with the knowledge that it would harm the Plaintiff.

- **The Allegation:** The Plaintiff alleges that specific officers (e.g., Cst. Gallant) knew of the withdrawal but maliciously maintained the falsehood to persecute a transgender individual.
- **Evidentiary Burden:** Unlike negligence, this requires proving subjective intent or "targeted malice." The Plaintiff relies on the officers' alleged comments (e.g., "we know you're guilty") and the persistence of the error despite repeated complaints as evidence of this malicious intent.

4.1.3 Constitutional Torts (Charter Breaches)

The Plaintiff seeks damages under Section 24(1) of the *Charter* for violations of:

- **Section 7 (Life, Liberty, and Security of the Person):** The deprivation of liberty (remand) was not in accordance with the principles of fundamental justice because it was based on false information. *Godbout v. Longueuil* and *Vancouver (City) v. Ward* are cited as foundational precedents.
- **Section 11(d) (Presumption of Innocence):** The maintenance of a conviction record for an acquitted charge actively subverted the presumption of innocence in all subsequent judicial proceedings.
- **Section 15 (Equality Rights):** The Plaintiff argues that the negligence was fueled by systemic transphobia. The refusal to correct the record or listen to the Plaintiff's pleas is framed as discriminatory treatment based on gender identity.

4.2 Damages Model: The \$50 Million Claim

The Plaintiff claims a total quantum of **\$50,000,000.00**. This figure is broken down with specific justifications in the draft claim :

Head of Damage	Amount Sought	Legal Basis / Justification
General Damages	\$10,000,000.00	Compensation for 3 years (1,095 days) of false imprisonment/loss of liberty, chronic anxiety, depression (PTSD), and loss of enjoyment of life. Also covers the destruction of professional standing.
Aggravated Damages	\$2,000,000.00	Compensation for the "high-handed" conduct of the Defendant. Specifically, the 9-year duration of the error and the administrative finding that the error had "no repercussions," which the

Head of Damage	Amount Sought	Legal Basis / Justification
		Plaintiff views as a deliberate insult to her dignity.
Punitive Damages	\$1,000,000.00	To denounce the systemic failure of CPIC integrity and deter future negligence. The Plaintiff argues this is necessary to send a message that the state cannot use fabricated records to coerce pleas.
Special Damages	~\$75,000.00+	For quantifiable financial losses: Legal fees for coerced guilty pleas (\$25k), administrative costs to correct the record (\$45k), and out-of-pocket expenses (\$5k).
Total Claim	~\$50,000,000.00	Reflecting the total destruction of life trajectory, business valuation (Landry Industries), and the violation of fundamental constitutional rights.

4.3 The "46 Charges" Against Opponents

In a unique legal maneuver, the Plaintiff is not only suing for damages but is also compiling a list of **46 criminal charges** she wishes to see laid against the RCMP officers and witnesses involved in her persecution.

- **Nature of Charges:** The list includes Perjury, Lying Under Oath, Corruption, Conspiracy, Abuse of Process, Intimidation, Torture (characterized as Conversion Therapy), Destruction of Evidence, and Hate Crimes.
- **Strategic Intent:** While private prosecutions are rare and difficult in Canada, this list serves to document the specific acts of malice the Plaintiff alleges, moving the narrative from "administrative error" to "criminal conspiracy."

5. The Intelligence Dimension: The Andrew Nelson Threat

The report must address the critical intersection between the Plaintiff's status as a marginalized victim and her role as an intelligence provider regarding third-party threats. This highlights the "Duty to Protect" failure.

5.1 The Threat Landscape

The Plaintiff's intelligence briefings identify **Andrew "Christo" Nelson** as a significant threat actor in the New Brunswick area.

- **Profile:** Nelson is identified as a self-admitted neo-Nazi and Satanist who disseminates Nazi imagery and promotes fascist ideologies.
- **Specific Threats:** The Plaintiff captured communications where Nelson stated:
 - "Justin Trudeau is a dead man walking."
 - Threats against US President Joe Biden.
 - Explicit threats against the Plaintiff ("pay to assault Paul", threats due to her trans status).
 - References to an "insurrection" in Canada similar to Jan 6th.
 - Possession of weapons (crossbow).

5.2 Police Inaction and Credibility Deficit

The Plaintiff provided this intelligence to the Codiac RCMP and CSIS.

- **The Response:** The Plaintiff alleges the Codiac RCMP "dismissed" the threats, with one officer allegedly stating that "Nazism and swastikas were legal in Canada" and throwing the report in the garbage.
- **The Causal Link:** This inaction is likely linked to the False Record. Because the Plaintiff was flagged in CPIC as a "convicted sexual offender" and "mentally unstable" (due to the license plate resistance), her credibility as a witness/informant was destroyed. The police disregarded credible intelligence on a national security threat (threats to the PM) because of their biased view of the source.
- **Legal Implication:** This constitutes a breach of the **Duty to Protect**. The police failed to investigate credible death threats against the Plaintiff, leaving her in a state of insecurity that contributed to her "self-defense" actions (carrying protection, securing her home), which were then criminalized.

6. Administrative Oversight and Jurisdictional Deadlock

A significant portion of the conflict involves the procedural warfare between the Plaintiff and the oversight bodies: the Civilian Review and Complaints Commission (CRCC) and the Canadian Human Rights Commission (CHRC).

6.1 The "Ping-Pong" Defense

The documents reveal a bureaucratic deadlock where the Plaintiff is bounced between agencies, with neither accepting full jurisdiction to provide a remedy.

- **RCMP Defense to CHRC Complaint:** In response to the human rights complaint filed in March 2023 (File 2023-0331), the RCMP invoked **Section 41(1)(e) of the *Canadian Human Rights Act***. They argued the complaint was time-barred because the alleged discriminatory act (the data entry error) occurred in 2016, exceeding the one-year limitation period.
- **The "More Appropriate Procedure" Argument:** The RCMP also invoked **Section 41(1)(b)**, arguing the matter should be dealt with by the CRCC under the *RCMP Act*.
- **The Catch-22:** The Plaintiff notes that the CRCC *also* closed the file or limited its scope, often citing similar time constraints or deference to the human rights process. This creates a regulatory vacuum where the admitted error is legally orphaned—too old for the CHRC,

yet arguably outside the scope of a standard CRCC conduct review.

6.2 The "Continuing Tort" Counter-Argument

The Plaintiff counters the time-bar argument by positing the "Continuing Tort" theory.

- **Argument:** The discrimination and negligence were not a single event in 2016. Every day the false record remained in CPIC (until May 2023), and every time it was accessed to deny bail or employment, a *new* breach occurred.
- **Discovery Principle:** The Plaintiff argues the limitation period should run from the *date of discovery* of the extent of the error (2023), not the date of the initial data entry (2016).
- **Systemic Issues:** The Plaintiff argues that the CHRC must hear the case because it involves *systemic* transphobia, which is beyond the scope of individual officer conduct reviews at the CRCC.

6.3 The "No Repercussions" Finding

A critical point of contention is the administrative finding (referenced in the claim) that the error had "no repercussions".

- **Plaintiff's Rebuttal:** The Plaintiff vehemently disputes this, presenting evidence that the error caused years of incarceration, the loss of a business ("Landry Industries"), and severe psychological trauma. This administrative minimization of the harm is cited as the basis for Aggravated Damages.

7. Systemic Transphobia and Human Rights Allegations

Beyond the clerical error, the core of the Plaintiff's narrative is that the administrative failure was a symptom of systemic transphobia within the RCMP.

7.1 Misgendering as a Tool of Erasure

The research material highlights persistent allegations of misgendering.

- **Record Integrity:** The Plaintiff asserts that police records not only contained false conviction data but also deadnamed her (referring to her as Jean-Yves) and misgendered her.
- **Legal Implication:** Under the *Canadian Human Rights Act* and recent amendments (Bill C-16), persistent misgendering in official records can constitute harassment and discrimination. The Plaintiff argues that the refusal to update the name and gender marker contributed to the "suspect" profile that led to further police targeting.

7.2 The "Mental Health" Weaponization

The Plaintiff claims that her gender identity was weaponized by the RCMP to cast her as mentally unstable rather than a victim of administrative error.

- **Psychiatric Detention:** The documents reference detention in psychiatric wards (Restigouche, George-Dumont). The Plaintiff alleges these detentions were justified by police using the false "sexual offender" record to characterize her behavior as deviant or

dangerous, rather than recognizing her distress as a legitimate reaction to injustice.

8. Strategic Analysis and Future Outlook

8.1 Strength of the Plaintiff's Case

- **Proven Liability:** The RCMP's admission of the "administrative error" in the September 2023 letter is a "smoking gun" for the Negligence claim. Liability for the error itself is virtually undeniable.
- **Causation Challenges:** The legal battle will likely hinge on *causation*. The Crown will argue that the subsequent charges (mischief, joyriding) were independent criminal acts by the Plaintiff, breaking the chain of causation. The Plaintiff must prove that the *false record* was the "but for" cause of the bail denials and the coerced pleas.

8.2 The Administrative/Municipal Defense

The RCMP has attempted to firewall the "Regular Members" (officers) from the error by blaming a "municipal employee."

- **Vicarious Liability:** Legally, this distinction is likely irrelevant for the purpose of damages. The RCMP (and by extension, the Crown) is vicariously liable for the negligence of its administrative support staff acting within the scope of their employment. It does, however, weaken the claim for *Misfeasance*, which requires specific malice by public officers.

8.3 The Settlement Posture

The documents indicate the Plaintiff is seeking mediation.

- **Likelihood of Settlement:** Given the admitted error and the exposure to significant Charter damages for wrongful imprisonment, the Defendant has a strong incentive to settle the negligence portion. However, the \$50M demand and the insistence on public apologies and systemic reform (mandatory training) may impede a purely financial settlement.

9. Conclusion

The case of *Landry v. RCMP* represents a profound failure of the administrative state. A clerical error, left uncorrected for seven years, metastasized into a systemic denial of rights, allegedly leading to wrongful imprisonment, economic ruin, and psychological trauma.

While the RCMP has admitted to the "administrative error," they have yet to accept liability for the cascading consequences of that error. The Plaintiff's claim powerfully illustrates how a single data point in the CPIC system can determine the trajectory of a citizen's life, stripping them of the presumption of innocence and rendering them vulnerable to systemic discrimination.

The legal outcome will likely turn on the courts' willingness to accept the "Continuing Tort" theory to bypass statutory limitation periods and their assessment of whether the subsequent legal entanglements were a foreseeable consequence of the RCMP's initial negligence. If successful, this case could set a significant precedent regarding the state's duty of care in maintaining criminal records and the quantum of damages for administrative negligence that violates

Charter rights.

9.1 Recommendations for Oversight Bodies

1. **Audit of CPIC Protocols:** The case exposes a critical gap in the synchronization between Court verdicts and RCMP records. An immediate audit of all "Withdrawn" charges in New Brunswick from 2015-2020 is recommended to ensure no other citizens are affected.
2. **Review of "Municipal" Liability:** The reliance on municipal employees for federal police record-keeping requires review to ensure clear lines of accountability.
3. **Trans-Inclusive Training:** The allegations of misgendering support the Plaintiff's demand for mandatory training to ensure record-keeping practices align with Canadian human rights standards.

Report prepared by: Senior Legal & Intelligence Analyst **Date:** December 2025

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