COURT OF APPEAL FOR ONTARIO

CITATION: United States v. Sokolovski, 2026 ONCA 351[1]
DATE: 20260513
DOCKET: COA-26-OM-0127

Roberts J.A. (Motion Judge)

BETWEEN

The Attorney General of Canada
on behalf of The United States of America

Respondent/Responding Party

and

Rolan Sokolovski

Applicant/Moving Party

Scott K. Fenton and Michelle Psutka, for the applicant/moving party

Milica Potrebic, for the respondent/responding party

Heard: in writing[2]

On application pursuant to s. 18(2) of the *Extradition Act*, S.C. 1999, c. 18, to review a detention order by Justice Peter Bawden of the Superior Court of Justice, dated February 23, 2026, pending a request for extradition, with reasons reported at 2026 ONSC 1115.

REASONS FOR DECISION

[1] The application judge made an order dated January 12, 2026, banning publication of all information relating to the proposed sureties: 2026 ONSC 211, at para. 35. This ban is still in place.
[2] The parties agreed that this review application would proceed in writing.

[1] The applicant, Rolan Sokolovski, is sought for extradition by the United States of America in the State of California with respect to the following, very serious, offences: 1) conspiracy to distribute and possess with intent to distribute cocaine; 2) conspiracy to export cocaine; and 3) conspiracy to launder monetary instruments. The allegations relate to the applicant's purported involvement in the importation and trafficking of very substantial amounts of cocaine and in laundering millions of dollars in connection with a criminal organization that the application judge described as, "a notorious and violent transnational drug trafficking organization (DTO) led by Ryan Wedding" (the "Wedding DTO"). As at the date of the filing of the materials on this motion, the applicant's extradition hearing had not yet taken place. He enjoys the presumption of innocence in relation to all these charges.

[2] The applicant has been in detention since his arrest on November 18, 2025. After a three-day hearing, on February 23, 2026, the application judge denied his application for judicial interim release, pending his extradition hearing. The application judge relied principally on the primary ground under s. 515(10)(a) of the *Criminal Code*, R.S.C. 1985, c. C-46,[3] finding that "the risk that [the applicant]

[3] Section 515(10) of the *Criminal Code* provides as follows:
For the purposes of this section, the detention of an accused in custody is justified only on one or more of the following grounds:

> (a) where the detention is necessary to ensure his or her attendance in court in order to be dealt with according to law;
> (b) where the detention is necessary for the protection or safety of the public, including any victim of or witness to the offence, or any person under the age of 18 years, having regard to all the

will abscond, whether by leaving Canada or going underground within Canada, is too great." He also concluded that the applicant did not meet his onus under the tertiary ground set out in s. 515(10)(c) because: the prosecution "established a strong case for extradition"; "[t]he allegations are extremely serious, involving international drug trafficking and homicide"; the applicant "faces a very lengthy term of imprisonment if convicted"; and the application judge had "concerns about the reliability of the sureties". He was not, however, persuaded that the applicant's detention was necessary for the protection or safety of the public under s. 515(10)(b).

[3] The applicant applies to this court for review of the February 23, 2026 order under s. 18(2)[4] of the *Extradition Act* and asks to be released on strict terms that include: fairly stringent house arrest; limited access to cellphones and other electronic devices; electronic monitoring; surrender of his passport; four proposed

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> circumstances including any substantial likelihood that the accused will, if released from custody, commit a criminal offence or interfere with the administration of justice; and
> (c) if the detention is necessary to maintain confidence in the administration of justice, having regard to all the circumstances, including
>> (i) the apparent strength of the prosecution's case,
>> (ii) the gravity of the offence,
>> (iii) the circumstances surrounding the commission of the offence, including whether a firearm was used, and
>> (iv) the fact that the accused is liable, on conviction, for a potentially lengthy term of imprisonment or, in the case of an offence that involves, or whose subject-matter is, a firearm, a minimum punishment of imprisonment for a term of three years or more.

[4] Section 18(2) of the *Extradition Act* provides as follows:

> A decision respecting judicial interim release may be reviewed by a judge of the court of appeal and that judge may
> (a) confirm the decision;
> (b) vary the decision; or
> (c) substitute any other decision that, in the judge's opinion, should have been made.

sureties; and monetary pledges without deposit in the total amount of $3.2 million. In support of his review application, he seeks to adduce fresh evidence that he was recently diagnosed with arthritis.

[4] The standard of review on this application requires the applicant to demonstrate that the application judge made an error in principle: *United States of America v. Pannell* (2005), 193 C.C.C. (3d) 414 (Ont. C.A.), at para. 24. As Sharpe J.A. observed in *United States of America v. Chan* (2000), 144 C.C.C. (3d) 93 *(*Ont. C.A.), at para. 2, "[t]he issue, accordingly, is not whether I would grant bail if the matter came before me at first instance, but rather, whether the applicant can demonstrate reviewable error on the part of [the application judge]."

[5] The applicant submits that the application judge made several reviewable errors that warrant his interim release pending his extradition hearing. I am not persuaded that the applicant has met his onus to demonstrate that the application judge made any reversible error. I dispose of each of the asserted grounds, in turn.

a. The application judge did not err in his treatment of the evidence about the applicant's finances

[6] The applicant argues that the application judge erred in concluding that he intentionally hid his finances from his proposed sureties, that his lifestyle could not be accounted for based on the earnings he reported to the Canada Revenue Agency and disclosed to the court, and that his proposed sureties lacked reliability or suitability because of their unawareness of his finances.

[7] I see no error in the application judge's assessment of these issues.

[8] I reject the applicant's submissions that it was not a fair interpretation of the evidence that the applicant was hiding his finances and that it was an error for the application judge to conclude that the applicant's lifestyle could not be explained by the evidence. I agree with the application judge's conclusion that the applicant's lavish lifestyle remains unexplained, and the evidence amply supports that he is hiding his finances. This includes the applicant's frankly incredible testimony on these issues. The evidence proffered by the applicant did not account for the millions of dollars in revenue running through his company, as indicated in the produced corporate income tax statements. Nor did he adequately explain his ability to purchase a $4 million dollar home and service a $2.3 million mortgage when he reported little and then no income in his personal tax returns over the last several years and his admitted assets were inadequate to do so. It defies belief that a chartered bank would agree to lend $2.3 million without the applicant demonstrating substantial assets and income to service the $12,000 monthly mortgage payments.

[9] The applicant's failure to provide a credible picture of his true financial situation gives rise to a concern that he may have hidden assets. His lack of credibility and reliability on these issues belies any trust that the court can have in him being honest with his proposed sureties and obeying the provisions of any

release order. As a result, the risk that the applicant would abscond is, as the application judge concluded, very high.

[10] As for the proposed sureties, the application judge made no error in questioning their ability to supervise him. Their belief in the applicant's innocence of the charges alone would not affect their ability to properly fulfil their obligations as a surety: *R. v. Jaser*, 2020 ONCA 606, 152 O.R. (3d) 673, at paras. 72-74. However, that is not the issue highlighted by the application judge. Rather, he questioned whether the proposed sureties had the proper wariness and level of sophistication to adequately supervise the applicant based on their unawareness of his finances. The proposed sureties' testimony reflects their steadfast trust in the applicant to not do anything to jeopardize their pledges. In my view, this suggests a presumption on their part that he would obey release terms. The role of a surety is supervisory. This requires them to remain watchful and not unquestioningly trust the person whom they are supervising. Even though they said they would report a breach, the proposed sureties' continuing, unquestioning trust in the applicant about everything, notwithstanding that he clearly and so successfully misled them about his financial affairs, undermines the court's confidence in their being able to properly supervise him.

b. The application judge did not err in his reliance on facts in the bail letter

[11] The application judge was entitled to rely on the factual components of the bail letter submitted by the government seeking extradition. Section 19 of the *Extradition Act* incorporates certain provisions of *the Criminal Code*, including s. 518(1)(e), which provides that an application judge "may receive and base his decision on evidence considered credible or trustworthy by him in the circumstances of each case." Bail letters have previously been found to be credible and trustworthy, at least in relation to the factual allegations they disclose and where they do not amount to mere advocacy: *R. v. Nygard*, 2021 MBCA 27, at para. 22, leave to appeal dismissed, [2021] S.C.C.A. No. 131; *United States of America v. Shahid*, 2021 ONSC 88, at para. 35; *R. v. Shahid*, 2020 ONSC 6308, at para. 20; *R. v. Raza*, 2020 ONSC 2381, at paras. 17-19; and Gary T. Trotter, *The Law of Bail in Canada*, 3rd ed (Toronto: Thomson Reuters Canada, 2025) (loose-leaf 2025-Rel. 2), § 14:5.

[12] The application judge made no error in relying on the factual components of the bail letter submitted by the United States Department of Justice, including that: the applicant laundered hundreds of millions of dollars; obtained a $13 million vehicle for Mr. Wedding; and had access to tens if not hundreds of millions of dollars in cryptocurrency and physical assets. These factual components were buttressed by the documentary evidence of the text communications between the

applicant and Andrew Clark (whom the application judge described as Mr. Wedding's "second-in-command"), as well as by the account information of the applicant's accounts with cryptocurrency exchanges, and by his company's tax returns showing millions of dollars of unaccounted for revenue and the applicant's lavish and unexplained lifestyle, including the purchase of the $4 million home. As the application judge correctly observed, this evidence suggests the applicant's participation in and awareness of the inner workings of the Wedding DTO and support the allegations against him.

c. The application judge did not unfairly criticize the evidence given by proposed sureties

[13] The applicant further challenges the application judge's concerns about the reliability of two of the applicant's proposed sureties based on initial omissions in their affidavits of the true state of their finances, which were later corrected, and other striking omissions in communications between those sureties.

[14] I see no merit in this argument. The application judge was entitled to consider the initial omissions of financial information as they were relevant in assessing the credibility and reliability of the proposed sureties, even if the omissions were later corrected. In any event, the application judge gave the omissions little weight in his analysis. As for the other omissions in communications, the application judge was entitled to consider them in assessing

the proposed sureties' suitability. Again, this factor was relevant to the application judge's analysis and, in any event, did not weigh heavily in his assessment.

d. The application judge did not err in his primary ground analysis

[15] The applicant submits that the application judge made the following analytical errors in his primary ground analysis: 1) he gave insufficient weight to the applicant's two prior opportunities to flee when confronted by law enforcement in the United States and the Bahamas in 2025; 2) he contradicted his own reasoning regarding flight risk that he followed in *The Attorney General of Canada on behalf of the United States v. Paradkar*, 2025 ONSC 7187; and 3) he gave insufficient weight to the substantial pledges of the applicant's proposed sureties.

[16] The application judge made no error in finding that the applicant had not met his onus on the primary ground under s. 515(10)(a) of the *Criminal Code*.

[17] First, the application judge addressed the submissions, repeated on appeal, that the court should take comfort that the applicant failed to flee on the two previous occasions he was confronted by authorities. The application judge was on solid ground in concluding that those two previous occasions were not dispositive of the current assessment of the applicant's risk of flight in the face of actually being arrested on the real and very serious charges, including the potentially lengthy carceral sentence if he is found guilty. What was previously a

possibility has since become a grim reality. The application judge made no error in assessing that this change in circumstances augmented the applicant's risk of flight.

[18] Second, the applicant's reliance on the application judge's reasons in *Paradkar* essentially amounts to a quarrel with the way that the application judge balanced the relevant factors to assess flight risk, including the applicant's absence of a criminal record, his family support and impending marriage in Canada, and the strict terms he proposed for house arrest and electronic monitoring.

[19] I do not find the application judge made any error in this regard. *Paradkar* has little relevance to this case, other than that it involved another alleged participant in the Wedding DTO. The application judge applied the same governing legal principles in the present case as he did in *Paradkar*. The difference between the two cases resides in the facts. Applications for interim release are factually intensive inquiries. As a result, other decisions that turn on their particular facts are of little persuasive value. That is the case here.

[20] Third, and finally, the application judge's balancing of the relevant factors reveals no reversible error. He considered the release plan to be strong in that it was premised on continuous supervision by the proposed sureties, significant financial surety pledges, electronic monitoring and other similarly stringent

conditions. However, the strength of the release plan was undermined by the unreliability of the proposed sureties and the applicant.

[21] The application judge's conclusion that the $3.2 million in surety pledges did not provide the comfort urged by the applicant was well founded, given the evidence that suggests the applicant has access to millions of dollars and that he attempted to mislead the court about the true state of his finances. The application judge was well-positioned to assess the applicant's submission concerning the "pull of bail": *United States v. Singh*, 2014 ONCA 559, at para. 12.

[22] It was open to the application judge to accept that there was evidence that the applicant was an important participant in a sophisticated drug trafficking operation lasting several years and that he laundered millions of dollars of revenue. The observations of Lamer C.J. in *R. v. Pearson*, [1992] 3 S.C.R. 665, at p. 696, are apt: "Drug importers and traffickers, however, have access both to a large amount of funds and to sophisticated organizations which can assist in a flight from justice. These offenders accordingly pose a significant risk that they will abscond rather than face trial." He was entitled to consider that these factors, applicable here, increased the applicant's risk of flight, despite the significant surety pledges included in the release plan.

[23] I see no basis to intervene.

e. The application judge did not err in his tertiary ground analysis

[24] The applicant asserts that the application judge made three errors in his tertiary ground analysis: 1) he failed to consider the effect of discrepancies about the amounts supporting the money laundering allegations on the public's confidence in the administration of justice; 2) he gave insufficient weight to the conditions that the applicant experiences while incarcerated; and 3) his reasons for distinguishing the judicial interim release of other alleged members of the Wedding DTO do not withstand scrutiny.

[25] I am not persuaded by these submissions. Again, they effectively amount to a quarrel with the application judge's weighing of the relevant factors without indicating any reversible error.

[26] Starting with the alleged discrepancies about the amounts supporting the money laundering allegations, I do not accept that there are any meaningful discrepancies. As the application judge noted, the amounts flowing through the applicant's accounts were in the millions of dollars. In any event, whether the evidence showed tens of millions or hundreds of millions, the point is the same: there is evidence that supports the allegations that the applicant was involved in laundering significant amounts of money in aid of the Wedding DTO.

[27] Further, the application judge acknowledged that the applicant's "custodial conditions have been exceptionally harsh". While not condoning those conditions,

he determined that they were not sufficient to outweigh the other factors that precluded the applicant's interim release. That was his determination to make.

[28] Finally, as I earlier indicated, the factual differences among the circumstances of the other alleged members of the Wedding DTO render their comparison of little value. The application judge made no error in distinguishing them and focusing on the facts of this case.

f. Fresh evidence application

[29] The applicant seeks to adduce the fresh evidence of his recent arthritis diagnosis in support of his application for interim release. He argues that this diagnosis is relevant to the considerations in s. 515(10)(a) of the *Criminal Code*, as it informs the risk of flight. Specifically, he submits that he will need to seek medical treatment for his arthritis if released, which would make flight less practical.

[30] Although the proposed fresh evidence was not available at the time of the applicant's initial application for interim release, I am not persuaded that this fresh evidence would have affected the outcome. I do not accept the submission that the applicant's condition will lessen the risk of flight. While this condition is likely painful, there is no evidence that it is debilitating or requires treatment that prevents flight. I would not admit the fresh evidence.

Disposition

[31] For these reasons, the applicant's motion to adduce fresh evidence and his review application are dismissed.

"L.B. Roberts J.A."