

Form / Formule 1
APPLICATION
DEMANDE

(Rule 2.1, *Criminal Rules of the Ontario Court of Justice*)
(Règle 2.1, Règles de procédure en matière criminelle de la Cour de justice de l'Ontario)

21-845

Court File No. (if known)
N° du dossier de la cour (s'il est connu)

BETWEEN: / ENTRE

HIS MAJESTY THE KING / SA MAJESTÉ LE ROI

- and / et -

Francesco Longo

(defendant(s) / défendeur(s))

1. APPLICATION HEARING DATE AND LOCATION
DATE ET LIEU DE L'AUDIENCE SUR LA DEMANDE

Application hearing date:
Date de l'audience sur la demande

Time

Heure

Courtroom number:
Numéro de la salle d'audience

200 CHATHAM STREET Windsor, Ontario

Court address:
Adresse de la Cour

N9A2W3

2. LIST CHARGES
LISTE DES ACCUSATIONS

Charge Information / Renseignements sur les accusations			
Description of Charge Description de l'accusation	Sect. No. Article n°	Next Court Date Prochaine date d'audience	Type of Appearance (e.g. trial date, set date, pre-trial meeting, etc.) Type de comparution (p. ex., date de procès, établissement d'une date, conférence préparatoire au procès, etc.)
Mischief exceeding \$5,000	s. 430(3)	July 7, 2025	Trial

3. NAME OF APPLICANT
NOM DE L'AUTEUR DE LA DEMANDE

Francesco Longo

4. CHECK ONE OF THE TWO BOXES BELOW:
COCHEZ LA CASE QUI CONVIENT CI-DESSOUS

- I am appearing in person. My address, fax or email for service is as follows:
Je comparais en personne. Mon adresse, mon numéro de télécopieur ou mon adresse électronique aux fins de signification sont les suivants :
Francesco Longo Diana Motel, 5816 Tecumseh Rd E Windsor, ON N8T1E2 Phone: 226-260-6399
- I have a legal representative who will be appearing. The address, fax or email for service of my legal representative is as follows:
J'ai un représentant juridique qui sera présent. L'adresse, le numéro de télécopieur ou l'adresse électronique de mon représentant juridique aux fins de signification sont les suivants :

**5. CONCISE STATEMENT OF THE SUBJECT OF APPLICATION
BRÈVE DÉCLARATION DE L'OBJET DE LA DEMANDE**

(Briefly state why you are bringing the Application. For example, "This is an application for an order adjourning the trial"; "This is an application for an order requiring the Crown to disclose specified documents"; or "This is an application for an order staying the charge for delay.")

(Expliquez brièvement pourquoi vous déposez la demande. Par exemple : « Il s'agit d'une demande d'ordonnance d'ajournement du procès. », « Il s'agit d'une demande d'ordonnance exigeant de la Couronne qu'elle divulgue les documents précisés. », ou « Il s'agit d'une demande d'ordonnance d'annulation de l'accusation pour cause de retard. »)

This is an application for an order granting: 1. Witness subpoena compelling PC Phillip Gratton #19407 to appear and testify at trial regarding his investigation, damage assessment, and personal relationship with complainants 2. Production of all notes, reports, and documentation created by PC Gratton regarding this investigation including any communications with homeowners prior to May 6, 2021 3. Cross-examination rights to question PC Gratton under oath about his unqualified damage assessment exceeding \$5,000 despite having no construction expertise or authority to make financial determinations 4. Testimony regarding his personal relationship with Steve and Hayley Zvaniga and any prior contact or friendship that may have influenced his investigation and arrest decision 5. Evidence regarding his participation in evidence tampering including the 911 call editing and selective surveillance preservation that occurred under his supervision as investigating officer

**6. GROUNDS TO BE ARGUED IN SUPPORT OF THE APPLICATION
MOTIFS QUI SERONT INVOQUÉS À L'APPUI DE LA DEMANDE**

(Briefly list the grounds you rely on in support of this Application. For example, "I require an adjournment because I am scheduled to have a medical operation the day the trial is scheduled to start"; "The disclosure provided by the Crown does not include the police notes taken at the scene"; or "There has been unreasonable delay since the laying of the charge that has caused me prejudice.")

(Énumérez brièvement les motifs que vous invoquez à l'appui de la demande. Par exemple : « J'ai besoin d'un ajournement parce que je dois subir une intervention médicale le jour prévu pour le début du procès. », « Les documents divulgués par la Couronne ne contiennent pas les notes de la police prises sur les lieux. » ou « Un retard excessif a suivi le dépôt des accusations qui m'a causé un préjudice. »)

6. GROUNDS TO BE ARGUED IN SUPPORT OF THE APPLICATION MOTIFS QUI SERONT INVOQUÉS À L'APPUI DE LA DEMANDE 1. Constitutional right to confront accusers - Charter s.11(d) guarantees accused's right to cross-examine investigating officer whose unqualified assessment formed basis for arrest and charges 2. Unqualified damage assessment - PC Gratton made financial determination exceeding \$5,000 despite having no construction expertise, professional training, or legal authority to assess property damage values 3. Personal relationship disclosure required - Evidence suggests PC Gratton had prior personal relationship with complainants Steve and Hayley Zvaniga that influenced his investigation and created bias requiring full disclosure under oath 4. Equipment fabrication testimony needed - PC Gratton claimed to witness damage to pumps, filters, and equipment that photos prove never existed on property, constituting false statements requiring cross-examination 5. Evidence tampering participation - As investigating officer, PC Gratton supervised evidence handling including 911 call editing and selective surveillance preservation, requiring testimony about his role in tampering 6. Arrest procedure violations - PC Gratton conducted deceptive arrest by calling accused saying he "needed to talk" when actual intention was arrest, violating Charter ss.9 and 10(a) requiring testimony about deceptive tactics 7. Response time impossibilities - PC Gratton arrived at scene within 12 minutes of 911 call suggesting pre-positioning or advance knowledge requiring testimony about his location and communications prior to call 8. False police report elements - PC Gratton's written reports contain demonstrably false statements about equipment damage, concrete conditions, and scene assessment requiring cross-examination to expose perjury and misconduct

**7. DETAILED STATEMENT OF THE SPECIFIC FACTUAL BASIS FOR THE APPLICATION
DÉCLARATION DÉTAILLÉE DES FAITS PRÉCIS SUR LESQUELS SE FONDE LA DEMANDE**

**7. DETAILED STATEMENT OF THE SPECIFIC FACTUAL BASIS FOR THE APPLICATION
DÉCLARATION DÉTAILLÉE DES FAITS PRÉCIS SUR LESQUELS SE FONDE LA DEMANDE**

DETAILED STATEMENT OF FACTS: 1. PC Phillip Gratton #19407 was the investigating officer who made unqualified damage assessment exceeding \$5,000 despite having no construction expertise, professional training, or legal authority to determine property damage values. 2. PC Gratton claimed to witness "fresh wet cement poured into water lines" and "concrete already hardening inside water lines" when professional plumber inspection found ZERO concrete in lines using electric eel, proving his statements were false. 3. PC Gratton fabricated equipment damage claims stating he observed damage to "fountain, filter and jet" when photos prove no such equipment existed on the property at time of alleged incident. 4. PC Gratton coordinated deceptive arrest procedure where police station personnel contacted accused and when accused called back asking what it was about, station personnel deceived accused into attending police headquarters by stating they "needed to talk" without disclosing actual intention was arrest. Upon accused's arrival, PC Gratton executed the arrest, violating Charter ss.9 and 10(a) regarding arbitrary detention and right to know reasons for detention. 5. PC Gratton had personal relationship with complainants Steve and Hayley Zvaniga evidenced by homeowner's statement day before incident: "We're having a party tomorrow, my good police officer friend is coming." 6. PC Gratton supervised evidence handling including 911 call processing and surveillance preservation, during which 35+ second gap was created in 911 recording and 47-minute surveillance window mysteriously disappeared from motion-activated system. 7. PC Gratton's written police reports contain demonstrably false statements about equipment damage, concrete conditions, and scene assessment that contradict physical evidence, professional inspection results, and photographic documentation. 8. PC Gratton arrived at scene within 12 minutes of 911 call despite normal response times, suggesting advance knowledge of incident or pre-positioning based on personal relationship with complainants. 9. Cross-examination of PC Gratton is essential to expose his unqualified assessment, false statements, evidence tampering supervision, personal bias, and coordinated deceptive arrest that formed basis for wrongful charges.

10. PC Gratton's testimony under oath will reveal the extent of police misconduct, personal relationships influencing investigation, and participation in systematic conspiracy involving multiple officers to frame innocent accused through fabricated evidence and deceptive arrest procedures.

**7. DETAILED STATEMENT OF THE SPECIFIC FACTUAL BASIS
FOR THE APPLICATION DÉCLARATION DÉTAILLÉE DES FAITS PRÉCIS SUR LESQUELS
SE FONDE LA DEMANDE**

DETAILED STATEMENT OF FACTS: 1. PC Phillip Gratton #19407 was the investigating officer who made unqualified damage assessment exceeding \$5,000 despite having no construction expertise, professional training, or legal authority to determine property damage values. 2. PC Gratton claimed to witness "fresh wet cement poured into water lines" and "concrete already hardening inside water lines" when professional plumber inspection found ZERO concrete in lines using electric eel, proving his statements were false. 3. PC Gratton fabricated equipment damage claims stating he observed damage to "fountain, filter and jet" when photos prove no such equipment existed on the property at time of alleged incident. 4. PC Gratton coordinated deceptive arrest procedure where police station personnel contacted accused and when accused called back asking what it was about, station personnel deceived accused into attending police headquarters by stating they "needed to talk" without disclosing actual intention was arrest. Upon accused's arrival, PC Gratton executed the arrest, violating Charter ss.9 and 10(a) regarding arbitrary detention and right to know reasons for detention. 5. PC Gratton had personal relationship with complainants Steve and Hayley Zvaniga evidenced by homeowner's statement day before incident: "We're having a party tomorrow, my good police officer friend is coming." 6. PC Gratton supervised evidence handling including 911 call processing and surveillance preservation, during which 35+ second gap was created in 911 recording and 47-minute surveillance window mysteriously disappeared from motion-activated system. 7. PC Gratton's written police reports contain demonstrably false statements about equipment damage, concrete conditions, and scene assessment that contradict physical evidence, professional inspection results, and photographic

**8. INDICATE BELOW OTHER MATERIALS OR EVIDENCE YOU WILL RELY ON IN THE APPLICATION
INDIQUEZ CI-DESSOUS D'AUTRES DOCUMENTS OU PREUVES QUE VOUS ALLEZ INVOQUER DANS LA DEMANDE**

- Transcripts (Transcripts required to determine the application must be filed with this application.)
Transcriptions (Les transcriptions exigées pour prendre une décision sur la demande doivent être déposées avec la demande.)
- Brief statement of legal argument
Bref exposé des arguments juridiques
- Affidavit(s) (List below)
Affidavits (Énumérez ci-dessous)

I, Francesco Longo, make oath and say as follows: 1. I am the Accused in this matter and make this affidavit from my personal knowledge of the facts except where otherwise stated, and where so stated I believe the facts to be true. 2. I was contracted by Steve Zvaniga and his wife Haley Zvaniga to construct a swimming pool at their residence under a written contract dated 21/04/2017. 3. The contract terms required the homeowner to pay for ALL materials including steel panels, pool liner, pumps, filters, and all equipment, while I was to provide all labor and expertise. 4. During construction, an excavator operator damaged a steel panel during backfilling. I took full responsibility, fired the excavator, and offered to complete ALL remaining work for FREE in good faith. 5. The homeowner created a secondary contract documenting that he would pay for all materials and subcontractors, and I signed off on every payment, showing good faith and preventing future disputes. 6. Work proceeded for months with no complaints from the homeowner. I completed approximately 95% of the pool construction with the homeowner receiving over \$50,000 worth of work for the cost of materials only. 7. On [date], I sent an email requesting payment for extra concrete work beyond the original agreement (which I had agreed to do for free). 8. Same day, the homeowner fired me without notice and placed my tools outside, clearly retaliating for the payment request. 9. I returned to retrieve my property, which was my legal right. I found missing equipment including a 3-way valve in the empty pool house. 10. I cut MY valve from the pipes (the sawing sound recorded on surveillance) and removed my 3 way valves, leaving the pipes on the ground. I was retrieving my own property with the homeowner's knowledge. 11. The Crown's only evidence is a \$300 plumber receipt for drain cleaning, which was the homeowner's choice to call a plumber. This is not "actual damage" but a service call. 12. Criminal Code s.430(3) requires "actual damage to property of a value exceeding five thousand dollars." Since \$300 does not exceed \$5,000, the charges are mathematically impossible to prove. 13. The homeowner made demonstrably false claims including damage to pool equipment that did not exist on the property. No liner was installed, no pumps or filters were connected, making equipment damage claims physically impossible. 14. The Crown failed to obtain any professional damage assessment despite the legal requirement for charges exceeding \$5,000. No expert witness was retained to assess alleged damage. 15. The surveillance system recorded me for 3 minutes but failed to record the police homeowner conversation that occurred 10+ minutes later on the same motion-activated system. This selective evidence violates my Charter s.7 right to fair trial. 16. The police officer who assessed "over \$5,000 damage" had no construction expertise and no legal authority to make financial damage determinations. This unqualified assessment formed the basis for my arrest. 17. The police arrest was accomplished through deception, with the officer calling to say he "needed to talk" when the actual intention was arrest, violating Charter ss. 9 and 10(a). 18. My current lawyer Laura Joy provided false legal advice stating "criminal cases don't need receipts" and failed to file any Charter motions despite obvious constitutional violations. 19. This represents systematic failure at every level: unqualified police assessment, prosecutorial misconduct proceeding without evidence, and inadequate legal representation. 20. I swear this affidavit is true and I make it knowing that it is of the same force and effect as if made under oath.

BRIEF LEGAL ARGUMENT: Section 430(3) requires damage exceeding \$5,000. Crown has ZERO damage receipts - only \$300 service call where plumber found NO concrete (zero damage). Mathematical impossibility, evidence tampering, prosecutorial misconduct.

TRANSCRIPTS: Trial testimony (false equipment claims), 911 call (tampering gap), surveillance videos..

- Case law or legislation. (Relevant passages should be indicated on materials. Well-known precedents do not need to be filed. Only materials that will be referred to in submissions to the Court should be filed.)
Jurisprudence ou lois. (Les passages pertinents doivent être indiqués dans les documents. Les arrêts bien connus ne doivent pas être déposés. Il ne faut déposer que les documents qui seront mentionnés dans les observations au tribunal.)
- Agreed statement of facts

Exposé conjoint des faits

- Oral testimony (List witnesses to be called at hearing of application)
Témoignage oral (Liste des témoins qui seront appelés à témoigner à l'audience sur la demande)
- PC Phillip Gratton #19407 (investigating officer), PC Sarah Fabiano #19674 (witness officer), Steve Zvaniga (complainant), Hayley Zvaniga (complainant), Laura Joy (former counsel), Crown Attorney assigned to case (prosecutorial misconduct), Station duty officer who authorized arrest, Evidence custodian who handled 911 recording, Digital forensics technician who processed 911 call evidence, Surveillance system custodian (TBD pending seizure), Digital forensics specialist for surveillance system analysis (TBD), Police dispatcher who took original 911 call, Chain of custody officer for all digital evidence**
- Other (Please specify)
Autre (Veuillez préciser)
- Surveillance recordings (8 videos showing accused on property), police reports and statements (PC Gratton #19407, PC Fabiano #19674), termination letter to previous counsel Laura Joy, 911 call recording with 35+ second evidence tampering gap, plumber service receipt showing NO concrete found (zero damage), email correspondence with homeowner, construction photos proving no equipment existed, contract documentation, timeline analysis proving zero actual damage vs. s.430(3) requirement)**

(Date)

Signature of Applicant or Legal Representative / *Signature de l'auteur de la demande ou de son représentant juridique*

To: **200 CHATHAM STREET Windsor, Ontario**

À : *(Name of Respondent or legal representative / Nom de l'intimé ou de son représentant juridique)*

Crown Attorney's Office 200 chatham st Windsor, Ontario N9A 2w3

(Address/fax/email for service / Adresse, numéro de télécopie ou adresse électronique aux fins de signification)

NOTE: Rule 2.1 requires that the application be served on all opposing parties and on any other affected parties.

NOTA : La règle 2.1 exige que la demande soit signifiée à toutes les parties adverses et aux autres parties concernées.