

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 **9AM**
Heure
Courtroom number:
Numéro de la salle d'audience
Court address:
Adresse de la Cour
**200 CHATHAM STREET Windsor, Ontario
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 over \$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 Email: flongo11@gmail.com
- 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. Finding of contempt of court against Crown/Police for failure to preserve evidence as ordered in Emergency Evidence Preservation Order 2. Immediate sanctions against responsible parties for evidence destruction/tampering after court order 3. Adverse inference instruction that destroyed evidence was favorable to accused 4. Independent seizure of all remaining evidence by neutral third party under court supervision 5. Criminal referral for obstruction of justice against parties who destroyed court-ordered evidence preservation

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.")

(Enumérez 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. »)

1. Court-ordered evidence preservation - Emergency Evidence Preservation Order filed requesting surveillance system and 911 call preservation 2. Willful disobedience - Crown/Police failed to comply with court order to preserve evidence 3. Contempt of court - Destruction or tampering with evidence after court order constitutes contempt 4. Obstruction of justice - Deliberate interference with judicial proceedings through evidence destruction 5. Prejudice to accused - Missing evidence denies fair trial and constitutional rights 6. Bad faith conduct - Pattern of evidence tampering shows deliberate obstruction 7. Sanctions required - Court authority must be upheld through immediate penalties 8. Criminal referral necessary - Evidence destruction after court order requires prosecution

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

1. Applicant filed Emergency Evidence Preservation Order requesting immediate preservation of surveillance system and original 911 call recordings 2. Court order specifically demanded preservation of all digital evidence to prevent further tampering 3. Upon inquiry at courthouse, Crown/Police have failed to preserve evidence or provide access as ordered 4. Surveillance system containing crucial 47-minute gap remains unsecured and subject to further tampering 5. Original 911 call recordings have not been independently preserved despite known tampering 6. Failure to comply with court order demonstrates willful contempt of judicial authority 7. Evidence destruction after court order constitutes criminal obstruction of justice 8. Accused's constitutional right to fair trial denied through deliberate evidence destruction 9. Pattern of evidence tampering shows bad faith conduct requiring immediate sanctions 10. Court's authority undermined by parties who ignore judicial orders with impunity Affidavit(s) (List below) 1. Affidavit of Francesco Longo, sworn July 4, 2025

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 expertise4. 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. 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 knowledge11. 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...

- 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)

- 1. Evidence Custodian (regarding failure to preserve court-ordered evidence)**
- 2. Digital Forensics Technician (regarding evidence tampering after court order)**
- 3. Station Duty Officer (regarding surveillance system preservation failure)**
- 4. Crown Attorney (regarding willful disobedience of court order)**
- 5. PC Gratton #19407 (regarding evidence destruction)**
- 6. PC Fabiano #19674 (regarding evidence destruction)**

Other (Please specify)
Autre (Veuillez préciser)

Emergency Evidence Preservation Order (filed), surveillance recordings (missing 47-minute gap), original 911 call recording (tampered), plumber service receipt showing NO damage found, email correspondence documenting evidence requests, court filing receipts proving preservation order was served, timeline analysis proving evidence tampering, Crown disclosure showing incomplete evidence production

**DATED at Windsor, Ontario, this 7 _____
day of JULY 2025**

(Date)

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

To: **Crown Attorney's Office**

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

Crown Attorney's Office 200 CHATHAM STREET Windsor, Ontario N9A2W3

(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.