

ONTARIO SUPERIOR COURT OF JUSTICE

MOTION FOR JUDGMENT WITHOUT HEARING

BETWEEN:

FRANCESCO GIOVANNI LONGO

Applicant

- and -

LEGAL AID ONTARIO

Respondent

MOTION UNDER RULE 2.01 AND RULE 3.02

The Applicant, Francesco Giovanni Longo, moves for an Order pursuant to:

- **Rule 2.01** of the Criminal Proceeding Rules dispensing with a hearing and granting judgment on the papers
 - **Rule 3.02** abridging the 30-day service requirement to permit immediate filing
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GROUNDS FOR THIS MOTION

- NO DISPUTED FACTS

- Applicant applied to Legal Aid Ontario (LAO) in June/July 2025 after terminating private counsel
- LAO has denied funding since application (Client File: CLT 132-5791)
- Applicant is indigent and cannot afford counsel
- **Evidence:** 11 audio recordings of LAO denials (also available in text format), 2 disclosure forms, police reports, RCMP criminal records

- ARRESTED WITH ZERO CHARGES

- May 6, 2021: Applicant voluntarily attended Windsor Police Service
- Detained approximately 45 minutes; handcuffed; officer identity unknown
- Police told him verbally he was charged with "Mischief Over \$5,000" but **no charge written on any paperwork**
- Property Report (May 6, 2021) lists **NO CHARGES**
- **Evidence:** 2 disclosure forms showing contradictions, police reports

- RETROACTIVE CHARGE & 14-MONTH FABRICATION WINDOW

- May 22, 2021 (16 days after arrest): Charge #211549 created retroactively
- **NOT filed in court until 2022** (14 months later)
- During 14 months, they had time to fabricate additional evidence

- **They prosecuted Applicant under Information #21-845**, NOT Charge #211549
- Result: Criminal record; U.S. Green Card denial
- **Evidence:** MCMS 38 (May 22, 2021); court documents showing prosecution under different number
- CASE NUMBER CONFUSION & DISCREPANCIES

Multiple conflicting numbers across documents:

- **21-845** (Information Number) — prosecuted under this
- **21-38605** (Occurrence Number in police reports; listed as **CHARGE** in disclosure forms — **discrepancy**)
- **21-38609** (Occurrence Number — appears in some docs but NOT Windsor Police reports; may be fabricated)
- **94545** (Case Number)
- **211549** (Charge Number — created May 22; filed 14 months later)

This is not Applicant's job as an innocent citizen to investigate. Legal counsel required.

- NO FORMAL DISMISSAL
- Crown email (Sept/Oct 2025): "no active files" (plural)
- **NO written court order** dismissing charges or any case numbers
- **NO CPIC clearance**
- Question: "No active files" — does this mean **inactive files exist**? Why ANY files at all for a man with zero criminal record?

- RCMP CRIMINAL RECORDS & "CONFIDENTIAL" DESIGNATION
- **RCMP created TWO criminal records** for Applicant
- Both state "**FBI**" on documents
- Cover statement marked "**CONFIDENTIAL**"
- **Why is an innocent man with zero charges marked "CONFIDENTIAL"?**
- ONGOING FABRICATION OF EVIDENCE

A. 13 Missing Photographs

- Disclosure: "Photographic: 13" (all erased after emergency preservation request and after Applicant fired lawyer)
- Applicant terrified they will create new charges using these photos
- They have his fingerprints and mugshot when there should be NOTHING

B. Three Contradictory Arrest Narratives

- Narrative #1: Arrested "out in the field"
- Narrative #2: Arrested "inside police station"
- Narrative #3: "Voluntarily walked into police department"
- **All three cannot be true — proves fabrication**

C. Restitution Fraud

- Hayley Zvaniga listed as "Victim #1" in Mischief case
- No dollar amount specified
- Questions: Why restitution in Mischief case? Who is convicted? Who gets the money?

- ONGOING LEGAL DANGER

Without counsel, Applicant faces:

- Risk of **re-filing existing charges** (1 year summary / indefinite indictable)
- Risk of **creation of NEW fabricated charges** (using fingerprints, mugshots, 13 missing photos)
- Cannot defend himself
- LAO denial = Charter breach (ss. 7, 10(b))

- URGENCY

- Imminent eviction risk
- No ability to defend if charges re-filed or newly created
- Every day without counsel = irreparable harm
- No prejudice to LAO (has complete file)
- Vehicle not working; no money for transportation
- "Thank God I defended myself, because they would have gotten away with murder"
- Need money to hire legal attorney who can do this correctly and properly

RELIEF REQUESTED

The Applicant respectfully requests:

- **ORDER** pursuant to Rule 2.01 dispensing with a hearing and granting judgment on the papers within 24 hours
- **ORDER** pursuant to Rule 3.02 abridging time for service to permit filing on January 7, 2026
- **ORDER** compelling Legal Aid Ontario to pay interim damages estimated at **between \$1,500,000 and \$3,915,000** within 24 hours to fund independent counsel
- **ORDER** permitting Applicant to retain **out-of-province independent counsel of his choosing** (NOT LAO counsel)
- **DECLARATION** that charges and all case numbers (21-845, 21-38605, 21-38609, 94545, 211549) were dismissed without written court order or CPIC clearance
- **ORDER** prohibiting re-filing of charges under case numbers 21-845, 21-38605, 21-38609, 94545, 211549 **AND prohibiting creation of NEW fabricated charges** using fingerprints, mugshots, or 13 missing photographs
- **ORDER** requiring Windsor Police Service to provide written CPIC clearance within 7 days confirming **ZERO** active, inactive, or purged records
- **ORDER** requiring explanation of why RCMP created TWO criminal records marked "FBI" and "CONFIDENTIAL" for an innocent man with zero charges
- **DAMAGES** to be determined at trial
- Such further and other relief as this Honourable Court deems just

EVIDENCE

Evidence in support of this motion:

- Affidavit of Francesco Giovanni Longo sworn January ____, 2026
- 11 audio recordings of LAO denials (available in text format)
- 2 disclosure forms showing contradictory arrest narratives and case number discrepancies
- Police reports:
 - Property Report (May 6, 2021): NO CHARGES listed
 - MCMS 38 (May 22, 2021): Charge #211549 created 16 days after arrest
 - Disclosure documents: "Photographic: 13" (all erased)
 - Crown email (Sept/Oct 2025): "no active files" (plural)
 - RCMP criminal records (2 records; "FBI"; "CONFIDENTIAL")
- Exhibit A: LAO STUDY.pdf (55% systemic denial rate)
- Exhibit B: LAO_LEGAL_DUTY_ANALYSIS.md (LAO duty continues until formal dismissal)
- Exhibit C: LAO_LSO_STUDY_SUMMARY_JAN7_2026.md (1 in 10⁸¹ probability; LSO capacity proof)

LEGAL AUTHORITIES

- *R. v. Rowbotham*, [1988] O.J. No. 271 (Ont. C.A.)
 - *Legal Aid Services Act, 1998*, S.O. 1998, c. 26
 - *Canadian Charter of Rights and Freedoms*, ss. 7, 9, 10(b)
 - *Criminal Proceeding Rules*, Rule 2.01, 3.02, 43
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Date: January 7, 2026

Francesco Giovanni Longo

Self-Represented Applicant

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