

Court File No. E /06

SUPERIOR COURT OF JUSTICE
(SOUTHWEST REGION)IN THE MATTER OF a consent to surrender pursuant to section 71 of the *Extradition Act*

BETWEEN:

THE ATTORNEY GENERAL OF CANADA
ON BEHALF OF
THE UNITED STATES OF AMERICA

Applicant

- and -

FRANCESCO GIOVANNI LONGO

Respondent and Person sought for Extradition

CONSENT TO SURRENDER
(Section 71 *Extradition Act*)

1. I am aware that my extradition is sought by the United States of America for conduct that in Canada would correspond to the offence of conspiracy to traffic in a Schedule III substance contrary to the provisions of section 5(1) of the *Controlled Drugs and Substances Act*. I have decided to expedite my return to the United States by consenting to being surrendered.
2. I am aware that, pursuant to s.71(3) of the *Act* the Minister of Justice may, as soon as feasible after receiving my consent to surrender, personally order that I be surrendered to the United States of America.
3. I am aware that as a result of my consenting to being surrendered that I am waiving various provisions of the *Extradition Act* which may have benefited me.

4. I am aware that one of the benefits I'm waiving is a Court hearing pursuant to s.27 of the *Extradition Act*. At this hearing, the United States would have been required to produce admissible evidence of conduct allegedly committed by me that, had it occurred in Canada, would have justified my committal for trial on the offence of conspiracy to traffic in a Schedule III substance contrary to the provisions of section 5(1) of the *Controlled Drugs and Substances Act*. The United States would have also been required to produce admissible evidence that satisfied the Court on the balance of probabilities that I was the person sought by the United States. I am aware that no hearing pursuant to s.27 will be held because I am consenting to being surrendered.

5. In addition, I am aware that the following provisions of the *Extradition Act* will no longer apply to me:

(a) section 43 which gives me the right to make submissions to the Minister as to why I should not be surrendered or surrendered only if assurances of some kind are made;

(b) section 44 which offers various protections to me by prescribing conditions under which the Minister either shall refuse or may refuse to make a surrender order. The text of s.44 is set out below:

s.44.(1) The Minister shall refuse to make a surrender order if the Minister is satisfied that

(a) the surrender would be unjust or oppressive having regard to all the relevant circumstances; or

(b) the request for extradition is made for the purpose of prosecuting or punishing the person by reason of their race, religion, nationality, ethnic origin, language, colour, political opinion, sex, sexual orientation, age, mental or physical disability or status or that the person's position may be prejudiced for any of those reasons.

(2) The Minister may refuse to make a surrender order if the Minister is satisfied that the conduct in respect of

which the request for extradition is made is punishable by death under the laws that apply to the extradition partner.

(c) section 48 which provides that I could be discharged if the Minister decided not to make a surrender order;

(d) section 57 which provides that I could have asked the Court of Appeal to review the Minister's decision to surrender me; and

(e) paragraph 62(1)(a) which provides that ordinarily I could not be surrendered until 30 days after a Court made an order committing me to custody to await surrender.


6. I am waiving the benefits of all of the above provisions in order to expedite my return to the United States of America.

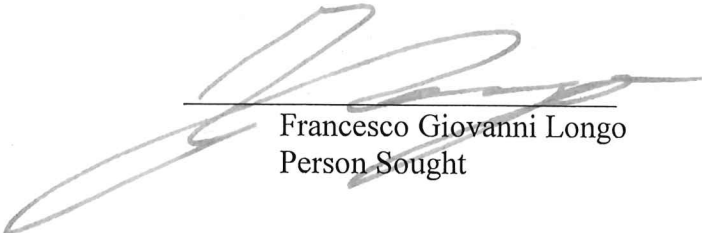
7. I am aware that this Court will issue an order, pursuant to s.71(2)(a) of the *Act*, committing me into custody to await my surrender to the United States of America. I am aware that I will remain in custody until surrendered or discharged according to law.

8. I have been advised that if I consent to being surrendered pursuant to s.71(1) of the *Extradition Act* that I will still receive the benefit of specialty.

9. I consent to being surrendered to the United States of America pursuant to s.71(1) of the *Extradition Act*.

LEWINDSCOTT
Dated at Toronto, in the Province of Ontario, this 27th day of April, 2006.


Counsel for the Person Sought


Francesco Giovanni Longo
Person Sought

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