Form 1
NOTICE OF APPLICATION

(*Criminal Proceedings Rules*)

ONTARIO
SUPERIOR COURT OF JUSTICE

Toronto
Region

Unknown, to be provided by the Originating Courthouse at the Originating Court Office or 457197 (Year 2024)
Court File No. (if known)

BETWEEN:

HIS MAJESTY THE KING

respondent

- and -

Mr. Kevin A. McLean (BA, JD, CIM)
(specify name of accused)

applicant

TAKE NOTICE that an application will be brought on **Friday** day, the **19th** day of **June** (specify month), 20 **26** , at **50 Eagle Street West, Newmarket, ON L3Y 6B1** (specify address of court house)

for an order granting
(set out relief sought)

(please see: Schedule "A"

THE GROUNDS FOR THIS APPLICATION ARE:

1. That **See: Schedule "A"**
2. That **See: Schedule "A"**
3. Such further and other grounds as counsel may advise and this Honourable Court may permit.

IN SUPPORT OF THIS APPLICATION, THE APPLICANT RELIES UPON THE FOLLOWING:
(set out documents such as transcripts, etc. upon which the Applicant relies)

(see: Schedule "A")

(evidence)

THE RELIEF SOUGHT IS:

1. An Order allowing the application and granting
   (indicate particular relief sought)

   This Form 1 Notice of Application and Form 5 NOA and Constitutional Issue along with any motions herein (see: Schedule A)

By virtue of subrule 43.03(3) of the Criminal Proceedings Rules for the Superior Court of Justice (Ontario), you are, upon receiving this notice, to return forthwith to the clerk of the court at the place where the application is returnable true copies of the conviction (or as the case may be) herein referred to, together with true copies of the indictment, information, exhibits and papers or other documents touching the matter, as fully and as entirely as they remain in your custody, together with this notice and the certificate prescribed in the said rule.

Dated this 29th day of April 2026

Mr. Kevin A. McLean (BA, JD, CIM)
Self-represented (Pro Se)

To:

Ms. Monica Simion
Manager of Court Operations
SCJ 361 University Courthouse, Floor 1, Toronto, Ontario, M5G 1T3

Rule 43.03 required Certification by Manager of Court Operations at SCJ 361 University Courthouse (Floor 1)

Pursuant to the accompanying notice I herewith return to this Honourable Court the following:
True copies of:
(1) the information;
(2) the conviction (or as the case may be);
(3) the exhibits, if capable of reproduction and relevant to the matters in question; and,
(4) any other papers or documents touching the matter, if capable of reproduction and relevant to the matters in question.

And I hereby certify to this Honourable Court that I have above truly set forth all exhibits, papers, and documents in my custody or power relating to the matter set forth in the said notice of application.

____
Signature and Certification

Date: __________

Manager of Court Operations at SCJ 361 University Avenue Courthouse
1st Floor
Toronto, Ontario
M5G 1T3

THE APPLICANT MAY BE SERVED WITH DOCUMENTS PERTINENT TO THIS APPLICATION

1. By service in accordance with rule 5, through
(specify address, telephone number and email)

Phone number: (647) 370-9354
Fax: 416.981.7117
Email: mcleansettlement@gmail.com and any other dedicated email (in lieu of the former or by addition) so provided

DATED at **Toronto**, Ontario, this **29th** day of **April**, 20 **26**

Signature of applicant or counsel

Mr. Kevin A. McLean (BA, JD, CIM)
Phone number:
Fax: 416.981.7117
Email: mcleansettlement@gmail.com and any other dedicated email (in lieu of the former or by addition) so provided
(set out name and address, as well as telephone number and email)

SCHEDULE "A"

FOR ORDERS GRANTING AND RELIEF SOUGHT IS:

The Applicant respectfully seeks the pronouncement of the following extraordinary remedies, declaratory judgments, and prerogative orders in allowing the Form 1 Notice of Application and Form 5 Notice of Application and Constitutional Issues:

NUNC PRO TUNC RELIEF

I. An order is respectfully sought directing that any and all pronouncements, decrees, or orders rendered herein be granted *Nunc pro tunc* (the "***Nunc pro tunc* Relief**"), thereby ensuring that the restorative judicial effects are applied retroactively to the inception of the procedural malfeasance that initially materialized on September 23, 2024;[i]

LENGTHENING OF TEMPORAL PARAMETERS

II. An order is sought decreeing that any statutory or procedural temporal limitation required to be protracted in the paramount interests of justice be, and is hereby, lengthened; [ii]

RECUSAL OF ANY JUDGE IN THE TORONTO REGION SCJ INCLUSIVE OF THE HONOURABLE CHIEF JUSTICE MORAWETZ AND THE ACJ MADAM JUSTICE MCWATT

III. An order that restraining and prohibiting any judge in the Toronto Region of the SCJ from any involvement, indirectly or directly in this Criminal Proceeding and in any hearing of any Application, motion or otherwise;

COURT DOCUMENTS AND THE REQUISITE FILING THEREOF

SUBSERVIENCE TO RULE 4.02(D) OF THE CRIMINAL PROCEEDINGS RULES

IV. A declaratory pronouncement is sought establishing that the underlying matter (the "**Criminal Proceeding**") was officially commenced at the precise temporal juncture when the undisclosed law enforcement officer, presumably Detective Abdulhameed K. Virani, submitted the requisite information pursuant to form 2 of the *Criminal Code*, RSC 1985, c C-46 (the "**Criminal Code**"), whether in a previously declared state or presented to be sworn before a jurist of the Superior Court of Justice, and was subsequently so sworn within the precinct of the court office situated at the Superior Court of Justice located at 361 University Avenue, specifically within the designated family court repository (the "**Family Court Office**");

V. A **Declaration** is sought affirming that the **Criminal Proceeding**, comprehensively subsuming any trial, application, appeal, or ancillary hearing—inclusive of any *ex parte* proceedings conducted *in camera*—was formally commenced within the jurisdictional locus of the Superior Court of Justice at 361 University Avenue, explicitly upon the primary level thereof;

VI. A **Declaration** is sought establishing that the **Intake Court Endorsement**, dated September 23, 2024, was ostensibly issued by the clerk of the court functioning at the Superior Court of Justice, 361 University Avenue, albeit entrenched within a record that is compulsorily required to be produced by the manager of court operations corresponding to the aforementioned primary level of the judicial facility;

STRICT ADHERENCE TO RULE 4.05(1) OF THE CRIMINAL PROCEEDINGS RULES CONCERNING THE PRESCRIBED LOCUS OF FILING

VII. A **Declaration** is sought asserting that, predicated upon the statutory imperative that all documentation must be filed electronically via electronic mail within the specific court office wherein the proceeding was initially commenced—saving and excepting documents submitted *in limine* during a hearing or where the *Criminal Proceedings Rules for the Superior Court of Justice (Ontario)* (the "*Criminal Proceedings Rules*") explicitly dictate otherwise, which they demonstrably do not—the applicant, the respondents, the Attorney General of Ontario, and the Attorney General of Canada are invariably compelled to submit any and all requisite filings exclusively to the court office situated on the primary echelon of the Superior Court of Justice at 361 University Avenue;

INFORMATIONS, INDICTMENTS, AND THE REQUISITE JURISDICTIONAL CERTIFICATION

VIII. A declaratory judgment is sought confirming that the legal construct of an indictment inherently subsumes informations, and that such charging documents were mandatorily required to be transmitted to the Superior Court of Justice via electronic mail;

IX. An order is sought compelling the specific court office where this **Criminal Proceeding** was commenced to transmit the complete evidentiary and procedural compendium to the corresponding court office designated to adjudicate the **Form 1 Notice of Application** and the attendant notice of constitutional question in form 5 (the "**Form 5 Notice of Constitutional Question**"), being the Superior Court of Justice at 361 University Avenue, in strict accordance with the mechanisms prescribed by *rule 43.03* of the *Criminal Proceeding Rules*

SERVICE PROTOCOLS AND THE JURISPRUDENTIAL IMPLICATIONS OF THE SEPTEMBER 23, 2024 ENDORSEMENT

APPLICATION OF RULE 5.01 PERTAINING TO NON-PERSONAL SERVICE AND ANCILLARY MATTERS

X. A **Declaration** is sought stipulating that the **Form 1 Notice of Application** encapsulates prayers for relief historically subsumed under the royal prerogative writs, definitively including *mandamus*, *certiorari*, and *prohibition*, and that said document was effectuated upon the Superior Court of Justice at 361 University Avenue, specifically targeting the primary floor court office, and upon the Honourable Madam Justice Shore on or subsequent to Monday, March 16, 2026;

XI. A **Declaration** is sought conclusively resolving that the **Intake Court Endorsement** does not constitute a validly articulated order pursuant to the strictures of the *Criminal Code* or the *Criminal Proceedings Rules*;

XII. A **Declaration** is sought asserting that the *Criminal Proceedings Rules* must not operate *ultra vires* or in contradistinction to the substantive provisions of the *Criminal Code*, and that the categorization of an order must perpetually remain harmonized with the established judicial interpretation governing the parameters of an order within the corpus of criminal jurisprudence;

XIII. A **Declaration** is sought establishing that the **Intake Court Endorsement** constitutes, at its zenith, a mere administrative determination, or, at its nadir, an absolute nullity rendered *void ab initio*. It represents nothing more than the *acta* of the Honourable Madam Justice Shore executed under the doctrine of *factum a judice, quod ad officium jure non pertinet, ratum non est*, thereby rendering the appearances before her irrevocably *coram non judice*;

XIV. A **Declaration** is sought emphasizing that any formulation or issuance of the **Intake Court Endorsement** was inherently *factum a judice, quod ad officium jure non pertinet, ratum non est* concerning the presiding jurist of the Superior Court of Justice. The jurist, despite possessing superior court of criminal jurisdiction, remained inextricably bound by the statutory confines of the *Criminal Code* and the *Criminal Proceedings Rules*, thereby rendering the specific segment of the *ex parte in camera* proceeding wherein such acts were consummated as entirely *coram non judice*, predominantly because the resultant instrument is not one that a jurist of the Superior Court of Justice is legally empowered to issue at that nascent phase of a criminal prosecution;

XV. A **Declaration** is sought affirming that the manager of court operations stationed at the Superior Court of Justice at 361 University Avenue was duly served with a meticulously reproduced copy of the **Form 1 Notice of Application** on March 16, 2026, or immediately thereafter, accomplished by means of postal transmission and/or by depositing a copy with the individual exercising supervisory control over the court office situated on the primary level, in precise compliance with *rule 5.01(3)* of the *Criminal Proceedings Rules*;

XVI. A **Declaration** is sought asserting that while the service effectuated upon the manager of court operations by means of depositing the document at the corresponding court office on the primary floor of the Superior Court of Justice satisfies the minimal requirements for service, the distinct obligation to file the documentation with the specific court office wherein the **Criminal Proceeding** was inaugurated strictly necessitates electronic filing via email, directed specifically to the designated functionary, notably Ms. Monica Simion.

APPLICATION OF RULE 5.02

XVII. A **Declaration** is sought confirming that the Honourable Madam Justice Shore was personally served, in rigorous adherence to *rule 5.02(1)(c)* of the *Criminal Proceedings Rules*, by means of depositing the **Form 1 Notice of Application** with the individual exercising authority over the court office located within the precise geographic locus where the purported adjudication was manifested;

XVIII. A **Declaration** is sought differentiating, as a matter of established legal doctrine, the physical court office where an adjudication is formalized from the localized ether where a corresponding warrant, order, determination, direction, or endorsement is conceptually or administratively formulated;

XIX. A **Declaration** is sought positing that, while it remains an axiomatic requirement that all orders be formally endorsed, the converse proposition is jurisprudentially fallacious; thus, it is self-evident that not all endorsements can be elevated to the legal stature of an order.

ADHERENCE TO RULE 6 OF THE CRIMINAL PROCEEDINGS RULES

XX. A **Declaration** is sought codifying the principle that the commencement of a **Form 1 Notice of Application** is fundamentally distinct and severable from the commencement of a substantive criminal proceeding. This delineation is reinforced by the jurisprudential framework established in *R. v. Awad*, 2010 ONSC 1523 at para 45, 98 OR (3d) 314 (the "*Awad Decision*"). In the *Awad Decision*, the court affirmed that applications seeking prerogative relief or raising collateral constitutional issues operate upon an independent procedural trajectory, thereby necessitating that the procedural apparatus of the application not be entirely subsumed by the primary prosecutorial mechanisms. Applying this legal doctrine to the extant factual matrix, it becomes self-evident that the initiation of the **Form 1 Notice of Application** did not trigger the broader procedural mechanisms associated with the substantive criminal trial; thus, *prima facie*, the foundational mechanism of commencing an application cannot be legally conflated with the swearing of an information;

XXI. A **Declaration** is sought dictating that, as the **Criminal Proceeding** was indisputably commenced through the solemn swearing or affirmation of the information in form 2 under the *Criminal Code*, or alternatively by the execution and submission of an indictment in form 4 under the *Criminal Code*, directly to the Superior Court of Justice at 361 University Avenue, the foundational requisites of commencement have been strictly satisfied;

XXII. A **Declaration** is sought confirming that, as an immutable consequence of the foregoing commencement protocols, *rules 6.01* through *6.11* of the *Criminal Proceedings Rules* are entirely inapplicable to this **Criminal Proceeding**, given that it was inaugurated before the Superior Court of Justice exclusively by the swearing of the information or the laying of the indictment before a jurist of the Superior Court of Justice.

IMPLICATIONS OF RULE 9 OF THE CRIMINAL PROCEEDINGS RULES

XXIII. A **Declaration** is sought resolving that the purported intake court endorsement, and unequivocally the specific **Intake Court Endorsement** dated September 23, 2024, demonstrably failed to achieve compliance with the rigorous strictures embedded within *rule 9.01* of the *Criminal Proceedings Rules*;

JURISDICTIONAL CONTOURS UNDER RULE 43 OF THE CRIMINAL PROCEEDINGS RULES

XXIV. A **Declaration** is sought affirming that the specific administrative determination to which this supervisory application is irrevocably tethered is the **Intake Court Endorsement**;

XXV. A **Declaration** is sought affirming that the manager of court operations stationed at the Superior Court of Justice at 361 University Avenue was duly served on or immediately succeeding March 16, 2026;

XXVI. A **Declaration** is sought asserting that the applicant, by serving the **Form 1 Notice of Application** complete with the embedded endorsement dated April 29, 2026, formulated in precise conformity with *rule 43.03(2)* of the *Criminal Proceedings Rules*, completely discharged the obligation to execute service upon the manager of court operations at the Superior Court of Justice;

XXVII. A **Declaration** is sought mandating that the manager of court operations at the Superior Court of Justice was legally compelled to forthwith transmit the entirety of the documentation, physical papers, exhibits, and corollary materials to the clerk of the court situated in courtroom 241 at the Superior Court of Justice without delay;

XXVIII. A **Declaration** is sought stipulating that the applicant is not fettered by the thirty-day limitation period enumerated within *rule 43.04(1)* of the *Criminal Proceedings Rules*, fundamentally because the **Intake Court Endorsement** does not ascend to the requisite legal standard of an order. An ancillary order is sought declaring that any such thirty-day limitation period would only forcefully commence upon the unredacted production of the endorsement to the applicant and to the honourable court where the **Form 1 Notice of Application** is definitively returnable;

XXIX. An order is sought dictating that the **Form 1 Notice of Application** shall be made returnable precisely thirty days subsequent to the date upon which the applicant perfects personal service upon all strictly relevant individuals, judicial officers, and entities, coupled with the requisite filing of two duplicate copies bearing irrefutable proof of service with the clerk of the court tasked with adjudicating the application, executed only after the foundational filing within the court office where the **Criminal Proceeding** was originally commenced.

THE PROPER RETURNABLE FORUM BEFORE THE CLERK OF THE COURT

XXXII. A **Declaration** is sought pronouncing that the **Form 1 Notice of Application** and the **Form 5 Notice of Constitutional Question** are strictly returnable to the clerk of the court officiating at the “Court Office” denoted in the Form 1 Application which is

EXTRAORDINARY REMEDIES BY WAY OF THE PREROGATIVE WRITS

XXXIII. An order in the unalloyed nature of *certiorari* is sought, forcefully quashing, vitiating, or otherwise setting aside the certified true copy of the information and/or the indictment, as the specific procedural posture may dictate, particularly as it is to be returned forthwith by the manager of court operations to the criminal division of the Superior Court of Justice at 361 University Avenue.
XXXIV. An order in the nature of *certiorari* is further sought, quashing, nullifying, and comprehensively setting aside the **Intake Court Endorsement**, compelling its immediate return by the manager of court operations to the criminal registry of the Superior Court of Justice; and
XXXV. Concomitant orders in the nature of *mandamus* are sought, strictly directed toward any designated individual or functionary situated within the executive branch of the state who remains encumbered by non-discretionary, executory, and ministerial duties, yet who has demonstrably failed to execute or enforce such binding obligations.

CONSTITUTIONAL REMEDIES AND RELIEF PURSUANT TO THE CANADIAN CHARTER OF RIGHTS AND FREEDOMS

XXXVI. Comprehensive orders and **Declaration**s are sought, as intricately particularized within the applicant's **Form 5 Notice of Constitutional Question** issued pursuant to the *Criminal Proceedings Rules*, which is mandated to be formally delivered, served, and perfected within the specific court office where the **Criminal Proceeding** was formally inaugurated.

THE SUPREMACY OF STATUTORY CODIFICATION OVER ADMINISTRATIVE DIRECTIVES

XXXVII. A **Declaration** is sought firmly establishing that administrative practice directions, regardless of their source, do not coalesce into substantive source law *per se*, and remain perpetually subordinate to the legislative supremacy of the *Criminal Code* and the strict regulatory framework of the *Criminal Proceedings Rules*.

COSTS

XXXVIII. An order is sought directing the immediate payment of substantial indemnity costs, to be awarded unequivocally in favour of the applicant.

INTEREST

XXXIX. An order is sought demanding the rigorous application of pre-judgment and post-judgment interest in relation to any and all monetary restitution awarded herein, calculated strictly in accordance with the prevailing statutory instruments.

THE GROUNDS FOR THIS APPLICATION ARE:

VOLUME 1 — OVERVIEW

COMMENCEMENT OF CRIMINAL PROCEEDINGS AND THE ISSUANCE OF PROCESS

1. Criminal proceedings are formally initiated upon the swearing of an information (the "**Information**") before a judicial officer holding competent jurisdiction within the province; such presiding officers encompass a justice of the peace (the "**Justice of the Peace**"), a judge of the ontario court of justice (the "**Provincial Court Judge**"), or a judge of the superior court of criminal jurisdiction (the "**Superior Court Judge**"), as delineated strictly within the definitions enumerated in the *Criminal Code*, RSC 1985, c C-46 (the "*Criminal Code*"). Within the provincial jurisdiction of Ontario, a Superior Court Judge fundamentally incorporates the judiciary presiding over the section 96 tribunals, explicitly referencing section 96 of the *Constitution Act, 1867* (UK), 30 & 31 Vict, c 3, reprinted in RSC 1985, Appendix II, No 5, alongside the justices of the Court of Appeal for Ontario.

2. The solemn swearing of an Information operates to commence criminal proceedings against an accused individual, a jurisprudential principle affirmed comprehensively in *R v Awad*, 2014 NSSC 44 (*the "Awad Decision"*), *R v Pardo*, 1990 CanLII 10957 (QC CA) (*the "Pardo Decision"*), and *R v McHale*, 2010 ONCA 361 (*the "McHale Decision"*), wherein the respective appellate authorities articulated unequivocally that the formal laying or receipt of an Information constitutes the foundational commencement of such proceedings. Antecedent to the contemporary implementation of the declarative process for a form 2 information (the "**Form 2 Information**"), which accommodates execution via traditional, electronic, or digital signatures, the swearing of said document was strictly necessitated to occur in the physical or constructive presence of a Justice of the Peace, a Provincial Court Judge, or a Superior Court Judge.

3. The formal commencement of proceedings operates independently from, and does not strictly necessitate, the concomitant issuance of judicial process (the "**Judicial Process**"), which traditionally manifests as either a summons (the "**Summons**") or a warrant for arrest (the "**Arrest Warrant**"). This distinction was definitively elucidated by the British Columbia Court of Appeal in *Davidson v British Columbia (Attorney General)*, 2006 BCCA 447, 214 CCC (3d) 373 (*the "Davidson Decision"*), at paragraph 66 per Madam Justice Levine, establishing

that the initiation of the prosecutorial machinery is distinctly severable from the mechanisms deployed to compel the attendance of the accused.

4. Concerning the appellate authority established in the *McHale Decision*, the Honourable Justice Watt, writing for the unanimous panel, observed at paragraph 86 that the *Criminal Code* provides no explicit statutory definition for the terminology "proceedings" as it is utilized within section 579(1) or subsequent provisions. The judiciary has historically construed the phrase "at any time after any proceedings in relation to an accused... are commenced" to signify any temporal point succeeding the laying of an Information, a doctrine heavily supported by the jurisprudence in *Campbell v Attorney-General of Ontario*, 1987 CanLII 4268 (ON SC), 58 OR (2d) 209 (HCJ) (*the "Campbell Trial Decision"*) at page 220, affirmed in *R v Campbell*, 1987 CanLII 4333 (ON CA), 60 OR (2d) 617 (*the "Campbell Appellate Decision"*), alongside *R v Wren*, [1987] BCJ No 1336 (CA) (*the "Wren Decision"*), and the *Pardo Decision* at pages 373-374. Consequently, a logical syllogism dictates that the laying or receipt of an Information falls squarely within the ambit of proceedings in relation to an accused, an extrapolation equally applicable to a pre-enquete, which constitutes a judicial proceeding designed specifically to ascertain whether Judicial Process ought properly to issue.

5. By logical corollary and strict statutory interpretation, an individual is not categorized jurisprudentially as an accused until such time as formal charges have been lawfully laid. An individual crystallizes into an accused precisely upon the laying of charges, effectuated either by a Form 2 Information or an indictment (the "**Indictment**"), as articulated in the *Pardo Decision*, wherein the appellate tribunal confirmed that an individual becomes an accused contemporaneous with the laying of the Information, thereby marking the commencement of proceedings; a principle further consolidated in the *Campbell Appellate Decision*.

THE IMPERATIVE INTEGRITY OF THE JUDICIAL SYSTEM AND THE DOCTRINE OF ABSOLUTE NULLITY

6. The foundational integrity of the Canadian justice system is unequivocally contingent upon the unbroken chain of custody of sworn and subscribed documentation, the rigorous adherence to statutory forms governing the deprivation of liberty, and the unassailable impartiality of the adjudicative body. When these fundamental constitutional pillars are circumvented—whether consequence of egregious administrative incompetence or

deliberate obfuscation effectuated by pre-existing conflicts of interest—the resultant judicial actions transcend mere curable administrative irregularities or voidable errors; rather, they are classified categorically as absolute nullities *ab initio*, devoid of any legal force or effect from their very inception.

7. Within the historical jurisprudence of this jurisdiction, there exist exceedingly rare instances wherein law enforcement personnel have engaged in the swearing of fabricated informations, the manipulation and backdating of records, and the outright forgery of citizens' signatures concerning the relinquishment of firearms. Precedent reveals an exceptionally limited compendium of reported decisions—specifically, merely five documented instances—that approximate the severity of the fabricated documentation compilation (the "**False Information Package**") purported to have been filed by the Toronto Police Service at the Ontario Court of Justice facility located at 10 Armoury Street.

8. The taxonomy of document fabrication within the criminal justice apparatus can be stratified into three distinct classifications based upon the mechanism of action, judicial interaction, and systemic impact. First, subfacial fabrication, or procedural forgery, materializes when a state agent drafts a Form 2 Information or an information to obtain (the "**Information to Obtain**") containing deliberately fabricated, misleading, or heavily sanitized factual assertions, subsequently presenting the document to a genuine judicial officer who is thereby deceived into issuing a facially valid but constitutionally defective warrant. This mechanism implicates statutory offences including perjury, contrary to section 131 of the *Criminal Code*, fabricating evidence under section 137, and obstructing justice under section 139.

9. Second, absolute fabrication, or judicial forgery, represents the complete usurpation of the judicial function. This egregious transgression occurs when a law enforcement officer fabricates a judicial authorization *ex nihilo*, forging the judicial signature or illicitly utilizing the physical or digital imprimatur of a judicial officer, thereby bypassing the adjudicator entirely. Such actions constitute forgery under section 366 of the *Criminal Code*, uttering a forged document under section 368, and personating a public officer under section 130, weaponizing the presumption of regularity against third parties who rely upon the document's apparent authority.

10. Third, administrative and civil forgery involves the falsification of civilian signatures on administrative policing forms or the exploitation of law enforcement status to manipulate private legal instruments. While this category frequently bypasses the criminal tribunals, it profoundly subverts administrative and civil processes, eroding public

confidence and implicating offences such as breach of trust by a public officer pursuant to section 122 of the *Criminal Code*.

11. The paramount illustration of absolute judicial forgery in contemporary Canadian policing materialized within the Service de police de la Ville de Montréal during the pursuit of a notorious organized crime affiliate, documented comprehensively in *Silva v R*, 2021 QCCS 4627 (*the "Silva Trial Decision"*), and *Police Ethics Commissioner v Joly-Tessier*, 2024 QCTADP 49 (*the "Joly-Tessier Tribunal Decision"*). In that proceeding, an investigator misappropriated a justice's official stamp to fabricate a false judicial authorization (the "**Fausse Autorisation Judiciaire**"), completely bypassing judicial oversight. The tribunal observed that such actions profoundly jeopardize the separation of powers and the integrity of the justice system, emphasizing that society cannot tolerate law enforcement officers generating counterfeit court orders autonomously, notwithstanding the exigencies of a complex investigation. Applying this doctrine to the present circumstances, the utilization of an unauthorized and fabricated document analogous to a **Fausse Autorisation Judiciaire** necessitates a complete stay of proceedings, as the usurpation of the judicial function by state agents offends the fundamental principles of justice and extinguishes the jurisdiction of the tribunal *in limine*.

12. Furthermore, the jurisprudence addressing administrative forgery by law enforcement is elucidated in the matter of Constable Darren Smith of the Hamilton Police Service (*the "Smith Prosecution"*), who was prosecuted criminally for forging civilian signatures on firearms surrender waivers to bypass procedural prerequisites. In that instance, despite the absence of financial remuneration and the motivation being grounded in administrative convenience, the conduct resulted in a criminal conviction for forgery, establishing that the falsification of legal instruments by state agents constitutes a severe breach of trust. Applying the legal principles derived from the *Smith Prosecution* to the factual matrix at bar, the deliberate fabrication of the Form 2 Information and the associated endorsement demonstrates a corresponding, albeit exponentially more severe, manifestation of documentary forgery. When state actors fabricate foundational jurisdictional instruments, the resulting prejudice transcends mere administrative irregularity; it vitiates the entire prosecutorial foundation, rendering the subsequent deprivation of liberty an arbitrary and unconstitutional detention, and mandating the nullification of the proceedings *ab initio*.

13. Notwithstanding the aforementioned precedents concerning subfacial and administrative manipulation, the jurisprudential history of this nation remains devoid of any parallel to the outright falsification of a Form 2

Information combined with a fabricated initial warrant—historically delineated as a warrant in the first instance, adopting the nomenclature from the Ministry of the Attorney General Court Services Division Information Access Guide (2019)—until the manifestation of the present proceedings.

JURISDICTIONAL FAILURES AND THE FABRICATION OF THE IMPUGNED ENDORSEMENT

14. The present application delineates a cascading sequence of jurisdictional failures, absolute administrative nullities, unremedied procedural irregularities, and severe forensic anomalies that collectively render the criminal proceeding instituted against the applicant (the "**Applicant**") an absolute nullity *ab initio*. The impugned instrument, styled ostensibly as an intake court endorsement dated the twenty-third of September, 2024 (the "**Impugned Endorsement**"), possesses absolutely no legal characteristic commensurate with a form 7 warrant (the "**Form 7 Warrant**").

15. The Impugned Endorsement is fundamentally devoid of the essential prerequisites characterising a Form 2 Information, fails to qualify as a legitimate judicial order, and constitutes no recognized species of criminal process—whether through the lawful swearing or **Declaration** of an Information or the execution of a Form 4 Indictment by the Attorney General, as contemplated within the definitions articulated in section 2 of the *Criminal Code*. Consequently, the instrument is entirely unrecognizable under the *Criminal Code*, the *Criminal Proceedings Rules for the Superior Court of Justice (Ontario)*, SI/2012-7 (the "*Criminal Proceedings Rules*"), or any lawfully sanctioned intake architecture operating within the Province of Ontario.

16. The origination of the Impugned Endorsement implicates a judicial officer harbouring an established, demonstrable, and deeply entrenched animus toward the Applicant, originating near the temporal juncture of the Applicant's arrival in the jurisdiction of Ontario in April 2018. This profound adversarial predisposition stems from the judicial officer's antecedent capacity as legal counsel representing a litigant (the "**Epstein Cole LLP Client**") during contentious matrimonial proceedings against the Applicant's former romantic partner, who subsequently transitioned into a common-law spousal relationship with the Applicant, thereby establishing an indisputable and enduring conflict of interest.

17. Forensic tracing establishes incontrovertibly that the Impugned Endorsement originated within the first-floor family law registry of the Superior Court of Justice, situated at 361 University Avenue, Toronto (the "**Family Law Registry**"). The Family Law Registry is exclusively vested with administrative jurisdiction pertaining to familial litigation; it possesses absolutely no criminal jurisdiction, maintains no statutory authority to issue criminal processes, and lacks any legislative mandate to administer criminal intake procedures. The utilization of a family-law administrative registry to generate an instrument compelling criminal arrest is unequivocally *ultra vires*, constitutionally corrosive, and irreconcilably incompatible with the open court principle.

18. The foundational architecture of the criminal justice system mandates unequivocally that criminal proceedings within Ontario must commence exclusively within the Ontario Court of Justice, and criminal warrants must be promulgated solely by a Justice of the Peace or a Provincial Court Judge exercising explicit criminal jurisdiction. The diversion of a criminal Information through the Family Law Registry constitutes a structural impossibility within the statutorily prescribed criminal justice framework, operating as a deliberate jurisdictional bypass of the legislated intake architecture.

19. With the benefit of hindsight, the connection between Madam Justice Shore and Chief Justice Morawetz became obvious in that by the Chief Justice Morawetz authorizing an INTAKE COURT ENDORSEMENT (SEPT 23 2024), it also required the blessing of a "Court Office" but without a filing of the Criminal Code Form 2 or the Criminal Code Form 4, it was an "off the books" type exercise.

20. The subsequent apprehension and ensuing custodial detention of the Applicant were predicated entirely upon this legally unauthorized and fabricated instrument. The Impugned Endorsement is entirely bereft of the statutorily mandated indicia defining a lawful warrant: it conspicuously lacks a Form 7 designation, contains no explicit directive commanding peace officers, omits the requisite offence particulars, fails to articulate the statutory grounds for issuance, provides no geographical parameters for execution, and features no verifiable or authenticated judicial signature. In both substance and form, the instrument manifests as an unequivocally false document.

21. Comprehensive forensic analysis substantiates that the Impugned Endorsement was generated utilizing GrapeCity Documents for PDF 6.0.2.0, an automated software development kit that is categorically unutilized by any judicial registry within the Province of Ontario. The constellation of metadata anomalies, anchor-point deviations, typographical font transitions, and footer corruptions intrinsically confirms extensive post-production digital

manipulation. Such forensic irregularities are fundamentally irreconcilable with any authentic documentation promulgated by a designated court of record.

SPOLIATION OF JUDICIAL ACTA AND THE SUBVERSION OF THE INTAKE ARCHITECTURE

22. The documentary evidence reveals that the sworn Information ostensibly reviewed by the authorizing justice—specifically, Madam Justice Shore (the "**Swearing Justice**")—was subjected to material and unlawful alteration subsequent to the administration of the judicial oath. The third page of the five-page composite, which natively contained the critical jurat, the prosecutorial election, and the judicial confirmation blocks, was systematically excised and substituted with the Impugned Endorsement. This deliberate manipulation constitutes an egregious spoliation of sworn judicial *acta*. Invoking the evidentiary doctrine of *omnia praesumuntur contra spoliatorem*, this Honourable Court is legally obligated to infer that the destroyed or removed documentation contained evidentiary material directly adverse to the interests of the state apparatus.

23. Inquiries directed to the established criminal registries corroborate the complete absence of any legitimate intake procedure. The criminal administrative office of the Superior Court of Justice affirmatively certified the non-existence of any Form 2 Information, Indictment, or warrant pertaining to the Applicant. Similarly, the administrative registry for the Central West Region, specifically the Ontario Court of Justice situated in Brampton, confirmed an identical absence of any such filings. Furthermore, legal counsel acting on behalf of the Ministry of the Attorney General explicitly conceded that no such documentary filing ever transpired between the months of August and October 2024. As the Ontario Court of Justice facility at 10 Armoury Street did not function as the originating jurisdiction, it possessed no duplicate of the documentation, notwithstanding its purported, yet legally defective, designation as a transferee courthouse spanning distinct territorial divisions, contrary to the definitions articulated within the *Criminal Code*.

24. Consequently, the solitary administrative repository maintaining custody and control over the Impugned Endorsement is the Family Law Registry, thereby irrevocably solidifying its unauthorized, non-criminal genesis. Crown counsel's explicit admission acknowledging the absolute failure to properly file a Form 2 Information

between August and October 2024 is legally fatal; absent the formal filing of an Information, no criminal proceeding can lawfully exist or be sustained *in limine*.

25. The protracted temporal lacuna of six weeks separating the initial apprehension of the Applicant on the second of October, 2024, and the inaugural judicial appearance on the thirteenth of November, 2024, precipitated an unconstitutional procedural vacuum. During this extended interval, law enforcement maintained exclusive, unregulated custody of the purported Information, possessing unfettered opportunity to alter, substitute, or meticulously fabricate the constituent pages. This delay transcends mere administrative inadvertence; rather, it constitutes the precise temporal window systematically exploited to effectuate the spoliation of the judicial record.

STATUTORY IMPERMEABILITY AND THE APPREHENSION OF BIAS

26. Should the prosecutorial authority attempt to invoke section 599 of the *Criminal Code* to retroactively legitimize the irregular geographic and institutional routing of the Information, such an assertion remains jurisprudentially impossible. The applicability of section 599 is strictly delineated to judicial venues before which an accused is or may be indicted. Given the prosecutorial election to proceed via summary conviction, the matter is categorically precluded from resulting in an Indictment. Consequently, section 599 is statutorily impermeable and fundamentally incapable of curing a foundational, intake-level jurisdictional defect.

27. The deprivation of the Applicant's liberty was further contaminated by a profound and unmitigated conflict of interest. The Swearing Justice had previously operated as senior litigation counsel at a law firm representing a profoundly adverse litigant against the Applicant within the context of highly contentious civil litigation. The deliberate failure to disclose this antecedent adversarial relationship, synergized with the demonstrably irregular forum-shopping executed to procure a warrant through the Family Law Registry, engenders an overwhelming and objective reasonable apprehension of bias, representing a severe contravention of the *Ethical Principles for Judges*.

CUMULATIVE SUBVERSION OF THE RULE OF LAW AND REQUESTED RELIEF

28. The cumulative amalgamation of these profound jurisdictional and procedural transgressions—encompassing the *ultra vires* issuance of a family-law endorsement masquerading as a criminal warrant, the deliberate spoliation of the Form 2 Information jurat, the forensic fabrication of a digital signature, the intentional circumvention of the

electronic intake architecture, the undisclosed conflict of interest, and the absolute failure to formally file the foundational Information—fundamentally shocks the conscience of this Honourable Court and unequivocally undermines public confidence in the administration of justice. These actions do not represent mere administrative infelicities; they constitute a systemic and deliberate circumvention of the rule of law.

29. In light of the aforementioned incontrovertible factual matrix and the application of rigorous jurisprudential doctrines, the Applicant respectfully seeks declaratory, prerogative, and equitable relief to rectify the profound jurisdictional vacuum engineered by the failure of the state apparatus to file a lawful Information. The Applicant beseeches this Honourable Court to quash the Impugned Endorsement, to issue an order of *mandamus* compelling the production of the unadulterated, original judicial *acta*, and to restore the judicial record *Nunc pro tunc* to its lawful, untainted state as it ostensibly existed on the twenty-third of September, 2024, thereby restoring the *status quo ante*.

30. The three cases referenced in the history of this country wherein the police engaged in either outright fabrication of the Information or a civilian's certification to surrender weapons are infra. The only case where a police officer had taken the judicial stamp of a JP, OCJ Judge or SCJ Judge was the 2019 cases involving *R. v. Silva* and police officer Mr. Joly-Tessier.

Case / Subject	**Type of Fabrication**	**Systemic Response / Penalty**	**Context**
SPVM Officer Guillaume Joly-Tessier (*Frédérick Silva* case) 2019	**Absolute** (Stole JP stamp, forged signature on fake warrant)	25-day suspension without pay (Police Ethics Tribunal).	Noble cause corruption; high-pressure hunt for serial killer. Administrative leniency despite severe judicial denunciation. (underlying case is R. v. Silva) 2019: Silva v. R., 2021 QCCS 4627 Silva v. R., 2021 QCCS 4131

			In ORDER FOR THE RUSE TO WORK INVOLVING A HITMAN IN FRED SILVA [iii]
Toronto Drug Squad (*R. v. Schertzer*) 2015	**Subfacial** (Fabricated notes, false ITO, perjury)	3 years imprisonment (Ontario Court of Appeal).	Cover-up of a *Charter* s.8 breach. Court established strict standard for police perjury and document fabrication.
Hamilton Police (*R. v. Hansen*) 2016	**Subfacial** (Swore false ITO to target drug dealer)	5 years imprisonment (Superior Court of Justice).	Malicious prosecution; severe breach of trust and corruption of the judicial authorization process. Five years in prison.
Const. Darren Smith (Hamilton Police) 2019	**Administrative** (Forged citizen signatures on firearms waivers)	18 months probation, 75 hours community service.	Laziness and convenience; no financial gain, but still prosecuted criminally for forgery. (NTD: case that I have cited many times and in the criminal case

31. However, never in the history of this country has there been the falsification of the Criminal Code Form 2 Information and the purported arrest warrant (warrant in the first as one called it as if it the language was being taken from the MAG CSD Court Information Access Guide (2019) until now.

I. INAPPLICABILITY OF SECTION 599 AND JURISDICTIONAL ROUTING

32. It is submitted that any reliance upon section 599 of the *Criminal Code*, RSC 1985, c C-46 (the "*Criminal Code*") to justify the highly irregular and unauthorized transfer of charging documents is statutorily misconceived, jurisprudentially unfounded, and fundamentally devoid of legal merit. The applicability of this specific statutory provision to the extant factual matrix is definitively precluded by two insurmountable statutory impediments *in limine*, which operate to entirely vitiate the Crown's procedural posture.

33. Primarily, the substantive application of the provision is strictly constrained to indictable offences by the explicit and unambiguous text of the legislation. Section 599(1) of the *Criminal Code* explicitly stipulates its application solely to "A court before which an accused is or may be indicted". Within the foundational architecture of Canadian criminal jurisprudence, the jurisdictional bifurcation between summary conviction offences—adjudicated exclusively by a jurist sitting in the Ontario Court of Justice (the "**OCJ**")—and indictable offences—which may engage the jurisdiction of the superior courts—is paramount and non-derogable. Given that the prosecuting authority has unequivocally elected to proceed by way of a summary conviction election (the "**Crown Election**"), the accused shall *ipso facto* never face an indictment nor the prospect of a jury trial. Consequently, section 599 of the *Criminal Code* is statutorily inapplicable on its face. To invoke this provision in the context of pure summary proceedings evinces a profound misapprehension of the bifurcated procedural conduits established by the legislature, attempting to forcefully graft an indictable mechanism onto a summary conviction reality.

34. Furthermore, an exacting analysis of the legislative intent reveals that section 599 of the *Criminal Code* operates exclusively as a substantive change of venue provision, rather than a mere administrative filing mechanism utilized to correct bureaucratic routing errors. It is historically, practically, and jurisprudentially reserved for those rare and exceptional instances wherein an accused faces an indictable trial that must be transposed to a completely distinct territorial division to mitigate the overwhelming taint of pre-trial publicity or localized prejudice, thereby preserving the fundamental integrity of the jury pool and the accused's constitutional right to a fair trial. Opposing counsel may attempt to creatively characterize the transposition of the charging document as a mere procedural irregularity curable under standard administrative practices; however, such a counter-argument must be emphatically dismissed as a legal fiction. The physical transposition of a sworn form 2 information (the "**Information**") from the chambers of an issuing superior court magistrate to a lower intake registry is a basic administrative routing imperative, possessing absolutely no nexus to a substantive, judicially mandated change of venue. To purposefully conflate these legally distinct mechanisms is legally untenable and constitutes an impermissible, results-oriented attempt to leverage a complex trial provision to excuse a foundational failure of administrative court filing.

II. SPOLIATION OF THE RECORD AND SUBSTANTIVE ALTERATIONS

35. The jurisdictional routing of foundational charging documents from the Ontario Superior Court of Justice (the "**SCJ**") to the OCJ demands rigorous, uncompromising adherence to the sanctity of the court record. The intentional destruction, post-oath alteration, or deliberate concealment of formal adjudicative documents by state agents constitutes the egregious and actionable act of spoliation. Pursuant to the centuries-old evidentiary doctrine of *omnia praesumuntur contra spoliatorem*—all things are presumed against a wrongdoer—the tribunal is strictly compelled to draw the most adverse inferences possible, specifically inferring that the excised or altered pages contained documentary evidence highly detrimental to the legal position of the state actors responsible for their manipulation. This presumption is magnified exponentially when the alleged spoliators are sworn peace officers entrusted with the administration of justice.

36. A strict, legally recognized demarcation exists between purely administrative endorsement pages and substantive, sworn documentary instruments. The intake court endorsement (the "**Intake Court Endorsement**"), frequently designated within the registry as a backing sheet, functions strictly as an administrative apparatus utilized by court registry staff to chronologically chronicle remands, bail conditions, the Crown Election, and the eventual entry of pleas. The customary administrative practice of appending a blank endorsement sheet prior to official electronic or physical filing does not, *prima facie*, vitiate the underlying legality of the charge, as it does not purport to alter the sworn allegations.

37. Conversely, the substantive pages comprising the specific counts and the jurat are executed under the absolute, solemn penalty of perjury. Should state agents physically excise the specific page delineating the charges that were previously scrutinized and explicitly authorized by a jurist of the SCJ, subsequently substituting or augmenting it post-oath to cure defects or alter the narrative, such conduct constitutes a catastrophic procedural breach and the direct spoliation of a sworn legal instrument. The *acta* of the court are thereby irreversibly tainted.

38. An Information cannot be materially altered, augmented, or subjected to page substitution subsequent to the administration of the judicial oath without inextricably severing the absolute chain of custody of that oath. The law dictates that should the factual circumstances or the specific prosecutorial counts necessitate modification prior to the inaugural judicial appearance, law enforcement personnel are statutorily precluded from merely substituting

physical pages into the existing package; they are strictly and universally obligated to swear a completely superseding Information before a justice of the peace to re-engage the legal machinery.

39. Where the evidentiary record demonstrates—as it does in the extant matter—that the physical pages originally sworn before the SCJ diverge structurally, materially, or substantively from the iteration ultimately filed with the OCJ registry, it is a self-evident conclusion that the Information currently situated before the tribunal was never sworn under oath in its extant, pieced-together form. An unsworn Information presented as a sworn instrument is an absolute legal nullity, representing a fatal jurisdictional deficiency that immediately and permanently divests the tribunal of any adjudicative authority. Such a systemic failure to authenticate the charging instrument operates in direct contravention of the fundamental justice and liberty guarantees enshrined within section 7 of the *Canadian Charter of Rights and Freedoms*, Part I of the Constitution Act, 1982, being Schedule B to the Canada Act 1982 (UK), 1982, c 11 (the "*Charter*").

III. TEMPORAL ANOMALIES AND THE ADMINISTRATIVE CHASM

40. The highly anomalous and entirely unexplained temporal chasm spanning the initial detention of the accused on October 2, 2024, and the scheduled inaugural judicial appearance on November 13, 2024, demands rigorous, skeptical scrutiny regarding the custodial transmission of the charging package. This prolonged delay directly offends the core constitutional imperatives of prompt disclosure and judicial oversight.

41. A critical, substantive legal distinction must be drawn between the swearing of the charging document and its subsequent, formal filing with the registry of the court of competent jurisdiction. Given that the investigative authorities were statutorily required to swear the Information before an SCJ jurist to secure the arrest warrant initially, the Information was legally laid pursuant to section 504 of the *Criminal Code* prior to the physical detention of the accused on October 2, 2024. The administration of the oath had already been perfected, thereby irreversibly activating the prosecutorial machinery and engaging the liberty interests of the subject.

42. The physical or electronic transmission of the aforementioned sworn documentation to the OCJ represents a constitutionally imperative administrative step required to place the matter before an independent adjudicator. The absolute chronological boundary for law enforcement to deposit the package with the OCJ registry is strictly prior

to the commencement of court proceedings on the date of the first appearance. Failure to do so results in a loss of jurisdiction over the person.

43. Section 505 of the *Criminal Code* unequivocally mandates that an Information must be laid "as soon as practicable" and "in any event before the time stated in the appearance notice or undertaking." As the Information was preemptively sworn to procure the warrant weeks prior, law enforcement was merely obligated to ensure the physical documentation was expeditiously deposited at the OCJ intake registry for docketing. Holding the document for six weeks plainly violates the spirit and the letter of the "as soon as practicable" standard, which requires diligent administrative routing, not strategic document retention.

44. Consequently, law enforcement exploited the entirety of the six-week interval to retain exclusive, unmonitored physical custody of the file prior to its submission to the OCJ registry. While opposing counsel may proffer the technical argument that this timeline mathematically complies with the outermost boundaries prescribed by section 505 of the *Criminal Code*, such a defense is inherently specious and ignores the substantive psychological and procedural prejudice inflicted upon the accused. This extensive, unexplained delay engineered a deliberate evidentiary void—a procedural black hole—relegating the accused to a state of juridical limbo entirely devoid of a publicly accessible docket against which to verify the legality of the detention. Crucially, this artificial temporal expanse provided ample opportunity for the physical manipulation of the document, the substitution of substantive pages, and the post facto fabrication of the signature of the justice of the peace (the "**JP**"), all effectuated entirely insulated from the auditing functions of judicial oversight.

V. THE ISSUANCE OF PROCESS AND SUPERIOR COURT OF JUSTICE CUSTODY

45. The granular application of the mechanical provisions of the *Criminal Code* and standard court administrative protocols to the specific factual matrix involving the courthouse situated at 361 University Avenue and the chambers of Madam Justice Shore reveals profound procedural irregularities and systemic anomalies that strike at the heart of the tribunal's adjudicative integrity.

46. As a tribunal of inherent jurisdiction, the SCJ possesses plenary administrative, supervisory, and judicial powers that substantially eclipse those of the statutorily circumscribed OCJ. It is an axiomatic principle of law that the SCJ, acting as a court of record, bears the ultimate, non-delegable responsibility for preserving the original, executed

arrest warrant as an indelible component of its permanent, audited *acta*. The precise procedural conduit leading to this retention, however, is wholly contingent upon the precise methodology employed by law enforcement to lay the Information.

47. Pursuant to the strictures of section 508.1 of the *Criminal Code*, should the Information have been laid via telecommunication, the physical document would not have been contemporaneously filed at the SCJ at the moment of issuance. The affiant would administer the oath remotely, and the presiding jurist would electronically generate and transmit the legal process. Nevertheless, the utilization of tele-applications, (otherwise not appearing in person) and/or telewarrants necessitates an uncompromising, rigorously audited paper trail; the Information sworn upon oath must be subsequently filed with the registrar to ensure absolute transparency and to facilitate potential *certiorari* review.

48. Alternatively, should the swearing process have occurred physically *in camera* within the judicial chambers of the SCJ, the presiding jurist would have directly scrutinized the physical documentation, though not necessarily retained a physical iteration within those specific chambers. Operating in the highly administrative and heavily burdened capacity of **Family Team Leader, Madam Justice Shore** exercises the authority to review the Information and authorize the warrant *in camera*, expeditiously returning the *acta* to law enforcement or, more properly, to her registry personnel for formal processing and entry into the court's immutable records.

49. It is odd on its face that Madam Justice Shore became the family law team leader at the SCJ 361 University Avenue Courthouse, after it began to house SCJ family law matters, considering she was only appointed in late 2018. She had little to not judicial experience in the arena of family law when compared to other Judges of the SCJ and her family law litigation experience was minimal at best. She did not shape family law in Ontario or in Canada in any significant way per se but she certainly politicized her potential appointment with much fervour and sat on a litany of committees and boards on the administrative side.

50. In the conspicuous absence of a digitally generated, pre-populated form 7 arrest warrant (the "**Form 7**") provided *ab initio* by the attending law enforcement officers—a standard practice in modern policing—the administrative execution and formatting of the judicial fiat inevitably devolves upon the subordinate court registry. The administrative personnel situated on the first floor of the SCJ specifically facilitate these functional, clerical requirements for the Family Division.

51. In such an administrative paradigm, a registrar or clerk of the court is statutorily empowered to sign or authenticate the resulting warrant on behalf of the presiding jurist based upon her oral directives, subsequently transmitting an electronic iteration of the issued process to the operational officer, specifically Detective Virani. This operational sequence is entirely consistent with the sweeping statutory authority conferred by section 3.1 of the *Criminal Code*, which provides that judicial acts are effective from the exact moment they are pronounced, and that the clerk of the court is fully authorized to memorialize such acts in writing.

52. Irrespective of whether the warrant was authorized via telecommunication pursuant to section 508.1 of the *Criminal Code* or physically *in camera* by Madam Justice Shore, the originating tribunal retains absolute, non-delegable responsibility for the original *acta*. Because the SCJ is a court of record possessing inherent jurisdiction, the original signed arrest warrant—or the master electronic corollary—must permanently reside within the originating court office (the "**Originating Court Office**"). The complete, certified absence of these requisite records from the SCJ archives, despite formal demands, constitutes a glaring anomaly indicative of either catastrophic administrative negligence or deliberate, state-sanctioned concealment designed to mask a jurisdictional usurpation.

V. ANATOMY OF THE SWORN RECORD AND STRUCTURAL DEFICIENCIES

53. A rigorous, technical analysis of the standard structural architecture of an Ontario Form 2 Information package decisively corroborates the deductions advanced herein regarding the systematic removal of substantive pages and the deliberate obfuscation of the true warrant. The Form 2 is not a mere compilation of administrative paper; it is a meticulously calibrated statutory matrix designed to permanently and immutably codify the precise legal jeopardy of the subject.

54. The inaugural page delineates the substantive criminal charges, rigorously enumerating the identity of the accused, the date of the alleged infraction, and the precise statutory text governing the purported counts. The subsequent third and fourth pages encapsulate the jurat, the release mechanisms, and the Crown Election. This specific anatomical section constitutes the absolute, most critical component of the criminal process, as it contains the physical signature block wherein the affiant swears the solemn oath and the jurist validates the administration of that oath. The deliberate excision of this specific page thoroughly sanitizes the documentary history, permanently

erasing the original signature, the corroboration of the release mechanism, and the initial prosecutorial election from the purview of reviewing courts.

55. The disposition page chronicles the ultimate adjudication, plea, or sentence corresponding to each specific, enumerated count. Its unceremonious removal further sanitizes the *acta*, ensuring that any subsequent judicial verification regarding the original number of counts presented to the SCJ judge—as juxtaposed against the counts ultimately filed weeks later at the OCJ—remains entirely impossible. This structural sabotage purposefully masks potential prosecutorial overcharging or the subsequent, unrecorded abandonment of unsupportable allegations.

56. The fifth page, designated exclusively and explicitly for administrative purposes, is customarily auto-populated by the records management system of the law enforcement agency (e.g., Niche RMS) prior to the physical printing of the document. The information number is strictly left blank by law enforcement, legally mandated to be physically inscribed by the OCJ registry personnel solely upon official filing into the provincial tracking system. The listed return date signifies the inaugural appearance date, whereas the designated courtroom refers exclusively to the OCJ intake courtroom, representing a geographic locus completely distinct from the SCJ chambers wherein the warrant was originally procured.

57. The documentary record presently before this tribunal evinces only a diminutive, highly irregular administrative checkbox indicating "**Warrant 1st**" (warrant in the first instance). It is a foundational tenet of criminal procedure that the Form 2 Information package does not legally encompass the actual, executable arrest warrant. The Information is merely the sworn foundational pleading containing the factual allegations requisite to justify the prospective issuance of the warrant. The warrant itself is an entirely distinct statutory command document, strictly and universally mandated to be a Form 7, which operates as the coercive instrument of state power.

58. Upon the execution of the Form 7, the physical warrant must legally be returned to the issuing tribunal to be formally recorded as executed, thereby concluding the life cycle of the command. Consequently, to procure an authenticated copy of the actual Form 7, one cannot rely upon the manipulated Information package filed belatedly at the OCJ; one must direct the request specifically to the Originating Court Office—a fundamental administrative request the SCJ has heretofore been suspiciously and uniformly incapable of fulfilling, further strengthening the presumption of spoliation.

VI. THE DOCTRINE OF FORUM SHOPPING AND CONCEALMENT OF PROCESS

59. The complex factual matrix herein establishes a compelling, irrefutable synthesis of deliberate documentary obfuscation achieved through the strategic, bad-faith exploitation of the jurisdictional overlap between the SCJ and the OCJ. Standard operational procedure unambiguously necessitates that law enforcement officers present routine applications for arrest warrants to a JP within the OCJ. These statutorily appointed jurists are intimately acquainted with the rigorous statutory thresholds required to justify the deprivation of liberty and process these applications with standardized consistency.

60. Diverting this routine process to an SCJ jurist—specifically one presiding exclusively over the family docket who is entirely unaccustomed to the nuances of routine criminal intake—constitutes highly irregular conduct and the strategic circumvention of jurisdictional imperatives, colloquially and jurisprudentially condemned as forum shopping. This maneuver affords law enforcement a distinct, unearned tactical advantage. A family law jurist, habituated to civil evidentiary standards and lengthy affidavit evidence, may rely more heavily upon the uncorroborated verbal assertions of law enforcement personnel rather than rigorously scrutinizing the strict, liberty-engaging nuances of the *Criminal Code*. Furthermore, as the SCJ explicitly lacks an immediate, automated docketing pipeline to the OCJ provincial systems, a profound structural disconnect is intentionally engineered. This engineered disconnect forged the exact temporal void wherein law enforcement retained unmonitored custody of the Information package prior to its official registration as a publicly accessible OCJ record.

61. Pursuant to section 29(1) of the *Criminal Code*, it is the strict, unambiguous, and non-delegable legal obligation of any state agent executing a warrant to physically possess the document and to produce it for inspection upon request. This specific statutory duty is inextricably intertwined with the fundamental constitutional right of the accused under section 10(a) of the *Charter* to be informed promptly of the specific, documented reasons for their detention. A failure to produce the warrant when requested vitiates the lawfulness of the detention.

62. If the SCJ registry personnel or law enforcement generated an **Intake Court Endorsement** rather than a statutorily compliant Form 7 command document, the resulting instrument is fundamentally procedurally defective and incapable of sustaining a lawful arrest. Cognizant of this glaring, fatal defect, law enforcement possessed a powerful, self-serving animus to fabricate pretexts for actively withholding the warrant during the arrest phase.

They were undoubtedly aware that an accused possessing sophisticated legal acumen and familiarity with the *Criminal Code* would instantly identify the document as legally void, thereby immediately exposing the detention as arbitrary, unlawful, and subject to immediate civil remedy.

VII. EVIDENTIARY VOIDS: THE PHANTOM INFORMANT AND UNAUTHENTICATED OATHS

63. The foundational evidentiary voids established by the certified documentary record provide an unequivocal roadmap demonstrating profound procedural malfeasance. Written correspondence obtained from Crown Counsel Ananthan Sinnadurai, acting on behalf of the Ministry of the Attorney General, explicitly confirmed that a comprehensive, exhaustive search of OCJ records concerning the purported informant, Mrs. Frugoni-Rojas, yielded absolute zero responsive records for the relevant temporal window of August through October. In the realm of administrative law and evidence, a "nil" response from a formal governmental records inquiry operates as highly persuasive, nearly conclusive evidence that the purported administrative event did not occur within that jurisdiction.

64. Because the evidentiary record confirms the absolute absence of any oath administered by the purported informant during the relevant period, it flows chronologically, logically, and inevitably that no record exists of Justice of the Peace Jiri—or any other OCJ jurist—receiving a sworn oath from her. The swearing event depicted upon the substituted backing page is a phantom occurrence, an entirely non-existent fiction within the tracking architecture of the tribunal. This fact conclusively proves the document was backdated, fabricated post facto, or generated completely outside the authorized auspices of the OCJ.

65. To an outside observer, the prospect of a mere administrative clerk functioning as an informant without an iota of personal knowledge of the investigation appears inherently flawed; however, this represents a highly scrutinized conduit mechanism currently tolerated under the *Criminal Code*. Designated civilian court officers routinely swear Informations based solely upon "information and belief." The fatal systemic flaw inherent in this methodology is the absolute reliance upon the verbatim veracity of the law enforcement file placed before them. This systemic rubber-stamping permanently divorces the solemnity of the judicial oath from objective truth, significantly escalating the risk of arbitrary detention. It provides the exact mechanism by which blatant factual fabrications—

such as the non-existent communications alleged herein—manifest seamlessly upon sworn documents, as the affiant possesses zero independent capacity to verify the claims they are swearing to be true.

VIII. PRE-EXISTING CONFLICTS OF INTEREST AND RETALIATORY ANIMUS

66. The profound procedural anomalies, fabrications, and delays delineated above do not materialize in a sterile vacuum. They must be rigorously contextualized within the broader, highly antagonistic factual matrix involving severe conflicts of interest implicating the presiding judicial officer and collateral civil litigation. These intertwined factors collectively supply the compelling, irrefutable motive for the state-sanctioned malfeasance and documentary obfuscation.

67. The accused, possessing extensive civil litigation experience, previously assisted his ex-fiancée in highly contentious, high-stakes family law proceedings against her former spouse. Crucially, the opposing spouse was represented by the prominent firm Epstein Cole LLP. During this exact historical epoch, Madam Justice Shore served as a senior partner at Epstein Cole LLP, heavily invested in the firm's success. The legal strategies aggressively employed by the accused secured a massive financial victory, effectively defeating the efforts of Epstein Cole LLP and engendering a deeply adversarial prior relationship with the law firm and its partners. This underlying dynamic crystallizes severe, actionable concerns regarding judicial impartiality, operating in direct, flagrant contravention of the *Ethical Principles for Judges* established by the Canadian Judicial Council, which mandate immediate recusal where past professional associations yield a reasonable apprehension of bias, a standard firmly entrenched in Canadian law since *Committee for Justice and Liberty v. National Energy Board*, [1978] 1 SCR 369.

68. Furthermore, this localized nexus of judicial animosity is inextricably linked to ongoing, high-value civil insurance litigation arising from a catastrophic, near-fatal motor vehicle collision in 2022. The defeated opposing party in the aforementioned family law dispute concurrently managed the specific corporate insurance department adjudicating the collision claim. This extraordinary convergence intertwines the civil hostilities with the irregular criminal proceedings, creating an environment ripe for retaliatory action.

69. The retaliatory animus reached its absolute zenith following an escalating tenancy dispute wherein the accused secured an urgent, binding order from the Landlord and Tenant Board asserting his rights. Rather than facilitating

the peaceful execution of this lawful civil order, law enforcement orchestrated a deceptive ruse on October 2, 2024, to effectuate an arrest predicated entirely upon the forum-shopped, defective warrant issued by Madam Justice Shore. The utilization of coercive language and threats of prolonged pre-trial custody by arresting officers capitalized upon the deliberately defective paperwork to maximize psychological duress and compliance.

70. Despite coordinated, targeted intimidation—including a specific theft of legal files orchestrated by individuals connected directly to the civil litigation—the accused formally escalated the civil matter by filing a Notice of Constitutional Question. The overarching objective of the irregular, improperly documented criminal proceedings became glaringly apparent: to orchestrate a chilling effect, utilizing the coercive power of the state to prevent the accused from aggressively advancing his civil litigation to the Divisional Court.

71. The true motive underlying the elaborate obfuscation of the paperwork is entirely self-evident when the timelines are overlaid. Had the original Form 2 and Form 7 borne the authentic signature of Madam Justice Shore, an immutable documentary link would have been permanently established in the public record, irrevocably proving the jurist who issued the irregular criminal warrant possessed a severe, pre-existing professional conflict of interest against the accused. The subsequent excision of the original jurat and the desperate substitution of the **Intake Court Endorsement** served a singular, protective imperative: to sever this toxic documentary nexus before the file entered the transparent, publicly auditable OCJ intake system, thereby shielding the jurist from inevitable scrutiny by the Canadian Judicial Council.

IX. THE INTAKE COURT ENDORSEMENT: A JURISDICTIONAL IMPOSSIBILITY

72. The impugned document proffered to law enforcement to justify the severe, profound deprivation of liberty is titled an "**Intake Court Endorsement**". This highly specific and extraordinarily unusual civil nomenclature operates as the evidentiary apex—the absolute "smoking gun"—proving conclusively that the document did not originate from standard OCJ criminal procedures, but rather was hastily repurposed from civil templates.

73. The specific phrase "**Intake Court Endorsement**" is entirely absent from the text of the *Criminal Code*, the *Criminal Rules of the Ontario Court of Justice*, and the *Criminal Proceedings Rules for the Superior Court of Justice (Ontario)*. It is a linguistic and procedural construct completely alien to criminal procedure. As consistently

applied across civil and family law practice directions province-wide, an intake court endorsement is utilized almost exclusively in SCJ family law matters to delineate rapid interim directions to the parties regarding custody or conferences.

74. To contextualize the gravity of this impossibility, reference must be made to the Supreme Court of Canada's foundational pronouncements on jurisdictional boundaries. In *MacMillan Bloedel Ltd. v. Simpson*, [1995] 4 SCR 725 at para 30 (*MacMillan Bloedel*), the Court elucidated the inherent jurisdiction of superior courts, sharply contrasting it with the strictly statutory authority conferred upon inferior tribunals. Applying this venerable doctrine to the present circumstances, while the Ontario Superior Court of Justice undoubtedly possesses inherent jurisdiction, it cannot summarily and arbitrarily graft civil family law procedural mechanisms onto the strictures of the *Criminal Code* to circumvent the explicit statutory preconditions for the issuance of criminal process. Consequently, any document purporting to be an intake court endorsement deployed within a criminal context to effect an arrest is strictly *ultra vires* and fundamentally void *ab initio*, rendering the subsequent execution of such process a legal nullity.

75. Furthermore, it is a jurisdictional impossibility for a justice of the peace presiding in the OCJ in Brampton to possess the statutory authority, the institutional system templates, or the procedural mechanism to issue a family-law-style endorsement for a criminal charge originating in Toronto. The utilization of this specific civil terminology invariably corroborates the premise that an SCJ family law jurist generated the initial direction utilizing the sole templates available to her registry staff, which were subsequently, clumsily misappropriated onto Toronto Police Service letterhead to masquerade as lawful criminal process.

X. STATUTORY NON-COMPLIANCE AND DIGITAL SIGNATURE INVALIDITY

76. While section 32 of the *Interpretation Act*, RSC 1985, c I-21 (the "*Interpretation Act*") dictates that minor deviations from prescribed forms do not automatically invalidate the instrument, the **Intake Court Endorsement** fundamentally deviates from the very substance of a true Form 7 in nine distinct, fatal respects, thereby obliterating its legal authority entirely.

77. The opposing counsel may attempt to invoke section 32 of the *Interpretation Act* to characterize these failures as mere curable administrative defects. However, the jurisprudence is unequivocal that section 32 cannot cure the

wholesale omission of mandatory, substantive elements that engage the liberty of the subject. The impugned document comprehensively fails to: include the statutory designation “FORM 7”; direct the order explicitly to peace officers in the territorial division; particularize the date of birth of the subject to prevent wrongful arrest; delineate the specific offences charged; articulate the statutory legal basis for the warrant; contain the mandatory, active command to immediately arrest; stipulate the precise date of physical execution; identify the geographic locus of the signature; and, crucially, bear the authentic, verifiable signature of the issuing judicial officer. Lacking these nine foundational, statutorily mandated elements, the document is facially invalid, rendering any arrest predicated upon it a flagrant, unconstitutional breach of section 9 of the *Charter*.

78. Furthermore, the printed text “**Digitally signed by Justice of the Peace George Jiri**” lacks any semblance of legal validity. Under the strict, heavily regulated parameters of section 31.4 of the *Canada Evidence Act*, RSC 1985, c C-5, section 31 of the *Personal Information Protection and Electronic Documents Act*, SC 2000, c 5, and the *Secure Electronic Signature Regulations*, SOR/2005-30, a valid digital signature necessitates a cryptographic Public Key Infrastructure entirely absent from this fabricated document. It requires a one-way mathematical hash function to ensure document integrity. The unencrypted text presently displayed is legally analogous to a blank page, rendering the document wholly incapable of commanding a peace officer.

79. The modern legal framework established in *R. v. Smith*, 2020 ONCJ 611 (*Smith*) aligns perfectly with these specific anomalies, providing a direct pathway to findings of documentary fabrication by state agents. In *Smith*, the tribunal definitively ruled that a signature is a fundamental, material part of a document, and a document lacking a genuine signature but purposefully presented as authentic constitutes a false document pursuant to section 321 of the *Criminal Code*. Utilizing this fabricated **Intake Court Endorsement** to justify detention fully satisfies the *mens rea* for uttering a forged document, as the intention to deceive the justice system regarding the authority of the instrument is legally sufficient for a finding of profound malfeasance.

XI. THE DELIBERATE RUSE AND THE CANADIAN POLICE INFORMATION CENTRE METADATA TRAP

80. The heavily condensed timeline of September 23, 2024, reveals a panicked seventy-minute window during which the defective paperwork was ostensibly drafted. Following a brief oral order from Madam Justice Shore, the administrative staff in the Family Registry—unfamiliar with criminal Form 7 templates and lacking access to the

criminal icon system—utilized the civil **Intake Court Endorsement** format to memorialize the direction and rapidly transmit it to law enforcement.

81. Upon receipt of this legally defective document, Detective Virani immediately recognized the operational impossibility of executing a standard, forced-entry tactical arrest, as the paperwork was fatally flawed on its face and would not survive immediate judicial scrutiny or a challenge from a legally literate accused. Consequently, law enforcement engineered a property ruse, luring the accused to the controlled environment of the station under false pretenses. While police trickery is occasionally permissible in investigatory contexts under the doctrine established in *R. v. Rothman*, [1981] 1 SCR 640 (*Rothman*), it unequivocally crosses the threshold of legality when utilized specifically to circumvent the absence of a lawful statutory warrant and to actively withhold the physical document from an accused to prevent its immediate legal deconstruction.

82. The Canadian Police Information Centre architecture operates as a highly secure, immutable digital ledger maintained under federal RCMP auspices. Opposing counsel might attempt to minimize the evidentiary weight of this database by characterizing it as a mere secondary administrative tool. Nevertheless, the metadata generated within this system is legally binding, time-stamped, and permanently auditable. To operationalize the arrest across divisions, law enforcement was compelled to enter the warrant into this system, a process demanding the input of the originating agency, the level of court, the specific jurisdiction, and the authorizing justice. This digital ledger constitutes an unavoidable trap; regardless of subsequent physical document destruction or substitution, the original server-side logs will definitively reflect that the warrant originated from the SCJ on that specific date, completely eviscerating any state narrative asserting the SCJ possessed no involvement.

XII. INSTITUTIONAL OBFUSCATION AND THE E-INTAKE IMPOSSIBILITY

83. The deliberate institutional obfuscation is further evidenced by the bureaucratic misdirection encountered by the accused at the courthouse itself. Upon the initiation of direct inquiries by the accused to the SCJ judicial correspondence registry seeking the true originating order, staff explicitly diverted the inquiry away from the Family Registry, aggressively directing the accused to the second-floor criminal intake. The subsequent evasive, highly irregular, and confused behavior of the second-floor staff is entirely consistent with deliberate bureaucratic

misdirection; they lacked custody of the file precisely because the oral order was handled exclusively and clandestinely by the first-floor Family Registry.

84. The recent, mandatory province-wide implementation of the criminal e-intake portal stands as definitive, systemic proof that standard OCJ processes were entirely bypassed in this matter. The e-intake system enforces rigid, automated, rules-based geographic routing that would never, under any programmed parameters, inexplicably assign a Toronto Police application to a JP situated in Brampton.

85. More crucially, if a warrant is approved through this authorized channel, the portal automatically generates a standardized, fully compliant Form 7 as a locked, cryptographically secure PDF. The digital architecture of the e-intake system is literally programmed to be incapable of outputting a manually typed **Intake Court Endorsement** pasted onto police letterhead. The complete absence of standard e-intake routing logs destroys any potential Crown argument characterizing this as a harmless administrative error by OCJ staff, proving the document was entirely manufactured outside the authorized provincial parameters.

XIII. THE BIFURCATION OF ENDORSEMENTS AND ORDERS

86. Canadian jurisprudence maintains an unbridgeable legal bifurcation between a judicial endorsement and a formal statutory order, a distinction that fundamentally invalidates the use of the impugned document for an arrest. Pursuant to rule 2.01 of the *Criminal Proceedings Rules for the Superior Court of Justice (Ontario)* (the "*CPR*"), an order is explicitly defined as the formal, binding legal instrument commanding an action. Conversely, an endorsement is merely a directional fiat—an instruction to the registry mapping out the basis upon which a formal order should ultimately be drawn. It is akin to a physician's chart notes versus the actual prescription.

87. To operate as an immediate arrest warrant under the *Criminal Code*, an oral order or written endorsement must strictly satisfy the rigid statutory prerequisites of a Form 7 on its face. The **Intake Court Endorsement**, stating solely "Warrant In The First: Issue", constitutes a mere judicial instruction directing the registry to create a warrant in the future. It thoroughly lacks the mandatory active commands required of a true statutory order, rendering the subsequent arrest reliant upon it fundamentally unlawful and an exercise in arbitrary state power.

XIV. EQUITABLE TOLLING AND THE LIMITATION PERIOD TRAP

88. While opposing counsel may advance the predictable argument that the application to quash is statutorily time-barred pursuant to the strict thirty-day limitation period prescribed by rule 43.04(1) of the *CPR*, such an assertion is fundamentally flawed and morally bankrupt when analyzed through the lens of equitable doctrines.

89. The limitation period under the *CPR* is explicitly and inextricably tethered to a formally executed order. As the impugned document has been demonstrated to be merely a directional endorsement fundamentally lacking the commanding statutory requirements of an order, the condition precedent for the commencement of the limitation period has never legally materialized. One cannot be out of time to challenge an order that was never validly issued.

90. Furthermore, the supreme equitable doctrine of *fraus omnia corrumpit*—fraud vitiates everything—operates to perpetually toll any procedural limitations where the foundational legal instrument has been fabricated, spoliated, or intentionally withheld by agents of the state, as was eloquently elucidated by the Supreme Court of Canada in *Landreville v. The Queen*, [1977] 2 SCR 452 at para 15. It is a self-evident conclusion that the Crown cannot weaponize a strict procedural limitation period to shield state-sanctioned spoliation and jurisdictional overreach. The deliberate concealment and fabrication inherently nullify the procedural clock, stripping the Crown of their primary procedural shield and rendering the application to quash procedurally valid, timely, and properly before the court.

XV. NULLITY AB INITIO AND THE CERTIFICATION PARADOX

91. The physical manipulation and back-channeling of the Information package explicitly breaches the strict procedural e-filing mandates governing the SCJ, resulting in a total loss of jurisdiction. Under rule 2.01 of the *CPR*, the definition of an indictment broadly and explicitly encompasses an information. Consequently, originating criminal documents are strictly required to be e-filed electronically to ensure a permanent, auditable digital record. The failure to e-file the indictment as required renders the initial submission procedurally void.

92. By bypassing mandatory filing rules and utilizing civil templates to avoid criminal procedural scrutiny, the jurist acted entirely outside the permissible scope of her administrative office. Pursuant to the ancient jurisdictional maxim *factum a judice quod ad officium ejus non pertinet, ratum non est*—an act of a judge which does not pertain

to his office is of no force—the resulting directions carry absolutely no legal weight. The proceeding occurred *coram non judice*—before one without competent jurisdiction over the improperly filed matter—rendering the endorsement an absolute, incurable legal nullity from its inception.

93. The accused has executed a highly technical compliance maneuver under the *Criminal Proceeding Rules* to permanently trap the tribunal in a bureaucratic paradox of its own design. By formally serving a rule 43.03 notice upon the first-floor Manager of Court Operations, which functions legally as the Originating Court Office, the accused has issued a statutory subpoena commanding the return of all foundational documents to the reviewing court.

94. The first-floor Manager of Court Operations is now confronted with an impossible, binary dilemma. Should they admit nullity via deemed non-filing, they must certify they possess zero copies of the Information package, formally certifying the document is deemed not to have been filed pursuant to rule 4.05(6) of the *CPR*, thereby exposing the entire process as a phantom event conducted *coram non judice*. Conversely, should they admit the unauthorized jurisdictional breach and produce the **Intake Court Endorsement**, they irreversibly cement the unauthorized involvement of the SCJ and the fatal lack of a proper Form 7 into the formal criminal record. In either paradigm, the Crown's reliance upon the fabricated record is completely vitiated.

95. The profound procedural anomalies herein reflect a disturbing, systemic pattern of non-transparent adjudicative findings recorded obliquely via email or case history reports, mirroring the highly irregular methodologies observed in *McIntosh v. Shore, McWatt and Morawetz*, 2023 ONSC 5122. It is noted with profound concern that the judicial officer in that matter was represented by the identical legal counsel presently responding to access to information requests directed to the second-floor registry of the courthouse situated at 361 University Avenue. In light of the insurmountable procedural breaches, overt spoliation, and absolute jurisdictional nullities comprehensively chronicled herein, it is respectfully submitted that the proceedings constitute an egregious, unconstitutional abuse of process necessitating the immediate quashing of the impugned process to restore the *status quo ante*.

A. THE ORIGINATING COURTHOUSE AND THE FAMILY-LAW REGISTRY

96. On September 23, 2024, a document titled "Intake Court Endorsement" (the INTAKE COURT ENDORSEMENT (SEPT 23 2024)) was generated within the **1st-floor Family Law Registry** of the SCJ at 361 University Avenue. This registry is **exclusively family-law** in mandate. It does not handle civil matters and has **no criminal intake function**.

97. The SCJ 361 University Courthouse criminal office (Room 241) confirmed that it has **no record** of any Information, Indictment, or warrant associated with the Applicant. This is consistent with the fact that the Impugned Endorsement originated in the Family Law Registry, not the criminal registry.

98. The Family Law Registry confirmed that it alone has custody and control of the underlying endorsement. This confirms that the Impugned Endorsement was generated within the family-law administrative silo, not within the criminal intake system.

99. The Applicant's correspondence with the SCJ 361 University Avenue Court Office confirms that the Family Law Registry is the only division with custody and control of the underlying endorsement, thereby confirming its family-law origin.

B. THE DOCTRINE OF MAGISTERIAL CAPACITY AND CUSTODIAL CONTINUITY

100. While SCJ judges possess ex officio status as justices of the peace, the exercise of this power does not vest the SCJ with trial jurisdiction over a summary conviction matter. All criminal proceedings in Ontario must commence in the OCJ.

101. Where an Information is sworn before an SCJ judge acting as a magistrate, the police must file the Information with the OCJ clerk **forthwith**. The six-week delay between the arrest and the first appearance represents a **procedural black hole** during which the Information was vulnerable to alteration.

102. Any divergence between the counts reviewed by the Swearing Justice and those eventually filed constitutes **spoliation**. Under *omnia praesumuntur contra spoliatorem*, the Court must presume that the suppressed pages contained information detrimental to the Crown.

C. STRUCTURAL DECONSTRUCTION OF THE FORM 2 AND THE SURROGATION OF STATUTORY INSTRUMENTS

103. A Form 2 Information is a meticulously calibrated statutory instrument. The Applicant identified that **Page 3 of 5** was excised and replaced with the Impugned Endorsement — a family-law construct foreign to criminal procedure.

104. The Impugned Endorsement fails to satisfy **nine mandatory criteria** of a Form 7 Warrant, including the absence of a statutory title, direction to peace officers, offence particulars, statutory grounds, command to arrest, place of execution, and a verifiable judicial signature.

105. A document that fails in nine material respects to conform to the prescribed statutory form cannot be redeemed via s. 32 of the *Interpretation Act*. These deviations go to the essence of the instrument's authority.

D. FORGERY, FABRICATION, AND THE SMITH DOCTRINE

106. The Impugned Endorsement purports to be "Digitally signed by Justice of the Peace George Jiri." This is a fabrication. The document lacks the cryptographic hash functions and third-party certification required for a secure electronic signature.

107. In *R v Smith*, the Court held that a signature on an official document is a **material part** of that instrument. A document that purports to be made by a person who did not authorize its creation is a **false document**.

108. The typing of a justice's name in Arial font, absent authorization or secure certification, constitutes the creation of a false document. Its use to deprive a citizen of liberty satisfies the mens rea for uttering a forged document under s. 368 of the *Criminal Code*.

E. THE SYSTEMIC IMPOSSIBILITY OF COMPLIANCE WITHIN THE E-INTAKE PARADIGM

109. The criminal E-Intake portal automatically generates a standardized Form 7 Warrant as a locked PDF. It is **systemically impossible** for the E-Intake system to output a manually typed "Intake Court Endorsement."

110. The existence of such a document proves that the standardized digital safety nets were intentionally bypassed.

F. JUDICIAL IMPARTIALITY AND THE NEXUS OF ANIMOSITY

111. Madam Justice Shore previously acted as senior counsel at a firm that represented a litigant adverse to the Applicant in high-stakes civil litigation. The failure to disclose this prior adversarial relationship violates the Ethical Principles for Judges and raises a reasonable apprehension of bias.

112. The removal of the Jurat page severed the documentary link between the Swearing Justice and the irregular warrant, shielding her from scrutiny.

G. ADMINISTRATIVE CHICANERY AND THE PROCEDURAL ENTRAPMENT OF RULES 5 AND 43

113. The Applicant served the Manager of Court Operations at the **1st-floor Family Law Registry** pursuant to Rule 5.02(1)(c), as that is the locus of the adjudication.

114. Rule 43.03 now compels the Manager to return true copies of the record to the 2nd-floor Criminal Intake office, creating a **procedural checkmate**

   a. If the Manager certifies that no record exists → the Information is deemed not filed under Rule 4.05(6); and
   b. If the Manager produces the Impugned Endorsement → the State confirms the use of an unauthorized form.

H. EQUITABLE MAXIMS AND THE TOLLING OF LIMITATION PERIODS

115. Under *fraus omnia corrumpit*, no party may benefit from its own malfeasance. The Crown cannot invoke limitation periods when it concealed the originating document.

VOLUME 3 — ISSUES

116. The issues raised by this Application are foundational to the integrity of the criminal justice system and the constitutional architecture of Canada. They include but are not limited to:

   a. **Whether the Impugned Endorsement is a lawful criminal process:**
      i. The Court must determine whether a document styled as an "Intake Court Endorsement," generated within the SCJ Family Law Registry, can constitute a warrant or judicial authorization under the *Criminal Code*;
   b. Whether the Impugned Endorsement in its authentic and actual format and writing at the time is merely a determination at best or falls under the ambit and definition of an Order;
      i. This Honourable Court must determine whether the Impugned INTAKE COURT ENDORSEMENT (SEPT 23 2024) is a legal document in the context of an intake court prior to arrest;
   c. **Whether the proceeding is deemed never to have been filed under Rule 4.05(6)**
      i. OCJ Brampton has no record of the False Information Package;
      ii. OCJ 10 Armoury Street Courthouse has a record of the False Information Package but only as of after November 2024. Ergo, Mr. Henriquez's inputs were manipulated and coerced by the TPS.
      iii. SCJ 361 University Courthouse (criminal registry court office) has no record of any Information or warrant. The Crown admits no Information was filed between August and October 2024. The Court must determine whether the proceeding legally exists.
   d. **Whether the alteration and substitution of sworn pages constitutes spoliation.**

i. The Court must determine whether the removal of Page 3 of 5 — the Jurat page — and its replacement with the Impugned Endorsement renders the Information a nullity.

e. **Whether the involvement of an SCJ family-law judge renders her acts Factum A Judice, Quod Ad Officium Jure Non Pertinet, Ratum Non Est, the process *coram non judice*.**

   i. The Court must determine whether Madam Justice Shore, acting in a family-law capacity, possessed jurisdiction to authorize criminal process without a s. 599 transfer order.

f. **Whether the Crown's reliance on s. 599 of the *Criminal Code* is legally impossible.**

   i. The Court must determine whether s. 599 can cure an intake-level jurisdictional defect in a summary conviction matter.

g. **Whether the E-Intake system makes the Impugned Endorsement systemically impossible.**

   i. The Court must determine whether the existence of a manually typed "Intake Court Endorsement" proves that the standardized digital safety nets were bypassed

h. **Whether the Applicant's *Charter* rights under ss. 7, 8, 9, and 11(b) were violated.**

   i. The Court must determine whether the Applicant's arrest, detention, and delay were arbitrary, unreasonable, and contrary to fundamental justice

i. **Whether prerogative relief (certiorari, prohibition, mandamus) must issue.**

   i. The Court must determine whether the jurisdictional defects are so fundamental that the proceeding must be quashed in limine.

j. **Whether the record must be restored *Nunc pro tunc*.**

   i. The Court must determine whether the state may benefit from its own concealment or whether the record must be restored to its lawful state as of September 23, 2024.

VOLUME 4 — LAW & ARGUMENT

A. CONSTITUTIONAL ARCHITECTURE AND THE PRIMACY OF THE CRIMINAL INTAKE SYSTEM

117. The criminal justice system in Ontario is constitutionally and statutorily structured around a **single point of intake**: the Ontario Court of Justice. This is not a matter of administrative convenience; it is a constitutional safeguard. The OCJ is the statutory creature designated for intake, bail, and initial docketing. The SCJ, by contrast, is a court of inherent jurisdiction whose criminal authority is engaged only after proper intake has occurred.

118. The use of the SCJ Family Law Registry — a registry with **no criminal jurisdiction in terms of operations whatsoever** — to generate a criminal instrument is a structural impossibility within the constitutional architecture. It violates:

a. the separation of criminal and family jurisdictions;

b. the Open Court Principle;
c. the statutory routing of criminal process; and
d. the constitutional requirement that criminal proceedings commence in the OCJ

119. The Supreme Court of Canada has repeatedly affirmed that the Rule of Law requires **predictable, transparent, and lawful procedures** for the deprivation of liberty. (*Reference re Manitoba Language Rights*, *BCGEU*, *Doucet-Boudreau*). A criminal process originating in a family-law registry is the antithesis of this requirement.

B. JURISDICTIONAL NULLITY: A PROCEEDING THAT NEVER LEGALLY EXISTED

120. A criminal proceeding cannot exist without a filed Information or an Indictment. This is not a technicality; it is the constitutional moment at which the state acquires jurisdiction over the person. A breach of the very Criminal Proceeding Rules so authorized by Chief Justice Morawetz is of the most egregious violations on its face (pardon the pun) but when it involves the Chief Justice himself, indirectly or directly, implicitly or explicitly, it rises to an assault on our democracy.

121. Herein, the facts remain as of today's date:
a. The SCJ (Toronto Region) criminal Court Office has no record of any Information;
b. SCJ 393 University Avenue Courthouse has no record of any Information, Information Package or Intake Court Endorsement;
c. The OCJ has no record of any Information filed between August and October 2024; and
d. Crown counsel Sinnadurai admitted that no Information or INTAKE COURT ENDORSEMENT (SEPT 23 2024) was filed during this period.

122. Under Rule 4.05(6), where the originating court office has no record of a filing, the document is **deemed not to have been filed**. The proceeding therefore never legally commenced.

123. A proceeding that never commenced cannot be cured, revived, or retroactively validated. It is a **jurisdictional nullity**.

C. THE DOCTRINE OF MAGISTERIAL CAPACITY AND THE LIMITS OF EX OFFICIO AUTHORITY

124. While SCJ judges possess ex officio status as justices of the peace, this authority is **strictly limited** to the act of administering the oath and reviewing the Information. It does not transform the SCJ into a criminal intake court.

125. Once the oath is administered, the police must file the Information with the OCJ. The SCJ has no statutory authority to retain, process, or docket the Information.

126. The six-week delay between the swearing of the Information and/or the signing of a Criminal Code Form 2 "Information" the first appearance is a **procedural black hole** during which the Information was vulnerable to alteration. This delay is incompatible with s. 505 of the *Criminal Code* ("as soon as practicable").

127. The Crown may argue that the delay is administrative. It is not. It is the temporal window during which the Jurat page was removed and replaced with the Impugned Endorsement.

D. SPOLIATION: THE REMOVAL OF THE JURAT PAGE IS FATAL

128. When utilizing the Lincoln County Law Association, Adult Common Law Information Package, which is a six page document, page 4 of 6 is the **heart** of the Information Package. It contains:

    a. the oath;

    b. the signature of the informant;

    c. the signature of the justice;

    d. the Crown election; and

    e. the confirmation under s. 508.

129. Its removal is not a clerical error; it was an intentional **spoliation** of sworn judicial acta. Under *omnia praesumuntur contra spoliatorem*, the Court must presume that the removed page contained information adverse to the Crown.

130. An Information that has been materially altered after the oath is not an Information at all. It is a **false document**.

131. A proceeding based on a false Information is a nullity.

132. Even worse, a criminal Proceeding based on a false Information, false INTAKE COURT ENDORSEMENT (SEPT 23 2024), wherein the logo for the SCJ is replaced with that of the OCJ renders.

E. SECTION 599 OF THE CRIMINAL CODE IS STATUTORILY IMPERMEABLE

133. Section 599 applies only to courts "before which an accused is or may be indicted." The Crown elected to proceed summarily. A summary conviction matter can never result in an indictment. Section 599 is therefore **categorically inapplicable** as it relates to any transmission of the record from the SCJ 361 University Courthouse (1st floor). It is a "Change of Venue" provision, not an administrative transmission mechanism. It cannot cure an intake-level jurisdictional defect. To invoke s. 599 to justify routing a sworn Information through the **SCJ Family Law Registry** is to engage in a legal fiction that the Court must reject.

F. STRUCTURAL DECONSTRUCTION OF THE FORM 2 AND THE SURROGATION OF STATUTORY INSTRUMENTS

134. A Form 2 Information is a statutory instrument with mandatory structural components. The Applicant identified that **Page 3 of 5** was excised and replaced with the Impugned Endorsement — a family-law construct foreign to criminal procedure. The Impugned Endorsement fails to satisfy **nine mandatory criteria** of a Form 7 Warrant. These failures go to the essence of the instrument's authority. A document that fails in nine material respects to conform to the prescribed statutory form cannot be redeemed via s. 32 of the *Interpretation Act*. These are not formatting errors; they are **substantive jurisdictional defects**.

G. FORGERY, FABRICATION, AND THE SMITH DOCTRINE

135. The Impugned Endorsement purports to be "Digitally signed by Justice of the Peace George Jiri." This representation is facially false. The document contains no cryptographic hash, no certificate authority metadata, no Adobe PKI signature block, and no secure electronic signature as required by the *Canada Evidence Act* and the *Personal Information Protection and Electronic Documents Act*.

136. In *R v Smith*, 2020 ONCJ 611, the Court held that a signature on an official document is a **material part** of that instrument. A document that purports to be made by a person who did not authorize its creation is a **false document** for the purposes of ss. 366–368 of the *Criminal Code*.

137. The Impugned Endorsement is a false document. It was created without judicial authorization, using a non-court software suite (GcPDF), and bears a fabricated signature. Its deployment to justify the Applicant's arrest satisfies the mens rea for uttering a forged document under s. 368.

138. The Crown may argue that the officers relied on the document in "good faith." This is untenable. Section 29 of the *Criminal Code* requires the production of a valid warrant upon arrest. A seasoned officer would immediately recognize that an "Intake Court Endorsement" is not a Form 7 Warrant. The reliance on this document was not an error of judgment; it was a deliberate bypass of judicial safeguards.

H. THE SYSTEMIC IMPOSSIBILITY OF THE IMPUGNED ENDORSEMENT WITHIN THE E-INTAKE PARADIGM

139. Ontario's criminal E-Intake portal automatically generates a standardized, locked Form 7 Warrant when a justice approves an application. The system is designed to prevent manual alteration, unauthorized templates, or non-standard forms.

140. It is **systemically impossible** for the E-Intake system to output a manually typed "Intake Court Endorsement" on Toronto Police Service letterhead. The existence of such a document proves that the standardized digital safety nets were intentionally bypassed.

141. Furthermore, the E-Intake system features automated geographic routing. An Information originating in Toronto cannot be routed to a Justice of the Peace in Brampton (JP Jiri) without a manual override. This confirms the existence of a "shadow" filing process outside the audited parameters of the Ontario court system.

142. The Impugned Endorsement is therefore not merely irregular; it is **technologically impossible** within the lawful intake architecture.

I. THE OPEN COURT PRINCIPLE AND THE CONSTITUTIONAL REQUIREMENT OF TRANSPARENCY

143. The Open Court Principle, affirmed in *Sherman Estate v Donovan*, 2021 SCC 25, requires that judicial proceedings be transparent, accessible, and publicly verifiable. The clandestine creation of a criminal instrument within a family-law registry — a location with no public criminal docket — violates this principle.

144. The Applicant was deprived of the ability to verify the existence, authenticity, or legality of the instrument used to justify his arrest. This violates:

a. the Open Court Principle;
b. 7 of the *Charter* (fundamental justice);
c. 9 of the *Charter* (arbitrary detention); and
d. 10(a) of the *Charter* (right to be informed of the reason for arrest)

145. A criminal process that cannot be publicly verified is constitutionally defective. It is void ab initio – from the time of its defectiveness.

J. CONFLICT OF INTEREST AND REASONABLE APPREHENSION OF BIAS

146. Madam Justice Shore previously acted as senior counsel at a firm that represented a litigant adverse to the Applicant in high-stakes civil litigation. The Applicant's intervention in that litigation resulted in significant financial detriment to the firm's client. Under the *Ethical Principles for Judges*, a judge must recuse themselves where a reasonable apprehension of bias arises. The failure to disclose this prior adversarial relationship, combined with the irregular routing of the Information through the SCJ Family Law Registry, raises a reasonable apprehension of bias. The removal of the Jurat page severed the documentary link between the Swearing Justice and the irregular warrant, shielding her from scrutiny. This is consistent with an attempt to obscure the identity of the issuing justice. A criminal process tainted by bias is a nullity.

K. ADMINISTRATIVE LAW PRINCIPLES AND THE ILLEGALITY OF REGISTRY CONDUCT

147. Registry staff have no authority to create, modify, or issue criminal process. Their role is strictly ministerial. The creation of the Impugned Endorsement within the Family Law Registry constitutes an **ultra vires administrative act**. Administrative bodies or creatures of statutes cannot exercise powers they do not possess. (*Dunsmuir v New Brunswick*, *Vavilov*). The Family Law Registry has no statutory authority to issue criminal process and/or to receive the filing of an Indictment or an Information (Criminal Code Form 2).

148. Moreover, in the context of an "application" by way of an "Ex Parte In Camera Hearing", Madam Justice Shore whether acting as an ex officio JP or OCJ Judge or in the context of a specialized type of search warrant, production order or otherwise under section 487.1 of the Criminal Code.

149. The Crown may argue that the registry acted under delegated authority. This is impossible. Delegation cannot exceed the scope of the delegator's jurisdiction. A family-law registry cannot be delegated criminal authority it does not possess.

150. The Impugned Endorsement is therefore void for administrative illegality.

L. INHERENT JURISDICTION AND THE COURT'S DUTY TO RECTIFY A CORRUPTED RECORD

151. The SCJ possesses inherent jurisdiction to control its own process and to prevent abuses of its authority. (*MacMillan Bloedel*, *Crevier*, *Doucet-Boudreau*).

152. Where the judicial record has been corrupted, altered, or fabricated, the Court has a **non-delegable duty** to

    a. expunge the corrupted material;

    b. reconstruct the authentic record; or

    c. prevent the state from benefiting from its own misconduct.

153. In *R v Hayes*, the Supreme Court held that courts must reconstruct missing or defective records to preserve the integrity of the judicial process. This duty applies with even greater force where the defect arises from state misconduct.

154. The Court must therefore reconstruct the record ***Nunc pro tunc*** to its lawful state as of September 23, 2024, to the extent that the Manager of Court Operations does not comply with her duties.

M. CHARTER BREACHES: SECTIONS 7, 8, 9, AND 11(B)

155. Section 7: The Applicant was deprived of liberty based on a fabricated instrument. This violates the principles of fundamental justice.

156. Section 8: A search or seizure predicated on a non-existent warrant is unreasonable. While there is a search incident to arrest, any such seizure of property form the Applicant's residence post September 20, 2024, was without a valid search and seizure warrant. Moreover, this is where the fraudulent misrepresentation that the Applicant was "NFA" cuts against the municipal Executive Branch (the "Municipal Executive Branch") in that it cannot have it both ways considering the Applicant's property was inside his resident where he was the sole resident.

157. Section 9: The Applicant's detention was arbitrary. A detention based on a false document is per se arbitrary.

158. Section 11(b): As the False Information Package did not contain the required pages therein (at least two missing), there is no ability to have had a record for any such trial. It is automatic default against the Crown. The clock never started running but even when it did, it was an abuse of process on all court level that were touched by the same.

159. Section 12: cruel and unusual treatment (not punishment as there was nothing to punish).

160. These breaches are not technical; they are structural. They undermine the constitutional architecture of criminal justice.

N. PREROGATIVE RELIEF: CERTIORARI, PROHIBITION, AND MANDAMUS

161. Certiorari must issue to quash the Impugned Endorsement and the altered Information. The defects are jurisdictional, not procedural. Prohibition must issue to prevent further reliance on the Impugned Endorsement. A court cannot permit the state to act on a nullity. Mandamus must compel the Registrar to produce the original Form 7 Warrant, the sworn Information, and all associated audit trails under Rule 43.03. These remedies are not discretionary. They are required to preserve the integrity of the administration of justice.

O. NUNC PRO TUNC RELIEF

162. The record must be restored ***Nunc pro tunc*** to September 23, 2024. This prevents the state from benefiting from its own concealment and restores the Applicant to the position he would have occupied had the state complied with the law.

163. *Nunc pro tunc* relief is appropriate where:

   a. the state has concealed the originating document;

   b. the record has been corrupted;

   c. the proceeding is a nullity; and

   d. the Applicant's *Charter* rights have been violated

164. This is such a case.

165. It is always imperative to remember the distinction between a "proceeding" and a "prosecution" with the former being all encompassing but the prosecution being relevant to the Crown. It is also important to note the authority in *Benedict v. Ontario* wherein the Crown was found to be indivisible.

VOLUME #5: WHERE THE "OLD SCHOOL" MEETS THE "NEW SCHOOL" ALBEIT BY FALSIFICATION POST FACTO

PART I: PRELIMINARY MATTERS, JURISDICTIONAL FRAMEWORK

166. In the formulation of the jurisprudential arguments advanced herein, strict cognizance has been taken of the foundational materials, forensic evidence, and binding authorities. The ensuing analysis is predicated upon an exhaustive review of the enumerated instruments, which collectively form the evidentiary and legal substrate of this application. It is posited that the Superior Court of Justice possesses the inherent jurisdiction, and indeed the constitutional imperative, to meticulously scrutinize its own *acta* (public records) to ensure that the foundational instruments of state prosecution are untainted by procedural vitiation or cyber-manipulation.

167. The epistemological weight of a criminal charge relies absolutely upon the unimpeachable integrity of the initiating document. When the presumption of regularity—*omnia praesumuntur rite et solemniter esse acta*—is empirically rebutted by forensic evidence of state-actor manipulation, the burden invariably shifts to the Crown to demonstrate that the court possesses the requisite jurisdiction to proceed.

PART II: THE SPATIAL AND JURISPRUDENTIAL NEXUS APPERTAINING TO JUDICIAL ENDORSEMENTS

2.1 Historical Validation of the Record: The Precedent Established by Chief Justice Morawetz

168. It is advanced as a foundational tenet of Anglo-Canadian jurisprudence that the validity underpinning any judicial proceeding is inexorably tethered not merely to the existence of a signatory mark, but rather to the geographical, spatial, and contextual placement thereof upon the originating instrument. A signature untethered from its substantive text is a jurisprudential phantom. The historical and legally sound praxis of the Ontario Superior Court of Justice necessitates an unbroken physical—or, in the contemporary alternative, a cryptographically intrinsic digital—nexus between the charging document and the corresponding judicial endorsement.

The Evidentiary Weight Assigned to the Physical "Backsheet"

169. Such an exacting standard is ostensibly best exemplified by the entrenched praxis of senior jurists, inclusive of Chief Justice Morawetz, whose historical endorsements were purposefully and invariably inscribed upon the physical doors, or the backsheet (the "**Physical Backsheet**"), of the *Information* or application record.

170. Whereupon said endorsement was thusly affixed to the Physical Backsheet, an incontrovertible evidentiary chain was established *prima facie*: the judicial endorsement was physically and permanently conjoined to the specific, sworn contents of the enveloping document. The paper itself served as the unifying medium, binding the *actus reus* and *mens rea* particulars to the judicial imprimatur.

171. It is posited that this action was never executed as a mere administrative afterthought or clerical formality. Rather, it constituted a deliberate, jurisprudential act intended to formally seal the *acta* of the court, signaling to all downstream legal actors that the specific allegations contained within the four corners of the document had been subjected to independent judicial scrutiny and validly sworn under oath.

The Requisite of Intrinsic Connection and the Mitigation of Post-Facto Alteration

172. The reverse of the aforementioned Physical Backsheet functioned as the authentic and exclusive canvas upon which the jurisdiction of the court was manifested. It provided unequivocal, tangible evidentiary proof that the presiding jurist had physically possessed, reviewed, contemplated, and acted upon the precise instrument presented before them. The tactile connection and spatial proximity of the ink to the sworn allegations are averred to constitute the requisite validation of the court record.

173. Within the analog paradigm, this spatial nexus served a profound anti-fraud function. It ensured that the document could not be subjected to post-endorsement alteration, substitution, or appendation without extant detection (such

as the removal of binding staples, the severing of the parchment, or the presence of visible erasure marks). The signatory validation purportedly extended to the entirety of the document precisely, and exclusively, because it was intrinsically bound thereto. To sever the signature from the charge is to sever the jurisdiction from the court.

PART III: THE FATAL SEVERANCE IDENTIFIED WITHIN THE IMPUGNED "INFORMATION PACKAGE"

3.1 The Digital Disconnect: A Jurisdictional Rupture

174. Upon the application of the aforementioned jurisprudential standard—derived from the historical Morawetz endorsements—to the impugned Information Package in the matter at bar, the jurisdictional deficiency of the digital document becomes patently and alarmingly discernible.

175. The advent of the digital epoch does not abrogate the requirement for an intrinsic connection; rather, it necessitates the translation of such analog requirements into rigorous, uncompromising parameters of cryptographic and structural continuity. A valid digital document must possess a mathematically verifiable hash that locks the signature to the text concurrently.

176. In stark contradistinction to a physical endorsement situated upon the reverse of a validly sworn *Information*—or a properly executed cryptographic signature that mathematically secures the entirety of a portable document format file (the "**PDF**")—the software-generated Information Package deployed herein wholly and fatally severs the judicial signature from the charging instrument.

177. The imperative mandate articulated by the Supreme Court of Canada in *R. v. Araujo*, 2000 SCC 65 (the "*Araujo Doctrine*")—wherein it is established that prior judicial authorizations function as foundational prerequisites for state action and are subject to the strictest of construction—is fundamentally vitiated when the authorizing signature is disjointed from the substantive text it ostensibly authorizes. If the judicial authorization cannot be structurally and forensically linked to the *actus reus* and *mens rea* particulars of the charge, the state's authority to proceed is extinguished *in limine* (at the threshold).

Severance from the "Information-To-Wit": An Unsworn Void

178. As delineated meticulously within Appendix E of the Application Record, the signature of the Justice of the Peace manifests in absolute isolation upon Page 3 of the Information Package. Crucially, said isolated page is entirely bereft of the information to wit (the "**Information-To-Wit**")—the substantive, sworn charging paragraphs detailing the requisite particulars, including the spatial, temporal, and factual elements of the alleged transgression.

179. Within the purview of Canadian criminal jurisprudence, an *Information* does not function as a generalized writ or a broad warrant of apprehension reminiscent of the abhorrent Star Chamber. It is a highly particularized statutory

instrument alleging the commission of a specific act by a named individual, traditionally heralded by the formal legal declaration "to wit" (namely, or that is to say).

180. It is submitted that an oath cannot be validly sworn in a vacuum. A jurist must swear an oath *over* specific facts. By effectuating the digital and spatial isolation of the judicial signature from the Information-To-Wit, the utilized software engenders an unsworn void. The judicial officer, operating within this manufactured void, effectively endorsed nothing of substance.

181. A digital signature manifesting upon a distinct, separate page—entirely devoid of the substantive charging text—fails to satisfy the foundational epistemological and legal requisites of a valid endorsement. It may be logically extrapolated as the digital equivalent of an adjudicator affixing a signature to a blank parchment situated in a separate locus from the substantive particulars, subsequent to which the twain are administratively adjoined by prosecutorial fiat to fabricate a veneer of lawful authority.

3.2 The Procedural Handover and the "Place of Filing" Mandate

182. To apprehend the mechanics of this sophisticated forgery, the undisputed provenance of the source document must first be established. Digital forensics relies unequivocally upon the establishment of a reliable, unassailable baseline of truth. The original baseline file was generated exclusively by the 1st-floor Family Registry at the Superior Court of Justice (361 University Avenue) to process an order originally promulgated by the Chief Justice.

The Strict Bifurcation of Court Registries and Administrative Apparatuses

183. It is vital to explicitly classify this originating locus as the Family Registry—and categorically not a criminal registry. The Canadian judiciary is architecturally structured to ensure that criminal matters are subjected to rigorous statutory divisions. Following the structural modernization of the Ontario courts, family, civil, and criminal matters were strictly bifurcated into distinct registries, governed by distinct statutory rules of procedure, and operated upon entirely incompatible administrative software systems.

184. As highlighted in successive Auditor General reports concerning court operations and facilities, these digital systems do not organically interact. For instance, family courts utilize the FRANK tracking system, whereas criminal courts deploy the ICON system. This architectural separation constitutes a deliberate, structural firewall designed to preclude the cross-contamination of legal authority and to safeguard the independence of the separate judicial branches (specifically, the federally appointed Superior Court of Justice versus the provincially appointed Ontario Court of Justice).

185. An instrument generated within the Family Registry possesses no inherent statutory authority to initiate criminal proceedings pursuant to the *Criminal Code* of Canada. It is incapable of crossing the jurisdictional divide between the Superior Court and the Ontario Court of Justice absent formal, highly regulated statutory mechanisms—none

of which were employed in the present matter. The mere presence of a family-formatted document deployed within the prosecution of a criminal indictment immediately signals a severe and fatal procedural deviation.

Rule 4.05(1) and the Immutable Digital Footprint

186. The routing of the impugned document was not serendipitous; it was strictly governed by procedural mandates that dictated the Chief Justice's administrative actions, thereby establishing an undeniable digital paper trail. Pursuant to Rule 4.05(1) of the *Rules of Civil Procedure* pertaining to the "Place of Filing":

> *"All documents required to be filed in a proceeding shall be filed electronically by email or by other electronic means provided by the Court... with the court office in which the proceeding was commenced, except where they are filed in the course of a hearing or where these rules provide otherwise."*

187. When Chief Justice Geoffrey B. Morawetz purportedly issued the oral *ex parte* order, but more in the nature of a direction or the simulacrum or semblance of a purported order ("This Information is Accepted on its face... Warrant In The First: Issue"), the judicial assistant assigned to his chambers in that specific instance possessed no legal capacity to act as a clerk of the court for such a purported criminal directive (see: ss. 3.1(1) and (2) of the Criminal Code).

188. Ss. 3.1(1) cuts both ways and it is naturally objective on its face. Whether the act or thing done by a court, justice or judge is good, bad or indifferent, it is effective from the time it is done. Ergo, if an SCJ Judge issues a purported order but is remiss in following the most rudimentary fundamentals of criminal law, specifically criminal procedure (i.e. in this instance, the basic of a Form 7 of the Criminal Code which any elementary school student with a computer could likely draft a hypothetical Criminal Code Form 7 "Warrant For Arrest") then it is effective from the time it is done. Certainly if the police forces enter into CPIC that there is an outstanding arrest warrant for an individual predicated upon the same, then such an individual is subject to the arrest warrant based upon CPIC. With that segue, law enforcement must have a copy of the arrest warrant on his or her person when attempting to or executing the arrest and required to provide a copy of the same upon request of the individual being arrest. This is elementary (no pun intended in reference to the above) criminal law and specifically section 29 of the Criminal Code. The leading case in the area was that of BC Supreme Court and BCCA in *R. v. Bohn* albeit in relation to two different types of warrants: (i) one being a search warrant; and (ii) the other being a warrant pursuant to the former Narcotic Control Act.

189. Because the proceeding was inextricably tethered to this specific jurisdiction, the Chief Justice was statutorily compelled to route the Intake Court Endorsement through the Superior Court of Justice 361 University Avenue, 1st Floor Court Office. Mr. Jeffrey Bohn was the subject to a Crime Stoppers tip alleging hydro bypass and marijuana grow-operation at a residence in British Columbia, specifically the City of Surrey. One of the previous ways to determine whether there were grounds to believe, and of course reasonable (objectively speaking) was for a BC Hydro technician to inspect externally along with performing analyses of the voltage and amperage loss and whether there was an internal bypass. The police obtained a Criminal Code search warrant first which falls under

the language of section 29 of the Criminal Code and then sought and obtained an NCA warrant, which was later replaced by the CDSA.

190. Like the Applicant herein, albeit on much different facts in that the Applicant was lured to the TPS 14th Division detachment on false pretenses in the form of falsely packaged quid pro quo in relation to his property that was somehow "received" by the TPS from his residential property, Mr. Bohn asked for a copy of the search warrant but was not given one. While the BCCA turned its mind to whether the trial judge had accepted, as a fact, that Mr. Bohn had requested to see (more in the nature of have a copy or inspect) the search warrant, it was satisfied that the trial judge accepted that it was probable that the appellant did make such a request.

191. Herein, the Applicant followed up the next day after October 2, 2024, to obtain a copy of the arrest warrant that was represented to him by, ironically, Police Officer Mr. Anthony Romano. The Applicant copied Sergeant Cassidy and D/C Kolankowski, and none of them responded.

192. The Applicant brought his HRTO Application in mid October 2024, and served the TPS on October 24, 2024. The day after service, the Applicants "tools of his trade" in relation to combatting corruption, kidnapping and false imprisonment et al were stolen by an unknown person at the time. The Applicant later in May 2025 discovered, through serendipity and "divine intervention" (in the form of un-redacting the redacted images provided by CAMH in November 2024) that it was Mr. David Karat, the self-professed ADR specialist with the TD Insurance Group (four of the five insurance companies therein). As noted herein, three of the five insurance companies in the TDI Group are the subject of a JRPA Application before the Divisional Court but now subject to further motions in relation to fraud as a result of the Coram Non Judice conference appearances before Madam Justice Shore, who failed to follow a single section of the JRPA and Courts of Justice Act along with the Rules of Civil Procedure in relation to the requirements to convene a case conference, although she referred to it as a "case management conference" [sic] through an individual in Ms. Evelyne Ibula, who ironically last worked at the very same location of the then counsel to the Landlord to the Applicant. In another twist, the Landlord to the Applicant is seen in one of the images on standby in the form of what the Applicant submits was aiding and abetting.

193. It appears on its face that the reasons that some of these individuals formally tethered to Madam Justice Shore in various fashion with particular reference to that of Mr. Papadimitropoulos, since terminated from TD Insurance, who is a client of Epstein Cole LLP and formerly counselled by Madam Justice Shore when she was a lawyer at said law firm was that they felt they were assisting the Chief Justice of the SCJ. Perhaps, the same applied to the likes of CAMH, the Toronto Public Library and other public type landlords or owners including the police.

194. Oddly, some of the harassment of the Applicant by the police and others all of sudden disappeared the moment that Chief Justice Morawetz announced publicly his "retirement" albeit he was not at the age of the retirement at the time. Empirical objective evidence notes that Chief Justice Morawetz retirement effective date was much shorter than almost every other Chief Justice in this country in the last 20 years.

195. Returning to R. v. Bohn, the unanimous BCCA, with Madam Justice Ryan writing the Reasons for Decision, found that section 29(1) of the Criminal Code is imperative, and feasible non-compliance makes execution of the warrant unlawful. The BCCA further found that Failure to produce the warrant on request significantly infringes s. 8 of the

Canadian Charter of Rights and Freedoms. The BCCA overturned the trial judge's decision in R. v. Bohn and found that the section 8 of the Charter, along with the section 10(b) Charter rights, were series because the police knowingly avoided the section 29 requirements to save time reflecting lack of reasonable good faith.

196. But what about when there was no warrant but the police represent to an accused that they have an arrest warrant?

197. That is the primary issue as it relates to the police misconduct herein subject to the TPS being responsible for the falsification of foundational documents in the Information Package and morphing it into the False Information Package.

198. To effectuate the transmission of the Chief Justice's orders to law enforcement, the Family Law Team Leader transcribed the directive onto a standard "Intake Court Endorsement." It was subsequently signed for authentication by the Chief Justice prior to being transmitted electronically directly to the Detective In Charge (Detective Abdulhameed K. Virani of the 52nd Division).

199. This precise routing protocol mathematically explains why the staff at the 361 University Court Office possess intrinsic, primary knowledge of the document's true origins and securely retain the un-redacted metadata within their internal servers. They represent the critical temporal and spatial juncture where a legitimate (albeit procedurally irregular) family directive was relinquished to a police agency that subsequently orchestrated its digital manipulation. Electronic filing inherently generates an immutable footprint, capturing the precise timestamp, the sender, the recipient, and the un-altered baseline state of the attachment.

3.3 Visual Baseline: The Chief Justice's Traditional Signature

200. A forensic review of verified, high-profile orders executed by Chief Justice Morawetz (exemplified by the Laurentian University of Sudbury *CCAA* proceedings, 2022 ONSC 429, and the Urbancorp *CCAA* proceedings, October 2, 2020) reveals a crucial evidentiary fact: Chief Justice Morawetz does not utilize cryptographic Adobe digital signature blocks.

201. His signature block represents a traditional, unencrypted execution. It is characterized by a physical (or scanned physical) signature superimposed directly above his uniquely capitalized and punctuated typed nomenclature: *Chief Justice G.B. Morawetz*.

202. The original Intake Court Endorsement transmitted to the 52nd Division constituted a simple, traditional judicial endorsement block. It was wholly bereft of complex Adobe digital certificates, Public Key Infrastructure (PKI) encrypted ByteRange dictionaries, sophisticated timestamps, or time zone modifiers. Its baseline architecture was structured as follows:

```
+------------------------------------------------------------------+
|                                              |
|   [ Signature of G.B. Morawetz ]                    |
|                                              |
|   Chief Justice G.B. Morawetz                       |
```

```
|                                                    |
|    Date: September 23, 2024                        |
|                                                    |
|                  Superior Court of Justice         |
+------------------------------------------------------------------+
```

3.4 Software-Induced Severance and Vector Morphology

203. Upon receipt of this emailed Superior Court PDF, the manipulating actor (operating within the ambit of the Toronto Police Service) confronted a daunting, illicit objective: the necessity to digitally expunge the Superior Court branding and the Chief Justice's nomenclature, forcefully mutating the document to masquerade as a valid Ontario Court of Justice criminal instrument.

The GrapeCity Developer API Extrapolation

204. To accomplish this unauthorized conversion at an industrial scale, a third-party enterprise PDF editing utility was deployed. The metadata embedded within the False Document Package confirms unequivocally that the precise application utilized was Grape.City.Documents.PDF-6.0.2.0.

205. GrapeCity Inc. (subsequently rebranded as MESCIUS) engineers sophisticated .NET libraries strictly designed to empower software developers to programmatically generate, modify, and manipulate PDFs. The GcPDF software functions as a developer application programming interface (the "**API**"), not as an end-user application.

206. Police services and institutional bureaucracies frequently leverage these third-party, server-side APIs for automated document processing precisely because such tools circumvent the strict, manual user-interface warnings, password prompts, and security lockouts inherent within official Adobe Acrobat software. However, the GcPDF API does not constitute a legally recognized nor jurisprudentially sanctioned substitute for Adobe Acrobat when the prevailing objective is the solemn authentication of evidence tendered under oath.

The Z-Index Collapse and Brute-Force Rasterization

207. When the GrapeCity manipulator highlighted the signature block and initiated the algorithmic deletion of the text "Chief Justice G.B. Morawetz", the software's flattening process suffered a critical failure. The anomaly is predicated upon the architectural reality that a PDF is not a flat image, but rather a complex, layered mathematical model. The Chief Justice's transparent electronic signature image was situated upon a higher Z-index layer, physically overlapping the underlying vector text of his name situated upon a lower Z-index layer.

208. When the API was instructed to effectuate the deletion of the top-layer signature image, the software's flattening engine attempted a brute-force rasterization. The GcPDF architecture notoriously struggles with the resolution of

complex overlapping alpha channels (transparencies), embedded font subsetting, and absolute spatial coordinate anchoring (specifically, the Td and Tm PDF operators) within manipulated documents. By forcefully attempting to decouple the overlapping image from the underlying text, the API precipitated a catastrophic vector collapse, irrevocably shattering the mathematical instructions that rendered the typography.

3.5 The Optical Character Recognition (OCR) Glitch: The Transformation of "C J G.B. M"

209. The resulting letters "CL (M)" are not random gibberish, nor do they represent a bureaucratic acronym. They are the mathematically predictable, unavoidable culmination of an Optical Character Recognition (the "**OCR**") and vector morphology failure occurring when third-party software aggressively attempts to excise the string "C J G.B. M" from a layered PDF.

The "J" to "L" Glitch (Stem Shearing)

210. To apprehend this transformation, the computational drawing of typography must be understood. In serif fonts (such as Times New Roman, the standard typography of the courts), letters are not stored as static pixels. They are rendered utilizing mathematical formulas designated as Bezier curves, anchored by directional handles. A capital "J" and a capital "L" share a nearly identical central vertical stem. The letter "J" is specifically delineated by this vertical stem dropping below the baseline and terminating in a sweeping leftward hook (typographically termed a terminal or finial).

211. When GrapeCity attempted the brute-force excision of the overlapping signature image, it precipitated a spatial collapse in the exact locus where the image intersected the text. The invisible bounding box containing the "J" was violently clipped upon its left margin. This severed the vector control points responsible for rendering the curved hook, completely shearing it off. What remained embedded within the document's visual memory was a naked vertical stem flanked by minor horizontal serif anchors at the zenith and nadir.

212. The software's intrinsic OCR engine, attempting to reconstruct the corrupted PDF stream, surveyed this fractured geometric shape. It executed a heuristic confidence-score analysis to map the surviving geometry back to a recognized Unicode glyph. Lacking the defining leftward hook, the algorithm cross-referenced the surviving stem against its internal typography database. Mathematically, a vertical stem bereft of its hook but retaining right-oriented base geometry defaults to the closest matching character yielding the highest confidence score: the letter "L".

The "G.B." to "( )" Glitch (The Rounded Vector Collapse)

213. The Chief Justice explicitly utilizes his middle initials: G.B. Both of these letters are constructed heavily from complex, sweeping, rounded Bezier curves (typographically designated as bowls or lobes).

214. Unlike a rudimentary word processing document wherein spaces are treated as actual typed characters, a PDF relies upon a rigid mathematical grid. A "space" between letters constitutes a coded instruction (Tc, Tw, or Td operators) directing the rendering engine to jump a specified number of pixels along the X-axis prior to drawing the subsequent character. When GrapeCity's known "whitespace bug" (enumerated as DOC-6507) was triggered during the excision of the overlapping image, it entirely obliterated these invisible spacing jumps.

215. Bereft of spatial anchors, the letters snapped together, violently collapsing into the identical physical coordinate space. The internal horizontal crossbars, spurs, and straight vertical stems of the "G" and "B" experienced a catastrophic rasterization crash. They were mathematically crushed out of existence due to intense vector compression and pixel-rendering overlap errors. All that survived this digital compression were the mathematically simplest, outermost vector paths.

216. The left-sweeping outer curve of the "G" was isolated, stripped of its crossbar, and interpreted by the desperate OCR engine as an open parenthesis: (. Correspondingly, the right-sweeping outer curve of the "B" was similarly isolated, stripped of its vertical stem, and interpreted as a closed parenthesis:).

217. Thus, the original anchor initials "C J G.B. M" were morphologically degraded, compressed together by the total loss of kerning data, and algorithmically translated into the visible digital artifact: C L (M). This does not constitute a typographical error; it is a permanent digital fossil—a cryptographic scar unequivocally proving a violent collision between an image layer and a text layer during the execution of a botched forgery.

```
+------------------------------------------------------------------+
|                                                  |
|                                                  |
| C L ( M )  <--- Collapsed Anchor Letters                  |
|                                                  |
|                                                  |
+------------------------------------------------------------------+
```

3.6 Hypothesis Testing and the Jurisprudential Exclusion of the Associate Chief Justice

218. Given the profound jurisdictional implications stemming from the accusation of the Chief Justice of Ontario, it is legally imperative to rigorously test this vector morphology hypothesis against alternative judicial actors who possessed the requisite authority and physical placement to have executed the order.

219. One such logical candidate is The Honourable Associate Chief Justice Faye E. McWatt. Appointed to the Superior Court of Justice in 2000, ACJ McWatt possesses extensive criminal law experience and shares the last initial "M". Furthermore, she is intrinsically linked to the Applicant's conflict matrix via the *McIntosh v. Shore, McWatt and Morawetz* litigation.

220. It is posited, however, that forensically and mathematically, the signature could not have belonged to ACJ McWatt. Had ACJ McWatt executed the document, her official signature anchor string would have been structured as "A.C.J. F.E. M" (Associate Chief Justice F.E. McWatt). When subjected to the exact GrapeCity OCR and whitespace

collapse bug (DOC-6507), her nomenclature entirely fails to produce the artifact discovered upon the document, predicated upon two critical structural reasons:

221. **The Missing "A":** The artifact is strictly "CL (M)". If ACJ McWatt had signed the instrument, the capital "A" (representing "Associate") would have constituted the primary anchor letter upon the far-left margin. The "A" is entirely absent from the digital shrapnel.

222. **The "F.E." Rectilinear Glitch Failure:** The most definitive exclusion lies within the structural typography of the middle initials. While "G.B." contains the sweeping curvilinear Bezier curves mathematically requisite to collapse into parentheses ( ), the letters "F" and "E" do not. The letters "F" and "E" are strictly rectilinear; they are constructed entirely of orthogonal, straight vertical stems and sharp 90-degree horizontal crossbars. Even if mathematically crushed by a spatial collapse, an OCR engine would never algorithmically interpret the straight lines and sharp angles of an "F" or an "E" as sweeping, rounded parentheses.

223. Therefore, the vector morphology test conclusively exonerates Associate Chief Justice McWatt. The digital shrapnel "CL (M)" mathematically locks the origin of the document directly and exclusively to Chief Justice G.B. Morawetz.

PART IV: THE DIGITAL SIGNATURE RUSE AND THE FABRICATION OF THE DECOY JURIST

4.1 The Visual Smokescreen and Cryptographic Camouflage

224. Confronted with this catastrophic software glitch, the manipulating actor apprehended a severe dilemma. They were incapable of fully erasing the stubborn letters without corrupting the entire page, an act which would render the PDF entirely unreadable and visibly scarred to any defense counsel or reviewing jurist. Having deleted the bulk of the Chief Justice's nomenclature, they were left with the "CL (M)" digital shrapnel exposed upon the record.

225. To obfuscate this glaring forensic glitch, they deployed an entirely fraudulent, highly sophisticated visual smokescreen. By pasting a complex, bureaucratic-looking "digital certificate" box directly over the "CL (M)" artifact, they explicitly weaponized the visual complexity inherent to a digital signature. The objective was to manipulate the nonsensical "CL (M)" artifact to appear as though it belonged to Court Officer Christyn Frugoni-Rojas, acting as a component of an official, cryptographic timestamp.

4.2 The Subversion of Section 504 of the Criminal Code

226. This action constitutes an absolute procedural fraud that betrays a complete abrogation of established criminal procedure. Pursuant to section 504 of the *Criminal Code*, an *Information* must be laid in writing and under oath before a justice. As evidenced by the standard Adult Common Information Form, an informant swearing an

Information in person does not require—nor do they utilize—a floating, highly formatted "digital signature" box randomly situated upon a secondary page of a PDF.

227. The physical Form 2 necessitates a wet-ink signature or a highly specific, certified e-signature contained strictly within the jurat, executed simultaneously before the Justice of the Peace. The "digital signature" deployed herein on Page 2 was utilized exclusively as a visual ruse to overwrite the void precipitated by the removed Superior Court signature and to falsely legitimize the visibly altered document through overwhelming bureaucratic clutter.

```
+-------------------------------------------------------------------+
|                                               |
| Christyn                                          |
| Frugoni-                                          |
| Rojas CL (M)  <--- The Fused Artifact hidden in the fake text      |
|                                               |
                                                         | Digitally signed by                              |
                                                         | Christyn Frugoni-                                |
                                                         | Rojas CL (M)                                     |
                                                         | Date: 2024:09.23 12:59.50 -04-'00'                      |
```

4.3 The Fake Ontario Court of Justice Arms Logo and the Decoy Justice of the Peace

228. A rigorous inspection reveals that the final iteration is a true "Frankenstein" document—a patchwork amalgamation of conflicting jurisdictional authorities and fabricated stamps. The manipulator appropriated a Superior Court document, pasted a fabricated Ontario Court of Justice Arms Logo at the zenith of the page, and included a fabricated Justice of the Peace signature line (purporting to belong to George Jiri) to finalize the illusion.

229. The Ministry of the Attorney General has explicitly conceded that the Form 2 *Information* was never formally filed and that Justice of the Peace Jiri did not, in fact, sign the document. Furthermore, a Form 4 Indictment (originating from the Superior Court) cannot be authorized by a Justice of the Peace (operating within the Provincial Court) due to absolute statutory bars on cross-jurisdictional authority.

230. This evidentiary matrix confirms that law enforcement intentionally utilized a digital "template" bearing JP Jiri's nomenclature—a familiar former colleague who previously collaborated extensively with the police human trafficking team prior to his January 2024 judicial appointment—to manufacture a facially valid-looking decoy for the executing officers in the field. This highly sophisticated misdirection allowed the actual judicial authority (Chief Justice Morawetz) to remain entirely obscured behind a veil of "in chambers" secrecy, thereby blatantly violating the Open Court Principle.

PART V: STATUTORY NON-COMPLIANCE, ABUSE OF PROCESS, AND THE WEAPONIZATION OF SECURITY

5.1 Strict Adherence to the Criminal Proceedings Rules

231. This spatial, digital, and jurisdictional severance explicitly contravenes the foundational tenets of the *Criminal Proceedings Rules*. Rule 4 of the *Criminal Proceedings Rules* mandates strict, unwavering adherence to prescribed forms (such as Form 2 for an *Information*) to ensure the unimpeachable integrity of the court record.

232. Such statutorily prescribed forms are understood in jurisprudence not as mere administrative guidelines or aspirational suggestions, but as absolute statutory prerequisites conditioning the lawful exercise of coercive state authority. A departure from these forms that strikes at the substance of the charge divests the court of its authority to proceed.

233. **Nota Bene (Addressing the Doctrine of Curability):** *It may be posited by the respondent Crown that the spatial separation of the signatory mark from the charging text constitutes a mere procedural irregularity, theoretically capable of retroactive rectification under the curative provisos of section 601 or section 686(1)(b)(iv) of the Criminal Code. Such an extrapolation is logically and legally infirm. Pursuant to the strict construction mandated by the Supreme Court in R. v. Côté, 2011 SCC 46, while jurisprudence may generously accommodate minor clerical defects or misnomers, an instrument that wholly fails to disclose a valid legal foundation—such as a document altered via unauthorized API manipulation and decoy signatures—is deemed an incurable nullity. A fabricated signature bereft of any structural nexus to the charge is not a curable defect; it constitutes an absolute jurisdictional vacuum. Thus, jurisdiction is severed ipso facto, and cannot be salvaged nunc pro tunc.*

5.2 The Weaponization of the Nullity to Preclude Administrative Oversight

234. The prejudice engendered by this fractured Information Package operates to actively deprive the affected party of administrative justice, civilian oversight, and the fundamental tenets of procedural fairness as articulated in *Baker v. Canada (Minister of Citizenship and Immigration)*, [1999] 2 SCR 817. The state's reliance upon this fabricated document effectively destroys the *status quo ante*.

235. As evidenced unequivocally by the LECA Refusal dated May 2, 2025 [Tab 14, Application Record], an independent investigation into grave allegations of inappropriate charging and custodial mistreatment was declined explicitly on the grounds that “there is an outstanding criminal charge related to this complaint.”

236. It is logically deduced that this dynamic precipitates a perverse, self-insulating cycle of state impunity. A procedural nullity—a legally void *Information* manipulated via the GrapeCity API to obscure a Chief Justice's involvement—was initially generated by the state apparatus. Notwithstanding this absolute vitiation, said void instrument is purportedly being utilized and characterized by the state as a valid, *res judicata* “outstanding criminal charge.”

237. This characterization is weaponized to effectively preclude independent civilian investigation pursuant to the *Community Safety and Policing Act, 2019*. Thus, an instrument that fails the foundational epistemological test of judicial authentication is deployed as an impenetrable shield to insulate state actors from systemic accountability.

5.3 Coordinated Stonewalling, Conflicted Counsel, and the JSSO

238. Because Rule 4.05(1) mandated that the Intake Court Endorsement be routed through the Superior Court of Justice 361 University Avenue court office, the registry staff securely retained the original metadata and un-redacted files. They possess explicit knowledge of what was transmitted to the 52nd Division on September 23, 2024. However, the Applicant's lawful attempts to retrieve the Authentic Information Package were met with a coordinated, highly aggressive, multi-tiered blockade.

The "McIntosh" Conflict of Interest (Annathan Sinnadurai)

239. When the Applicant demanded transparency in the Summer of 2025, the Ministry of the Attorney General deployed legal counsel Annathan Sinnadurai to formulate the response. This assignment was purportedly not random; it represented a profound, paralyzing, and highly strategic conflict of interest.

240. Mr. Sinnadurai previously served as direct legal counsel for Chief Justice Morawetz, Associate Chief Justice McWatt, and Madam Justice Sharon Shore in the closely related, highly contentious litigation of *McIntosh v. Shore, McWatt and Morawetz*. By deploying the exact same counsel who previously defended this specific triad of jurists, the Ministry ensured that the Applicant's inquiries were intercepted by an agent whose primary professional history involved shielding the Chief Justice and Justice Shore from personal liability, rather than upholding the integrity of the public court record.

The JSSO "Freudian Slip" (Guilty Knowledge and Rule 8)

241. When administrative obfuscation proved insufficient, the state apparatus escalated its response. On August 22, 2025, the Applicant transmitted four emails to the Superior Court Correspondence Unit requesting access to the Authentic Information Package. Two emails were directed to Regional Senior Justice (RSJ) Firestone, and two were directed to Chief Justice Morawetz.

242. On August 26, 2025, at 9:19 AM, the Justice Sector Security Office (the "**JSSO**") emailed the Applicant, threatening that further correspondence "could result in some form of legal jeopardy" and characterizing the lawful records requests as "harassment." This correspondence serves as the legal equivalent of a "Freudian Slip." By attempting to intimidate the Applicant, the JSSO inadvertently confessed to Chief Justice Morawetz's specific, adjudicative involvement in the matter:

243. **The Omission of RSJ Firestone:** Pursuant to section 14 of the *Courts of Justice Act*, RSJ Firestone exercises the delegated administrative powers for the Toronto Region. Had the Applicant's emails been viewed merely as the generalized complaints of a frustrated citizen addressing the court's administrative leaders, the JSSO would have logically protected RSJ Firestone. Instead, the JSSO entirely ignored the correspondence directed to Firestone and explicitly named Chief Justice Morawetz three separate times. This implicitly admits that Morawetz was not being

contacted in a generalized administrative capacity; rather, he was being shielded in his specific adjudicative capacity.

244. **The Rule 8 Confession ("Is Presiding"):** The JSSO cited the prohibition against communicating with a judge "with respect to matters that are, or may be, before the Court" (Rule 8), which prohibits out-of-court communication with a judge about a proceeding over which the judge "is presiding." It is legally impossible for a Chief Justice sitting at Osgoode Hall to be "presiding" over a standard criminal intake matter at 361 University Avenue unless, in an *ex parte* and *in camera* hearing, that specific judge issued the order and thereby became "seized" of the application.

245. Under strict criminal procedure (governing *Garofoli* applications to challenge the validity of a warrant), the issuing judge maintains initial jurisdiction over the materials. By leveraging Rule 8 to threaten the Applicant, the JSSO legally defined Chief Justice Morawetz as the "presiding" judge over the September 23, 2024, proceeding the Applicant was inquiring about.

The JSSO and the "Open Police Principle"

246. The weaponization of the JSSO in this context is deeply constitutionally alarming. The JSSO partners directly with the Justice Officials Protection & Investigations Section (JOPIS), a specialized unit within the Ontario Provincial Police (OPP).

247. The transformation of a citizen's administrative request for an authentic court record into a policing matter handled by an OPP-partnered security branch occurs only when the foundational Open Court Principle is subverted. It is systematically replaced by what may be termed the "Open Police Principle"—a paradigm wherein the state leverages law enforcement threat vectors to intimidate and silence litigants who uncover empirical evidence of judicial forgery.

5.4 The Consequence: An Incurable Jurisdictional Nullity and Exemplary Damages

248. The reverse of the Information Package in the present matter does not feature a legally binding endorsement validating a sworn oath. Instead, it presents a grotesque administrative amalgamation that flagrantly fails to satisfy the standards established by common law, the *Criminal Proceedings Rules*, and the historical, fraud-preventing precedents of the Superior Court.

249. To permit such a breach of foundational legal architecture to remain unaddressed would arguably contravene the Supreme Court's directive in *Doucet-Boudreau v. Nova Scotia (Minister of Education)*, 2003 SCC 62, which requires the provision of a "meaningful and responsive" remedy under section 24(1) of the *Charter*.

250. A mere stay of proceedings is entirely insufficient to address the magnitude of this structural vitiation. This profound judicial failure triggers robust constitutional remedies, exposing the state apparatus to formal declarations

of invalidity, structural injunctions, and the imposition of punitive and aggravated civil damages stemming from malicious prosecution, false imprisonment, and the intentional infliction of mental suffering.

251. Proceedings emanating from such an intrinsically severed, fabricated, and aggressively shielded document are considered *coram non judice*—an absolute, incurable nullity from the exact moment of their purported inception. The inevitable, forensically sound, and self-evident jurisprudential conclusion is that the Information Package is entirely void *ab initio*.

VOLUME 6— CONCLUSION ON WHEN CHIEF JUSTICE MORAWETZ (OR IN THE ALTERNATIVE MADAM JUSTICE SHORE OR BOTH) ACTS WERE FACTUM A JUDICE, QUOD AD OFFICIUM JURE NON PERTINET, RATUM NON EST AND ORDERS REQUESTED

252. The Applicant respectfully requests that this Honourable Court grant the following relief:

a. **(a) A Declaration of jurisdictional nullity.**
   i. A **Declaration** that the Impugned Endorsement dated September 23, 2024 is an **irremediable nullity**, having been created within the SCJ Family Law Registry, a body with no criminal jurisdiction, and bearing none of the statutory indicia of a warrant under the *Criminal Code*.

b. **A Declaration that the proceeding is deemed never to have been filed.**
   i. A **Declaration** under Rule 4.05(6) of the Criminal Proceedings Rules that the Information is **deemed not to have been filed**, as no court office of competent criminal jurisdiction possesses any record of its filing

c. **(c) Certiorari.**
   i. An order in the nature of certiorari quashing:
   ii. the Impugned Endorsement;
   iii. the altered Form 2 Information;
   iv. any derivative process predicated upon the altered Information; and
   v. any warrant or arrest predicated upon the Impugned Endorsement.

d. **Prohibition and Permanent Injunctive (Quia Timet)**
   i. An order in the nature of prohibition preventing the Crown, police, or any state actor from relying upon, re-filing, or attempting to retroactively validate the Impugned Endorsement or the altered Information.
   ii. **(e) Mandamus.**
      1. An order in the nature of mandamus compelling the Registrar and Manager of Court Operations to:
      2. produce the original sworn Information as it existed at the moment of oath;
      3. produce the original Form 7 Warrant (if any);
      4. produce all audit trails, metadata, and electronic logs associated with the creation, modification, or circulation of the Impugned Endorsement;
      5. produce all records, documents, things, papers that touch this matter required under Rule 43.03.
   iii. **(f) *Charter* Declarations.**
      1. A **Declaration** that the Applicant's rights under ss. 7, 8, 9, 10, 11, 12 and 15 of the *Charter* were violated by:
         a. the use of a fabricated instrument to justify arrest;
         b. the arbitrary detention and imprisonment predicated on a variety of false documents;
         c. the unreasonable search and seizure;
         d. the six-week "procedural black hole" created by the failure to file the Information Package and when the TPS did, it did so in a manner that was consistent with fantasy;

iv. **(g) *Nunc pro tunc* relief.**
   1. An order restoring the judicial record ***Nunc pro tunc*** to its lawful state as of September 23, 2024, prior to the spoliation of the Jurat page and the substitution of the Impugned Endorsement.

v. **(h) Any further relief**
   1. Such further and other relief as this Honourable Court deems just and equitable

RELIANCE UPON MATERIALS HEREIN

253. The Applicant relies upon the following:

a. Rule 43.03 Certificate (1st Floor Family Registry): Establishes the non-existence of a filed record for the Proceeding
b. Admissions of Crown Counsel A. Sinnadurai (June 25, 2025, and July 4, 2025): Confirms a “nil” search result for Informations sworn by CO Frugoni-Rojas during the material time
c. The “False Information Package” (4810 998 24 48129169): Primary exhibit exhibiting 43 specific errors, forged JP signatures, and software-generated Arial signatures.
d. RCMP CPIC logs: Analytical logs establishing the Terminal ID and User ID responsible for document metamorphosis.
e. Integrated FIP Analysis Chart (Integrated FIP Analysis Chart - 934 pm.docx): Comprehensive forensic audit of 160+ enumerated errors vs. standard pro-forma templates.
f. Forensic Technical Analysis of Automated Document Generation (Forensic Technical Analysis...docx): Evaluation of GrapeCity Documents for PDF SDK 6.0.2.0 as the document producer.
g. GMAIL Chief Justice Morawetz Request (August 22, 2025): Documenting the refusal of the SCJ RMO to provide recordings (uploaded as GMAIL-~1.PDF)
h. Amended Transcript Order Form (R v McLean - ATO): Forensic breakdown of the “70-minute fabrication window” (uploaded as R v McLean - 1st Amended Order Form...).
i. **Declaration** #1 (October 10, 2025), **Declaration** #2 of the Applicant (November 14, 2025) and Affidavit of Service/Affidavit of the Applicant on November 21, 2025, in McLean v. TDHA et al before the Divisional Court by way of statutory application (JRPA) (24-718-JR) wherein Madam Justice Shore engaged in the Unauthorized CMJ Interloper status by way of an email from Ms. Evelyne Ibula (a non-appointed individual under the PSOA 2006) who had a last known vocational location of Martin Barristers at Suite 1100, 55 University Avenue, Toronto, Ontario (nota bene: the very same location as the then counsel to the Landlord, who was part of the unauthorized lockouts of the Application from the residential apartments and the Minto Buildings located at 775 King Street West, City of Toronto, Province of Ontario, M5V 2K3;
j. The Crown (SCJ and OCJ) records, documents, papers and things that touch this matter;
k. The police forces’ relevant records, documents, papers and things that touch this matter; and
l. Such other documents, evidence, records et al that are relevant to this matter.

All of which is respectfully submitted by the Applicant on April 29, 2026

Mr. Kevin A. McLean (BA, JD, CIM)

LIST OF AUTHORITIES DENOTED HEREIN

A. Legislation

- *Criminal Code*, RSC 1985, c C-46
- *Canadian Charter of Rights and Freedoms*, Part I of the *Constitution Act, 1982*
- *Courts of Justice Act*, RSO 1990, c C.43
- *Interpretation Act*, RSC 1985, c I-21
- *Canada Evidence Act*, RSC 1985, c C-5
- *Personal Information Protection and Electronic Documents Act*, SC 2000, c 5
- *Criminal Proceedings Rules for the Superior Court of Justice (Ontario)*
- *Family Law Rules*, O Reg 114/99

B. Jurisprudence — Supreme Court of Canada

- *R v Paterson*, 2017 SCC 15
- *Sherman Estate v Donovan*, 2021 SCC 25
- *R v Jordan*, 2016 SCC 27
- *R v Grant*, 2009 SCC 32
- *R v Collins*, [1987] 1 SCR 265
- *R v Storrey*, [1990] 1 SCR 241
- *MacMillan Bloedel Ltd v Simpson*, [1995] 4 SCR 725
- *Crevier v Quebec (AG)*, [1981] 2 SCR 220
- *Doucet-Boudreau v Nova Scotia*, 2003 SCC 62
- *Reference re Manitoba Language Rights*, [1985] 1 SCR 721
- *BCGEU v British Columbia*, [1988] 2 SCR 214
- *R v Feeney*, [1997] 2 SCR 13
- *R v Oakes*, [1986] 1 SCR 103

C. Jurisprudence — Ontario Courts

- *R v Smith*, 2020 ONCJ 611
- *R v Hayes*, 2016 ONCA 585
- *R v Kutynec*, (1992), 70 CCC (3d) 289 (Ont CA)
- *R v Vukelich*, 1996 CanLII 888 (BCCA) (cited for procedural fairness principles)
- *R v McHale*, 2010 ONCA 361
- *R v D.S.*, 2023 ONSC (re: electronic warrant integrity)
- *R v Riley*, 2017 ONCA 650

D. Administrative Law Authorities

- *Dunsmuir v New Brunswick*, 2008 SCC 9
- *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65
- *Baker v Canada (Minister of Citizenship and Immigration)*, [1999] 2 SCR 817

E. Principles and Secondary Sources

- *Ethical Principles for Judges*, Canadian Judicial Council
- Ontario Court of Justice Criminal E-Intake System Documentation
- Ministry of the Attorney General, Criminal Procedure Manual
- GrapeCity Documents for PDF (GcPDF) Technical Specifications (forensic reference)

APPENDICES

APPENDIX A: Analysis of "False Information Package" Discrepancies (Schedule A)

Error Category	Specific Deficiency Point	Location in False Information Package	Comparison / Implication
Page & Footer Inconsistencies	Footer is demonstrably different; Footer fails to include a single space; Illegibility in "save toner mode"	Pages 1 & 5 vs. Page 2 of 5 Footer (rev. 10/20); Only footer on Page 2 of 5 remains legible	Inconsistent footers; Error in form designation ("C-e" vs "C e"); Evidence of potentially "missing text and false documentation."
	Erroneous footer	Page 3 of 5	Reproduction of the header from Page 1 of 5.
Formatting & Input Errors	Erroneously includes two commas after "NFA *sic* "	Page 1 of 5 (Address line)	Incorrect formatting where the Accused's address was entered.
	"NFA" (No Fixed Address) is included	Page 1 of 5	Inconsistent with reference to Applicant's driver's license number on Page 5.
	Superfluous numeral "(1)"	Page 1 of 1	Incorrectly precedes the Accused's name.
Legal & Jurisdiction Deviations	False Case Identification Number; "Intake Court Endorsement" terminology used	Page 3, "Police Case ID: 457197"; Page 3	Uses six digits instead of required seven; Family law terminology used as "deliberate diversion" from SCJ judge authority.
Digital Signature & Manipulation	"Digitally signed by George Jiri"	Page 3 of 5	Plain text in Arial font; utterly fails PKI/Hash requirements of PIPEDA.

APPENDIX B: METADATA AND KNOWN DEFICIENCIES OF DOCUMENT PRODUCER (SCHEDULE B)

GrapeCity Issue Category	Specific Deficiency/Reported Problem	Implication in Context
Software Identification / Memory Issues	Application & Producer: Grape.City.Documents.PDF-6.0.2.0; Reported “Insufficient memory” exceptions.	Confirms use of programmatic .NET library, not standard end-user tool like Adobe Acrobat; could lead to unstable generation or corruption.
Anchor Point Corruption	Vertical text drifting (e.g., “[] At Bail Review date”)	Confirms document was linearised or modified post-facto in an unauthorized script environment.
Footer Paradoxes	Header template renders in footer; “about:blank” glitches	Corroborates the misplacement of the Page 1 header onto Page 3 of the FIP.

APPENDIX C: FORENSIC TECHNICAL ANALYSIS OF AUTOMATED DOCUMENT GENERATION

- **Algorithmic Capacity:** GcPDF version 6.0.2.0 is a specialized SDK (Software Development Kit) used for back-end document automation. The presence of this metadata proves the FIP was generated via an automated script in a private office environment, bypassing the ICON/FRANK secured terminal workflow.
- **Vertical Drifting:** The text "[] At Bail Review date" on Page 4 is floating between fields. This "drift" is a known defect in GrapeCity's PDF producer when modifying existing PDF structures without maintaining anchor-point integrity.
- **Font Transitioning:** The document exhibits programmatic transitioning between Arial (Pages 1, 3, 5), Times New Roman (Page 2), and Courier—a technical "fingerprint" of manual programmatic insertion rather than standardized output.
- **PIB RCMP PPU 005 Logs:** The CPIC transaction logs remain the "Single Source of Truth." If 14 Division cleared the arrest but Det. Virani (52 Division) approved the release, the transaction metadata will expose the specific Terminal IDs and User IDs responsible for the document metamorphosis.

APPENDIX D: CPIC DATA ARCHITECTURE AND METADATA KEYS

- **Terminal ID (TID):** Identifies the specific hardware unit used to initiate a CPIC transaction. A TID mismatch between the "Arrest" and "Release" confirms Forum Shopping.
- **Originating Agency Identifier (ORI):** Unique 9-character code. **ON30247** (52 Division - Virani) vs. **ON30243** (14 Division - Custodial).
- **Warrant Type Metadata:** CPIC logs distinguish between a statutory *Form 7* Warrant and a regional "Intake Endorsement." The absence of a *Form 7* entry on September 23, 2024, proves the detention was predicated on a jurisdictional nullity.

APPENDIX E: INTEGRATED FIP ANALYSIS - SUMMARY OF 160+ ERRORS

1. **Barcode Fraud:** Police Case ID: 457197 uses 6 digits, failing the 7-digit ICON/CCO standard.
2. **Linguistic Punctuation Inconsistency:** Improper period in English ("Information of.") vs correct colon in French (Dénonciation de :).
3. **Truncated Police Agency Name:** Page 5 renders "TORONTO POLICE SERVIC [SIC]."
4. **Floating Bail Text:** Page 4 exhibits vertical text drift characteristic of anchor-point corruption in GcPDF.
5. **Signature Separation:** The JP signature appears on Page 3 under a Family Law heading ("Intake Court Endorsement"), rather than witnessing the laying of the Information under oath.

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[i] The imposition of the Nunc Pro Tunc Relief is strictly necessitated to unequivocally vitiate the jurisdictional vacuum precipitated by the state apparatus and to resurrect the status quo ante that existed prior to the dissemination of the fundamentally defective and definitively extrajudicial intake court endorsement (the "Intake Court Endorsement"). Furthermore, such retrospective operationalization is a paramount necessity to ensure that the administrative theft of time and the strategic obfuscation of the official record do not precipitate a permanent abrogation of substantive legal rights or the irrevocable extinguishment of remedies strictly contingent upon limitation periods;

[ii] This procedural accommodation is strictly necessitated to rectify the physical and jurisprudential incapacity to act, an incapacity entirely occasioned by the state's calculated sequestration of the originating record and the strategic obfuscation surrounding the aforementioned Intake Court Endorsement. It is further posited, ipso facto, that the complete absence of the requisite warrant in form 7 (the "Form 7 Warrant") effectively tolled the legal capacity to mount a procedural challenge. This deliberate omission engendered an impenetrable evidentiary void (the "Black Hole") within the judicial record for a duration exceeding six weeks, thereby necessitating the requested temporal extension to avert an irrevocable miscarriage of justice;

[iii] The techniques used by the police officers—intimidation, falsified documents, use of intrusive technology, and manipulation via the Youth Protection Services—constitute procedural abuses that violate decency and the rule of law. The applicant requests a stay of proceedings as the ultimate remedy (paras. 6-8 , 10-11 , 200-201) .
Crown: Police actions are justified in the context of a complex investigation, concerning serious crimes, with legally framed measures, and do not in any way compromise the integrity of the judicial system (paras. 178-179 , 282).
Certainly, the use of false judicial authorizations is likely to undermine public confidence in the administration of justice.
Society cannot tolerate police officers being able to falsify court orders on their own initiative.
Police Ethics Commissioner v. Joly Tessier, 2024 QCTADP 49
(Section 25.1 of the Criminal Code allows for limited circumstances of intentional offences under 25.1 but section 25.1(10) must be employed. But there are exceptions:
Limitation

(11) Nothing in this section justifies

(a) the intentional or criminally negligent causing of death or bodily harm to another person;

(b) the wilful attempt in any manner to obstruct, pervert or defeat the course of justice; or