

Form 5
NOTICE OF APPLICATION AND CONSTITUTIONAL ISSUE

ONTARIO
SUPERIOR COURT OF JUSTICE

(Criminal Proceedings Rules, Rule 27.03)

Toronto

Region

Unknown or "457197" (24)

Court File No. (if known)

BETWEEN:

HIS MAJESTY THE KING

- and -

Mr. Kevin A. McLean

(specify name of accused)

TAKE NOTICE that the **Applicant (Mr. Kevin A. McLean (BA, JD, CIM))** will bring an application on
(identify party)

THURS day, the **19** day of **June**, yr. **2026**, at
(specify month)

50 Eagle Street West Newmarket, ON L3Y 6B1 (Central East Region, Newmarket Courthouse (SCJ))

(specify address of courthouse)

for an order granting **(see: Schedule A)**

(set out precise relief sought)

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.

THE CONSTITUTIONAL ISSUES TO BE RAISED ARE:

(state concisely each issue to be raised)

1. **see: Schedule A)**
2. **see: Schedule A)**
3. **see: Schedule A)**

THE CONSTITUTIONAL PRINCIPLES TO BE ARGUED ARE:

1. **see: Schedule A)**
2. **see: Schedule A)**
3. **see: Schedule A)**

STATUTORY PROVISIONS OR RULES UPON WHICH THE APPLICANT PLACES RELIANCE ARE:

1. [see: Schedule A](#)

IN SUPPORT OF THIS APPLICATION, THE APPLICANT RELIES UPON THE FOLLOWING:

(set out documents such as transcripts, etc. upon which the applicant relies)

1. [see: Schedule A](#)

THE RELIEF SOUGHT IS:

1. An Order allowing the application and granting

(indicate particular relief sought)

[see: Schedule A](#)

THE APPLICANT MAY BE SERVED WITH DOCUMENTS PERTINENT TO THIS APPLICATION

1. By service in accordance with rule 5, through
[Mr. Kevin A. McLean \(BA, JD, CIM\)](#)
[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](#)

(specify address)

DATED at [TORONTO](#), Ontario, this [29](#) day of [APRIL](#), 20 [26](#).



Signature of applicant or counsel

[Mr. Kevin A. McLean \(BA, JD, CIM\)](#)
[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](#)

(set out name and address, as well as telephone number and email)

To The Attorney General of Ontario
 Constitutional Law Branch
 Legal Services Division
 720 Bay Street, 4th Floor
 Toronto, Ontario M5G 2K1

The Attorney General of Canada
120 Adelaide Street West
Suite 400
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284 Wellington Street
Ottawa, Ontario K1A 0H8
Email: AGC_PGC_OTTAWA@JUSTICE.GC.CA)

and/or

SCHEDULE “A” TO FORM 5 OF THE CRIMINAL PROCEEDING RULES: NOTICE OF APPLICATION AND CRIMINAL PROCEEDING RULES

File Number: 24-457197 or to be provided)

ONTARIO

SUPERIOR COURT OF JUSTICE

(CRIMINAL DIVISION)

(COMMENCED IN THE TORONTO REGION: SCJ 361 University Avenue Courthouse, 1ST FLOOR)

(TO BE HEARD AT CENTRAL EAST REGION, NEWMARKET COURTHOUSE)

BETWEEN

HIS MAJESTY THE KING

RESPONDENT

AND

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

ACCUSED (APPLICANT)

Contents

SCHEDULE “A” TO FORM 5 OF THE Criminal Proceeding Rules: NOTICE OF APPLICATION AND Criminal Proceeding Rules..... 1

Notice of CONSTITUTIONAL Question..... 17

STATUTORY JURISDICTION AND CONSTITUTIONAL PREDICATE..... 17

 A. Foundational Authorities and the Jurisdictional Nexus 17

 B. The Subversion of the Open Court Principle and the Rule of Law 18

II. ENUMERATION OF CONSTITUTIONAL INFRINGEMENTS 18

 Comprehensive Identification and Extrapolation of Charter Violations..... 18

 B. The Categorical Inapplicability of Section 1 Justificatory Mechanisms 19

III. REMEDIAL INTERVENTIONS AND EQUITABLE RELIEF SOUGHT..... 19

 Plenary Application for Section 24(1) Equitable Relief 19

 B. Exclusion of Evidence Pursuant to Section 24(2) and Restoration of the Status Quo 19

IV. CONSTITUTIONAL VIOLATIONS OF JUDICATURE PROVISIONS AND THE DOCTRINE OF ABSOLUTE NULLITY	20
Egregious Usurpation of the Inherent Superior Court Jurisdiction	20
Strict Classification of Procedural Deviations as Absolute Nullities	20
V. FORUM SELECTION AND PROCEDURAL SCHEDULE.....	20
Delineation of Adjudicative Venue	20
Explicit Reservation of Interim and Interlocutory Rights	20
VI. EVIDENTIARY RECORD, DOCTRINAL APPLICATION, AND ADJUDICATIVE FRAUD	21
Inextricable Integration with the Foundational Form 1 Application	21
The Post Facto Falsification of Jurisdictional Prosecutorial Instruments	21
TO:	22
STATEMENT OF CONSTITUTIONAL ISSUES	24
I. The Open Court Principle, Institutional Integrity, and the Prohibition of Secret Proceedings (Section 2(b))	24
II. Unreasonable Search and Seizure via Deception and the Weaponization of Legal Fiction (Section 8)	24
III. Arbitrary Detention and the Doctrine of Procedural Nullity (Section 9)	25
IV. The Right to be Informed and the Vitiating of Lawful Authority (Section 10(a))	25
V. Notice of Specific Offence, Full Answer and Defence, and Unreasonable Delay (Sections 11(a) and 11(b)).....	25
VI. Cruel and Unusual Treatment via Unauthorized Confinement and Extra-Judicial Conditions (Section 12)	26
VII. The Absolute Inapplicability of Section 1 Justification to Fundamental Nullities	26
VIII. Separation of Powers, Judicial Independence, and Apprehension of Bias (Constitution Act, 1867, s. 96)	26
VOLUME #1: OVERVIEW OF THE JURISDICTIONAL NULLITIES, ACTS OF JUDGE(S) WHICH WERE Factum A Judge, Quod Ad Officium Jure Non Pertinet, Ratum Non Est AND Coram Non Judge CONSTITUTIONAL INFRACTIONS	28
The Irrefragable Chain of Custody and the Rule of Law	28
B. Anticipatory Rebuttal: The Inapplicability of Curative Statutory Provisions	28
C. Deliberate Spoliation and the Fabrication of Originating Processes.....	29
D. Apprehension of Bias and Pre-Existing Conflicts of Interest Undisclosed by the nature of the “Ex Parte In Camera Hearing”, “Ex Parte In Camera Unrecorded Hearings”, and “Ex Parte In Camera Unrecorded Hearings Unretained Indictment Process”	29
E. Anticipatory Rebuttal: Crystallization of Actual Bias	30
F. Parallel Civil Litigation and Extra-Judicial Retaliation	30
G. Anticipatory Rebuttal: Vitiating of Good Faith Reliance	30
H. Conclusion and Equitable Imperatives.....	31
I. JURISDICTIONAL FATALITIES AND THE DOCTRINE OF ABSOLUTE NULLITY	31
Coram Non Judge and the Strictissimi Juris Interpretation of Statutory Grants	31
J. The Ontological Distinction Between Voidable Irregularities and Absolute Nullities	32
K. Application of the Jurisprudence to the Procedural Irregularities Before the Superior Court of Justice	33
L. Countervailing Doctrines and the Rebuttal of the Collateral Attack Prohibition	34
M. JURISDICTIONAL AND CONSTITUTIONAL SUBMISSIONS.....	35
Application of the Paramountcy Doctrine and Judicial Authority	35
N. The Absolute Imperative of Procedural Transparency	36

O. The Imperative of Coram Non Judice and Jurisdictional Nullity	37
The Foundational Precedent of Pong v Quong	37
Analogizing Jurisdictional Usurpation.....	37
P. Constitutional Evolution of Section 96 courts	38
Historical Demarcations of Adjudicative Power.....	38
The Erroneous Concept of Persona Designata.....	38
Q. The Incurability of Jurisdictional Defects Through Consent of litigants, parties, amicus curiae and/or intervenors (party level)	38
VOLUME #2: STATEMENT OF ISSUES AND ANSWERS	40
ISSUE #1: THE INAPPLICABILITY OF SECTION 599 OF THE <i>CRIMINAL CODE</i> AND THE CONSEQUENT JURISDICTIONAL NULLITY OF THE ADMINISTRATIVE TRANSFER.....	40
A. The Statutory Architecture and the Implications of Prosecutorial Election.....	40
B. The Prerequisites for a Lawful Change of Venue and Transmission of Record.....	41
C. Application to the Factual Matrix and the Doctrine of Coram Non Judice	42
D. THE STATUTORY DEFICIENCIES APPERTAINING TO THE IMPUGNED DIGITAL SIGNATURES	42
A. The Legislative Mandates of PIPEDA and the Canada Evidence Act	42
E. The Forensic Deficiency of the Purported Information and Warrant	42
F. CONSTITUTIONAL CONSTRAINTS UPON THE ROYAL PREROGATIVE AND THE DECEPTION OF THE CROWN.....	43
Rex Non Potest Peccare and the Liability of State Instruments.....	43
G. The Doctrine of Deception of the Crown and Lex Non Scripta.....	43
H. PROCEDURAL NULLITY AND INSTITUTIONAL ABUSE.....	43
ISSUE 2: THE JURISDICTIONAL ROUTING AND THE CHAIN OF CUSTODY	44
Issue #2(A): Formulation of the Jurisdictional Issue	44
Issue #2(B): Postulation of the Legal Resolution	44
Issue #2(C): Analytical Framework, Statutory Architecture, and the Separation of Powers	45
Issue #2(D): Anticipated Submissions of the Crown, Judicial Interrogatories, and Embedded Rebuttals	45
Issue #2(E): Rebuttal, Integration of Legal Doctrine, and Structural Abuse of Process.....	46
Issue #2(F): Non-Obvious Legal Theories and Further Jurisprudential Exegesis	46
ISSUE 3: SPOLIATION AND THE ALTERATION OF SWORN INSTRUMENTS	47
Issue #3(A): Formulation of the Legal Issue.....	47
Issue #3(B): Categorical Resolution and Constitutional Imperatives	47
Issue #3(C):Doctrinal Analysis and Extrapolation of Legal Principles	48
ISSUE #3(D):Prophylactic Rebuttal to Anticipated Prosecutorial and Judicial Counter-Arguments.....	49
ISSUE #3(E):Non-Obvious Legal Theories: Constructive Fraud and Abus de Droit.....	49
ISSUE #3(F):Jurisprudential Integration and Abuse of Process	49
ISSUE 4: STATUTORY TIMELINES AND DELIBERATE OBFUSCATION.....	50
Issue #4(A): THE ISSUE	50
ISSUE #4(B): THE RULE	50
Issue #4(C): THE ANALYSIS	51
The Misapplication of Statutory Discretion and Executive Bad Faith.....	51

Issue #4(E):The Theory of Strategic Obfuscation and the “Shadow Docket”	51
ISSUE #4(F):The Doctrine of Legitimate Expectations and Procedural Fairness	51
ISSUE #4(G): The “Fruits of the Poisoned Tree” Procedural Analogue	52
Issue #4(H):THE CONCLUSION	52
ISSUE 5: ELECTRONICALLY SUBMITTED INFORMATION, TELEWARRANTS, AND THE WITHHOLDING OF THE MASTER RECORD.....	52
Issue #5(A): ISSUE.....	52
ISSUE #5(B): RULE.....	53
ISSUE #5(C): ANALYSIS	53
The Ontological Requirement and the Social Contract of Documentation.....	53
ISSUE #5(D): Embedded Rebuttal: The Administrative Anomaly and Departmental Silos	53
Telewarrants and the Epistemic Failure of the State	54
Embedded Rebuttal: The De Facto Officer Doctrine.....	54
Inferences of Strategic Loss and Institutional Bad Faith	54
ISSUE #5(E): CONCLUSION.....	54
Issue #6: THE ANATOMY OF FORM 2 AND THE CONSPICUOUS ABSENCE OF THE MANDATORY JUDICIAL COMMAND	55
Issue #6(A): THE ISSUE	55
Issue #6(B): THE RULE	55
issue #6(C): THE ANALYSIS	55
The Juridical Distinction Between Accusation and Authorization.....	55
ii. Rebuttal to the Doctrine of Administrative Regularity	56
issue #6(D): The Mechanics of Judicial Oversight and the Missing Return.....	56
issue #6(E): The Constitutional Impact of “Justice by Checkbox”.....	56
issue #6(F): Application of the Law to the Facts	57
Issue #6(G): THE CONCLUSION	57
Issue #7: Circumvention of the Criminal E-Intake Portal, bench hunting and forum shopping for abusive underlying reasons.....	57
issue #7(A): ISSUE	57
issue #7(B): RULE	57
The Doctrine of Abuse of Process and Judicial Integrity.....	57
B. Functional Specialization and the “Doctrine of Forum Non Conveniens”	58
issue #7(C): The Duty of Candour and Constructive Fraud on the Court.....	58
issue #7(D): ANALYSIS	58
Tactical Circumvention and the Suppression of the “Criminal Portal”	58
issue #7(E): The Adversarial Position: A Breach of the “Nemo Judex” Principle.....	58
issue #7(F): Countering the “Concurrent Jurisdiction” Defense.....	59
issue #7(G): The “Colorable Exercise of Power” and Integrity of the System.....	59
issue #7(H): CONCLUSION	59
ISSUE 8: THE CONTRAVENTION OF SECTION 29 OF THE <i>CRIMINAL CODE</i> AND THE CONCOMITANT VIOLATION OF SECTION 10(a) OF THE <i>CHARTER</i> , or in the alternative, could the tps or any peace officer not	

technically satisfy section 29 of the <i>Criminal Code</i> (i.e. INTAKE COURT ENDORSEMENT (SEPT 23 2024) was not a form 7 arrest warrant).....	59
issue #8(A): ISSUE	59
issue #8(B): RULE	60
issue #8(C): ANALYSIS	60
The Statutory Imperative of Production and the Nemo Dat Principle	60
issue #8(D): The Vitiating of Lawfulness and the <i>Charter</i> Nexus	61
issue #8(F): Anticipated Counter-Arguments and Rebuttals.....	61
Counter-Argument 1: The Doctrine of De Facto Authority	61
Rebuttal	61
Counter-Argument 2: Modern Digital Policing and Constructive Knowledge.....	61
Counter-Argument 3: The Presumption of Regularity	62
Rebuttal	62
issue #8(G): Non-Obvious Legal Theory: The Privacy Interest in the Legal Process	62
issue #8(H): CONCLUSION	62
ISSUE NUMBER NINE (9): THE SYSTEMIC MANIPULATION OF THE CANADIAN POLICE INFORMATION CENTRE INFRASTRUCTURE AND THE OBFUSCATION OF METADATA.....	63
issue #9(A): THE ISSUE	63
issue #9(B): THE COMMON LAW RULES, SOURCE LAWS AND JURISPRUDENCE.....	63
Issue #9(C): THE ANALYSIS	63
The Electronic Laundering of Defective Paperwork and the Doctrine of Fraud on the Court	63
ISSUE #9(D): Metadata Inconsistencies and the Irrefutable Evidence of Forgery	64
ISSUE #9(E):Anticipating and Rebutting the “Administrative Irregularity” and “Good Faith” Counter-Arguments	64
ISSUE #9(F):Addressing “Inevitable Discovery” and “Independent Source” Theories	64
ISSUE #9(G):The Theory of Institutional Estoppel and the Integrity of the Digital Ledger.....	65
ISSUE #9(H):THE CONCLUSION	65
ISSUE #10: THE UNAUTHORIZED SUBSTITUTION AND FABRICATION OF THE JURAT INFORMATION LAYING CROWN ELECTION PAGE	65
issue #10(A): THE ISSUE	65
ISSUE #10(B): THE RULE	65
ISSUE #10(C):THE ANALYSIS	66
The Nature of the Documentary Fabrication as a Jurisdictional Nullity	66
ISSUE #10(D): Logical Gaps and Rebuttals to Potential Counter-Arguments.....	66
ISSUE #10(E):THE CONCLUSION	67
ISSUE #11: E-FILING LIMITATIONS AND ENDORSEMENT REQUIREMENTS	67
Issue #11(A): THE ISSUE	67
issue #11(B): THE RULE	67
Statutory and Regulatory Mandates	67
ISSUE #11(C):Jurisprudential Principles and the Doctrine of Nullity	68
ISSUE #11(D):THE ANALYSIS	68
The Indictment as a Jurisdictional Foundation	68

ISSUE #11(E):Rebuttal of the Doctrine of Urgency and Orality	68
ISSUE #11(F):The Theory of Functional Nullity and Institutional Integrity	69
ISSUE #11(G):Countering the “De Minimis” Defense and Fraud Concerns	69
ISSUE #11(H):THE CONCLUSION.....	69
ISSUE #12.....	69
ISSUE #12(A): THE SURGICAL SPOILIATION OF THE JURAT INFORMATION LAYING CROWN ELECTION PAGE TO OBFUSCATE JUDICIAL IDENTITY	69
ISSUE #12(B): RULE: THE INTEGRITY OF THE JUDICIAL RECORD, THE DOCTRINE OF NULLITY, AND THE FRAUD UNRAVELLING PRINCIPLE	70
ISSUE #12(C):ANALYSIS: THE CALCULATED ORCHESTRATION OF DOCUMENTARY EXCISION.....	70
The Indispensability of the Jurat and the Impossibility of Accidental Destruction	70
B. Rebutting the Presumption of Regularity via the Doctrine of Spoliation	71
ISSUE #12(D):The Conflict of Interest and the Vitiating of Jurisdiction.....	71
ISSUE #12(E):The Inapplicability of the “Harmless Error” Doctrine and the Breach of Fundamental Justice	71
ISSUE #12(F):The Systemic Implications of Judicial Anonymity	72
ISSUE #12(G):CONCLUSION: THE IMPERATIVE FOR A DECLARATION OF NULLITY	72
ISSUE 13: THE CIRCUMVENTION OF STATUTORY OVERSIGHT PURSUANT TO SECTION 508 OF THE <i>CRIMINAL CODE</i>	72
Issue #13(A):	72
Issue #13(B): Rule.....	72
Issue #13(C): Analysis	73
Issue #13(D): Conclusion.....	73
ISSUE 14: THE UTILIZATION OF THE “DEFAULT JUDGE” ENDORSEMENT AS AN ADMINISTRATIVE SUBTERFUGE	73
Issue #14(A):	73
Issue #14(B): Rule.....	74
Issue #14(C): Analysis	74
Issue #14(D): Conclusion.....	74
ISSUE 15: THE FACIAL INVALIDITY AND STRUCTURAL DEFICIENCY OF THE CHARGING INSTRUMENT	75
Issue #15.....	75
Issue #15(B): Rule.....	75
Issue #15(C): Analysis	75
issue #15(D): Conclusion.....	75
ISSUE 16: THE EVIDENTIARY IMPLICATIONS OF THE ABSENCE OF MINISTRY RECORDS	76
Issue #16(A):	76
issue #16(B): Rule.....	76
Issue #16(C): Analysis	76
Issue #16(D): Conclusion.....	76
ISSUE 17: SYSTEMIC FLAWS IN THE UTILIZATION OF CIVILIAN INFORMANTS.....	77
Issue #17(A):	77
ISSUE #17(B): Rule.....	77

ISSUE #17(C): Analysis	77
Issue #17(D): Conclusion.....	77
ISSUE 18: PRE-EXISTING JUDICIAL CONFLICTS OF INTEREST AND THE ACTIONABLE APPREHENSION OF BIAS.....	78
ISSUE #18(A): Issue.....	78
ISSUE #18(B):Rule.....	78
ISSUE #18(C):Analysis	78
Conclusion.....	78
ISSUE 19: THE RUSE, RETALIATORY TIMELINE, AND THE DOCTRINE OF ABUSE OF PROCESS	79
Issue #19(A):	79
Issue #19(B):	79
issue #19(C): Analysis.....	79
The Stratagem of Deception.....	79
Issue #19(D):Rebuttal of De-escalation	79
ISSUE #19(E):The Fraudulent Foundation.....	79
Retaliatory Consequences	79
Issue #19(F):Conclusion	80
ISSUE 20: THE “INTAKE COURT ENDORSEMENT” LEXICON AND JURISDICTIONAL CROSS-CONTAMINATION.....	80
Issue #20(A): The Issue – language matters	80
issue #20(B): Rule.....	80
Issue #20(C):Analysis	80
Alien Terminology	80
3.2. The Clerical Fallacy.	80
3.3. Institutional Overreach.....	81
3.4. Nullity vs. Irregularity.....	81
Conclusion.....	81
ISSUE 21: NINE STATUTORY BREACHES OF FORM 7 AND THE STRUCTURAL NULLITY OF THE WARRANT	81
Issue #21(A):	81
Issue #20(B):Rule.....	81
Issue #20(C):Analysis	81
The Catalogue of Deficiencies	81
The Liberty Safeguard.....	81
Irremediable Void	82
issue #21(D): Conclusion.....	82
ISSUE 22: DIGITAL SIGNATURE INVALIDITY UNDER THE <i>CANADA EVIDENCE ACT AND PIPEDA</i>	82
ISSUE #22(A): Issue.....	82
ISSUE #22(B): Rule.....	82
ISSUE #22(C): Analysis	82
The Cryptographic Failure	82

The Functional Fallacy	82
Absence of Authority	83
issue #22(D): Conclusion	83
ISSUE 23: FORGERY, UTTERING A FALSE DOCUMENT, AND THE APPLICATION OF THE SMITH PRECEDENT	83
Issue.....	83
2. Rule	83
3. Analysis	83
Conclusion.....	84
ISSUE 24: E-FILING MANDATES, INSTITUTIONAL INTEGRITY, AND CORAM NON JUDICE	84
1. Issue.....	84
2. Rule	84
3. Analysis	84
Jurisdictional Bypassing.....	84
The Inherent Jurisdiction Fallacy	84
Institutional Integrity.....	84
Conclusion.....	85
ISSUE NUMBER 25: THE PROCEDURAL IMPERATIVE OF CERTIFICATION PURSUANT TO RULE 43.03	85
A. Issue.....	85
B. Rule.....	85
C. Analysis	85
D. Conclusion.....	86
ISSUE NUMBER 26: THE LEGAL INHERENCE OF THE FORM 7 WARRANT VS. ADMINISTRATIVE ENDORSEMENTS.....	86
Issue.....	86
B. Rule.....	86
C. Analysis	87
D. Conclusion.....	87
ISSUE NUMBER 27: JURISDICTIONAL DEFECTS AND THE DOCTRINE OF CORAM NON JUDICE	87
A. Issue.....	87
B. Rule.....	87
C. Analysis	88
D. Conclusion.....	88
ISSUE NUMBER 28: THE DOCTRINE OF FRAUD AND ITS VITIATING POTENCY	88
Issue.....	88
B. Rule.....	88
C. Analysis	89
D. Conclusion.....	89
V. FINAL SUPPLEMENTAL COMMENTARY	89

ISSUE NO. 29 — WHETHER THE EXECUTIVE BRANCH CONTRAVENED SECTION 2(b) OF THE <i>CANADIAN CHARTER OF RIGHTS AND FREEDOMS</i> (THE “OPEN COURT PRINCIPLE”) THROUGH THE FALSIFICATION AND FILING OF FABRICATED INSTRUMENTS WITHIN THE ONTARIO COURT OF JUSTICE.....	89
ISSUE.....	89
II. RULE.....	90
A. The Constitutional Dimension of the Open Court Principle	90
The Doctrine of Nullity and Fraud Upon the Court	90
III. ANALYSIS.....	91
The Systematic Corruption of the Judicial Record and the Role of Madam Justice Shore	91
The Erosion of Public Scrutiny and the Social Contract of Justice	91
The Application of Common Law Maxims to Executive Deceit	92
IV. CONCLUSION	92
ISSUE NO. 30 — WHETHER THE APPLICANT’S RIGHT TO BE SECURE AGAINST UNREASONABLE SEARCH OR SEIZURE UNDER SECTION 8 OF THE <i>CHARTER</i> WAS VIOLATED BY THE CONTINUOUS SEQUENCE OF STATE CONDUCT COMMENCING SEPTEMBER 23, 2024.....	92
ISSUE.....	92
II. RULE.....	93
The Disjunctive Protections of Section 8	93
B. The Hunter Standard and Judicial Independence	93
Privacy Interests and the Sanctity of the Home	93
Consent and State Deception	93
III. ANALYSIS.....	94
The Failure of the Hunter Criteria and Judicial Neutrality	94
B. Territorial, Informational, and Decisional Seizures.....	94
The October 2 Fraudulent Seizure via Ruse and the Honour of the Crown	94
The Obfuscation of Judicial Oversight and the Role of the Default Judge.....	94
IV. CONCLUSION	95
REMEDIES.....	95
I. CONSTITUTIONAL RELIEF PURSUANT TO SECTION 24(1) OF THE CHARTER	95
ISSUE 31: THE CONSTITUTIONAL INFIRMITY OF THE DETENTION ARISING FROM THE INTAKE COURT ENDORSEMENT AND THE ATTENDANT POLICE MALFEASANCE	95
I. ISSUE	95
II. RULE.....	96
III. ANALYSIS.....	97
A. The Fact of Detention and Imprisonment: Physical and Psychological Restraint	97
B. The Absence of Lawful Authority and the Presence of Arbitrariness	97
C. The Impact of Potential Fraud and Jurisdictional Overreach	97
IV. CONCLUSION	98
ISSUE #32 — SECTION 11 OF THE <i>CANADIAN CHARTER OF RIGHTS AND FREEDOMS</i> : DERELICTION OF THE CONSTITUTIONAL OBLIGATION TO INFORM OF THE SPECIFIC OFFENCE AND THE PROTRACTED DURATION OF PROCEEDINGS AS AN UNREASONABLE DELAY	98
I. ISSUE	98

II. RULE.....	99
III. ANALYSIS.....	99
The Failure to Inform and the Proliferation of Inscribed Nullities	99
B. The Exceedance of the Presumptive Ceiling for Unreasonable Delay.....	100
IV. CONCLUSION	100
ISSUE #33: THE CONSTITUTIONAL INFIRMITY OF THE POST-ENDORSEMENT TREATMENT UNDER SECTION 12 OF THE <i>CHARTER</i>	100
I. ISSUE	100
II. RULE.....	100
A. The Scope of Section 12 Protection and the Broad Definition of “Treatment”	101
B. The Dual Threshold of Cruelty: Inherent Degradation and Gross Disproportionality	101
C. Jurisdictional Validity, the Doctrine of Nullity, and the Effect of Fraud	101
III. ANALYSIS.....	101
A. Comprehensive Characterization of the Post-Endorsement Regime as “Treatment”	102
B. The Manifestation of Gross Disproportionality and Inherent Cruelty	102
C. Synergistic Application of Constitutional Principles to the Factual Matrix	102
IV. CONCLUSION	103
ISSUE #34: THE INAPPLICABILITY OF SECTION 1 JUSTIFICATION TO PROCEDURAL NULLITIES AND FRAUDULENT STATE CONDUCT	103
THE ISSUE.....	103
THE RULE.....	104
A. Governing Principles, Constitutional Architecture, and the Dual Nature of Section 1	104
B. The Burden and the Rigour of “Cogent and Persuasive” Evidence	104
C. The Threshold Requirement: “Prescribed by Law” and the Unwritten Rule of Law	105
D. The Oakes Framework: A Multi-Stage, Interconnected Proportionality Inquiry	105
E. The Doctrine of Nullity and the Vitiating, Unravelling Effect of State Fraud.....	106
THE ANALYSIS.....	106
A. The Structural Failure of the Threshold Analysis: The Creation of a Jurisdictional Black Hole.....	106
Section-Specific Analysis of Justification: The Rights Least Amenable to State Intrusion.....	107
Section 2(b): Open Court Principle.....	107
Section 7: Life, Liberty, and Security of the Person.	107
Section 8: Unreasonable Search and/or Seizure (nota bene: disjunctive unlike the USA with its “search and seizure” (see: R. v. Dyment).....	108
Sections 9–11: Arbitrary Detention, Procedural Rights, and Fair Trial Guarantees	108
Section 12: Cruel and Unusual Treatment or Punishment	108
Structural Failures in the Oakes Proportionality Analysis	109
Absence of a Pressing and Substantial Objective	109
Lack of Rational Connection	109
Failure of Minimal Impairment.....	109
Final Balancing: The Catastrophic Deleterious Impact on the Rule of Law	109
IV. THE CONCLUSION.....	110

PART XX — REMEDIES UNDER SECTION 24(1) OF THE <i>CHARTER</i>	110
ISSUE THE JURIDICAL CHARACTER OF THE IMPUGNED PROCEEDINGS AND THE DOCTRINE OF NULLITY	110
Issue.....	110
2. Rule	110
Analysis.....	112
Conclusion.....	113
THE FIDUCIARY DUTY OF THE CROWN, COMMON DESIGN, AND THE IMPERATIVE OF UBERRIMA FIDES	113
The Foundational Principle of Utmost Good Faith in Public Law	113
THE AVAILABILITY AND SCOPE OF CONSTITUTIONAL REMEDIES	115
Issue.....	115
Rule	115
Analysis.....	115
Conclusion.....	116
ISSUE 4: THE QUANTUM OF DAMAGES UNDER THE <i>CHARTER</i>	117
Issue.....	117
Rule	117
Highest Punitive Damage Awards in Canadian Jurisprudence:	118
Legal Context and the Rationality Test:	118
Analysis.....	119
Application of the Thin Skull Doctrine:.....	119
Conclusion.....	121
PART XXII — PERSONAL LIABILITY OF THE OFFENDING JUDICIAL OFFICER.....	121
ISSUE I: THE ABDICATION OF JURISDICTION AND THE ABROGATION OF JUDICIAL IMMUNITY	121
THE RULE.....	121
THE ANALYSIS	122
Judicature vs. Judiciary	122
The Epoch of 1878: Coram Non Judice and the Bradley Precedent.....	123
3. Distinctions with a Difference: Court vs. Judge Not Having Jurisdiction of the Cause – by analogy of the tainted actions and effect post the undisclosed “ <i>Ex Parte</i> In Camera Hearing” and the undisclosed name of the judge (Chief Justice Morawetz) from september 2024 – his unlawful assignment to Madam Justice Shore as his “unlawful fixer”	124
4. No Obligation to Comply with Unauthorized Directives	125
5. Positive Duty to NOT Facilitate, Aid, and Abet Unlawful Acts	125
6. The Bounds of Judicial Immunity and the Color of Office.....	126
7.State Liability Exculpation and Individual Jurist Accountability	127
8.The Intentional Subversion of the Constitutional Order	128
9.Positive Duty to NOT Facilitate, Aid, and Abet Unlawful Means	128
10.The Failure of Immunity and the Question of Subjective Belief	129
DENOUEMENT	129
The Covert Adjudication(before and after) by Chief Justice Morawetz	129

The Undisclosed (Post Arrest and contrary to section 29 of the Criminal Code and other governing statutes and regulations) Presiding Judge: Proceeding In Camera and Ex Parte Without Lawful Authority	129
Subversion of Superior Court Jurisdiction: The Illusion of Impartiality and the Breach of Judicial Independence	130
The Unrecorded Star Chamber: The Deliberate Absence of Recording Apparatuses in a Court of Record.....	131
The Phantom Information and Suppressed Endorsement(s)	131
The Non-Existent Foundational Instruments: Complete Failure to Provide the Information/Indictment	131
Concealment of the Judicial Record: The Suppression of Endorsements Validating the Unlawful Detention.....	131
Ex Nihilo Nihil Fit (Out of Nothing Comes Nothing) and Nemo Dat Quod Non Habet: The Void Nature of the Entire Proceeding once the falsification occurred with the OCJ 10 Armoury Street Courthouse – leaving only relief in favour of the Applicant	132
Adjudicative Fraud Upon the Public and the Applicant and the failure to correct by, on its face, an independent SCJ Courthouse (higher level of institutional independence required with a Section 96 Court than the likes of a Divisional Court)	132
The Resignation/Retirement Nexus: Institutional Concealment of Jurisdictional Usurpation	132
Fraus Omnia Corruptit: How the Fraudulent Concealment Vitiates All Subsequent Prosecutorial Actions	133
Orders Sought.....	133
Appendices	135
TABLE OF AUTHORITIES — PINPOINT CITATIONS (PART I: CASE LAW)	135
A. Supreme Court of Canada	135
1. Landreville v Boucherville (Town of), [1978] 2 SCR 801	135
2. R v Babos, 2014 SCC 16	135
3. R v Grant, 2009 SCC 32	135
4. R v Jordan, 2016 SCC 27	135
5. R v Stinchcombe, [1991] 3 SCR 326	135
6. R v Chabot, [1980] 2 SCR 985	135
7. R v Krannenburg, [1980] 1 SCR 1053	135
8. R v Storrey, [1990] 1 SCR 241	135
9. R v Feeney, [1997] 2 SCR 13	135
10. R v Evans, [1991] 1 SCR 869	135
11. R v MacNeil, 2001 SCC 53	135
12. Canada (Minister of Citizenship and Immigration) v Tobias, [1997] 3 SCR 391	135
13. Wewaykum Indian Band v Canada, 2003 SCC 45	135
14. Reference re Residential Tenancies Act (Ontario), [1981] 1 SCR 714	135
15. R v Dudley, 2009 SCC 58	136
16. R v Myers, 2019 SCC 18	136
17. R v Bjelland, 2009 SCC 38	136
18. R v Araujo, 2000 SCC 65	136
19. R v Nixon, 2011 SCC 34	136
20. British Columbia (AG) v Lafarge Canada Inc., 2007 SCC 23	136
21. McLean v Bradley, 1878 CanLII 22 (SCC)	136
22. Pong v Quong, 1927 CanLII 475 (SCC)	136

B. Ontario Court of Appeal	136
1. <i>R v P(J)</i> , 2013 ONCA 537	136
2. <i>R v Kelsy</i> , 2011 ONCA 605.....	136
3. <i>R v Forcillo</i> , 2018 ONCA 402.....	136
C. English & Historical Common Law Authorities	136
1. <i>Lazarus Estates Ltd v Beasley</i> , [1956] 1 QB 702 (CA).....	136
2. <i>Taylor v Clemson</i> , (1844) 11 Cl & Fin 610, 8 ER 1233 (HL).....	136
3. <i>Griffith v Owen</i> , [1907] 1 Ch 195.....	136
4. <i>Keech v Sandford</i> , [1726] EWHC Ch J76.....	136
5. <i>Foss v Harbottle</i> , (1843) 67 ER 189	136
TABLE OF AUTHORITIES — PINPOINT CITATIONS (PART II: STATUTES)	137
A. Constitutional Instruments	137
1. Canadian <i>Charter</i> of Rights and Freedoms	137
2. Constitution Act, 1867	137
3. Constitution Act, 1982	137
B. Federal Statutes	137
1. <i>Criminal Code</i> , RSC 1985, c C-46	137
2. Canada Evidence Act, RSC 1985, c C-5	137
3. Personal Information Protection and Electronic Documents Act (<i>PIPEDA</i>), SC 2000, c 5.....	137
C. Provincial Statutes (Ontario)	137
1. Courts of Justice Act, RSO 1990, c C.43	137
2. Judicial Review Procedure Act, RSO 1990, c J.1	137
3. Residential Tenancies Act, 2006, SO 2006, c 17	137
4. Expropriations Act, RSO 1990, c E.26	137
D. Regulations	137
1. Secure Electronic Signature Regulations, SOR/2005-30	138
E. Rules of Court & Forms	138
1. Criminal Proceedings Rules for the Superior Court of Justice (Ontario)	138
2. Criminal Rules of the Ontario Court of Justice, SI/2012-30.....	138
3. Rules of Civil Procedure, RRO 1990, Reg 194	138
4. Rule 43.03 (Certification)	138
5. Forms Referenced	138
TABLE OF AUTHORITIES — PINPOINT CITATIONS (PART III: RULES & FORMS)	138
A. Criminal Proceedings Rules for the Superior Court of Justice (Ontario)	138
B. Criminal Rules of the Ontario Court of Justice (SI/2012-30)	138
C. Rules of Civil Procedure (RRO 1990, Reg 194)	138
D. Rule 43.03 — Certification Requirement (Superior Court of Justice)	138
E. Mandatory Criminal Forms (<i>Criminal Code</i> & Criminal Rules)	139
1. Form 1 — Information / Application	139
2. Form 2 — Information / Warrant (Judicial Command)	139

3. Form 4 — Indictment / Charging Instrument	139
4. Form 6 — Summons	139
5. Form 7 — Arrest Warrant	139
6. Form 10 — Undertaking	139
7. Form 21 — Recognizance	139
F. E-Filing and Electronic Intake Requirements	139
1. Criminal E-Intake Portal Requirements	140
2. Electronic Signature Requirements (Canada Evidence Act + SESR)	140
G. Summary Table (Rules & Forms)	140
PART V — AUTHORITIES ORGANIZED BY ISSUE NUMBER (ISSUES 1–34)	142
ISSUE 1 — Inapplicability of s. 599 <i>Criminal Code</i> & Jurisdictional Nullity of Administrative Transfer	142
Statutes	142
Cases	142
Doctrines	143
ISSUE 2 — Jurisdictional Routing & Chain of Custody	143
Statutes	143
Cases	143
Doctrines	143
ISSUE 3 — Spoliation & Alteration of Sworn Instruments	143
Statutes	143
Cases	143
Doctrines	143
ISSUE 4 — Statutory Timelines & Deliberate Obfuscation	143
Statutes	143
Cases	143
Doctrines	143
ISSUE 5 — Telewarrants, Electronic Information & Withholding of Master Record	143
Statutes	143
Cases	143
Doctrines	143
ISSUE 6 — Anatomy of Form 2 & Missing Judicial Command	144
Statutes	144
Cases	144
Doctrines	144
ISSUE 7 — Circumvention of Criminal E-Intake Portal (Bench Hunting / Forum Shopping)	144
Statutes	144
Cases	144
Doctrines	144
ISSUE 8 — Contravention of s. 29 <i>Criminal Code</i> & s. 10(a) <i>Charter</i>	144
Statutes	144

Cases	144
Doctrines	144
ISSUE 9 — CPIC Manipulation & Metadata Obfuscation	144
Statutes	144
Cases	144
Doctrines	144
ISSUE 10 — Unauthorized Substitution & Fabrication of Jurat Page.....	144
Statutes	144
Cases	144
Doctrines	145
ISSUE 11 — E-Filing Limitations & Endorsement Requirements	145
Statutes	145
Cases	145
Doctrines	145
ISSUE 12 — Surgical Spoliation of Jurat Page to Obfuscate Judicial Identity	145
Statutes	145
Cases	145
Doctrines	145
ISSUE 13 — Circumvention of s. 508 <i>Criminal Code</i> Oversight	145
Statutes	145
Cases	145
Doctrines	145
ISSUE 14 — “Default Judge” Endorsement as Administrative Subterfuge	145
Statutes	145
Cases	145
Doctrines	145
ISSUE 15 — Facial Invalidity & Structural Deficiency of Charging Instrument	145
Statutes	145
Cases	145
Doctrines	145
ISSUE 16 — Absence of Ministry Records.....	146
Statutes	146
Cases	146
Doctrines	146
ISSUE 17 — Systemic Flaws in Civilian Informant Use	146
Statutes	146
Cases	146
Doctrines	146
ISSUE 18 — Judicial Conflicts of Interest & Apprehension of Bias.....	146
Statutes	146

Cases	146
Doctrines	146
ISSUE 19 — Retaliatory Timeline & Abuse of Process.....	146
Statutes	146
Cases	146
Doctrines	146
ISSUE 20 — “Intake Court Endorsement” Lexicon & Jurisdictional Cross-Contamination.....	146
Statutes	146
Cases	146
Doctrines	146
ISSUE 21 — Nine Statutory Breaches of Form 7 & Structural Nullity of Warrant	146
Statutes	146
Cases	146
Doctrines	147
ISSUE 22 — Digital Signature Invalidity (CEA + <i>PIPEDA</i>)	147
Statutes	147
Cases	147
Doctrines	147
ISSUE 23 — Forgery, Uttering False Document & Smith Precedent.....	147
Statutes	147
Cases	147
Doctrines	147
ISSUE 24 — E-Filing Mandates, Institutional Integrity & Coram Non Judice.....	147
Statutes	147
Cases	147
Doctrines	147
ISSUE 25 — Certification Requirement under Rule 43.03.....	147
Statutes	147
Cases	147
Doctrines	147
ISSUE 26 — Form 7 Warrant vs. Administrative Endorsements.....	147
Statutes	147
Cases	147
Doctrines	147
ISSUE 27 — Jurisdictional Defects & Coram Non Judice.....	148
Statutes	148
Cases	148
Doctrines	148
ISSUE 28 — Doctrine of Fraud & Vitiating Potency	148
Cases	148

Doctrines	148
ISSUE 29 — Open Court Principle & Fabricated Instruments	148
Statutes	148
Cases	148
Doctrines	148
ISSUE 30 — Section 8 <i>Charter</i> Violations.....	148
Statutes	148
Cases	148
Doctrines	148
ISSUE 31 — Constitutional Infirmity of Detention	148
Statutes	148
Cases	148
Doctrines	148
ISSUE 32 — Section 11 <i>Charter</i> Violations (Notice & Delay).....	148
Statutes	148
Cases	148
Doctrines	148
ISSUE 33 — Section 12 <i>Charter</i> Violations (Cruel Treatment).....	149
Statutes	149
Cases	149
Doctrines	149
ISSUE 34 — Inapplicability of Section 1 to Procedural Nullities.....	149
Statutes	149
Cases	149
Doctrines	149
NOTHING PAST THIS LINE	149

NOTICE OF CONSTITUTIONAL QUESTION

STATUTORY JURISDICTION AND CONSTITUTIONAL PREDICATE

A. Foundational Authorities and the Jurisdictional Nexus

1. Pursuant to the mandatory notification mechanisms delineated within section 109 of the *Courts of Justice Act*, RSO 1990, c C.43, and invoking the plenary remedial jurisdictions enshrined within sections 24(1) and 24(2) 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***”), formal notice is hereby promulgated. Operating strictly under the binding doctrine of *stare decisis* as mandated by the hierarchical jurisprudence of the Supreme Court of Canada, the Court of Appeal for Ontario, and the Superior Court of Justice (if applicable by horizontal *stare decisis*), the Applicant seeks that the constitutionality of the acts, conduct, adjudicative pronouncements, and deliberate omissions effectuated by the various governmental entities and undisclosed judicial officers associated inextricably

with the **INTAKE COURT ENDORSEMENT (SEPT 23 2024)** and any other “endorsements” and/or **undisclosed warrants, orders et al** shall be robustly, comprehensively, and relentlessly challenged until a final judicial determination is made invoking *res judicata* and issue estoppel.

2. The impugned state conduct encompasses the entirety of the concealed procedural frameworks, the clandestine adjudicative determinations, and the egregious procedural deviations rendered by a jurist whose identity remains purposefully, and unconstitutionally, undisclosed to the applicant (the “**Applicant**”). It is submitted that such constitutional inquiry extends unequivocally and without limitation to all derivative executive actions flowing sequentially from the aforementioned opaque processes. This includes all operational deployments currently known and those anticipated to be subsequently discovered, commencing temporally on or about September 20, 2024, culminating materially in the execution of the fabricated **INTAKE COURT ENDORSEMENT (SEPT 23 2024)**, and propagating an ongoing, continuous matrix of constitutional infringements thereafter.

B. The Subversion of the Open Court Principle and the Rule of Law

3. It is a foundational and inviolable postulate of Canadian constitutional law, serving as the bedrock of the adjudicative framework, that the administration of justice must be conducted transparently and subject to public scrutiny. The deliberate obfuscation of a presiding judicial officer’s identity constitutes a profound and existential affront to the open court principle. Such clandestine adjudicative mechanisms, reminiscent of the historically repudiated Court of Star Chamber, fundamentally undermine the rule of law and operate to irreversibly sever the indispensable bond of public confidence in the judicial apparatus. When the identity, jurisdictional appointment, and statutory authority of the adjudicator are actively concealed behind a veil of administrative secrecy, the resultant legal directives are instantaneously stripped of their requisite institutional legitimacy. This orchestrated anonymity renders the entirety of the proceedings structurally defective *ab initio*, depriving the adjudicative acts of any presumptions of regularity that might otherwise attach to formalized state action.

II. ENUMERATION OF CONSTITUTIONAL INFRINGEMENTS

Comprehensive Identification and Extrapolation of Charter Violations

4. It is strictly and affirmatively submitted that the toronto police service (the “**TPS**”), the individual respondents formally affiliated with the TPS, and any non-governmental entities subsequently determined or declared by the human rights tribunal of ontario (the “**HRT**”) to have acted as agents, instrumentalities, or authorized delegates of the TPS, have directly, intentionally, and egregiously contravened the following fundamental constitutional guarantees enshrined within the *Charter*:
 - i. Section 2(b) of the *Charter*, manifesting profoundly as the impermissible suppression of expressive freedoms through the deployment of coercive state apparatuses. The utilization of legally vacuous enforcement mechanisms functions as a prior restraint on protected discourse, thereby chilling the Applicant’s fundamental democratic participation and expressive autonomy;
 - ii. Section 7 of the *Charter*, effectuated systematically through the arbitrary deprivation of liberty and the profound compromise of the security of the person. These deprivations were perpetrated via procedurally vacuous adjudicative mechanisms, characterized by a complete denial of fundamental justice, the evisceration of the *audi alteram partem* principle, and the imposition of profound psychological duress upon the Applicant;
 - iii. Section 8 of the *Charter*, characterized unequivocally by the unauthorized, highly intrusive, and unwarranted physical and digital penetrations of the Applicant’s constitutionally protected privacy spheres. These incursions were executed entirely absent any valid, legally recognizable, or constitutionally sound judicial pre-authorization, thereby operating as unreasonable state intrusions strictly prohibited by the supreme law of the land;
 - iv. Section 10 of the *Charter*, instantiated by the calculated failure of state actors to provide immediate, intelligible, and legally coherent reasons for the deprivation of the Applicant’s liberty, coupled with the concomitant, systemic obstruction of the Applicant’s fundamental right to retain and instruct legal counsel without perilous delay;

- v. Section 11 of the *Charter*, breached egregiously by the formal institution of penal processes that are entirely lacking in fundamental evidentiary substantiation, jurisdictional competence, and procedural regularity. The utilization of fabricated charging instruments inherently violates the specific right to be informed without unreasonable delay of the specific offence, as the underlying prosecutorial documents are mere administrative fictions;
- vi. Section 12 of the *Charter*, arising directly from the imposition of state treatments that are demonstrably cruel, unusual, and grossly disproportionate to any legitimate penological or administrative objective. To subject a citizen to the coercive power of an invisible, unaccountable state machinery constitutes a degrading subjugation incompatible with human dignity; and
- vii. Section 15 of the *Charter*, reflecting the demonstrably discriminatory application of coercive state investigative and prosecutorial powers based upon enumerated or analogous grounds, thereby unequivocally denying the Applicant the equal protection and equal benefit of the law; (collectively, the “**Charter Violations**”).

B. THE CATEGORICAL INAPPLICABILITY OF SECTION 1 JUSTIFICATORY MECHANISMS

5. It is further posited, as an incontrovertible, self-evident, and mathematically precise legal conclusion, that the aforementioned *Charter Violations* are intrinsically incapable of being demonstrably justified in a free and democratic society. Applying the rigorous, multi-pronged analytical framework mandated continuously by the Supreme Court of Canada, the impugned state conduct completely and fundamentally fails to satisfy the paramount proportionality requirement. The deployment of fictitious judicial endorsements, the reliance upon phantom adjudicators, and the orchestration of undisclosed tribunals cannot, under any rational or logical metric, be connected to any pressing and substantial legislative objective. Furthermore, such extreme deviations from constitutional norms utterly fail the minimal impairment threshold, resulting in deleterious effects that are entirely disproportionate to any conceivable salutary benefits. Consequently, the justificatory mechanisms encapsulated within section 1 of the *Charter* are wholly inapplicable *in limine*, requiring no further substantive judicial deliberation to dismiss any theoretical state defense.

III. REMEDIAL INTERVENTIONS AND EQUITABLE RELIEF SOUGHT

Plenary Application for Section 24(1) Equitable Relief

6. Comprehensive and uncompromising redress is unequivocally sought pursuant to section 24(1) of the *Charter*, demanding the immediate issuance of declarations of constitutional invalidity, writs of *certiorari* to formally quash the underlying fabricated proceedings, and permanent injunctions. This robust equitable redress is requisitioned to secure definitive interim, interlocutory, and permanent relief, precisely intended to strictly enjoin the perpetuation of the *Charter Violations* and to unequivocally terminate the Applicant's ongoing subjugation to the aforementioned *ultra vires* state processes.

B. EXCLUSION OF EVIDENCE PURSUANT TO SECTION 24(2) AND RESTORATION OF THE STATUS QUO

7. Concurrently, relief is sought pursuant to section 24(2) of the *Charter*, specifically applicable in relation to all tangible and intangible property of the Applicant that was unlawfully seized, appropriated, arbitrarily detained, and potentially subjected to forensic search absent a valid, constitutionally sound judicial warrant under section 487.1 of the *Criminal Code*, RSC 1985, c C-46, or any other recognized statutory authority, spanning the temporal period of September 20, 2024, to October 2, 2024, and potentially extending continuously thereafter. Appropriate remedial declarations must be meticulously fashioned to affirmatively nullify the constitutional transgressions and to estop the future prosecutorial or investigative utilization of any evidentiary fruits derived from the continued unlawful arrests, unlawful searches, and unlawful seizures.
8. Analyzing the state-sponsored transgressions under the requisite jurisprudential metrics assessing the seriousness of the state's conduct and the impact on the Applicant's protected interests, the admission of evidence procured through such calculated, bad-faith *ultra vires* machinations would inflict catastrophic damage upon the integrity of

the judicial system, bringing the administration of justice into profound disrepute. The equitable imperative to restore the *status quo ante* necessitates the immediate invalidation of the aforementioned executive actions *ipso facto*, thereby necessitating the unconditional return of all seized materials, the permanent expungement of associated investigative records, and the formalized obliteration of the impugned judicial endorsements.

IV. CONSTITUTIONAL VIOLATIONS OF JUDICATURE PROVISIONS AND THE DOCTRINE OF ABSOLUTE NULLITY

Egregious Usurpation of the Inherent Superior Court Jurisdiction

9. A supplementary, overarching, and fundamentally structural constitutional inquiry shall be rigorously advanced regarding whether the adjudicative actions—both inherently *ultra vires* and ostensibly authorized—undertaken by undisclosed or disclosed Justices of the Peace, Judges of the Ontario Court of Justice, Judges of the Superior Court of Justice, or any *ad hoc* appellate jurists assigned by statutory delegation, constituted an egregious usurpation of the core judicature provisions enshrined immutably within sections 96 to 100 of the *Constitution Act, 1867* (UK), 30 & 31 Vict, c 3. The delegation of core adjudicative functions, inclusive of the authorization of penal processes, to fictitious entities, unidentifiable actors, or concealed tribunals effectively hollows out the inherent supervisory jurisdiction constitutionally guaranteed exclusively to superior courts, destabilizing the fundamental separation of powers.

Strict Classification of Procedural Deviations as Absolute Nullities

10. It is respectfully but firmly submitted that any equitable or legal remedies flowing from such structural constitutional breaches must categorically and automatically be granted. The impugned procedural deviations, characterized by jurisdictional falsification and adjudicator anonymity, are strictly classified as an absolute nullity. It is a fundamental tenet of jurisprudence that where a situation exists between an irregularity and a nullity, judicial interpretation must strictly lean towards designating the act as an absolute nullity if the conduct represents a direct, deliberate, and substantive contravention of a binding statute, a regulatory framework, a foundational common law rule, or a paramount equitable principle. The actions enumerated herein are entirely incapable of being rationalized, cured, or retroactively legitimized as mere administrative or procedural irregularities under any statutory curative provisions. Given that such acts constituted a direct and egregious contravention of binding statutory frameworks and structural constitutional imperatives, the entire adjudicative facade is fundamentally divested of legal substance and is thereby rendered void *ab initio*.

V. FORUM SELECTION AND PROCEDURAL SCHEDULE

Delineation of Adjudicative Venue

12. The substantive constitutional questions and applications for extraordinary remedies delineated comprehensively herein shall be adjudicated at a date and time to be subsequently fixed, or alternatively, as proposed contemporaneously, before a presiding justice at the Superior Court of Justice situated at 361 University Avenue, Toronto, Ontario. It is submitted that the proceedings may be conducted by any procedural mechanism deemed to serve the paramount, overarching interests of justice, strictly incorporating the preservation of the absolute right to seek expedited, emergent relief by way of a formal notice of motion.

Explicit Reservation of Interim and Interlocutory Rights

13. The unalienable right to seek immediate interim equitable and legal relief is expressly and unambiguously reserved, with requisite formal notice to be served upon the respondent and any ancillary interested parties. This reservation is subject strictly to specific procedural exemptions pertaining exclusively to the service of additional judicial officers and secondary venues, precisely as dictated by the mandatory provisions contained within the *Criminal Proceedings Rules for the Superior Court of Justice (Ontario)*.

Inextricable Integration with the Foundational Form 1 Application

14. Reliance is firmly, extensively, and exclusively placed upon the material facts, substantive legal bases, and the rigorous jurisprudential analysis delineated *infra*. This constitutional instrument must be continuously construed in inextricable conjunction with the Form 1 application mandated by the *Criminal Proceedings Rules for the Superior Court of Justice (Ontario)*, executed on March 16, 2026, and delivered contemporaneously herewith. Evidentiary reliance is categorically placed upon the entirety of the corpus of documentation contained therein, alongside all digital and physical records presently within the custody, control, or constructive possession of the originating judicial registry. This incorporates unequivocally those materials strictly necessitated for disclosure pursuant to a formal Rule 43.03 certificate, and demands the compulsory production of all related *ex parte* administrative metadata.

The Post Facto Falsification of Jurisdictional Prosecutorial Instruments

15. It is averred with profound gravity and evidentiary substantiation that the impugned criminal proceedings were ostensibly commenced via the declaring or laying of an unprovided, legally non-existent, and undisclosed Form 2 Information or Form 4 Indictment pursuant to the strictures of the *Criminal Code*, RSC 1985, c C-46, functioning in conjunction with the fabricated **INTAKE COURT ENDORSEMENT (SEPT 23 2024)**. However, it is fundamentally asserted that these foundational prosecutorial instruments were falsified *post facto*. The subsequent fabrication of charging documents represents a catastrophic failure of prosecutorial integrity. The laying of an Information constitutes the indispensable bedrock for the acquisition of statutory jurisdiction; absent a genuinely sworn and temporally accurate instrument, the court acquires zero jurisdiction over the person or the subject matter.

Decisive Application of the Doctrine of Vitiating Fraud

16. Applying the rigorous equitable and common law doctrines governing vitiation by deception, explicit and binding reliance is placed upon the Supreme Court of Canada's jurisprudence articulated in *Landreville v Boucherville (Town of)*, [1978] 2 SCR 801 (the "*Landreville Decision*"). The *Landreville Decision* affirmatively, explicitly, and irreversibly adopts the seminal appellate authority established in *Lazarus Estates Ltd v Beasley*, [1956] 1 QB 702 (CA) at 712 (the "*Lazarus Decision*"). As incontrovertibly articulated by Lord Denning in the *Lazarus Decision*, "fraud unravels everything."
17. Applied directly and uncompromisingly to the material facts at bar, the deliberate *post facto* falsification of formal judicial records, combined with the strategic, deceptive utilization of a completely fictitious judicial officer (identified cryptically and fallaciously as 'JP Jiri' in the fabricated endorsement), constitute an unequivocal, systemic adjudicative fraud. Such profound documentary manipulation and institutional obfuscation strike lethally at the very substratum of the judicial process, poisoning the well of justice beyond any capacity for remediation.

The Inevitable Extrapolation of Coram Non Judice and Procedural Unfairness

18. This fraudulent orchestration operates relentlessly and automatically to vitiate the entirety of the proceedings *ab initio*, rendering the actions of the undisclosed judge, the fictitious Justice of the Peace, and the complicit administrative registry an absolute nullity. By direct, inexcusable contravention of absolute statutory mandates and core common law precepts, the aforementioned acts are characterized conclusively by the ancient and binding maxim *factum a iudice, quod ad officium iure non pertinet, ratum non est* (an act of a judge which does not pertain to his jurisdiction is of no force). Consequently, no legitimate office of the prosecutor ever possessed lawful carriage of these manufactured proceedings, and all subsequent judicial convenings, inclusive of any clandestine *ex parte in camera* hearings, were strictly, undeniably, and incurably *coram non iudice*.
19. Regarding the evidentiary record of the aforementioned clandestine *in camera* proceedings, specific administrative representations were promulgated to the Applicant indicating that the undisclosed jurist presided over the hearing exclusively within the impenetrable sanctity of judicial chambers, thereby purposefully precluding the generation

and availability of an official stenographic or digital transcript. This deliberately engineered informational asymmetry fundamentally and fatally compromises the *audi alteram partem* principle. Notwithstanding the formal tender of financial consideration by the Applicant to secure digital audio recordings of said proceedings, the court administration has consistently, inexcusably, and unlawfully failed to effectuate the delivery of the requested auditory records. This calculated obstruction constitutes an egregious *prima facie* breach of procedural fairness, effectively foreclosing the Applicant's fundamental, constitutionally entrenched right to make full answer and defence, and thereby cementing the absolute nullity of the underlying executive actions.

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STATEMENT OF CONSTITUTIONAL ISSUES

Pursuant to the explicit statutory mandate articulated within section 109 of the *Courts of Justice Act*, R.S.O. 1990, c. C.43, and the sweeping, inherent remedial provisions enshrined in section 24 of the *Canadian Charter of Rights and Freedoms* (the “*Charter*”), the following exhaustive, meticulously enumerated constitutional interrogatories are hereby formally submitted for authoritative, appellate-level judicial determination.

These interrogatories necessitate a profound, exacting, and unyielding examination as to whether an averred continuum of extraordinary, pervasive state action—characterized by a purported, unprecedented jurisdictional usurpation, the alleged deliberate fabrication and spoliation of originating legal instruments, and the consequential, severe deprivation of physical liberty—contravenes the fundamental structural separation of powers and the inviolable liberties guaranteed by the *Charter*. It is robustly posited for the Court's urgent consideration that the cumulative, compounding effect of such averred conduct operates to entirely sever the state's actions from any recognizable foundation in positive law, thereby rendering the underlying proceedings incontrovertibly *coram non judice* (before one who is not a judge).

Such a classification, if definitively substantiated by the evidentiary record, would establish the proceedings as an absolute nullity (*void ab initio*). Furthermore, it is submitted that such conduct transcends mere procedural irregularity, representing a profound, systemic affront to the administration of jurisprudence, the institutional integrity of the courts, and the bedrock principles of the rule of law upon which the Canadian constitutional architecture is erected. The Court is thereby called upon to exercise its inherent supervisory jurisdiction to categorically declare these alleged maneuvers as fundamentally irreconcilable with the postulates of a free and democratic society.

I. THE OPEN COURT PRINCIPLE, INSTITUTIONAL INTEGRITY, AND THE PROHIBITION OF SECRET PROCEEDINGS (SECTION 2(B))

1. Whether the averred fabrication, spoliation, and surreptitious “shadow-filing” of originating instruments by the Executive Branch—inclusive of the foundational *Information* and its corollary jurats—subverts the Open Court Principle as immutably guaranteed by section 2(b) of the *Charter*. Specifically, an adjudication is required to meticulously determine whether the alleged establishment, cultivation, and maintenance of a parallel, unrecorded, or otherwise entirely inaccessible administrative docket effectively insulates the coercive penal apparatus of the state from the requisite public, media, and adversarial scrutiny that serves as the indispensable cornerstone of judicial accountability and democratic oversight.

Should such clandestine operations be found to have been conducted cloaked from public view, a further, penetrating determination is necessitated as to whether these actions constitute a modern jurisprudential equivalent of the historical Star Chamber—an institution universally repudiated for its reliance upon secret indictments and unassailable prosecutorial fiat. It must be comprehensively evaluated whether the intentional shielding of prosecutorial origination from the public domain, coupled with the systemic obfuscation of the court record, fundamentally betrays the institutional integrity of the judiciary. Consequently, the Court must ascertain whether such foundational deceit renders the affected judicial records a constitutional nullity that is inherently, irrevocably, and perpetually incapable of grounding lawful state action, issuing valid warrants, or sustaining any deprivation of citizen liberty.

II. UNREASONABLE SEARCH AND SEIZURE VIA DECEPTION AND THE WEAPONIZATION OF LEGAL FICTION (SECTION 8)

2. Whether a continuous, escalating, and unbroken continuum of coercive state conduct—comprising an alleged deceptive property ruse, an unauthorized residential dispossession effectuated entirely without lawful pretext, and the subsequent, highly irregular imposition of a fabricated “No Fixed Address” (NFA) designation upon an individual with an established domicile—constitutes a flagrant, egregious, and calculated infringement upon the sacrosanct right to be secure against unreasonable search and seizure, as enshrined in section 8 of the *Charter*.

Furthermore, it must be rigorously and objectively ascertained whether the averred weaponization of the NFA legal fiction—utilized to purportedly and deliberately circumvent the stringent, constitutionally mandated prior-authorization prerequisites for residential searches (commonly recognized as the *Hunter v. Southam* standard)—and executed wholly in the absence of valid prior authorization by a neutral, independent, and impartial arbiter, fundamentally vitiates any presumption of *bona fide* state action. An authoritative adjudication is strictly sought as to whether the deliberate administrative classification of an individual as unhoused, executed for the express, ulterior, and unlawful purpose of artificially lowering their expectation of privacy and bypassing requisite judicial safeguards, unlawfully encroaches upon the highest reasonable expectation of privacy recognized at common law: the inviolable sanctity of the private dwelling.

III. ARBITRARY DETENTION AND THE DOCTRINE OF PROCEDURAL NULLITY (SECTION 9)

3. Whether the physical, psychological, and continuing confinement of the accused, predicated exclusively upon a purported, highly anomalous, and legally unprecedented administrative “Intake Court Endorsement,” constitutes an arbitrary detention and a substantive, irremediable nullity pursuant to section 9 of the *Charter*.

Given the bedrock jurisprudential imperative dictating that criminal arrest powers and the attendant deprivations of ambulatory liberty must be construed *strictissimi juris* (with the absolute strictest, most mathematically precise interpretation of penal statutes), it must be scrupulously determined whether the deployment of family-law administrative endorsements—instruments that are fundamentally, inherently, and structurally devoid of any statutory custodial authority under the *Criminal Code*—to effectuate a criminal deprivation of liberty transmutes the conduct of the state into a purely extra-legal apprehension. It is formally submitted for adjudication that such reliance upon non-penal, administrative instruments to sanction severe penal consequences results in a detention that fundamentally lacks any anchor in valid positive law. Such actions, it is averred, operate merely as an exercise of brute, unconstrained state power entirely unmoored from explicit legislative authorization, thereby rendering the detention arbitrary in its purest constitutional sense.

IV. THE RIGHT TO BE INFORMED AND THE VITIATION OF LAWFUL AUTHORITY (SECTION 10(A))

4. Whether the persistent, deliberate, systemic, and ongoing omission by state agents to produce the authorizing legal instrument (namely, the warrant, the foundational endorsement, or any verifiably authenticated writ) upon explicit, repeated, and statutorily protected demand, vitiates the lawful foundation of the initial apprehension, thereby directly and fatally infringing the constitutional entitlement to be promptly informed of the reasons for detention pursuant to section 10(a) of the *Charter*.

In circumstances wherein state actors are purportedly incapable of producing the originating mandate, it must be adjudicated whether the initial arrest and the entirety of all subsequent custody are rendered continually, retroactively, and uninterruptedly unlawful. Consequently, a binding judicial determination is urgently required as to whether the failure to furnish the empowering document completely dissolves any jurisprudential protection, common-law immunity, or statutory shield otherwise afforded to state agents. It must be evaluated whether such agents are inherently and logically unable to demonstrate a good faith reliance upon a facially valid warrant when the existence of the warrant itself is actively concealed, epistemologically opaque, or functionally non-existent, thereby exposing the detention as a continuing constitutional tort.

V. NOTICE OF SPECIFIC OFFENCE, FULL ANSWER AND DEFENCE, AND UNREASONABLE DELAY (SECTIONS 11(A) AND 11(B))

5. Whether the presentation of contradictory, mutable, and allegedly fabricated charging instruments across successive judicial appearances constitutes a profound, prejudicial failure to inform the accused of the specific offence without unreasonable delay under section 11(a) of the *Charter*. It must be exhaustively analyzed whether this state-engineered fluidity of charges—operating as a perpetually moving target—severely and irremediably prejudices the capacity of the accused to retain competent counsel, comprehensively comprehend the exact nature of the penal jeopardy faced, and marshal the evidentiary resources necessary to mount a full answer and defence.

Consequently, it must be evaluated whether the systemic ambiguity, jurisdictional obfuscation, and procedural distortions purportedly engineered by the state—through the utilization of multiple, conflicting, and potentially unsworn *Informations*—contribute to an overarching, unreasonable delay that must be strictly, entirely, and unequivocally apportioned to the Crown. It must be conclusively determined whether this state-induced procedural labyrinth inevitably and demonstrably exceeds the presumptive eighteen-month ceiling established by the Supreme Court of Canada in *R. v. Jordan*, thereby fundamentally contravening section 11(b) of the *Charter* and necessitating an immediate, mandatory, and non-discretionary stay of all proceedings to preserve the fundamental integrity of the justice system.

VI. CRUEL AND UNUSUAL TREATMENT VIA UNAUTHORIZED CONFINEMENT AND EXTRA-JUDICIAL CONDITIONS (SECTION 12)

6. Whether the imposition of severe, indefinite restrictive conditions and coercive state oversight—functioning as a *de facto* continuous confinement, constructive house arrest, or pervasive monitoring apparatus—flowing directly from proceedings averred to have been conducted entirely *coram non judice*, amounts to cruel and unusual treatment under section 12 of the *Charter*.

It must be meticulously determined whether subjecting an individual to a convoluted, labyrinthine reality governed by legal processes that are fundamentally non-existent in law, and utterly devoid of any meaningful avenues for procedural review, appellate relief, or *habeas corpus* intervention, constitutes an abuse of state power so profound that it unequivocally shocks the conscience of the community. An adjudication is strictly required to confirm whether the enforcement of phantom judicial orders and simulated judicial edicts against a citizen grossly offends objective societal standards of decency and human dignity, thereby triggering the absolute protections against cruel and unusual treatment and demanding immediate equitable intervention.

VII. THE ABSOLUTE INAPPLICABILITY OF SECTION 1 JUSTIFICATION TO FUNDAMENTAL NULLITIES

7. Whether the aforementioned *Charter* infringements are inherently, categorically, and fundamentally incapable of justification pursuant to the saving provisions of section 1 thereof. It must be definitively determined whether state action, when characterized by overt jurisdictional usurpation, the alleged deliberate fabrication of judicial records, and systemic institutional bad faith, operates at all times as an absolute nullity (*void ab initio*).

As such actions are forcefully posited to be entirely extra-legal and completely detached from the legitimate legislative framework of the state, it must be comprehensively analyzed whether they inherently and automatically fail the very first, foundational threshold of the *Oakes* test, insofar as they cannot, by legal definition, constitute limits that are “prescribed by law.” Consequently, a definitive, precedent-setting adjudication is required as to whether the state is permanently and equitably estopped from attempting to justify these egregious constitutional breaches as demonstrably justified in a free and democratic society, predicated upon the unassailable maxim that a democratic society cannot, under any jurisprudential theory, validate or sanction state actions taken completely outside the bounds of its own enacted laws.

VIII. SEPARATION OF POWERS, JUDICIAL INDEPENDENCE, AND APPREHENSION OF BIAS (CONSTITUTION ACT, 1867, S. 96)

8. Whether the *sua sponte* assumption of criminal intake, prosecutorial direction, and overarching case management functions by a singular Justice of the Superior Court constitutes an *ultra vires* usurpation of jurisdiction that fatally and irrevocably violates the structural separation of powers embedded within the fundamental architecture of the *Constitution Act, 1867*. Specifically, it must be determined whether a judicial officer acting *sans* proper statutory assignment, deploying family law administrative constructs to unlawfully effectuate a criminal arrest, and operating under circumstances giving rise to an overwhelming, objective reasonable apprehension of actual bias, fundamentally abrogates the constitutional guarantee of judicial independence. Rooted firmly in the ancient maxim *nemo debet esse iudex in propria causa* (no one shall be a judge in their own cause), it must be meticulously ascertained whether a judicial officer concurrently acting in the mutually exclusive roles of investigator, director of proceedings, and ostensibly impartial arbiter irrevocably compromises the impartiality of the tribunal. Should such an impermissible conflation of executive, investigatory, and

judicial functions be found, the Court must conclusively determine whether it thereby divests the presiding officer of all jurisdiction, irreparably stripping the court of its authority and rendering all resulting orders, warrants, and endorsements *functus officio*, wholly inoperative, and legally void in perpetuity.

VOLUME #1: OVERVIEW OF THE JURISDICTIONAL NULLITIES, ACTS OF JUDGE(S) WHICH WERE FACTUM A JUDICE, QUOD AD OFFICIUM JURE NON PERTINET, RATUM NON EST AND CORAM NON JUDICE CONSTITUTIONAL INFRACTIONS

THE IRREFRAGABLE CHAIN OF CUSTODY AND THE RULE OF LAW

1. It is advanced for the consideration of this Honourable Court that the foundational integrity of the Canadian jurisprudential architecture, alongside the paramount doctrine of the rule of law (the “**Rule of Law**”), remains inextricably bound to the irrefragable chain of custody pertaining to sworn documentary evidence. Such systemic integrity necessitates an unyielding and uncompromising adherence to the exhaustive statutory framework governing the profound deprivation of physical liberty, acting in concert with the unassailable, objective impartiality demanded of any adjudicative tribunal. The delicate social compact upon which the administration of justice is structurally predicated requires absolute transparency, rigid procedural exactitude, and an unbroken, verifiable evidentiary pedigree in all instances wherein the formidable coercive apparatus of the state is mobilized against a private citizen.
2. The procedural architecture governing criminal law, most notably concerning the issuance of originating processes, must be construed not as merely directory, but rather as fundamentally and rigidly mandatory. The solemn swearing of an information (the “**Information**”) before a duly designated judicial officer, subsequently verified by an unblemished and unaltered jurat, functions as the absolute *sine qua non* prerequisite for lawful state intervention. This prescribed statutory mechanism constitutes the solitary, exclusive conduit through which the state may lawfully traverse the constitutionally entrenched liberty interests of the individual. Consequently, it is posited that any inexplicable deviation, structural alteration, or deliberate spoliation of this foundational documentary record instantaneously ruptures the requisite chain of custody, thereby irremediably stripping the ensuing proceedings of any legitimate constitutional foundation.
3. In circumstances where these foundational constitutional pillars are subjected to systemic circumvention—whether effectuated via egregious, systemic administrative malfeasance, institutional incompetence, or through surreptitious, deliberate obfuscation ostensibly catalyzed by deeply entrenched, pre-existing conflicts of interest—the resultant state actions cannot be classified as mere curable procedural irregularities or trifling technical deviations of administrative form. Rather, it is advanced that such profound procedural aberrations manifest as absolute jurisdictional nullities, thereby rendering the underlying legal proceedings entirely void *ab initio*.
4. It is a settled legal axiom that an adjudicative tribunal remains perpetually incapable, under any recognized constitutional paradigm or equitable doctrine, of deriving lawful authority from a process that has been fundamentally contaminated *in limine*. An originating court is rendered bereft of both *jurisdiction ratione materiae* (subject-matter jurisdiction) and *jurisdiction ratione personae* (personal jurisdiction) where the authorizing instruments have been irreparably compromised. Accordingly, penal consequences or restrictions upon liberty cannot be legitimately imposed by the state when such strictures are predicated upon a foundation constructed in its entirety from fabricated, spoliated, and legally vacuous documentation.

B. ANTICIPATORY REBUTTAL: THE INAPPLICABILITY OF CURATIVE STATUTORY PROVISIONS

5. It is anticipated that a counter-argument may be advanced suggesting that the defective originating processes constitute mere procedural anomalies, ostensibly capable of remediation pursuant to the curative provisions delineated within the *Criminal Code*, RSC 1985, c C-46, s. 686(1)(b)(iv). Nevertheless, such a proposition is posited to be analytically unsustainable when subjected to rigorous jurisprudential scrutiny. The deliberate, state-sponsored fabrication of the Information, paired with the intentional extraction of sworn jurat pages, transcends the boundaries of mere technical non-compliance or inadvertent clerical oversight.
6. Through the application of the deductive syllogism formulated by the Supreme Court of Canada regarding abuses of process, as comprehensively elucidated in *R. v. Babos*, 2014 SCC 16 (*Babos*), it is established that deliberate state misconduct operates to entirely vitiate lawful authority. The jurisprudence in *Babos* emphatically reinforced

the paramount necessity of maintaining public confidence within the administration of justice, dictating that state conduct which egregiously transgresses fundamental notions of fair play must be unequivocally repudiated. Within the present factual matrix, the deliberate mutilation of the Information subverts the essential truth-seeking function of the judiciary, thereby rendering any *ex post facto* application of statutory curative provisions entirely incongruous and legally impermissible.

7. A statutorily invalid instrument is incapable of being retroactively legitimized by subsequent judicial fiat wherein the foundational defect is anchored in intentional administrative obfuscation. Consequently, the ancient equitable doctrine of *fraus omnia corrumpit* is irrevocably engaged. Fraud, specifically fraud perpetrated upon the tribunal via documentary spoliation, comprehensively unravels all subsequent legal consequence. As a direct corollary, the Crown is *ipso facto* divested of any residual jurisdiction to proceed, given that the curative mechanisms embedded within the *Criminal Code* were manifestly not promulgated to furnish sanctuary for calculated administrative deceit.

C. DELIBERATE SPOLIATION AND THE FABRICATION OF ORIGINATING PROCESSES

8. A meticulous and exhaustive examination of the evidentiary record elucidates a cascading, highly orchestrated sequence of profound procedural anomalies, deliberate documentary spoliation, and blatant, irredeemable statutory breaches executed by agents of the state. The intentional fabrication of the Information, occurring in tandem with the extraordinary, *ultra vires* utilization of an entirely unauthorized, civil family-law directive to effectuate a targeted criminal arrest, may be characterized as an unparalleled abuse of process. The deployment of a superior court civil directive as a mechanism to circumvent the rigorous prerequisites inherent to a provincial criminal warrant represents an egregious usurpation of the judicial function and a catastrophic conflation of distinct, non-overlapping jurisdictional authorities.
9. It is submitted that such conduct flagrantly offends the foundational tenets of fundamental justice 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**”), and is ostensibly repugnant to the collective conscience of the community. The deprivation of physical liberty predicated exclusively upon a manufactured administrative contrivance fundamentally destabilizes the citizenry's legitimate expectation of, and reliance upon, predictable and lawful state conduct.
10. By rigorously dissecting the physical alterations imposed upon the sworn instruments, the jurisdictional impossibilities inherent to the inter-court routing mechanisms utilized, and the undeniable, immutable metadata footprints preserved permanently within centralized law enforcement databases (viz., the Canadian Police Information Centre system), it is demonstrated *prima facie* that the originating processes are hopelessly and incurably defective. The digital *acta* preserved within these centralized repositories irreconcilably contradict the physical documentation presented to the tribunal, further illuminating the ostensibly deliberate and calculated nature of the spoliation.
11. The targeted physical extraction of the original jurat, followed by the subsequent substitution of a fabricated administrative endorsement, appears to have been executed with the specific design of permanently severing the auditable documentary linkage identifying the specific judicial officer who issued the irregular, liberty-depriving criminal warrant (the “**Warrant**”). This systemic obfuscation was seemingly designed to explicitly shield the conduct from both institutional auditing and appellate scrutiny, representing a comprehensive breakdown of the institutional safeguards structurally engineered to protect the citizenry from arbitrary and unchecked state power.

D. APPREHENSION OF BIAS AND PRE-EXISTING CONFLICTS OF INTEREST UNDISCLOSED BY THE NATURE OF THE “EX PARTE IN CAMERA HEARING”, “EX PARTE IN CAMERA UNRECORDED HEARINGS”, AND “EX PARTE IN CAMERA UNRECORDED HEARINGS UNRETAINED INDICTMENT PROCESS”

12. The profound procedural pathologies detailed herein—encompassing deliberate, tactical forum-shopping at the superior court level and strategically delayed filing protocols—did not precipitate within a jurisdictional vacuum. Such anomalies must be critically contextualized within the broader factual matrix concerning alleged pre-existing professional conflicts of interest involving the presiding judicial officer, Madam Justice Shore (the “**Presiding Jurist**”), and concurrently active civil litigation matters. Fiduciary and ethical obligations, as strictly promulgated

by the Canadian Judicial Council, mandate the absolute avoidance of scenarios wherein historical adversarial relationships might contaminate, or appear to contaminate, present adjudicative impartiality.

13. The accused (the “**Accused**”), a former practicing litigator possessing extensive legal expertise, had heretofore rendered highly effective legal assistance in a contentious, exceptionally high-stakes family law separation. The opposing party in that preceding litigation was represented directly by Epstein Cole LLP. Crucially, the Presiding Jurist, who allegedly issued the highly irregular underlying Warrant, functioned as a senior partner at that exact law firm during the specific temporal period in question.

E. ANTICIPATORY REBUTTAL: CRYSTALLIZATION OF ACTUAL BIAS

15. It is foreseeable that an inquiry may be raised as to whether a historical professional association is sufficient to surpass the stringent threshold requisite for establishing a reasonable apprehension of bias, as rigorously articulated by the Supreme Court of Canada in *Wewaykum Indian Band v. Canada*, 2003 SCC 45 at para 60 (*Wewaykum*). While remote professional affiliations may frequently prove insufficient to displace the robust presumption of judicial impartiality, it is posited that the unique and compelling factual matrix presently at bar completely satisfies and demonstrably exceeds the *Wewaykum* standard.
16. The apprehension of bias herein is not predicated solely upon a dormant, historical partnership; rather, it is inextricably intertwined with, and crystallized by, the contemporaneous, surreptitious destruction of the authorizing jurat and the highly anomalous, completely unauthorized intervention, by secretive and unauthorized assignment, by the Presiding Jurist into parallel civil insurance proceedings. These collateral proceedings, governed strictly by the *JRPA*, *Courts of Justice Act* and *Rules of Civil Procedure*, RRO 1990, Reg 194, were subjected to irregular judicial interference by his proxy and “puppet” explicitly on January 7, 2025.
17. Applying the perspective of the reasonable, informed, and right-minded person—which remains the cornerstone of the *Wewaykum* analytical framework—this coordinated, extra-judicial maneuvering undeniably demonstrates an actionable, localized retaliatory animus. The utilization of judicial authority to traverse jurisdictional boundaries and interfere with parallel civil matters fatally contaminates the adjudicative process, entirely displacing the standard presumption of judicial impartiality.

F. PARALLEL CIVIL LITIGATION AND EXTRA-JUDICIAL RETALIATION

18. This historical adversarial nexus is further compounded and exacerbated by concurrent, high-value civil litigation stemming from a near-fatal motor vehicle accident involving the Accused. The opposing party from the aforementioned family law dispute concurrently functioned in an authoritative, managerial capacity within the precise insurance department strictly responsible for the administration of the motor vehicle claim. The intersection of this ongoing, high-value civil insurance litigation with the deeply flawed criminal proceedings reveals a highly volatile, weaponized nexus of localized animosity.
19. Following a retaliatory residential lockout and the subsequent legally sound procurement of an urgent restorative order from the Landlord and Tenant Board on September 20, 2024, the state apparatus was swiftly and aggressively mobilized. Although the *Residential Tenancies Act, 2006*, SO 2006, c 17, provides explicit mechanisms for the restoration of possession, these statutory administrative avenues were intentionally circumvented by law enforcement personnel.
20. Rather than facilitating the lawful execution of the administrative tribunal's restorative order to maintain the peace, law enforcement officers engaged in an elaborate, deceptive, and highly coercive property ruse on October 2, 2024. This operation was specifically engineered to artificially lure the Accused into a controlled, adversarial environment to effectuate an ambush arrest, utilizing the structurally defective, forum-shopped Warrant as the sole legal justification. The deployment of overwhelming state police power to effectuate what ostensibly amounted to an extra-judicial eviction constitutes a profound dereliction of statutory duty.

G. ANTICIPATORY REBUTTAL: VITIATION OF GOOD FAITH RELIANCE

21. It is anticipated that the Crown may attempt to salvage the admissibility of any consequentially obtained evidence by invoking the doctrine of good faith reliance on the part of the arresting officers, ostensibly mitigating the severity

of the constitutional breach under a section 24(2) analysis pursuant to *R. v. Grant*, 2009 SCC 32 at para 71 (*Grant*). This hypothesis, however, is posited to be wholly unsupportable and logically fractured.

22. The comprehensive, constitutionally mandated tripartite analytical framework explicitly established in *Grant* operates as an indispensable teleological instrument, meticulously calibrated to safeguard the overarching integrity and long-term reputé of the administration of justice. This obligatory jurisprudential doctrine compels a rigorous, multi-tiered scrutiny encompassing three discrete yet inextricably linked analytical prongs. Initially, a granular assessment of the magnitude and culpability of the *Charter*-infringing state conduct is demanded. Subsequently, the tribunal must adjudicate the profoundness of the deleterious impact inflicted by the constitutional breach upon the deeply protected liberty and privacy interests of the Accused. Ultimately, these considerations must be juxtaposed against the collective societal prerogative in ensuring the adjudication of the controversy upon its substantive merits. In the immediate factual matrix, the primary branch of this equitable calculus assumes paramount significance, as it inextricably necessitates an uncompromising evaluation of the seriousness of the state conduct. Any presumption of good faith is absolutely vitiated by the conduct of the officers *in situ*. Despite persistent, statutorily grounded demands made pursuant to the explicit mandates of section 29 of the *Criminal Code*—which strictly requires the production of a warrant upon execution—the executing officers vehemently and aggressively refused to produce the physical Warrant.
23. This deliberate refusal actively denied the Accused the fundamental constitutional right to review the instrument authorizing the detention, thereby irreparably magnifying the impact upon the constitutionally protected interests of the Accused. It is a logical and legal impossibility for law enforcement to claim good faith reliance upon a warrant while simultaneously and deliberately concealing that selfsame, structurally defective document from the detained citizen. Such conduct ostensibly elevates the *Charter* infringement from a state of inadvertent negligence to one of deliberate state overreach, thereby heavily favoring the exclusion of all resulting evidence to preserve societal confidence in the justice system.

H. CONCLUSION AND EQUITABLE IMPERATIVES

24. The subsequent trajectory of events—including the highly targeted, suspicious expropriation of sensitive legal files and the fraudulent exploitation of library credentials—strongly evinces a cohesive, orchestrated campaign of extrajudicial retaliation. The weaponization of state apparatuses to execute personal or localized grievances is submitted to represent the ultimate subversion of the *Charter* and the foundational principles of Canadian jurisprudence. This pervasive, systemic contamination mandates the immediate, uncompromising restoration of the *status quo ante* through the definitive quashing of all underlying warrants, endorsements, and continuing liberty constraints. It is advanced that the Crown is entirely bereft of lawful jurisdiction due to the insurmountable accumulation of *ab initio* nullities. Consequently, it is respectfully submitted that the proceedings must be declared a complete nullity, thereby restoring the Accused to a state of absolute liberty unencumbered by the tainted mechanisms of state coercion.

I. JURISDICTIONAL FATALITIES AND THE DOCTRINE OF ABSOLUTE NULLITY

Coram Non Judice and the Strictissimi Juris Interpretation of Statutory Grants

25. It is posited as an incontrovertible and foundational precept of the common law that tribunals and judicial bodies, being endowed solely with circumscribed statutory authority, are invariably necessitated to operate strictly within the inflexible boundaries of their enabling legislation; consequently, any substantive deviation from these mandatory statutory prerequisites inevitably precipitates an immediate state of *coram non judice*.
26. This axiomatic legal doctrine, which demands a *strictissimi juris* interpretation of all statutory grants of power, was unequivocally established by the House of Lords in the seminal jurisprudence of *Taylor v Clemson* (1844), 11 Cl & Fin 610, 8 ER 1233 (HL) (*the “Taylor Decision”*).
27. A complex dispute concerning the compulsory expropriation of real property by a railway corporation pursuant to a specific act of parliament was adjudicated within the *Taylor Decision*, wherein the central, justiciable issue pertained strictly to the validity of a warrant directing a sheriff to impanel a jury for the assessment of land valuations.

28. To fully apprehend the profound gravity and enduring relevance of this jurisprudence, it is necessitated that the historical appellate structure of the United Kingdom be acknowledged, specifically referencing the evolution of the Exchequer Chamber, which served as the intermediate court of appeal prior to the ultimate intervention of the House of Lords.
29. Following the structural consolidation achieved by the enactment of the *Law Terms Act 1830* (UK), 11 Geo IV & 1 Will IV, c 70, the appellate courts were uniquely positioned to rigorously scrutinize the jurisdictional limitations of statutory bodies; during an epoch characterized by rapid industrial expansion and the consequent, unprecedented encroachment upon private property rights, rigid precedents were established by these courts that remain strictly binding upon all contemporary Canadian tribunals.
30. It was articulated with absolute precision by the House of Lords in the *Taylor Decision* that when statutory jurisdiction is exercised by a judicial or administrative body—particularly regarding those extraordinary powers which infringe upon fundamental common law rights or liberties—strict compliance with the legislated conditions precedent is an absolute, non-derogable prerequisite to the valid assumption of jurisdiction.
31. It was further promulgated by the appellate jurists that the failure to strictly observe the explicit mandates of enabling legislation, akin to the rigorous constraints imposed by the modern *Expropriation Act*, RSO 1990, c E.26, or its historical equivalents, irrevocably strips the tribunal of its adjudicative authority from the very inception of the proceedings.
32. The rationale underpinning this rigid jurisprudential architecture is predicated upon the essential protection of the citizenry from the arbitrary or unauthorized exercise of state power; it is recognized that statutory tribunals possess no inherent jurisdiction and are entirely creatures of statute, thereby rendering their authority completely and perpetually contingent upon perfect procedural adherence.
33. Consequently, acts undertaken in the absolute absence of such foundational jurisdictional grounding are characterized definitively as *coram non jure*, rendering the ensuing legal proceedings entirely void, bereft of any juridical efficacy, devoid of legal force, and utterly lacking any coercive power over the targeted subject individual.

J. THE ONTOLOGICAL DISTINCTION BETWEEN VOIDABLE IRREGULARITIES AND ABSOLUTE NULLITIES

34. The aforementioned legal postulate is encapsulated comprehensively by the ancient and unwavering legal maxim, *factum a jure, quod ad officium jure non pertinet, ratum non est*, signifying unequivocally that an act executed by a judicial officer that transcends the lawful, statutorily defined parameters of their office is intrinsically invalid and possesses no binding authority upon the citizenry.
35. This exact jurisdictional doctrine was affirmed by the Supreme Court of Canada in the jurisprudence of *McLean v Bradley*, 1878 CanLII 22, [1878] 2 SCR 535 (the “*Bradley Decision*”), wherein it was conclusively established that adjudicative determinations rendered absent foundational jurisdiction constitute unmitigated nullities that are entirely *void ab initio*.
36. In the *Bradley Decision*, the erudite reasoning extracted directly from the *Taylor Decision* was explicitly adopted by the Supreme Court of Canada, per Richards C.J., alongside the concurring panel comprising Ritchie, Strong, Taschereau, Fournier, and Henry J.J., thereby bridging the jurisprudential continuity between the pre-Confederation United Kingdom and the modern Canadian legal apparatus.
37. Specifically invoking the authoritative commentary preserved within Broom’s Legal Maxims, it was pronounced unequivocally by the Supreme Court of Canada that where a tribunal lacks jurisdictional competence over a cause, the entirety of the proceeding is rendered *coram non jure*, rendering the adjudicator effectively indistinguishable from an unauthorized interloper or a private citizen bereft of state authority.
38. It was further elucidated within the *Bradley Decision* that a complete absence of jurisdiction completely strips the impugned judicial orders of any protective veneer, judicial privilege, or statutory immunity that typically shields judicial pronouncements.
39. This absolute divestment of authority operates to expose the executing parties, extending beyond the jurist to encompass law enforcement officers, judicial administrative staff, and court officials, to potential civil liability for egregious transgressions such as false imprisonment, trespass to the person, or misfeasance in public office.
40. Crucially, the doctrine dictates that such a profound jurisdictional vacuum absolves the targeted subject of any legal, statutory, or moral obligation to yield obedience to the defective precept; it is maintained that there exists no duty, either at common law or within the penal statutes, to comply with a directive that lacks the indispensable *sine qua non* of lawful judicial authorization.

41. When applied directly to the factual matrix at bar, the systemic failure to meticulously adhere to the statutorily mandated preconditions for the issuance of criminal process ensures that the resultant legal instruments are not merely voidable administrative errors, but rather, they constitute absolute, fundamental nullities.
42. Pursuant to the maxim *ex nihilo nihil fit*—out of nothing, nothing comes—the original position, or *status quo ante*, is legally preserved with pristine integrity, functioning precisely as if the impugned judicial acts and subsequent *acta* never transpired in the physical or legal reality.
43. While it is acknowledged that minor procedural deviations or non-jurisdictional errors of law are frequently categorized by modern administrative jurisprudence as mere voidable irregularities to preserve systemic stability, protect third-party reliance, and promote judicial economy, it must be asserted that the classification of an absolute nullity perseveres invariably for circumstances wherein a mandatory, jurisdictional condition precedent remains wholly unfulfilled.
44. The *de facto* doctrine, which is occasionally utilized to salvage defective administrative actions, cannot be invoked to resurrect a proceeding that fundamentally lacked the foundational mechanism of commencement; when a statutory hurdle is leaped entirely by a judicial officer, bypassing the very gateway to their jurisdiction, the resulting pronouncement is, *ipso facto*, born dead, and cannot be subsequently cured, ratified, or retroactively imbued with validity by subsequent procedural steps or mere acquiescence.

K. APPLICATION OF THE JURISPRUDENCE TO THE PROCEDURAL IRREGULARITIES BEFORE THE SUPERIOR COURT OF JUSTICE

45. Upon the rigorous application of these sophisticated syllogisms and the meticulous extrapolation of established legal principles to the specific procedural anomalies presently at issue, it is observed that the foundational requisite, historically necessitated for the lawful commencement of valid criminal proceedings, was egregiously and systematically circumvented.
46. More precisely, it is submitted that a mandatory information package (the “**Information Package**”), which functions inherently as the essential evidentiary and procedural prerequisite for the lawful engagement of the judicial apparatus, was purportedly never submitted electronically unto the designated court office for the procurement of an intake court endorsement (the “**Intake Court Endorsement**”) on the critical date of September 23, 2024.
47. The function of the intake court is not to be construed as a mere administrative formality; rather, it constitutes a vital, statutorily mandated gatekeeping function designed by the legislature to interpose a neutral judicial arbiter between the investigative zeal of the state and the liberty of the citizen, thereby ensuring that arbitrary or unfounded state action is halted *in limine*.
48. In the strict absence of the lawful making, issuance, signing, and entering of a form 6 summons (the “**Form 6 Summons**”) or a form 7 arrest warrant (the “**Form 7 Arrest Warrant**”) through these proper, transparent channels, the procedural machinations that subsequently transpired were inherently and incurably defective.
49. Despite being superficially finalized from a temporal perspective pursuant to the procedural mechanisms enumerated within the *Criminal Code*, RSC 1985, c C-46, these clandestine acts constituted undertakings that were incontrovertibly *factum a iudice, quod ad officium iure non pertinet, ratum non est* and entirely *coram non iudice*.
50. Consequently, the entirety of the attendance convened before the Honourable Madam Justice Shore, which was irregularly situated within the private environs of her chambers rather than an open courtroom, was rendered *coram non iudice*; it is emphasized that the absolute sanctity of the judicial process necessitates strict adherence to established intake protocols, which are meticulously engineered to shield individuals from arbitrary, unscrutinized state action.
51. Furthermore, the profound gravity of this jurisdictional usurpation has been formally conceded upon the evidentiary record by legal counsel representing the Law Society of Ontario, acting explicitly on behalf of the Honourable Madam Justice Shore, wherein an admission was proffered dictating that the impugned document was never properly filed with the *Ontario Court of Justice* throughout the entire epoch spanning August to October 2024.
52. This profound administrative lacuna, having been incontrovertibly admitted on the evidentiary record, completely obliterates any presumptive shield of regularity that might otherwise logically attach to the actions of a superior court judge, thereby leaving the proceedings thoroughly denuded of lawful authority.
53. The judicial proceedings convened before the *Superior Court of Justice* were thereby rendered *void ab initio*, functioning impermissibly as an *ex parte* and *in camera* hearing.

54. Such covert adjudicative processes, having been conducted entirely outside the purview of the public and the accused, operated to the profound and demonstrable prejudice of the applicant (the “**Applicant**”), completely eviscerating the foundational constitutional tenets of the open court principle, natural justice, and the fundamental right to be heard.
55. Furthermore, it is presented as a logical, inescapable, and necessary extrapolation that facilitating the physical presence of Detective Abdulhameed K. Virani (the “**Detective Virani**”) within the restricted, secure chambers of the *Superior Court of Justice* necessitated the illicit, active involvement and clandestine coordination of Court Officer Mrs. Frugoni-Rojas (the “**Court Officer Frugoni-Rojas**”).
56. This illicit coordination fundamentally compounds the egregious procedural irregularities, demonstrating a systemic, concerted bypass of mandatory court intake apparatuses by multiple state actors operating in tandem to maliciously circumvent indispensable statutory safeguards.
57. Subsequently, as a direct consequence of this poisoned procedural genesis, a form 10 undertaking (the “**Form 10 Undertaking**”) was imposed upon the Applicant, which was allegedly drafted deceitfully and strictly *ultra vires* by Sergeant Sean Cassidy of the Toronto Police Service (the “**Sergeant Cassidy**”).
58. This highly restrictive instrument was inextricably and fatally linked to the *void ab initio Intake Court Endorsement*, representing the forbidden, contaminated fruit of a thoroughly poisoned procedural tree that was entirely bereft of any grounding in lawful jurisdiction.
59. This defective procedural framework was further predicated upon a demonstrably fraudulent form 2 information (the “**Form 2 Information**”) directly attributed to *Court Officer Frugoni-Rojas*.
60. Because these foundational, initiating instruments were absolute nullities from their very inception, being entirely devoid of the requisite judicial endorsement from the constitutionally designated intake body, a state of perpetual liberation from any legal, statutory, or equitable compulsion to obey the derivative orders or the *Form 10 Undertaking* is thereby conferred upon the Applicant.
61. This absolute absolution from compliance is advanced as a constitutional and jurisdictional imperative that is respectfully submitted for the immediate apprehension, rigorous scrutiny, and immediate remedial action of the Chief Justice of the *Ontario Court of Justice*, with the sole objective of restoring the unimpeachable integrity of the administration of justice.

L. COUNTERVAILING DOCTRINES AND THE REBUTTAL OF THE COLLATERAL ATTACK PROHIBITION

62. It is meticulously anticipated that countervailing arguments might be advanced by opposing counsel, or by the Presiding President of the *Ontario Superior Court of Justice (Divisional Court)*, positing that orders emanating from a superior court judge are invariably shielded by the robust doctrine of inherent jurisdiction.
63. Such an argument would predictably assert, relying upon principles analogous to those articulated in the jurisprudence of *R v Wilson*, [1983] 2 SCR 594, an absolute necessity for strict, unwavering obedience to the judicial order until it is formally reviewed and explicitly set aside by a competent appellate authority.
64. Consequently, attempts would ostensibly be made by opposing authorities to categorize the present, substantive grievances as an impermissible collateral attack upon a binding judicial decree, asserting that formal quashing must be sought rather than permitting the order to be treated as a definitive nullity.
65. This potential refutation, however, is decisively and totally circumvented by the established, highly specialized, and non-obvious legal theory delineating the precise dichotomy existing between the inherent jurisdiction of a superior court and the restrictive nature of specific statutory grants of power.
66. When a purely statutory power is exercised by a judge of a superior court—such as the discrete issuance of search warrants, informations, or summonses pursuant to the strictly delineated, exhaustive provisions of the *Criminal Code*, RSC 1985, c C-46—it is held that the jurist temporarily steps outside their broad, inherent equitable or common law jurisdiction, and therefore absolutely does not operate under the broad, protective aegis of inherent jurisdiction.
67. Instead, it is dictated by rigorous appellate jurisprudence that in executing such highly specific, legislatively defined procedural mechanics, the jurist acts strictly *persona designata*, functioning precisely and exclusively as a specialized statutory tribunal.
68. In this restricted capacity, it is mandated that the jurist, regardless of their esteemed office, is bound by the exact same rigorous, inflexible statutory prerequisites, conditions precedent, and procedural gateways that strictly constrain an inferior tribunal, a provincial court judge, or a justice of the peace.

69. Where a judicial officer, irrespective of their general hierarchical standing, prestige, or inherent authority in other disparate contexts, acts entirely outside the highly circumscribed statutory parameters granting them the specific, localized authority to issue criminal process, the resultant acts are observed to transcend mere voidable errors of law or mistaken exercises of discretion.
70. Rather, these acts manifest as complete jurisdictional usurpations, severing the act entirely from the judicial office and thereby rendering the resulting decrees legally nonexistent.
71. Such profound and fundamental defects operate to render the resulting orders absolute nullities that are entirely susceptible to collateral challenge *in limine*; the impugned orders, fundamentally lacking the foundational intake endorsement, are noted to lack even the *prima facie* characteristic, appearance, or colour of a valid judicial decree.
72. Consequently, the rule against collateral attack, which was historically designed to protect the finality and integrity of valid but substantively flawed judgments, is rendered entirely inapplicable to acts that are substantively, fundamentally, and unequivocally *coram non jure*; it is a logical impossibility to collaterally attack an entity that, in the discerning eyes of the law, has never existed.
73. Finally, regarding the palpable and highly prejudicial misapprehension of law articulated by former registrar Gentles (the “**Former Registrar Gentles**”) concerning the jurisdictional competence of the *Ontario Superior Court of Justice (Divisional Court)* over criminal matters, it is imperative that a fundamental, structural distinction be delineated with absolute, unyielding precision to rectify this systemic institutional error.
74. While it is correctly posited under the general framework of the *Rules of Civil Procedure*, RRO 1990, Reg 194, that the substantive jurisdiction to adjudicate direct criminal appeals from convictions or sentences is not generally possessed by the *Ontario Superior Court of Justice (Divisional Court)*, a profound and necessary bifurcation is acknowledged concerning the court's administrative oversight and its supervisory jurisdiction over the liberty of the subject.
75. Profound supervisory authority is retained by the *Ontario Superior Court of Justice (Divisional Court)*, which is frequently exercised pursuant to the *Judicial Review Procedure Act*, RSO 1990, c J.1, over the administrative actions of state bodies, implicitly including those actions that wrongfully intersect with the criminal justice system through the employment of *void ab initio* instruments.
76. It is demanded that an unequivocal, jurisprudential distinction be drawn between a judge sitting as a constituent appellate member of the *Ontario Superior Court of Justice (Divisional Court)* tasked with reviewing a substantive criminal trial, and the administrative custody, control, or prerogative review of a purportedly valid, yet fundamentally defective *Form 7 Arrest Warrant*.
77. This vital demarcation serves to emphasize the critical, inescapable necessity for meticulous jurisdictional differentiation when the complex intersection of civil prerogative review mechanisms and fundamentally flawed, abusive, and *ultra vires* criminal processes executed by agents of the state must be navigated.
78. It is concluded that to conflate the lack of criminal appellate jurisdiction with a total abdication of supervisory review over fraudulent warrants would be tantamount to orchestrating a complete abandonment of the historical mandate held by the Divisional Court to curtail administrative overreach and protect the citizenry from the execution of documents generated entirely *coram non jure*.

M. JURISDICTIONAL AND CONSTITUTIONAL SUBMISSIONS

Application of the Paramountcy Doctrine and Judicial Authority

The Constitutional Supremacy of Federal Jurisdiction

79. A foundational axiom of the Canadian constitutional architecture dictates that federal legislative instruments systematically and unequivocally supersede provincial enactments wherever an operational, purposive, or adjudicative conflict is established. Such a constitutional imperative is rigorously enforced pursuant to the paramountcy doctrine (the “**Paramountcy Doctrine**”), a jurisprudential mechanism permanently precluding the provincial dilution of federal authority. In strict accordance with the statutory demarcations delineated within the *Criminal Code*, RSC 1985, c C-46, a jurist appointed to the Superior Court of Criminal Jurisdiction is concurrently designated, by automatic operation of law, as a judicial officer of the Superior Court of Justice of Ontario. Consequently, it is postulated that a judicial officer, even whilst simultaneously executing administrative or appellate responsibilities within a strictly delimited Divisional Court rotation, is statutorily empowered by the

aforementioned federal enactment to preside over, deliberate upon, and adjudicate an *ex parte* application (the “**Ex Parte Application**”) that is legitimately conducted *in camera*.

80. The intersection of federal criminal procedure and the provincial administration of justice, as mandated by section 91(27) and section 92(14) of the *Constitution Act, 1867* (UK), 30 & 31 Vict, c 3, is understood to necessitate a harmonious, albeit strictly hierarchical, interpretation of judicial capacity. Furthermore, justices of the Court of Appeal for Ontario may be legally authorized, by the concurrent and synergistic operation of the *Criminal Code*, RSC 1985, c C-46, and the *Courts of Justice Act*, RSO 1990, c C.43, to adjudicate upon an *Ex Parte Application* aimed at initiating clandestine criminal proceedings against a specified individual, thereby compelling the subsequent, involuntary attendance thereof before the Superior Court of Justice. This extraordinary jurisprudential authorization is operationalized exclusively through an *ad hoc* designation (the “**Ad Hoc Designation**”), formally executed pursuant to section 13(1) of the *Courts of Justice Act*, RSO 1990, c C.43. The aforementioned provision explicitly dictates that the Chief Justice of Ontario, acting exclusively with the requisite formal concurrence of the Chief Justice of the Superior Court of Justice, possesses the administrative prerogative to assign a jurist of the Court of Appeal to perform the substantive adjudicative functions of a jurist of the Superior Court of Justice.
81. To further fortify such structural integration, section 13(2) of the *Courts of Justice Act*, RSO 1990, c C.43, unequivocally mandates that a jurist of the Court of Appeal is, by virtue of holding said distinguished office, simultaneously a jurist of the Superior Court of Justice, thereby inherently possessing the exhaustive jurisdiction, overarching power, and absolute authority associated therewith. Such an integrated judicial architecture ensures that the execution of federal criminal jurisdiction cannot be frustrated or otherwise impeded by the compartmentalized, provincial administrative assignments of individual judicial officers.

N. THE ABSOLUTE IMPERATIVE OF PROCEDURAL TRANSPARENCY

82. The fundamental contention articulated herein is ostensibly not predicated upon an erroneous assertion that the presiding jurist, Madam Justice Shore, was legally precluded by either federal statute or provincial legislation—specifically invoking section 18(3) of the *Courts of Justice Act*, RSO 1990, c C.43, which legislatively stipulates that every jurist of the Superior Court of Justice is additionally and simultaneously a jurist of the Divisional Court—from entertaining an *Ex Parte Application* initiated by the executive branch. It is conceded that the statutory authority exists to authorize criminal charges and subsequent arrest warrants whilst operating ostensibly under a Divisional Court mandate. Rather, the unequivocal legal imperative dictates that said judicial officer was strictly obligated, under the unyielding tenets of natural justice and procedural fairness, to formally and comprehensively disclose the existence of such clandestine, liberty-imperilling proceedings to the applicant within the immediate context of the concurrent judicial review procedure act proceeding (the “**JRPA Proceeding**”).
83. The extraordinary nature of *ex parte* and *in camera* proceedings inherently demands an elevated, uncompromising duty of absolute candour from both the executive actors and the presiding judicial authority. Where an adjudicator operates concurrently across disparate jurisdictional spheres involving identical parties, the deliberate segmentation of knowledge is deemed to constitute a grave miscarriage of procedural integrity. The total failure to effectuate such mandatory procedural disclosure structurally annihilates the foundation of the civil matter, thereby rendering the underlying proceedings fundamentally deficient *in limine*.
84. Should a potential counter-argument be advanced by opposing counsel or the presiding President of the Divisional Court, postulating that the concurrent exercise of federal criminal jurisdiction and provincial appellate administrative jurisdiction engenders an irreconcilable procedural conflict, such an assertion must be firmly rejected. Such an argument would baselessly suggest that the structural separation of court rotations necessitates, or conceptually justifies, the negation or suspension of the disclosure obligation within the civil context to preserve the secrecy of the criminal investigation. This hypothesis is entirely bereft of jurisprudential merit and deeply offensive to the foundational tenets of the rule of law. The integration of judicial functions, as governed by the Paramountcy Doctrine, dictates that the overarching, constitutional duty of procedural fairness and adjudicative transparency cannot be bifurcated, strategically diluted, or otherwise diminished by the specific rotational designation of the presiding jurist. The duty of disclosure is inextricably and permanently linked to the preservation of natural justice; thus, the administrative rotation of the jurist does not, and legally cannot, *ipso facto* extinguish the constitutional imperative to inform an affected party of concurrent legal manoeuvres that profoundly and irreparably imperil fundamental liberty interests. The resultant non-disclosure crystallizes into an insurmountable jurisdictional defect.

The Foundational Precedent of Pong v Quong

85. The absolute necessity of strict, unwavering jurisdictional adherence is unequivocally illuminated by the authoritative, binding pronouncement of the Supreme Court of Canada in *Pong v Quong*, 1927 CanLII 475 (SCC) at 272 (the “*Pong Decision*”). Adjudicated on March 15, 1927, and delivered orally by Chief Justice Anglin on behalf of a unanimous coram comprising Justices Duff, Mignault, Newcombe, and Rinfret, the *Pong Decision* elucidates the immutable, non-negotiable boundaries of adjudicative authority. The complex factual matrix underlying this foundational jurisprudence involved a landlord (the “**Landlord**”), formally identified as Mrs. Thomson, and a tenant (the “**Tenant**”), Mr. Pong, who maintained a formal tenancy agreement strictly in trust for the respondent, Mr. Quong. The aforementioned equitable arrangement dictated that the Tenant held the leasehold interest exclusively as a trustee (the “**Trustee**”) for the respondent's sole benefit, thereby giving rise to an implied, unyielding fiduciary obligation, particularly concerning the essential preservation and subsequent renewal of the leasehold interest upon its contractual expiration.
86. The central, substantive grievance adjudicated within the *Pong Decision* pertained directly to a clandestine transaction wherein the Trustee unlawfully assigned the leasehold to an unauthorized third party, thereby fundamentally contravening the stringent fiduciary duty of utmost good faith owed exclusively to the respondent, who was recognized at law and in equity as the tenant in possession (the “**Tenant In Possession**”). It was conclusively determined by the Supreme Court of Canada that, despite the conspicuous absence of an explicit renewal clause codified within the written lease apparatus, the unauthorized assignment thereof implicitly engaged and subsequently violated the reasonable, legally protected expectation of the Tenant In Possession to secure a renewal.
87. This conceptualization of fiduciary constraint was explicitly and deliberately anchored by the Supreme Court of Canada in the venerable equitable principles meticulously delineated in *Griffith v Owen*, [1907] 1 Ch 195 at 200 (the “*Griffith Decision*”). The *Griffith Decision* permanently circumscribes the capacity of all fiduciaries, specifically encompassing life tenants and trustees, to derive personal aggrandizement or opportunistic advantage from their privileged positions. This limitation thereby reinforces the draconian strictures established by the foundational trust doctrine originally articulated in *Keech v Sandford*, [1726] EWHC Ch J76 (the “*Keech Rule*”), which strictly prohibits a trustee from renewing a lease for personal benefit, even in instances wherein the landlord explicitly refuses to renew for the benefit of the *cestui que trust*.

Analogizing Jurisdictional Usurpation

88. The systematic application of the jurisprudential principles synthesized within the *Pong Decision* to the present factual matrix necessitates a rigorous, unsparing examination of the jurisdictional capacity of the presiding adjudicator. In the *Pong Decision*, the originating dispute materialized entirely within the narrowly prescribed statutory purview of the *Landlord and Tenant Act*, RSO 1914, c 155, thereby necessitating a highly restricted statutory determination exclusively regarding the Landlord's immediate entitlement to physical possession of the premises. The presiding jurist, Judge Denton of the County Court, unilaterally undertook to adjudicate the extraordinarily complex equitable relationship, consequential fiduciary duties, and resulting trust obligations subsisting between the Trustee and the Tenant In Possession.
89. It was decreed by the Supreme Court of Canada, with absolute finality, that Judge Denton possessed absolutely no statutory or inherent jurisdiction to entertain, evaluate, or pronounce judgment upon such collateral equitable matters, save perhaps in the highly restricted, mutually agreed-upon capacity of a private arbitrator or an explicitly designated *persona designata*. Translating these binding, incontrovertible principles to the current scenario, it is jurisprudentially evident that when a jurist undertakes to execute authorizations or withhold critically substantive information without the requisite substantive or procedural transparency, the resulting judicial acts, or *acta*, are rendered entirely and irreparably *ultra vires*.
90. The deliberate, conscious absence of disclosure within the *JRPA* Proceeding is conceptually and functionally analogous to an outright usurpation of jurisdiction. Just as Judge Denton's unauthorized, extracurial foray into complex equitable trust principles vitiated the adjudicative authority thereof and destroyed the legal validity of the

resulting orders, the failure to observe the foundational requirements of natural justice by improperly bifurcating concurrent knowledge renders the immediate proceedings fatally susceptible to invalidation. Jurisdiction is not merely the statutory authority to hear a matter; it encompasses the mandatory adherence to the constitutional prerequisites of procedural fairness, without which the tribunal fundamentally ceases to function as a lawfully constituted court.

P. CONSTITUTIONAL EVOLUTION OF SECTION 96 COURTS

Historical Demarcations of Adjudicative Power

91. The historical evolution of judicial authority within the Canadian federation further fortifies and contextualizes this rigorous legal paradigm. Prior to Confederation, courts of general jurisdiction possessed inherent, virtually limitless, and expansive adjudicative powers, encompassing the totality of law and equity. Conversely, county courts (the “**County Courts**”) were exclusively and inherently creatures of statute. They were strictly circumscribed by legislatively defined, inflexible pecuniary limitations and rigid subject matter constraints, designed primarily by colonial legislatures to merely expedite mid-level civil claims and rapidly process lesser, summary criminal offences across expanding rural geographies.
92. Following the watershed enactment of the *Constitution Act, 1867* (UK), 30 & 31 Vict, c 3, section 96 profoundly altered the adjudicative landscape by empowering the Governor General to appoint judicial officers exclusively to superior, district, and county tribunals. This federal appointment power was designed to guarantee the independence and superlative competence of the judiciary handling the most consequential matters of state and private right. The precise constitutional parameters, limitations, and protections of these federal appointments were meticulously analyzed, historically contextualized, and definitively affirmed in *Reference re Residential Tenancies Act, 1979*, [1981] 1 SCR 714 at 728 (the “*Residential Tenancies Reference*”).

The Erroneous Concept of Persona Designata

93. Within the *Residential Tenancies Reference*, an administrative commission advanced a fundamentally defective, constitutionally offensive proposition. It was posited that the substantive authority to mandate physical evictions had been historically conferred upon County Courts adjudicators not in their capacity as judges, but strictly as *persona designata*—individuals functioning administratively outside formal judicial office. By advancing this theory, the commission attempted to theoretically situate such profound coercive powers entirely outside the exclusive, federally protected constitutional domain of section 96 superior tribunals, thereby attempting to justify the wholesale transfer of such jurisdiction to a provincial administrative board.
94. This deeply flawed legislative postulate was rightfully and comprehensively dismantled by the Supreme Court of Canada. The Court decreed, following an exhaustive historical inquiry, that the pre-Confederation jurisdiction concerning overholding tenants constituted nothing more than a mere procedural modification and statutory simplification of the traditional, ancient ejectment powers that were intrinsically and exclusively vested within superior courts. Therefore, the assertion that such inherent, coercive powers could be seamlessly and constitutionally transferred to an inferior, provincially appointed administrative tribunal was legally fallacious and inherently *ultra vires* the provincial legislature.
95. The administrative commission's misguided reliance solely upon pre-Confederation localized practices, whilst simultaneously disregarding the explicit, overriding constitutional wording of section 96 of the *Constitution Act, 1867*—which comprehensively encompasses and protects the appointment of judges for superior, district, and county courts—demonstrated a profound misunderstanding of the structural constitutional architecture of Canada. This historical analysis unequivocally reinforces the principle that jurisdiction cannot be artificially manufactured, creatively reinterpreted, or silently assumed where the constitutional and statutory scaffolding does not explicitly grant it.

Q. THE INCURABILITY OF JURISDICTIONAL DEFECTS THROUGH CONSENT OF LITIGANTS, PARTIES, AMICUS CURAEU AND/OR INTERVENORS (PARTY LEVEL)

96. A critical, remarkably illustrative procedural anomaly emerged during the lower court proceedings strictly scrutinized in the *Pong Decision*. During the initial hearing, counsel for the respondent proffered conditional, explicit consent to actively allow the lower court jurist to adjudicate the deeply complex equitable trust dispute, predicated explicitly upon the mutual understanding and foundational preservation of an effective, subsequent appellate avenue. The Supreme Court of Canada categorically and forcefully rejected this procedural machination. The Court established definitively that a substantive or foundational jurisdictional deficit cannot, under any legal or equitable circumstances, be rectified, cured, or validated by the mutual concurrence, strategic acquiescence, or explicit contractual agreement of the litigating parties.
97. Where a judicial officer presides over a legal matter whilst being fundamentally devoid of the express statutory authorization or having fundamentally breached the mandatory prerequisites of natural justice, the proceedings are unequivocally and irreparably conducted *coram non judge*. This foundational Latin maxim, translating precisely and literally to “not before a judge,” signifies a total, comprehensive, and irremediable lack of legal jurisdiction. It is paramount to distinguish this absolute nullity entirely from an erroneous, flawed, yet legally permissible, exercise of an existing, validly granted jurisdictional mandate. An error within jurisdiction may be appealed; an action taken without jurisdiction simply is deemed non-existent at law.

The Impossibility of Estoppel and Waiver

98. It is fully anticipated that opposing counsel might creatively advance the fallacious, equitable argument that profound procedural defects, explicitly including the catastrophic failure to disclose concurrent, clandestine proceedings, can theoretically be retroactively cured through the ongoing, oblivious participation of the affected parties. Alternatively, it may be argued that the equitable doctrine of estoppel might operate to preclude a subsequent, collateral challenge to the deeply compromised authority of the tribunal. This theoretical postulation is thoroughly, absolutely, and conclusively nullified by the rigorous application of the doctrine of *coram non judge*.
99. As established incontrovertibly in the *Pong Decision*, and continuously upheld in subsequent appellate jurisprudence, proceedings orchestrated without foundational procedural jurisdiction are inherently void *ab initio*, resulting in an absolute legal nullity from the very moment of their inception. The judiciary is strictly, unconditionally bound by the inflexible constraints of statutory delegation and overarching constitutional imperatives; therefore, absolutely no quantum of consent, no degree of waiver, and no application of equitable estoppel can miraculously manufacture jurisdiction where the legislative branch, or the foundational principles of fundamental justice, have deliberately and structurally withheld it. Consequently, any judicial order or directive rendered under such fundamentally defective, opaque circumstances generates no binding legal obligations whatsoever, commands no obedience, and must inevitably and immediately mandate a complete reversion to the status quo ante (the “**Status Quo Ante**”).

The Structural Integrity of the Appellate Process

100. The structural integrity, legitimacy, and functional coherence of the entire appellate process are inexorably, permanently tethered to the foundational, underlying validity of the jurisdiction of the originating tribunal. In the *Pong Decision*, the Appellate Division of the Supreme Court of Ontario appropriately and astutely concluded that the initial, expansive adjudication by the County Court jurist regarding the collateral, complex trust relationship was, in its entirety, an act undertaken *coram non judge*. Ergo, the previous, defective determination possessed zero preclusive effect—neither *res judicata* nor issue estoppel—upon any subsequent, legitimately constituted judicial proceedings. Because the initial order was a phantom decree, the respondent was legally and unconditionally entitled to pursue a fresh, independent action entirely free from the prejudicial taint of the nullified, unauthorized order. This jurisprudential paradigm explicitly reinforces the immutable principle that judgments infected by a total lack of procedural or substantive jurisdiction are decidedly not merely voidable determinations subject to deferential, discretionary appellate review. Rather, they are absolute, unmitigated nullities that provide absolutely no substantive, evidentiary, or legal foundation for subsequent legal enforcement, execution, or reliance by any party or state apparatus.

101. Finally, it may be defensively contended by the presiding judicial authority, or representative counsel thereof, that the profound failure to disclose the Ex Parte Application within the context of the *JRPA* Proceeding represents a mere, curable procedural irregularity, ostensibly insufficient to warrant the drastic, total nullification of the substantive adjudicative outcome. This dangerously dismissive assertion must be rigorously, systematically, and categorically contested at every jurisprudential juncture. The foundational principles of natural justice, the strictures of procedural fairness, and the uncompromising dictates of the rule of law are emphatically not ancillary, optional considerations to be casually balanced against administrative expediency or institutional convenience; they are the absolute, non-negotiable bedrock upon which the entire epistemological legitimacy of the judicial apparatus relies. When an adjudicator deliberately or inadvertently fails to disclose parallel, clandestine, state-sponsored proceedings that directly and immediately threaten the liberty, security, and fundamental constitutional rights of the applicant, the resulting procedural asymmetry is understood to create an insurmountable, fatal jurisdictional vacuum. Such proceedings are *prima facie* invalid and constitutionally repugnant, as the applicant is entirely deprived of the fundamental, guaranteed right to be heard before an impartial, uncompromised, and fully transparent tribunal. Thus, the deliberate suppression or omission of material jurisdictional facts elevates the transgression exponentially from a mere, correctable procedural misstep to a profound, incurable jurisdictional failure. This monumental dereliction renders the subsequent judicial pronouncements wholly void, entirely unenforceable, functionally illegitimate, and deeply offensive to the proper administration of justice.

Conclusion: The Status Quo Ante

102. The extensive modernization of the Canadian judicial landscape, predominantly characterized by the progressive, sweeping amalgamation of historically distinct district and county courts into unified, omniscient Superior Courts of Justice—a monumental process effectuated sequentially across the provinces from the late twentieth century onwards—further solidifies and centralizes the exclusive, comprehensive authority of federally appointed jurists. Nevertheless, it must be acknowledged that this massive consolidation of judicial power amplifies, rather than diminishes or obfuscates, the absolute necessity for scrupulous, unyielding adherence to procedural transparency, natural justice, and strict statutory limitations.
103. The jurisprudential legacy of the *Pong Decision* endures not as a mere historical curiosity, but as an immutable, vital safeguard against judicial overreach and administrative opacity. It confirms permanently that regardless of the sophisticated administrative integration of the modern courts, any judicial action undertaken without transparent, statutory, and constitutional sanction remains a fundamental, incurable nullity. The rule of law demands unequivocally that all judicial exercises of coercive power be demonstrably and publicly anchored in legitimate, fully disclosed authority, lest the resulting determinations be rightfully and immediately dismissed as invalid acts enacted *coram non judice*. Such a profound failure of jurisdictional integrity is recognized to necessitate, without exception or equitable mitigation, an immediate, total reversion to the Status Quo Ante.

VOLUME #2: STATEMENT OF ISSUES AND ANSWERS

ISSUE #1: THE INAPPLICABILITY OF SECTION 599 OF THE *CRIMINAL CODE* AND THE CONSEQUENT JURISDICTIONAL NULLITY OF THE ADMINISTRATIVE TRANSFER

A. THE STATUTORY ARCHITECTURE AND THE IMPLICATIONS OF PROSECUTORIAL ELECTION

104. The threshold jurisdictional inquiry necessitates an exhaustive and meticulous analysis regarding whether section 599 of the *Criminal Code*, RSC 1985, c C-46 (the “*Criminal Code*”) is statutorily applicable to the procedural routing of a hybrid offence (the “**Hybrid Offence**”), or a plurality of hybrid offences (the “**Hybrid Offences**”), wherein the prosecutorial authority unequivocally elected to proceed summarily within the Ontario

Court of Justice (the “**Ontario Court of Justice**”) situated at the 10 Armoury Street Courthouse. This election, being a definitive exercise of the Crown’s discretionary power, effectuated an absolute and irreversible attornment to jurisdiction from the Superior Court of Justice (the “**Superior Court of Justice**”) to the Ontario Court of Justice. Consequently, any retroactive invocation of *section 599* by the state apparatus constitutes a fundamental, fatal misapprehension of the bifurcated statutory architecture governing Canadian criminal procedure, as the summary nature of the proceedings creates a jurisdictional bar against the application of provisions reserved for indictable matters.

105. It is advanced with the utmost emphasis that *section 599* of the *Criminal Code* is strictly, inherently, and unambiguously inapplicable to the present factual matrix; any reliance thereon by the state is patently *ultra vires* and constitutes an institutional encroachment upon the constitutional mandate of the judiciary. *Section 599* explicitly restricts its extraordinary jurisdictional purview exclusively to a tribunal before which an accused “**is or may be indicted**.” In the context of the Canadian criminal justice system, the structural demarcation between summary conviction offences and indictable offences is an absolute, foundational precept that dictates not only court jurisdiction and trial routing but also the fundamental procedural rights of the accused and the maximum penal consequences of a conviction. Because the Crown elected to proceed summarily upon the formal record, the accused is structurally and statutorily insulated from indictment *ipso facto*. The use of the archaic term “**found**,” as articulated in *section 599*, possesses a precise procedural significance functionally equivalent to the modern procedural term “**preferred**”; this signifies the formal, public act of lodging a written instrument of indictment (the “**Indictment**”) with the Superior Court registry, a status that can only be divested by a valid, superseding judicial mechanism of equal or higher authority. The purpose of venue, being the geographical location of the trial, is to ensure access to justice and the preservation of the constitutional right of an accused to a fair, efficient, and localized adjudication. It is anticipated that the state may invoke the *ratio decidendi* of *R. v. Dudley*, 2009 SCC 58 (the “**Dudley Decision**”) to argue that a Hybrid Offence is deemed indictable until the moment of election, ostensibly engaging the “**may be indicted**” language of *section 599*. This proposition is fundamentally vitiated by the requirement for a formalized application *in limine*. An administrative migration of the record, executed *in camera* and entirely bereft of adversarial scrutiny or judicial oversight, cannot be retroactively sanitized; the procedural imperative of a formal application is the *sine qua non* of a lawful venue alteration. Any deviation from these codified steps constitutes a palpable erosion of the Rule of Law and a violation of the principle of *audi alteram partem*.

B. THE PREREQUISITES FOR A LAWFUL CHANGE OF VENUE AND TRANSMISSION OF RECORD

106. In relation to *section 599* of the *Criminal Code*, two distinct, non-delegable procedural requirements must be satisfied. Firstly, the transfer may only manifest upon the formal application (the “**Application**”) of either the prosecutor (the “**Prosecutor**”) or the accused (the “**Accused**”). If it appears expedient to the ends of justice—a determination requiring a complex judicial balancing of competing public and private interests, such as the efficiency of the trial versus the accused’s right to be tried in the *locus* of the offence—an order (the “**Order**”) may be promulgated to hold the trial in a disparate territorial division (the “**Territorial Division**”) within the identical province. The *Criminal Code* recognizes various divisions, including a province (the “**Province**”), a county (the “**County**”), a union of counties (the “**Union of Counties**”), a township (the “**Township**”), a city (the “**City**”), a town (the “**Town**”), or a parish (the “**Parish**”).
107. Secondly, *section 599(4)* mandates the transmission of the record (the “**Transmission of Record**”). Where an Order is executed, the court officer possessing custody of the Indictment—prescribed by *Criminal Code* Form 4 (the “**Form 4**”)—and all corollary writings and exhibits relating to the prosecution (the “**Exhibits**”), is under a peremptory, statutory obligation to transmit them forthwith to the clerk of the receiving court. This transmission is not a mere administrative convenience or a ministerial task; it is a solemn transfer of *imperium*, ensuring that the receiving court possesses the complete *corpus* of the procedural history and evidence necessary to maintain the continuity of justice. The failure to transmit the full file violates the constitutional disclosure obligations established in *R. v. Stinchcombe*, [1991] 3 SCR 326 (the “**Stinchcombe Decision**”), creating an inherent risk of a fractured and unreliable record. A clerical notation cannot serve as the functional equivalent of a formal judicial fiat, and any attempt to delegate this responsibility to an administrative clerk constitutes an institutional misconduct and an *ultra vires* act.

C. APPLICATION TO THE FACTUAL MATRIX AND THE DOCTRINE OF CORAM NON JUDICE

108. An extrapolation of these principles to the factual matrix reveals insurmountable deficiencies. The Ontario Court of Justice in Brampton (the “**Brampton OCJ**”) is situated within the City of Brampton, the Central West Region. The Ontario Court of Justice at the 10 Armoury Street Courthouse (the “**Toronto OCJ**”) is situated in the City of Toronto, the Toronto Region. The Superior Court of Justice at the 361 University Avenue Courthouse (the “**Toronto SCJ**”) operates within the Toronto Region under its distinct federal auspices.
109. Any jurisdictional transposition from either the Toronto SCJ or the Brampton OCJ to the Toronto OCJ required a preceding formal Application and a subsequent judicial Order. As the evidentiary record evinces a total absence of such an Application or resulting Order, it is a necessary syllogism that no lawful change of venue occurred. Consequently, the Toronto OCJ acted as a tribunal *coram non judice*, and each presiding Justice of the Peace or Judge was similarly *coram non judice*. Every act performed was *factum a judice, quod ad officium jure non pertinet, ratum non est* (an act by a judge, which does not pertain to his office by right, is not valid). The notation of “NA” for the Crown and the reference to a “**Default Judge**” (the “**Default Judge**”) upon the record serve as judicial admissions that the proceedings were conducted outside the presence of the necessary parties and lacked the capacity for a *section 599* inquiry. The principle of jurisdictional *stare decisis* dictates that once a Superior Court has acquired *seisin* over an Indictment, its authority cannot be implicitly surrendered or transferred by mere administrative oversight; the authority to divest must be as formal as the act that originally vested it.

D. THE STATUTORY DEFICIENCIES APPERTAINING TO THE IMPUGNED DIGITAL SIGNATURES

A. The Legislative Mandates of PIPEDA and the Canada Evidence Act

110. The admissibility and validity of electronically authenticated documents are strictly governed by the *Canada Evidence Act*, RSC 1985, c C-5 (the “**Canada Evidence Act**”) and the *Personal Information Protection and Electronic Documents Act*, SC 2000, c 5 (the “**PIPEDA**”). *PIPEDA* defines an electronic signature (the “**Electronic Signature**”) as a signature consisting of letters, characters, or symbols in digital form attached to or associated with an electronic document. Crucially, it distinguishes this rudimentary concept from a secure electronic signature (the “**Secure Electronic Signature**”), which results from the application of specific technologies prescribed under the *Secure Electronic Signature Regulations*, SOR/2005-30 (the “**SESR**”).
111. *Section 36* of *PIPEDA* stipulates that a document signed by a public officer is proof of a matter ONLY if the electronic version is signed with that person’s Secure Electronic Signature. It is trite law that the court is a distinct legal person from a justice, and a public officer is distinct from the body on whose behalf they act, consistent with the corporate personality principles articulated in *Foss v. Harbottle*, (1843) 67 ER 189 (the “**Foss Decision**”). The *SESR* requires a digital signature certificate (the “**Digital Signature Certificate**”) identifying the certification authority (the “**Certification Authority**”) that issued it, which must be a treasury board approved entity.
112. The process mandates the use of a hash function (the “**Hash Function**”)—an electronic one-way mathematical process converting data into a unique message digest (the “**Message Digest**”)—and a key pair (the “**Key Pair**”) consisting of a private key (the “**Private Key**”) and a public key (the “**Public Key**”). A digital signature (the “**Digital Signature**”) is an encrypted stamp of authentication that confirms the information originated from the signer and has remained unaltered. The absence of these consecutive cryptographic operations, including the application of the Private Key to encrypt the Message Digest, renders the document a legal nullity. The principle *nemo dat quod non habet* applies: an administrative clerk cannot confer judicial authority to effect a transfer if they themselves lack that authority and cannot produce a cryptographically secure order from a judge who possesses it.

E. THE FORENSIC DEFICIENCY OF THE PURPORTED INFORMATION AND WARRANT

113. It is represented that Court Officer Mrs. Frugoni-Rojas declared a *Criminal Code* Form 2 (the “**Form 2 Information**”) on September 23, 2024, and that Justice of the Peace Jiri approved a “warrant in the first instance” (the “**Warrant in the First**”). Such a warrant is a specific type of arrest warrant issued only when law enforcement possesses reasonable grounds to believe an indictable offence was committed but is entirely incapable of locating the suspect. As the accused was physically present at the Toronto Police Service 14th Division on September 21,

2024, the state's assertion that the suspect could not be located is *prima facie* factually unsupportable and logically flawed.

114. The printed nomenclature “**Digitally Signed by George Jiri**” catastrophically fails to satisfy the requirements of a Digital Signature for several forensic reasons. Firstly, there is no Digital Signature Certificate; secondly, there is no identifiable Certification Authority; thirdly, there is no Hash Function application; and fourthly, there is no SHA-256 verification process. The document contains internal administrative data alien to a compliant *Form 2*, such as occurrence numbers and “**15 month flags**,” suggesting it is an internal police memorandum rather than a valid judicial precept. The lack of compliance with *Criminal Code* Form 7 (the “**Form 7**”) indicates that the document is a non-secure artifact. The notation “**Digitally Signed**” without the *SESr* framework is a mere typographic assertion, entirely devoid of legal efficacy. This rebuts the common law maxim *omnia praesumuntur rite esse acta* (all things are presumed to be rightly done) concerning the court's procedural regularity, as the record speaks to its own deficiency.

F. CONSTITUTIONAL CONSTRAINTS UPON THE ROYAL PREROGATIVE AND THE DECEPTION OF THE CROWN

Rex Non Potest Peccare and the Liability of State Instruments

115. It is an ancient and fundamental principle of the Canadian constitution that *Rex non potest peccare* (the “**King can do no wrong**”) (2 Rolle, JR. 304). However, this maxim must not be understood to mean that the sovereign is above the laws, in the unconfined sense of those words, or that everything done by the state is necessarily just and lawful. Its true constitutional meaning is that the prerogative of the Crown (the “**Prerogative**”) extends not to do any injury; created for the benefit of the people, it cannot be exerted to their prejudice. The Crown cannot sanction an act forbidden by law; from this perspective, the sovereign is under and not above the laws, and is bound by them equally with the subjects.
116. If a state agent personally commands an unlawful act to be done, the offence of the instrument (the “**Instrument**”)—the agent or public officer—is not thereby indemnified. While the sovereign is not under the coercive power of the law, the commands issued are under the directive power of the law, which makes the act itself invalid if unlawful and renders the Instrument of execution liable to punishment. The agents of the sovereign remain civilly or criminally answerable for lawless acts performed under the purported command of the sovereign. This includes administrative functionaries or court clerks who perform actions reserved for judicial officers; such *ultra vires* acts constitute an institutional encroachment upon the judiciary, rendering the administrative act a nullity from its inception.

G. THE DOCTRINE OF DECEPTION OF THE CROWN AND LEX NON SCRIPTA

117. The Crown is incapable not only of doing wrong, but even of thinking wrong. Whenever it happens that, by misinformation or inadvertence, the Crown has been induced to invade the private rights of a subject—as by granting a process contrary to reason or prejudicial to the common law—the law declares that the King was deceived in his grant (the “**Deception of the Crown**”); thereupon such grant or authorization becomes void upon the supposition of deception either by or upon those agents whom the Crown has employed.
118. The law presumes *eadem mens praesumitur Regis quae est juris et quae esse debet praesertim in dubiis* (the same mind is presumed in the King as is in the law and as ought to be, especially in doubtful cases). Consequently, any grant or process tending to prejudice the course of public justice is void. The Crown cannot, in derogation of the right of the public, unduly fetter the exercise of the Prerogative. It cannot dispense with anything in which the subject has a vested interest, nor make a grant in violation of the common law. Furthermore, if documents in the SCJ were subjected to a directive for destruction, this creates a profound dilemma of *lex non scripta*: a court cannot transmit what it has been judicially commanded to erase. This procedural quagmire fatally compromises the necessary integrity of the transmitted record and exposes the transfer to collateral attack for lack of documentary foundation, as a court cannot transmit what does not exist.

H. PROCEDURAL NULLITY AND INSTITUTIONAL ABUSE

119. The failure of the presiding judicial apparatus to proceed according to strict statutory requirements regarding time and place results in a structural loss of jurisdiction over the offence, as established in *R. v. Krannenburg*, [1980] 1 SCR 1053 (the “**Krannenburg Decision**”). When the record was migrated without statutory authorization, the originating tribunal lost jurisdiction over the offence, rendering all subsequent proceedings a nullity. This represents a “**wasting of jurisdiction**” by the SCJ, and further, it exposes the administrative decision to review by writ of *certiorari*. This structural failure engages the doctrine of *habeas corpus*, as it calls into question the legal validity of the restraint on liberty, including the conditional release obligations imposed by the *Criminal Code* Form 10 (the “**Form 10 Undertaking**”).
120. The institutional delay caused by these jurisdictional and procedural defects must be factored into the analysis under *R. v. Jordan*, 2016 SCC 27 (the “**Jordan Decision**”). The failure to bring the individual before a justice “**without unreasonable delay**,” pursuant to *section 503(2)* of the *Criminal Code*, constitutes a violation of *section 7* and *section 9* of the *Charter*. The cumulative effect of these deficiencies—including the absence of Crown consent, the *ultra vires* administrative endorsement, the non-transmission of the record, and the irregular execution of the release instruments—meets the threshold for an abuse of process (the “**Abuse of Process**”), falling within Category One Abuse (conduct so unfair it amounts to an abuse) and requiring the extraordinary remedy of a permanent stay of proceedings to preserve the integrity of the justice system itself.
121. Pursuant to the *McLean v. Bradley*, [1899] 2 SCR 535 (the “**McLean Decision**”), when the Court has no jurisdiction of the cause, the whole proceeding is *coram non judge*, and actions will lie against the parties without regard to the precept or process. It is not necessary to obey one who is not judge of the cause. A plea of justification by a constable acting under an invalid warrant will be bad if the justice lacked jurisdiction over the subject matter. The unauthorized assumption of jurisdiction by the OCJ over an Indictment that remains, in law, a Superior Court matter, constitutes a jurisdictional bootstrapping that cannot be retroactively legitimized. Consequently, a peremptory requisition is hereby maintained for the immediate production of the authentic indictments and official endorsements, to be effectuated via facsimile or electronic correspondence. The perpetuation of fraudulent documents is undemocratic and counter to the Rule of Law.

ISSUE 2: THE JURISDICTIONAL ROUTING AND THE CHAIN OF CUSTODY

ISSUE #2(A): FORMULATION OF THE JURISDICTIONAL ISSUE

122. The foundational jurisprudential inquiry herein is directed toward the precise and exhaustive ascertainment of whether the preliminary solemnization of an information (the “**Information**”) before a judicial officer of the superior court of justice (the “**Superior Court of Justice**”) operates to inherently, automatically, and irreversibly transmute the underlying matter into a substantive proceeding cognizable exclusively by that specific judicial body.
123. This inquiry necessitates a profound examination of the functional limits of magisterial authority. It must be critically determined whether such a discrete and isolated, *sui generis* magisterial act purportedly compels the exaction of a formal judicial order of transfer to effectuate the proper vesting of adjudicative jurisdiction within the subordinate provincial tribunal. Alternatively, it is posited that such a paradigm relies upon a fundamental and deleterious misapprehension of the statutory architecture governing the commencement of criminal process in Ontario.
124. Furthermore, this inquiry demands a rigorous dissection of the conceptual and constitutional dichotomy between the isolated invocation of a judicial officer’s oath-taking capacity and the formal institutional seizure of a prosecutorial matter by a court of record. The resolution of this issue is inextricably linked to the preservation of the structural integrity of the criminal justice system and the strict, inviolable boundaries separating investigative police powers from the formal adjudicative sphere of the judiciary.

ISSUE #2(B): POSTULATION OF THE LEGAL RESOLUTION

125. It is herein advanced, with unwavering reliance upon established statutory and constitutional principles, that the proceeding in question was at no procedural juncture legally commenced upon the adjudicative docket of the Superior Court of Justice. The mere affixation of a jurat by a superior court justice, acting in a magisterial capacity,

does not operate to spontaneously generate institutional or adjudicative jurisdiction over the subject matter of the Information.

126. Consequently, the exaction of any theoretical, formal order of transfer is rendered entirely superfluous, procedurally phantom, and legally incoherent. This circumstance serves not merely as an academic anomaly, but rather operates to illuminate a profound and inexcusable administrative dereliction by law enforcement personnel. A procedural landscape was thereby cultivated wherein the prosecutorial file was *de facto* retained within the unmonitored custody of the constabulary, whilst remaining *de jure* non-existent upon the docket of any judicial tribunal, thus creating a “jurisdictional vacuum” (the “**Jurisdictional Vacuum**”) that undermines the rule of law.
127. The absence of a formal commencement within the proper adjudicative forum dictates that the subsequent prosecutorial actions were strictly *ultra vires* and built upon a foundation of procedural nullity. This necessitates a resolute judicial remedy to rectify the usurpation of statutory protocols, to restore the *status quo ante*, and to ensure that the administration of justice is not brought into disrepute by the extra-judicial withholding of charging instruments.

ISSUE #2(C): ANALYTICAL FRAMEWORK, STATUTORY ARCHITECTURE, AND THE SEPARATION OF POWERS

128. Pursuant to the explicit, unyielding architectural design codified within the statutory frameworks of the *Criminal Code*, RSC 1985, c C-46 (the “*Criminal Code*”), and the *Courts of Justice Act*, RSO 1990, c C.43 (the “*Courts of Justice Act*”), interpreted in strict conjunction with the procedural strictures mandated by the *Criminal Rules of the Ontario Court of Justice*, SI/2012-30 (the “*Criminal Rules*”), it is irrefutably established that all criminal proceedings, irrespective of their ultimate substantive gravity or procedural complexity, are to be unequivocally commenced within the ontario court of justice (the “**Ontario Court of Justice**”).
129. The legislative intent underscoring this framework is engineered to centralize the intake, docketing, and preliminary management of criminal matters within a singular, specialized provincial registry. This centralization is a prerequisite for the efficient administration of justice, preventing the chaotic and unaccountable fragmentation of prosecutorial commencement that would occur if charging documents were permitted to languish in the private custody of state actors.
130. Notwithstanding that a presiding justice of the Superior Court of Justice concurrently possesses *ex officio* magisterial authority to receive a solemn oath and to preliminarily review an Information for the restricted purpose of issuing compelling process, it is submitted that the execution of such an act remains both temporally and functionally isolated. Such execution constitutes a strictly preliminary magisterial function, situated entirely apart from any substantive adjudicatory, supervisory, or docketing function of the court as an institution.
131. Guided by the immutable principles of *stare decisis*, as established by the Supreme Court of Canada in *R. v. Chabot*, [1980] 2 SCR 985 at 990, 18 CR (3d) 258 (*Chabot*), the jurisdiction of a justice is strictly constrained by the four corners of the statutory authority conferred upon them. The *acta* of the judicial officer are deemed to be crystallized and entirely concluded at the precise temporal moment the oath is formally perfected. Following this discrete action, the justice becomes unequivocally *functus officio* in relation to the administrative progression of the charging instrument, and the matter must then be integrated into the judicial stream via the appropriate registry. Subsequent to the administration of the aforementioned oath, the inviolable imperative arises that the Information must be physically or electronically lodged by the executing law enforcement officers with the designated intake clerk of the Ontario Court of Justice. This subsequent administrative act is not a mere procedural nicety; rather, it is the absolute *sine qua non* fundamentally required to formally and legally situate the matter upon the accessible public registry, thereby officially enlivening the jurisdiction of the tribunal *in limine*.

ISSUE #2(D): ANTICIPATED SUBMISSIONS OF THE CROWN, JUDICIAL INTERROGATORIES, AND EMBEDDED REBUTTALS

132. It is anticipated that strenuous averments may be advanced by the Crown to the effect that the Superior Court of Justice retained a form of concurrent, overarching, or “umbrella jurisdiction” (the “**Umbrella Jurisdiction**”) over the matter immediately upon the administration of the oath. The Crown may postulate that the judicial signature serves as a permanent jurisdictional anchor, indefinitely binding the unfiled document to the court's institutional purview regardless of administrative neglect.

133. The inevitable, yet deeply flawed, corollary of the aforementioned propositions is the inherent *ex post facto* validation of the subsequent, highly irregular six-week delay in filing was that it was done reflexively to the Applicant's filings in other tribunals like the LTB, HRTO and LAT wherein in some of those proceedings the Applicant was seeking access to the undisclosed judicial "arrest warrant" (later learned not to be an "arrest warrant" at law) and to allow Madam Justice Shore to be available for the Respondents in the McLean v. TDHA et al *JRPA* Proceeding. This validation is presumably predicated upon the theoretical and unsupported rationale that the prosecutorial file was situated continuously "within the system," despite the fact that no registry, clerk, or judge was cognizant of its existence or location during the period of police detention.

ISSUE #2(E): REBUTTAL, INTEGRATION OF LEGAL DOCTRINE, AND STRUCTURAL ABUSE OF PROCESS

134. The prosecutorial hypothesis is rendered entirely legally vacuous upon the apprehension that an unfiled document, resting unaccountably and invisibly in the physical possession of law enforcement personnel, cannot logically or legally operate to vest adjudicative jurisdiction in any tribunal *ab initio*. A court cannot be seized of a matter that has not been presented to its registry, just as a court cannot adjudicate a claim that has not been issued.
135. The retention of the prosecutorial file exclusively within the unilateral, secretive, and unmonitored custody of state policing authorities for a period exceeding one calendar month effectuates a profoundly unconstitutional procedural lacuna. Such a temporal void—an administrative interregnum—functions effectively as an unauthorized *in camera* detention of the procedural instrument. It places the accused in a state of indefinite prosecutorial jeopardy whilst simultaneously denying access to the judicial apparatus for the purposes of bail, disclosure, or the scheduling of proceedings. To fortify this rebuttal, the doctrine of jurisdiction *ratione materiae* is explicitly invoked, positing that jurisdiction over the subject matter cannot be established absent the formal lodgment of the charging instrument with the appropriate court registry. The mere solemnization of the Information does not *ipso facto* initiate a continuing or supervisory jurisdiction on the part of the Superior Court of Justice; rather, the unfiled document remains merely a sworn allegation entirely devoid of institutional momentum or judicial oversight. Furthermore, it is forcefully asserted that any reliance by the Crown upon the venerable maxim *omnia praesumuntur rite et solemniter esse acta* (the presumption of administrative regularity) is definitively and catastrophically rebutted by the pronounced, documented fracture observed within the evidentiary chain of custody. Such an administrative vacuum represents a critical, systemic failure of institutional protocols, thereby rendering the subsequent deployment of the document legally imperiled and strictly *ultra vires* the foundational authority of the prosecuting entity.
136. As meticulously elucidated by the Supreme Court of Canada in *R. v. Jordan*, 2016 SCC 27 at para 29, [2016] 1 SCR 631, 335 CCC (3d) 403 (*Jordan*), the systemic obligations incumbent upon all state actors necessitate the proactive, transparent, and diligent management of the judicial process. A failure to formally file the Information operates to effectively and insidiously circumvent the "presumptive ceiling" (the "**Presumptive Ceiling**") of prosecutorial delay. In this context, the *actus reus* of the state's administrative failure is sufficient to attract constitutional opprobrium, rendering any analysis of prosecutorial *mens rea* or specific *scienter* superfluous. The *ratio decidendi* of the *Jordan* framework demands institutional accountability, which is fundamentally incompatible with the extra-judicial hoarding of charging instruments by law enforcement agencies.

ISSUE #2(F): NON-OBVIOUS LEGAL THEORIES AND FURTHER JURISPRUDENTIAL EXEGESIS

137. Beyond the immediate temporal calculations, the prolonged, extra-judicial detention of the Information by law enforcement engenders a non-obvious, yet highly potent, structural abuse of process. Pursuant to the residual category of abuse of process articulated by the Supreme Court of Canada in *R. v. Babos*, 2014 SCC 16 at para 31, [2014] 1 SCR 309, 306 CCC (3d) 323 (*Babos*), state conduct that contravenes fundamental notions of justice and undermines the integrity of the judicial process warrants definitive judicial intervention. The bypass of the court registry system is not a technicality; it is an affront to the public nature of the administration of justice.
138. Furthermore, this administrative obfuscation introduces a novel and comprehensive application of the doctrine of constructive non-disclosure. As established in *R. v. MacNeil*, 2001 SCC 53 at para 14, [2001] 3 SCR 976, 158 CCC (3d) 3 (*MacNeil*), the Crown bears the ultimate and non-delegable responsibility for the actions of

the police in relation to the compilation, retention, and disclosure of the prosecutorial file. By failing to formally file the Information, law enforcement effectuated a situation wherein the charging document was deliberately and effectively shielded from both prosecutorial oversight and defense scrutiny for a period of six weeks. This delay in “disclosure of existence” (the “**Disclosure of Existence**”) frustrates the core requirements of *R. v. Stinchcombe*, [1991] 3 SCR 326, 68 CCC (3d) 1 (*Stinchcombe*), as the defense cannot request disclosure for a proceeding that does not ostensibly exist in the judicial record.

139. This circuitous administrative contrivance warrants the invocation of the venerable maxim *Quando aliquid prohibetur ex directo, prohibetur et per obliquum* (the “**Maxim of Indirect Prohibition**”), which dictates that whatever is prohibited by law to be done directly cannot legally be effectuated by an indirect and circuitous contrivance. In the present instance, the state is strictly prohibited from circumventing the *Jordan* framework or withholding the charging instrument once sworn. The use of an administrative interregnum to delay the commencement of the judicial clock is a mere device to carry into effect that which the legislature and the *Charter* have declared shall not be done. It is the duty of the court to brush away the “cobweb varnish” of fictitious administrative regularities to reveal the true light of the transaction: a deliberate shielding of the prosecution from judicial scrutiny.
140. Moreover, the *Doctrine of Colorable Compliance* suggests that where the state purports to follow a legal process (such as swearing an Information) but fails to complete the essential jurisdictional steps (filing with the registry), it has engaged in a form of procedural charade. As per *British Columbia (Attorney General) v. Lafarge Canada Inc.*, 2007 SCC 23, the court must look to the “pith and substance” of the state's actions. Here, the pith and substance is an extra-judicial detention of a charging document, which constitutes a fundamental jurisdictional defect. A supplementary non-obvious constitutional theory must be recognized regarding the underlying liberty interests traditionally safeguarded by the writ of *habeas corpus*. In *R. v. Myers*, 2019 SCC 18 at para 24, [2019] 2 SCR 105, 372 CCC (3d) 1 (*Myers*), the Supreme Court of Canada mandated rigorous, timely judicial oversight of all pretrial matters to protect fundamental liberties. While the accused herein was not physically incarcerated during the unmonitored six-week epoch, the pending, unfiled Information functioned as an invisible restraint upon liberty and a cloud of legal jeopardy. The failure to docket the matter shielded it from judicial purview, entirely frustrating the constitutional right to make full answer and defense *in limine* and denying the opportunity for preliminary judicial intercession or the challenging of the state's authority to proceed. Consequently, any anticipated defense advanced by the state, characterizing the delay as being safely encompassed within the broader judicial system, is posited to be *prima facie* invalid. To permit such procedural anomalies to proceed unchecked risks embedding unconstitutional practices into the jurisprudence under the guise of *res judicata* through institutional acquiescence. The restoration of the *status quo ante* undeniably demands the classification of this unmonitored epoch as an unjustified, unconstitutional usurpation of the judicial process by law enforcement authorities—a usurpation which fundamentally and irreparably vitiates the procedural foundation of the prosecution, thereby demanding a stay of proceedings as the only efficacious remedy to preserve the integrity of the court.

ISSUE 3: SPOILIATION AND THE ALTERATION OF SWORN INSTRUMENTS

ISSUE #3(A): FORMULATION OF THE LEGAL ISSUE

141. Whether the physical extirpation, unauthorized substitution, and material vitiation of the sworn components of an information (the “**Information**”) by instrumentalities of the state manifest actionable spoliation, *ipso facto* rendering the foundational charging instrument an unsworn legal nullity bereft of the capacity to sustain prosecutorial proceedings.

ISSUE #3(B): CATEGORICAL RESOLUTION AND CONSTITUTIONAL IMPERATIVES

142. It is respectfully submitted that the premeditated extraction and subsequent circumvention of the original jurat (the “**Jurat**”) alongside the substantive count enumerations following the administration of the oath instantiate profound and deliberate spoliation. Such flagrant administrative malfeasance irreversibly renders the Information void *ab initio*, stripping the tribunal of jurisdiction *in limine* and ensuring that any prosecutorial machinations predicated upon said document are strictly *ultra vires*. The integrity of the judicial process is not a mere aspirational

standard but a mandatory requirement; where the state unilaterally alters the *acta* of the court, the very foundation of the rule of law is eroded.

143. This conclusion is reinforced by the ancient and fundamental principle of the English and Canadian constitutions that *Rex non potest peccare* (the “**King Can Do No Wrong Maxim**”). As articulated in *2 Rolle Rep 304*, while the sovereign is personally independent of earthly jurisdiction, this maxim does not facilitate the elevation of the Crown above the laws in an unconfined sense. Rather, the prerogative of the Crown is created solely for the benefit of the people and cannot be exerted to their prejudice. Consequently, it is an immutable general rule that the Crown cannot sanction an act forbidden by law; the sovereign is bound by the law equally with the subject, for the law is the highest inheritance that the King hath.
144. Where a lawless act is perpetrated by the agents of the sovereign—such as the unauthorized alteration of a sworn instrument—the offence of the instrument is not indemnified. Although the Crown is not subject to the coercive power of the law, the commands of the state remain under the directive power of the law, which renders the act itself invalid if unlawful. In the present instance, the agents of the sovereign are civilly and criminally answerable for the lawless acts of spoliation committed during the processing of the Information. The Crown’s power is a “fiduciary” power, held in trust for the public; when state agents engage in the physical manipulation of sworn documents, they breach this sacred trust and act outside the scope of any legitimate authority.
145. Furthermore, the Crown is deemed incapable not only of doing wrong but of thinking wrong. Whenever the Crown is induced to invade the private rights of a subject through misinformation or inadvertence—as by the filing of a spoliated and fabricated charging document—the law presumes that *eadem mens praesumitur Regis quae est juris et quae esse debet praesertim in dubiis* (the mind of the King is presumed to be the same as that of the law). The law declares that the King was deceived in his grant; thus, the proceedings become void upon the supposition of deception by those agents whom the Crown has thought proper to employ. It is a fundamental tenet that the Crown cannot dispense with anything in which the subject has an interest, nor can it make a grant in violation of the common law.
146. In brief, the Crown cannot, in derogation of the rights of the public, unduly fetter the exercise of the prerogative or dispense with anything in which the subject has an interest. The Crown lacks the authority to make a grant in violation of the common law or injurious to vested rights, such as the right to a validly sworn Information. While the sovereign is personally incapable of wrongdoing, the specific acts of state agents that are contrary to law must, on that account, be set aside by the operation of law. To permit the prosecution to proceed on a vitiated instrument would be to sanction a *de facto* suspension of the law, a power the Crown has not possessed since the *Bill of Rights 1689*.

ISSUE #3(C):DOCTRINAL ANALYSIS AND EXTRAPOLATION OF LEGAL PRINCIPLES

147. The intentional obliteration, obfuscation, or substantive adulteration of paramount judicial documentation intimately engages the formidable evidentiary doctrine of *omnia praesumuntur contra spoliatores* (all things are presumed against a wrongdoer). It is advanced that the physical severance of the originally sworn counts, which were unequivocally presented to the authorizing jurist during an *Ex Parte* swearing process, and their subsequent unauthorized replacement with fabricated endorsements antecedent to formal filing, comprehensively fractures the absolute and sacrosanct chain of custody requisite for a valid oath. This is not merely an evidentiary presumption but a substantive barrier to prosecution; once the original *acta* are destroyed, the court is left with a mere facsimile of a legal instrument, devoid of its original spiritual and legal potency.
148. Pursuant to the strictures governing documentary integrity delineated within the *Criminal Proceedings Rules for the Superior Court of Justice (Ontario)*, the *acta* of the tribunal must remain inviolate. The intentional tampering with a sworn instrument constitutes a *prima facie* abrogation of foundational procedural fairness, rendering it a jurisdictional impossibility to restore the *status quo ante*. The *actus reus* of disassembling a sworn court document is compounded by the undeniable inference that such actions were undertaken knowingly, satisfying the requirement of *scienter* in the context of state misconduct. The resultant documentary void is a matter of *res ipsa loquitur*; the defaced Information speaks for itself as an inoperative instrument. The existence of a valid, unaltered oath is the absolute *sine qua non* for the invocation of criminal jurisdiction.

ISSUE #3(D):PROPHYLACTIC REBUTTAL TO ANTICIPATED PROSECUTORIAL AND JUDICIAL COUNTER-ARGUMENTS

149. Anticipation must be afforded to the prosecutorial postulate, conceivably adopted by a presiding jurist assessing the administrative reality of high-volume dockets, that the substituted folios functioned merely as innocuous intake court endorsements (the “**Intake Court Endorsements**”). It may be hypothesized that these endorsements were deployed exclusively for internal docket administration, and therefore, such modifications ostensibly do not substantively vitiate the underlying criminal allegations nor exact a tangible prejudice upon the accused's ability to mount a defense. This “administrative convenience” argument is a dangerous fallacy that invites the court to prioritize bureaucratic efficiency over the constitutional requirement of a sworn oath.
150. Furthermore, the Crown may argue that the accused lacks “standing” to complain of administrative alterations that do not impact the *actus reus* of the alleged offence. This is a flawed syllogism; the accused has a vested interest in the legality of the process that brings them before the court. To suggest otherwise is to ignore the principle of *caveat emptor*—the court must not “buy” a prosecution from the state without verifying the quality and legality of the charging instrument. Notwithstanding such prognostications, this defensive paradigm is factually incongruent with the immutable physical record and remains legally untenable. The actual Jurat—the signature apparatus effectuating the strict penalty of perjury—was affirmatively extirpated. This is not a *bona fide* administrative clericalism; it is an active destruction of the jurisdictional foundation. An Information bereft of its original, authenticated Jurat is, *ex facie*, a fundamentally unsworn instrument.
151. Furthermore, it might be postulated by adversarial counsel that statutory remedial mechanisms, specifically the curative provisions enumerated within the federal statute governing criminal offences (the “**Criminal Code**”), specifically section 601, could be operationalized to rectify such documentary deficiencies. Such an assertion reflects a fundamental misapprehension of statutory interpretation and the limits of judicial curative authority. Curative provisions are legislatively engineered to amend defects in form or substance within an otherwise legally existent and validly sworn instrument. They do not possess the retrospective alchemy required to resuscitate an artifact that is a nullity *ab initio*.
152. To apply section 601 to a document that has been physically altered post-oath would be to permit the Crown to bootstrap itself into jurisdiction through its own misconduct. A statutorily mandated oath cannot be retroactively manufactured through the guise of an *ex post facto* amendment where the physical instrument itself has been subjected to deliberate state spoliation. An unsworn document cannot be transformed into a *de jure* charging instrument through mere *de facto* acquiescence by the Crown. As established in *R. v. Moore*, [1988] 1 SCR 1097, the court's power to amend is not infinite; it cannot cure a defect that goes to the very existence of the document as a legal entity.

ISSUE #3(E):NON-OBVIOUS LEGAL THEORIES: CONSTRUCTIVE FRAUD AND ABUS DE DROIT

153. Beyond the traditional paradigms of procedural irregularity, the deliberate alteration of the Information must be conceptualized as a constructive fraud upon the tribunal. When instrumentalities of the state proffer an altered document to a presiding justice, representing it implicitly as the pristine instrument originally sworn, the adjudicative process itself is corrupted. This theoretical extrapolation posits that such spoliation deprives the court of subject-matter jurisdiction. Without the original Jurat, the adjudicator is rendered functionally incapable of verifying that the strict, statutory prerequisites for issuing process were lawfully satisfied. The court is, in effect, being asked to adjudicate upon a fiction.
154. This is further supported by the theory of *Abus de Droit* (the “**Abuse of Right Theory**”). While the state has a “right” to manage its internal files, this right cannot be exercised in a manner that defeats the purpose of the law or causes injury to the subject. By prioritizing internal workflow over documentary integrity, the state has committed an *ultra vires* act. This “Jurisdictional Annihilation” theory suggests that the court's power to hear the case is not merely suspended but is entirely extinguished. If the document that purports to grant the court power is a fraudulent substitution, then every order made pursuant to that document is *coram non judice* (before one not a judge).

ISSUE #3(F):JURISPRUDENTIAL INTEGRATION AND ABUSE OF PROCESS

155. The doctrinal framework enunciated in *R. v. Babos*, 2014 SCC 16 at para 35 (the “**Babos Decision**”) establishes unequivocally that in circumstances wherein state conduct fundamentally eviscerates the integrity of the justice system, a stay of proceedings remains the singular appropriate juridical remedy. In applying the strict *ratio decidendi* of the *Babos Decision* to the present factual matrix, it becomes self-evident that the deliberate defacement of the Information transcends mere procedural irregularity. The prejudice inflicted upon the systemic integrity of the judicial apparatus is of such severe magnitude that it remains entirely impervious to remediation via trial directions or curative statutory mechanisms.
156. The overarching societal interest in proceeding on the merits is entirely eclipsed by the egregious character of the state's misconduct. Furthermore, the principles in *Canada (Minister of Citizenship and Immigration) v. Tobiass*, [1997] 3 SCR 391 at para 89 (the “**Tobiass Decision**”) reinforce the imperative that prosecutorial conduct must not descend into an abuse of process. The situation at bar is entirely *sui generis*; the physical fabrication and spoliation of sworn evidence directly activate the residual category of abuse of process outlined in the *Babos Decision*.
157. Such spoliation constitutes an overt affront to the rule of law and the principle of *stare decisis*, mandating an immediate and uncompromising stay of proceedings. To allow the state to proceed would be to send a message that the physical integrity of court records is optional. This court must act as the ultimate bulwark against such executive overreach, ensuring that the *status quo ante* of documentary inviolability is maintained.

ISSUE 4: STATUTORY TIMELINES AND DELIBERATE OBFUSCATION

ISSUE #4(A): THE ISSUE

158. The primary question before this Honourable Court is whether the state agents deliberately exploited the temporal latitude provided under *section 505* of the *Criminal Code*, RSC 1985, c C-46 (the “**Criminal Code**”) to intentionally withhold the information (the “**Information**”) from the public court record, thereby facilitating the unauthorized physical alteration of the documentation in absolute secrecy.
159. Furthermore, the Court must determine if the utilization of a statutory provision as a “procedural cloister” to allow for the clandestine modification of evidence constitutes an *ultra vires* exercise of executive power—an act performed beyond the legal authority of the state—that necessitates a stay of proceedings or the quashing of the **Information** to maintain the integrity of the administration of justice.
160. Central to this inquiry is whether the state’s conduct constitutes a “fraud upon the court,” wherein the formal mechanisms of the *Ontario Court of Justice* were manipulated to present a sanitized, retrospective version of events, thereby depriving the Applicant of the right to a contemporaneous and immutable judicial record.

ISSUE #4(B): THE RULE

161. *Section 505* of the **Criminal Code** mandates that an information must be laid “as soon as practicable” (the “**Practicability Standard**”) and, in any event, “before the time stated” (the “**Temporal Limit**”) in the appearance notice or summons. The **Practicability Standard** is not a discretionary suggestion or a mere administrative guideline; it is a mandatory directive requiring all due celerity to ensure immediate judicial oversight of the executive branch and to prevent the unauthorized retention of documents in a state of jurisdictional limbo.
162. The doctrine of abuse of process, as articulated in *R v Nixon*, 2011 SCC 34, 2011 CSC 34 (the “**Nixon Decision**”), dictates that state conduct must satisfy the requirements of fundamental justice under *section 7* of the *Canadian Charter of Rights and Freedoms* (the “**Charter**”). Where state conduct is so oppressive or represents such a departure from standard practices that it tarnishes the integrity of the judicial system, the residual category of abuse of process applies, as established in *R v Babos*, 2014 SCC 16, 2014 CSC 16 (the “**Babos Doctrine**”).
163. The *Supreme Court of Canada* in *R v Chabot*, [1980] 2 SCR 985, 1980 CanLII 174 (SCC) (the “**Chabot Decision**”) emphasized that the **Criminal Code** must be interpreted in a manner that protects the liberty of the subject and ensures that the state does not hold documents in *abeyance* (the “**State of Suspension**”) for the purpose of refining, altering, or otherwise rehabilitating their content. Furthermore, the *prima facie* breach of the duty of disclosure—evidence sufficient to prove a case unless rebutted—and the principle of contemporaneous documentation are governed by the standards set forth in *R v Stinchcombe*, [1991] 3 SCR 326, 1991 CanLII 45 (SCC).

164. Additional weight is provided by the maxim *omnia praesumuntur rite et solemniter esse acta* (the “**Presumption of Regularity**”), which is rebutted herein by the manifest evidence of physical manipulation. The state also bears a duty of candour, requiring total honesty in its dealings with the court, consistent with the principle of *uberrima fides* (the “**Utmost Good Faith**”).

ISSUE #4(C): THE ANALYSIS

The Misapplication of Statutory Discretion and Executive Bad Faith

165. It is respectfully submitted that the conduct of the state agents herein represents a profound and irremediable departure from the *status quo ante* of constitutional regularity. The delay spanning from the precipitating arrest on October 2 to the scheduled first appearance on November 13 (the “**Delay Period**”) served no legitimate administrative purpose or logistical necessity. Instead, the **Delay Period** was a manufactured interval designed explicitly to facilitate a documentary transformation and the coordination of a false narrative that would have been immediately detectable under standard, prompt filing protocols.
166. The Crown may assert, relying upon a rigidly textualist and hyper-literal interpretation, that filing the document mere moments prior to the calling of the docket on the first appearance strictly satisfies the outer chronological bounds of the legislation. They will likely argue that the **Temporal Limit** establishes a hard mathematical deadline which, having been met, *ipso facto*—by that very fact—nullifies any procedural complaint regarding delay. They may further posit that administrative backlogs or the inherent complexity of the investigation justify the exhaustion of the statutory period to its absolute limit.
167. However, this formalistic defense entirely ignores the substantive, overarching equitable doctrine of abuse of process and the constitutional imperative for transparency. The **Practicability Standard** must be measured against the objective ability to file; where the state possesses the capacity to file but chooses to wait for strategic advantage or to facilitate document alteration, the law is violated. A “mathematical deadline” cannot serve as a sanctuary for state-sanctioned fraud or the intentional evasion of the administrative audits that naturally occur during the intake process at the court registry.

ISSUE #4(E): THE THEORY OF STRATEGIC OBFUSCATION AND THE “SHADOW DOCKET”

168. The deliberate creation of a jurisdictional vacuum between the moment of arrest and the formal entry of the matter into the judicial record constitutes a strategic obfuscation (the “**Strategic Obfuscation**”). This *interregnum* (the “**Interregnum**”) allowed for a “shadow docket” to exist—a state of affairs where the version of the **Information** presented to the Applicant at the time of arrest was systematically and clandestinely replaced by a version more favorable to the prosecution’s evolving narrative.
169. Such conduct is *acta*—acts or deeds—that undermine the very foundation of the judicial registry and the principle of *consensus ad idem* (the “**Meeting of the Minds**”) regarding the charges laid. The manufactured, deliberate temporal void provided the precise, unmonitored opportunity required by state agents to execute physical page-swapping and substitute magisterial signatures without detection. Any argument by the Crown that such irregularities are *de minimis*—too minor to merit attention—must be countered by the principle that some breaches are so fundamental to the integrity of the system that prejudice is presumed *juris et de jure* (the “**Presumption of Law**”).

ISSUE #4(F): THE DOCTRINE OF LEGITIMATE EXPECTATIONS AND PROCEDURAL FAIRNESS

170. A non-obvious legal theory applicable here is the doctrine of legitimate expectations (the “**Legitimate Expectations**”). By establishing standard police practices for the prompt filing of informations, the state has created a procedural expectation that the **Practicability Standard** will be honored. A sudden and unexplained departure from this standard, coupled with evidence of document manipulation, constitutes a breach of procedural fairness and the principle of *audi alteram partem* (the “**Right to be Heard**”).
171. The Applicant was entitled to a process following established norms, and the state’s deviation for the purpose of obfuscation is a violation of the principles of fundamental justice. When the state departs from its own

established procedures to gain a tactical advantage, it violates the doctrine of *estoppel* and the duty to act in *bona fide* (the “**Good Faith**”) toward the accused and the court.

ISSUE #4(G): THE “FRUITS OF THE POISONED TREE” PROCEDURAL ANALOGUE

172. While typically applied to physical evidence obtained through an unlawful search, the “Fruits of the Poisoned Tree” doctrine should be extrapolated to the procedural record. If the **Information** itself is a product of an illegal and unconstitutional **Delay Period** designed to facilitate fraud, then all subsequent judicial actions based on that **Information** are similarly tainted. This is not a case of correcting a clerical error; it is a case of substantive, unauthorized amendment that poisons the entire stream of the prosecution *in limine*—at the very outset.
173. The prosecution may attempt to minimize this by suggesting that no “actual prejudice” was suffered in the preparation of the defense. This argument is anemic; the prejudice is found in the subversion of the public record itself and the deprivation of the Applicant's right to a contemporaneous record. As held in *R v Bjelland*, 2009 SCC 38, 2009 CSC 38, the court has a duty to stay proceedings where the state's failure to comply with procedural norms threatens the system's integrity. To hold otherwise would be to allow the state to profit from its own dishonorable cause, violating the maxim *ex turpi causa non oritur actio*—no action arises from an immoral cause.
174. *Did the Crown do so?* The question answers itself.
175. It is why it is merely the Executive Branch and Judicial Branch Documents, where an accused is so entitled, are nearly all that is needed.

ISSUE #4(H): THE CONCLUSION

176. It is therefore concluded that the **Delay Period** was not a passive lapse, an administrative necessity, or a product of logistical friction, but rather an active tool of obfuscation and a deliberate mechanism of deception, necessitating the intervention of this Honourable Court to preserve the sanctity of the judicial record. The resulting documentation, having been birthed in secrecy and altered without authority, is *void ab initio*—void from the beginning—and cannot support a valid exercise of jurisdiction by any court.
177. The state has fundamentally breached the social contract by utilizing its statutory powers to mislead the judicial branch and deny the Applicant the protection of a contemporaneous record. Justice must not only be done but must be seen to be done, as the principle of *fiat justitia ruat caelum*—let justice be done though the heavens fall—requires that the court prioritize the integrity of its own process over the convenience of the prosecution.
178. Consequently, the quashing of the **Information** is the only remedial imperative consistent with the **Rule of Law** and the preservation of judicial integrity. A failure to grant this remedy would signal to state agents that the **Statutory Timeline** is not a deadline for compliance, but a license for manipulation, thereby rendering the protections of the **Charter** a mere hollow promise.

ISSUE 5: ELECTRONICALLY SUBMITTED INFORMATION, TELEWARRANTS, AND THE WITHHOLDING OF THE MASTER RECORD

ISSUE #5(A): ISSUE

179. The primary question for adjudication is whether the *Superior Court of Justice* (the “**Court**”) is legally mandated, by virtue of its ontological status as a paramount court of record, to retain and produce the original signed arrest warrant (the “**Warrant**”) or its definitive electronic equivalent. Furthermore, this Court must determine whether the absolute and inexplicable absence of such documentation from the registry necessitates a finding of jurisdictional vitiating, or alternatively, implies a deliberate act of institutional concealment intended to shield a disqualifying conflict of interest from judicial scrutiny.
180. This inquiry extends to the implications of a “nil” result within the registry for a process that purportedly authorized a severe deprivation of liberty. Specifically, the Court must decide if the state can rely on a “Jurisprudence of the Invisible” where the citizen is bound by coercive instruments that the state itself cannot locate, produce, or verify. The resolution of this issue strikes at the very heart of the “Social Contract of Documentation,” wherein the legitimacy of judicial power is inextricably linked to the transparency of its exercise.

ISSUE #5(B): RULE

181. The status of a superior court as a court of record is not a mere administrative designation but an inherent constitutional attribute. As elucidated in *Reference re Residential Tenancies Act (Ontario)*, [1981] 1 SCR 714, at para 73, the jurisdiction of such a tribunal is tethered to the permanence and transparency of its decrees. This necessitates the maintenance of a master record (the “**Master Record**”) that serves as a perpetual memorial and testimony of judicial acts. Historically, as established in Blackstone’s *Commentaries on the Laws of England*, the record of a superior court is of such “high and supereminent authority” that its truth is not to be questioned; yet, the absence of such a record implies the dissolution of the court’s character as a judicial body.
182. Regarding coercive processes authorized via telecommunication, section 508.1 of the *Criminal Code*, R.S.C., 1985, c. C-46 (the “**Code**”) dictates a rigorous technological protocol (the “**Electronic Protocol**”). This *Electronic Protocol* requires that the issuing justice certify the date, time, and place of issuance and ensures that the *Warrant* be filed with the clerk of the court “as soon as practicable.” This statutory pathway for electronic authorization does not grant a license for administrative amnesia; rather, the digital nature of the record enhances the obligation for its auditable preservation.
183. In *R v P(J)*, 2013 ONCA 537 (*R v P(J)*), at para 14, the *Ontario Court of Appeal* determined that the absence of the originating document—in that instance, a sworn *Information*—at the time judicial power is exercised constitutes a “fatal jurisdictional defect” (the “**Jurisdictional Defect**”). This defect is not a “procedural irregularity” capable of cure but a nullity that vitiates the legality of the ensuing state action. Jurisdiction is not an abstract quality of an office but a power activated and sustained by documentation; when the documentation is omitted, the jurisdiction is retroactively vitiated.
184. Furthermore, the common law invokes the maxim *omnia praesumuntur contra spoliatores* (every presumption is made against the party who fails to produce evidence) when the state, possessing exclusive control over the *Master Record*, fails to produce the authorizing instrument for a deprivation of liberty. This must be balanced against section 9 of the *Canadian Charter of Rights and Freedoms* (the “**Charter**”), which prohibits arbitrary detention. In *R v Kelsy*, 2011 ONCA 605, the court emphasized that the integrity of the judicial record is fundamental to the appearance of justice, and its absence constitutes a breach of the “Doctrine of Narrative Integrity.”

ISSUE #5(C): ANALYSIS

The Ontological Requirement and the Social Contract of Documentation

185. It is submitted that the *Ontological Requirement* of a court of record functions as the primary safeguard against the exercise of “secret law.” The record is the only objective evidence of the “Judicial Mind” at the moment of authorization. Without the physical or electronic manifestation of this mind, the state’s actions descend into mere executive fiat, lacking the requisite *ratio decidendi* that distinguishes lawful authority from arbitrary coercion. The *Court* cannot function as a “Black Box” where inputs result in liberty deprivations without a visible, auditable process. The failure to produce the *Warrant* constitutes a breach of the “Social Contract of Documentation” (the “**Documentation Contract**”). The citizen’s submission to the *Judicial Power* is predicated upon the state’s reciprocal duty to maintain a transparent and auditable account of its justifications. When the state produces a “nil” result for an event of such profound constitutional magnitude, the *Documentation Contract* is shattered. In such a vacuum, the state loses its moral and legal standing to enforce the outcomes of the undocumented process, as there is no proof that the “Consensus Ad Idem” between the law and the specific facts ever occurred.

ISSUE #5(D): EMBEDDED REBUTTAL: THE ADMINISTRATIVE ANOMALY AND DEPARTMENTAL SILOS

186. It is anticipated that opposing counsel may posit that the specialized family registry (the “**Family Registry**”), being unaccustomed to the rigours of criminal filings, committed a benign clerical error (the “**Administrative Anomaly**”). This contention must be rejected *in limine*. The *Court* is a unitary institution; its

internal departmentalization cannot serve as a jurisdictional shield. To suggest that the *Court* can lose its memory because it changed floors or registries is to suggest that the *Charter* is subject to the limitations of a floor plan.

187. Institutional incompetence does not, and cannot, cure a fundamental constitutional breach. A “departmental silo” is not a constitutional sanctuary. If one branch of the *Court* authorizes a liberty deprivation, the *Master Record* must be available regardless of the filing system utilized. To hold otherwise would allow the state to insulate itself from scrutiny through deliberate administrative fragmentation, a strategy of “Strategic Disorganization” that is antithetical to the rule of law.

Telewarrants and the Epistemic Failure of the State

188. Whether the authorization was conducted *in camera* or facilitated via telecommunication, the *Electronic Protocol* under section 508.1 of the *Code* is non-derogable. The digital nature of the record enhances the obligation for its auditable preservation, as electronic systems are designed for metadata tracking and permanent storage. The absence of a certified endorsement indicates a failure to comply with the *Code*, stripping the authorization of its legislative protection and rendering it *ultra vires*.
189. This represents an “Epistemic Failure” (the “**Epistemic Failure**”) of the state; it cannot simultaneously claim the power to arrest while professing ignorance regarding the source of that power. This “Epistemic Injustice” prevents the applicant from formulating a proper defense, as the basis of the state's action is withheld. The state cannot benefit from an “Evidence Vacuum” of its own creation to defeat a constitutional challenge.

Embedded Rebuttal: The De Facto Officer Doctrine

190. Opposing counsel might creatively, but falsely at law, invoke the “De Facto Officer Doctrine” (the “**De Facto Doctrine**”) to argue that the officers acted on a *prima facie* valid command. This extrapolation is misplaced. The *De Facto Doctrine* is intended to protect the finality of proceedings from technical defects in an official's appointment, not to bypass the requirement for the very existence of a judicial warrant. One cannot act under the “colour of authority” when the very source of that authority is invisible to the court of record.
191. To allow the *De Facto Doctrine* to insulate the state here would be to sanction a “Jurisprudence of the Invisible.” One cannot breathe life into a document that, *ipso facto*, does not exist within the court's own consciousness. If the *Court* has no record of the *Warrant*, then the officers were acting not under a valid command, but under a hallucination of authority that lacks any grounding in the *Master Record*.

Inferences of Strategic Loss and Institutional Bad Faith

192. The absolute deprivation of the *Master Record* creates a “Narrative Rupture” that invalidates the state's claim to legality. When an institution explicitly designed for record retention produces “nil” evidence, the legal conclusion must be that the documentation was either never lawfully executed or was deliberately suppressed—a “Strategic Loss” (the “**Strategic Loss**”) intended to prevent the discovery of a disqualifying conflict of interest.
193. Pursuant to the *bad faith doctrine* (the “**Bad Faith Doctrine**”), where the state controls the evidence of its own authority and fails to produce it, an adverse inference of constitutional misconduct is mandatory. The *Court* must adhere to the principle *falsus in uno, falsus in omnibus*; if the registry's assertions regarding the existence of the *Warrant* are false, the entirety of the administrative narrative regarding the detention is rendered suspect. The registry's failure to initiate a “Lost Record Protocol” suggests a deliberate choice to rely on the absence of evidence as evidence of absence.

ISSUE #5(E): CONCLUSION

194. Consequently, the *Court* is moved to find that the absence of the *Master Record* is a “fatal jurisdictional defect” that renders the *Warrant* and the ensuing arrest void *ab initio*. The state's reliance on the *Administrative Anomaly* and the *De Facto Doctrine* fails to satisfy the rigorous requirements of a court of record. The absolute, confirmed deprivation of the master record from the originating court fatally undermines the lawful, objective authority of the ensuing arrest.

195. To preserve the repute of the administration of justice, the *Court* must prioritize the restoration of constitutional order over administrative convenience. The detention must be declared a nullity, and the authority purportedly exercised must be deemed to have been retroactively vitiated by the “Constitutional Vacuum” created by the state. The *Court* must declare that justice shall be done though the heavens fall—*fiat justitia ruat caelum*. A “nil” search result in a court of record is not a clerical error; it is a jurisdictional catastrophe.

ISSUE #6: THE ANATOMY OF FORM 2 AND THE CONSPICUOUS ABSENCE OF THE MANDATORY JUDICIAL COMMAND

ISSUE #6(A): THE ISSUE

196. The central query presented for the consideration of this Honourable Court is whether the administrative package designated as a *Form 2 Information* (the “**Form 2 Information**”) possesses the requisite legal potency to function as a valid instrument of arrest, or whether the persistent and confirmed absence of a distinct, statutorily compliant *Form 7 Arrest Warrant* (the “**Form 7 Arrest Warrant**”) renders the physical apprehension and subsequent detention of the accused *ab initio* unlawful and unequivocally arbitrary.
197. This inquiry necessitates a rigorous examination of the distinction between the state's power to initiate a criminal prosecution and its separate, delegated power to seize the person. Specifically, the Court must determine if the mere existence of a charging instrument—which is essentially an allegation of wrongdoing—can be conflated with a judicial command to deprive an individual of their liberty. If the *Form 7 Arrest Warrant* is found to be a mandatory prerequisite that was never satisfied, the consequences for the legality of the arrest are terminal, necessitating a remedy that addresses the resulting constitutional vacuum.

ISSUE #6(B): THE RULE

198. The statutory architecture of the *Criminal Code*, RSC 1985, c C-46 (the “**Criminal Code**”) establishes a rigorous and immutable bifurcation between the commencement of a prosecution and the authorization of coercive state power. Under *section 504* and *section 507*, the *Form 2 Information* serves as the foundational charging document—a repository of factual allegations sworn under oath by an informant. It is the procedural vehicle that confers jurisdiction upon the court over the subject matter of the offence; however, it is inherently devoid of the authority to compel the attendance of the accused through physical force.
199. Conversely, *section 511* and *section 512* delineate the specific requirements for a *Form 7 Arrest Warrant*, which constitutes a unique judicial mandate. This instrument is directed to peace officers, commanding them to deprive a subject of their liberty and bring them before a justice. Unlike the *Form 2 Information*, which reflects the state's intent to prosecute, the *Form 7 Arrest Warrant* reflects a judicial determination that an arrest is necessary in the public interest. The requirements for the form and substance of this warrant are not mere suggestions but are mandatory conditions precedent to the lawful exercise of the state's most intrusive power. The *principle of legality* dictates that any interference with the *status quo ante* of a citizen's liberty must be supported by clear, unambiguous, and physical documentation that is accessible for inspection. As articulated in *R v Storrey*, [1990] 1 SCR 241 (the “**Storrey Decision**”), an arrest is only lawful if the arresting officer possesses both a subjective and an objective basis for the apprehension. An officer's belief in their authority is insufficient if that authority does not objectively exist in a valid legal instrument. Furthermore, *R v Grant*, 2009 SCC 32 (the “**Grant Decision**”) reinforces that a detention lacking valid legal authority is *ipso facto* arbitrary under *section 9* of the *Canadian Charter of Rights and Freedoms* (the “**Charter**”).

ISSUE #6(C): THE ANALYSIS

The Juridical Distinction Between Accusation and Authorization

200. It is respectfully submitted that the Crown's reliance upon the *Form 2 Information* as a surrogate for a warrant constitutes a profound misunderstanding of the *Criminal Code* and a dangerous erosion of the separation

of powers. The *Form 2 Information* is the *sine qua non* for the initiation of proceedings, yet it possesses no inherent authority to effectuate a seizure of the person. This distinction is a deliberate legislative safeguard designed to ensure that the power to accuse remains decoupled from the power to detain. To conflate these two instruments is to engage in a form of “judicial alchemy” that is *ultra vires* the powers granted to the state, effectively transforming a mere allegation into a final judgment of detention.

201. Furthermore, the *Form 7 Arrest Warrant* serves a vital notification function. It is the document that tells the accused *why* their liberty is being abridged and *by whose authority*. Without the physical manifestation of this command, the accused is left in a state of legal uncertainty, unable to verify the lawfulness of the peace officers' actions. This lack of transparency is inimical to a free and democratic society, where the exercise of state power must always be anchored in a visible and verifiable legal mandate.

ii. Rebuttal to the Doctrine of Administrative Regularity

202. It is anticipated that the state may invoke the doctrine of administrative regularity, suggesting that a notation such as “Warrant 1st” on a tracking sheet implicitly authorizes the arrest and that the formal document is a mere formality. This syllogism is fatally flawed and historically rejected. Canadian jurisprudence recognizes no such construct as an “implied warrant.” A warrant must be a physical entity capable of being produced, inspected, and returned to the court. To permit the state to rely on “ghost warrants”—intentions that were never formalized—would be to allow the state to exercise power in a legal void.
203. Opposing counsel may further argue “substantial compliance,” positing that because a justice intended to issue a warrant, the absence of the actual paperwork is a “technicality” that does not prejudice the accused. However, in the context of criminal law where *habeas corpus* is at stake, the *Rules of Civil Procedure* and the *Rules of the Ontario Superior Court of Justice (Divisional Court)* demand *strictissimi juris*. “Substantial compliance” is a doctrine suitable for administrative trifles or civil service of process; it is entirely inapplicable to the deprivation of human liberty. The law does not permit the state to be “approximately” lawful when it is seizing a citizen.

ISSUE #6(D): THE MECHANICS OF JUDICIAL OVERSIGHT AND THE MISSING RETURN

204. A critical, yet frequently overlooked, component of the warrant process is the requirement for a “return” to the court. Pursuant to the *Criminal Code*, an executed *Form 7 Arrest Warrant* must be brought back before a justice to close the “judicial circle,” confirming that the command has been fulfilled in accordance with its terms. The total and confirmed absence of the warrant from the institutional record confirms that no such return ever occurred. This creates a permanent *lacuna* in the judicial history, precluding the court from verifying if the arresting officers stayed within the four corners of their purported (but non-existent) authorization.
205. The lack of a return is conclusive evidence of a failure in the state's fiduciary duty to the court. Without the document, the *onus probandi* remains unsatisfied; the state cannot prove the time, place, or conditions of the arrest. This failure is not a victimless procedural lapse; it prevents the accused from challenging whether the arrest was executed in a manner that complied with the *Charter*. Consequently, the state is asking this Honourable Court to validate a sequence of events that began with a legal nullity and ended with a total lack of accountability.

ISSUE #6(E): THE CONSTITUTIONAL IMPACT OF “JUSTICE BY CHECKBOX”

206. The reliance on checkboxes or tracking sheets to authorize arrests represents a descent into “justice by checkbox,” where administrative convenience is prioritized over constitutional rigor. If the Court condones the arrest of a citizen based on an administrative notation rather than a formal *Form 7 Arrest Warrant*, it signals to the executive branch that procedural safeguards are optional. This creates a perverse incentive for the police to act first and seek justification later, undermining the very purpose of judicial oversight.
207. This administrative negligence also offends the principle of *habeas corpus*, as it leaves the subject of the arrest with no document to challenge in a court of law. A “noted” intent to issue a warrant cannot be the subject of a *certiorari* application or a stay motion in the same way a physical document can. By failing to create the warrant, the state has effectively insulated its conduct from meaningful judicial review, further compounding the arbitrariness of the detention.

ISSUE #6(F): APPLICATION OF THE LAW TO THE FACTS

208. In applying the *Storrey Decision*, it is evident that while the arresting officers may have subjectively believed they were authorized to act—perhaps misled by the “Warrant 1st” notation—that belief lacked an objective foundation in law. In the absence of a physical *Form 7 Arrest Warrant*, the detention was *ipso facto* arbitrary under the *Grant Decision*. This is not a *de minimis* error or a “good faith” mistake; it is a substantive defect that vitiates the jurisdiction of the court over the person.
209. The state's failure to provide the document upon request constitutes a breach of the *audi alteram partem* principle, as the accused was never properly informed of the legal basis for his seizure. If the state is permitted to seize individuals without a warrant, the protections of *section 9* of the *Charter* become mere “parchment barriers,” easily circumvented by clerical negligence. The integrity of the administration of justice demands that the state be held to the highest standards when it seeks to interfere with the liberty of the subject.

ISSUE #6(G): THE CONCLUSION

210. In view of the foregoing, it is concluded that the *Form 2 Information* cannot, as a matter of law, serve as a substitute for a *Form 7 Arrest Warrant*. The failure to generate, execute, and file the mandatory judicial command renders the arrest a nullity and the subsequent detention an ongoing constitutional violation. The only appropriate remedy to restore the *status quo ante* is an immediate stay of proceedings or the exclusion of all derivative evidence pursuant to *section 24(2)* of the *Charter*. To admit evidence obtained through such lawless state conduct would be to signal that the court condones the exercise of power in the absence of law, thereby bringing the administration of justice into disrepute. Justice must be done though the heavens fall—*fiat justitia ruat caelum*

ISSUE #7: CIRCUMVENTION OF THE CRIMINAL E-INTAKE PORTAL, BENCH HUNTING AND FORUM SHOPPING FOR ABUSIVE UNDERLYING REASONS

ISSUE #7(A): ISSUE

211. Whether the intentional circumvention of the specialized criminal intake tribunal (Criminal E-Intake Portal) of the *Ontario Court of Justice* in favor of an *Ex Parte* application for a localized criminal warrant (the “Warrant Application”) and perhaps other warrants under the *Criminal Code* section 487.1, before a jurist of the *Superior Court of Justice*—whose primary judicial assignment and expertise are restricted to family law matters, who was also the “family law team leader” at SCJ 361 University Courthouse, and who possesses a documented prior adversarial position to the subject’s spouse and consequently the Applicant culminating in a divorce and settlement agreement between the Epstein Cole LLP Client and Ms. Nicole Artopoulos which had a clause of no direct or indirect contact—constitutes a tactical deployment of judicial forum shopping (the “Forum Shopping”). Specifically, whether the selection of a jurist who previously acted as legal counsel for a party (the “Epstein Cole LLP Client”) in a high-conflict matter against the Applicant’s long-term spouse (the “Adversarial Position”), coupled with the strategic avoidance of the criminal intake portal, represents a “colorable exercise of power” and a residual category of abuse of process that violates the principles of fundamental justice under *section 7* of the *Canadian Charter of Rights and Freedoms* (the “Charter”).

ISSUE #7(B): RULE

The Doctrine of Abuse of Process and Judicial Integrity

212. The equitable doctrine of abuse of process, as definitively articulated by the Supreme Court of Canada in *R v Babos*, 2014 SCC 16, [2014] 1 SCR 309 (*Babos*), serves as a foundational bulwark against state conduct that either compromises the adjudicative fairness of an individual’s trial or transgresses the “fundamental sentiments of justice” (*Babos* at para 31). Under the “residual category” of this doctrine, the court intervenes to preserve the integrity of the judicial system when state conduct—even if technically compliant with the letter of the law—is “so coercive, oppressive, or marked by bad faith” that to proceed would tarnish the court's reputation.

213. Strategic manipulation of judicial administrative channels to procure a tactical advantage—specifically the deliberate selection of a particular jurist to evade a more rigorous standard of review—is a hallmark of such abuse. The *prima facie* legality of the resulting judicial authorization is vitiated by the *mala fides* of its underlying execution and the strategic concealment of relevant jurisdictional alternatives.

B. Functional Specialization and the “Doctrine of Forum Non Conveniens”

214. While section 12 of the *Courts of Justice Act*, RSO 1990, c C.43 (*CJA*), provides judges of the *Superior Court of Justice* with *ex officio* authority to act as magistrates, this plenary power is subject to the principle of “Functional Specialization.” In *R v Cunningham*, 2010 SCC 10, [2010] 1 SCR 331 (*Cunningham*), the Court recognized that courts possess inherent jurisdiction to manage their own processes to prevent the frustration of justice.
215. In a novel application of the “Doctrine of *Forum Non Conveniens*” to the criminal sphere, it is submitted that where a specialized, fully audited tribunal exists—the *Ontario Court of Justice*—the Superior Court is an inappropriate forum for routine criminal authorizations. The state’s failure to utilize the *Forum Conveniens* (the appropriate forum) without a compelling justification constitutes a “Colorable Exercise of Power”—the use of a lawful power for an improper, tactical purpose.

ISSUE #7(C): THE DUTY OF CANDOUR AND CONSTRUCTIVE FRAUD ON THE COURT

216. In all *Ex Parte* applications, the state is bound by a duty of utmost good faith (*uberrima fides*), requiring full, fair, and frank disclosure of all material facts (*R v Araujo*, 2000 SCC 65, [2000] 2 SCR 992 (*Araujo*)). This duty extends to disclosing “Jurisdictional Facts,” including the availability of specialized magistrates and any prior conflict of interest or “Adversarial Position” between the presiding jurist and the parties involved. A failure to disclose such facts may constitute a “Constructive Fraud on the Court,” rendering the resulting warrant *void ab initio*.

ISSUE #7(D): ANALYSIS

Tactical Circumvention and the Suppression of the “Criminal Portal”

217. It is submitted that the deliberate bypassing of the highly specialized intake justices of the *Ontario Court of Justice* (the “OCJ”) represents a calculated departure from entrenched protocol. The OCJ justices operate within a specialized, fully audited criminal e-intake framework (the “Criminal Portal”) designed to ensure that search and seizure authorizations are subjected to the scrutiny of jurists immersed in criminal law precedents.
218. By presenting the *Warrant Application* to the *Primus Inter Pares* of the SCJ or in the alternative family law jurist (the “Family Jurist”) at the *Superior Court of Justice*, the state engaged in a “Structural Disconnect.” The Crown may argue that the “Presumption of Regularity” (*omnia praesumuntur rite et solemniter esse acta*) applies to the judicial authorization. However, this presumption is rebutted where the state strategically avoids the *Criminal Portal* to find a “Path of Least Resistance.” With great respect to the *Primus Inter Pares* and Chief Justice of the SCJ or in the alternative the *Family Jurist*, they were both functionally insulated from criminal procedural rigors, is *ipso facto* less likely to identify the subtle “Boilerplate Fallacies” often embedded in police affidavits, thereby artificially lowering the *Charter* section 8 threshold.

ISSUE #7(E): THE ADVERSARIAL POSITION: A BREACH OF THE “NEMO JUDEX” PRINCIPLE

219. The selection of a jurist who previously maintained an “Adversarial Position” against the subject’s spouse is a flagrant breach of the *nemo iudex in causa sua* principle. Specifically, the presiding jurist previously acted as counsel for the *Epstein Cole LLP Client* in a high-conflict matter against the Applicant’s girlfriend (now common-law spouse). This history creates a “Reasonable Apprehension of Bias” that is both personal and professional.
220. While the Crown might contend that judicial impartiality is presumed, this “Presumption of Impartiality” cannot shield the *state’s* tactical choice of adjudicator. By seeking out a jurist with a documented history as an advocate *against* the subject’s family unit whether by her inclusion in the form of assistance to push through the

INTAKE COURT ENDORSEMENT (SEPT 23 2024) into a simulacrum of an arrest warrant or by her inclusion in joint presiding in “chambers”, the state engaged in “Weaponized Forum Shopping.” The failure to disclose this “Adversarial Position” to the *Family Jurist* prevented the court from performing a necessary conflict check, constituting a “Substantial Misleading of the Court.”

221. Under the theory of “Targeted Adjudication,” the state’s conduct suggests a *mala fide* attempt to leverage a jurist’s prior antagonistic role, transforming the judicial officer into an unwitting instrument of police strategy.

ISSUE #7(F): COUNTERING THE “CONCURRENT JURISDICTION” DEFENSE

222. Opposing counsel will likely rely upon the “Doctrine of Concurrent Jurisdiction,” asserting that the state has an unfettered right to choose between the OCJ and the Superior Court. This argument must be rejected as an “Anachronistic Formalism.” While jurisdiction may be concurrent on paper, the “Principle of Comity” and the “Orderly Administration of Justice” require that cases be heard by the most appropriate, specialized tribunal.
223. The Crown’s potential reliance on “Exigency” is similarly fallacious. In the era of the *Criminal Portal*, distance and time are no longer barriers to accessing a specialized criminal justice. To accept the “Exigency” argument in the face of available electronic intake would be to allow the state to manufacture “Administrative Necessity” as a cloak for forum shopping.

ISSUE #7(G): THE “COLORABLE EXERCISE OF POWER” AND INTEGRITY OF THE SYSTEM

224. The state’s conduct represents a “Colorable Exercise of Power”—using the *CJA*’s grant of *ex officio* authority to achieve a result (avoidance of specialized scrutiny) that the legislature never intended. In *R v Forcillo*, 2018 ONCA 402 (*Forcillo*), the court emphasized that public confidence is the lifeblood of the judiciary. If the state is permitted to “hand-pick” jurists from unrelated dockets who have prior “Adversarial Positions” relative to the target’s family, the public perception of the judiciary as a “neutral and detached” arbiter is irrevocably damaged.
225. This is not merely a “Procedural Irregularity”; it is a “Constitutional Subversion.” The result is an authorization issued by a “Jurisdictional Mismatch” that undermines the *Charter* section 8 guarantee against unreasonable search and seizure, as the “Gatekeeper” was stripped of the specialized context and the impartiality necessary to perform the task effectively.

ISSUE #7(H): CONCLUSION

226. It is self-evident that the *Forum Shopping* exhibited in this instance transcends mere administrative error. It constitutes a deliberate, tactical manipulation of the *Superior Court of Justice*’s jurisdiction, executed with the specific intent to circumvent the specialized standards of the *Ontario Court of Justice*. By selecting a *Family Jurist* with a prior “Adversarial Position” and suppressing the availability of the *Criminal Portal*, the state violated its duty of *uberrima fides* and committed a “Constructive Fraud on the Court.”
227. Consequently, the *Warrant Application* was authorized in a manner that was *ultra vires* the spirit of the *CJA* and the *Criminal Code*. To admit the fruits of such an authorization would be to provide a *carte blanche* to the state to select its preferred adjudicators based on perceived susceptibility or prior history, thereby eroding the Rule of Law. The only appropriate remedy is a stay of proceedings or the exclusion of all resulting evidence to preserve the long-term integrity of the justice system.

ISSUE 8: THE CONTRAVENTION OF SECTION 29 OF THE *CRIMINAL CODE* AND THE CONCOMITANT VIOLATION OF SECTION 10(A) OF THE *CHARTER*, OR IN THE ALTERNATIVE, COULD THE TPS OR ANY PEACE OFFICER NOT TECHNICALLY SATISFY SECTION 29 OF THE *CRIMINAL CODE* (I.E. INTAKE COURT ENDORSEMENT (SEPT 23 2024) WAS NOT A FORM 7 ARREST WARRANT)

ISSUE #8(A): ISSUE

228. Whether the deliberate and persistent refusal by peace officers to produce a physical warrant of arrest (the “**Arrest Warrant**”) upon the explicit and reiterated demands of the accused during the execution of said arrest constitutes a fatal and incurable breach of *section 29* of the *Criminal Code*, R.S.C., 1985, c. C-46 (the “**Criminal Code**”), and a direct, actionable infringement of the right to be informed of the reasons for detention pursuant to *section 10(a)* of the *Canadian Charter of Rights and Freedoms* (the “**Charter**”).

ISSUE #8(B): RULE

229. The statutory framework governing the execution of process is codified within *section 29* of the *Criminal Code*, which mandates that it is the duty of every one executing a warrant or process to have it with them, where it is feasible to do so, and to produce it when requested. This provision is not merely directory but constitutes a jurisdictional prerequisite for the lawful deprivation of liberty; the failure to comply with this *sine qua non* renders the arrest *prima facie* unlawful and transforms a purported execution of process into an unauthorized trespass against the person.
230. The Supreme Court of Canada has articulated in *R. v. Storrey*, [1990] 1 S.C.R. 241 (the “*Storrey*”) that for an arrest to be lawful, the officer must subjectively have reasonable and probable grounds and those grounds must be justifiable from an objective viewpoint. Implicit in this requirement is the transparency of the legal authority being exercised, as an arrest without a valid and producible basis is an exercise of *ultra vires* state power that cannot be sustained by mere assertions of authority.
231. Furthermore, *section 10(a)* of the *Charter* guarantees that everyone has the right on arrest or detention to be informed promptly of the reasons therefor. This constitutional imperative is designed to ensure that a person is not left in a state of ignorance regarding the state’s intrusion upon their liberty, thereby facilitating the meaningful exercise of the right to counsel under *section 10(b)* of the *Charter*. The right to know the “reasons” encompasses not only the nature of the allegation but the specific legal instrument authorizing the state to override the individual’s bodily autonomy.
232. Consistent with the venerable common law maxim *nemo dat quod non habet* (the “**Nemo Dat Principle**”), no entity—including the state—can confer a right or authority that it does not itself possess. In the context of an arrest, if the underlying process is fundamentally defective, improperly endorsed, or non-existent, the state cannot delegate a lawful power of detention to its agents. The authority of a peace officer is derivative of the judicial warrant; where that warrant is absent or suppressed, the officer possesses no more authority than a private citizen.
233. The principle of *nullum crimen, nulla poena sine lege* further dictates that state agents cannot operate outside the strictures of the law; where the law mandates the production of the **Arrest Warrant**, the failure to do so is not a mere procedural lapse but a substantive failure of legal authority that renders the subsequent detention an arbitrary act of state power.

ISSUE #8(C): ANALYSIS

The Statutory Imperative of Production and the Nemo Dat Principle

234. The requirement for the production of the **Arrest Warrant** is a cornerstone of the *status quo ante* regarding the protection of the subject against arbitrary state action. *Section 29(1)* of the *Criminal Code* imposes a non-delegable and constitutionally infused obligation upon peace officers. It is submitted that the phrase “where it is feasible to do so” must be interpreted restrictively and with a view toward protecting the liberty interest of the subject, particularly in instances where the arrest is executed in a controlled, non-emergent environment.
235. In the case at bar, the arrest was effected within the sterile confines of a police facility following a meticulously orchestrated ruse. The state had complete control over the timing, location, and environment of the encounter. Consequently, the invocation of “operational necessity” or “dynamic safety concerns” to justify the non-production of the **Arrest Warrant** is entirely *ultra vires* the scope of the statutory exception. Where the state possesses the instrument of detention and the physical means to produce it without compromising safety or the integrity of the investigation, the failure to do so constitutes a flagrant disregard for the rule of law and a deliberate suppression of the accused’s right to challenge their detention.
236. By refusing to produce the **Arrest Warrant**, the officers effectively insulated their purported authority from scrutiny. Application of the **Nemo Dat Principle** reveals the logical fallacy of the state’s position: the officers

purported to exercise a power of arrest which, in the absence of a valid, produced warrant, they did not possess. Because the state cannot grant a lawful power of arrest based on a defective instrument, the officers were acting without any legitimate delegated authority. The failure to produce the warrant is not simply a breach of *section 29*; it is a failure to establish the very existence of the authority the officers claimed to wield.

ISSUE #8(D): THE VITIATION OF LAWFULNESS AND THE *CHARTER* NEXUS

237. The intentional suppression of the **Arrest Warrant** directly evers the accused's ability to assess the *vires* of the detention. As established in *R. v. Evans*, [1991] 1 S.C.R. 869 (the "*Evans*"), the purpose of *section 10(a)* is to permit the individual to know the extent of their jeopardy. By withholding the documentation, the officers effectively deprived the accused of the ability to provide an informed and sophisticated instruction to counsel regarding *habeas corpus* remedies or the validity of the underlying endorsement. This concealment creates an information asymmetry that the *Charter* was specifically designed to prevent.
238. It is further submitted that the officers acted *in mala fides*. The documentation withheld was not a standard **Arrest Warrant** but rather an intake court endorsement (the "**Endorsement Instrument**") which lacked the requisite judicial authority for a criminal arrest. The officers' refusal was a calculated manoeuvre to prevent the accused—who possesses significant legal acumen—from identifying the procedural deficiency *in limine*. Under the **Nemo Dat Principle**, since the **Endorsement Instrument** did not carry the force of a criminal warrant, the officers could not derive any lawful power from it. The deliberate withholding of the **Endorsement Instrument** suggests a consciousness of its legal frailty on the part of the executing officers.

ISSUE #8(F): ANTICIPATED COUNTER-ARGUMENTS AND REBUTTALS

Counter-Argument 1: The Doctrine of De Facto Authority

239. The Crown may invoke the "**Doctrine of De Facto Authority**", asserting that even if the **Arrest Warrant** was technically defective or not produced, the officers were acting under a color of right and their actions should be upheld to maintain public order and the finality of police actions. They may argue that the "apparent authority" of a uniformed officer is sufficient for public safety.

Rebuttal

240. This doctrine is inapplicable to *Charter* infringements involving the deprivation of liberty and is superseded by the requirement for strict compliance with statutory preconditions for arrest. As stated in *R. v. Feeney*, [1997] 2 S.C.R. 13 (the "*Feeney*"), privacy and liberty interests require strict adherence to prior judicial authorization. The "**Doctrine of De Facto Authority**" cannot be used to retroactively "cure" a flagrant breach of *section 29*. To allow the state to rely on a "color of authority" while simultaneously refusing to display the very instrument of that authority would be to permit the state to benefit from its own obfuscation and would render the protections of the *Criminal Code* nugatory.

Counter-Argument 2: Modern Digital Policing and Constructive Knowledge

241. The Crown may posit that the transition to digital records and the availability of electronic databases (the "**Electronic Database System**") mitigates the necessity for physical production. They may argue that "constructive knowledge" of a warrant's existence on the **Electronic Database System** is sufficient to satisfy the spirit of *section 29*, and that physical production is an archaic requirement in a digital age.

Rebuttal

242. This argument must be rejected as it prioritizes administrative convenience over statutory command and constitutional protection. The *Criminal Code* has not been amended to allow for "constructive production." The statutory language remains clear and unambiguous: the officer must "have it with them" and "produce it."

Furthermore, even if one were to accept a digital-centric interpretation, the officers failed to even provide a digital display of the **Arrest Warrant**, thereby failing to satisfy even the most modernised threshold of transparency. The **Electronic Database System** is not a substitute for the judicial instrument; it is merely a record of its purported existence, which the accused has a right to verify personally.

Counter-Argument 3: The Presumption of Regularity

243. The Presiding Justice may query whether the **“Presumption of Regularity”** (*omnia praesumuntur rite et solemniter esse acta*) should apply to the officers' actions, assuming they were acting pursuant to a validly issued (though unproduced) warrant. This presumption usually protects state actors from being required to prove every step of their authorization unless evidence of irregularity is presented.
244. **Rebuttal.** The **“Presumption of Regularity”** is a rebuttable presumption that vanishes in the face of evidence of bad faith or systemic non-compliance. The persistent refusal to produce the **Arrest Warrant** despite multiple, specific demands rebuts any such presumption. Furthermore, in the context of *Charter* litigation where a breach of liberty is established, the onus shifts to the Crown to justify the lawfulness of a warrantless or procedurally deficient arrest. The state cannot hide behind a presumption when it has actively denied the accused the means to challenge that very “regularity.”
245. **Counter-Argument 4: Harmless Error and Section 24(2).** The Crown may suggest that any breach of *section 29* was a minor, technical irregularity that does not warrant the exclusion of evidence under *section 24(2)* of the *Charter*, as per the framework in *R. v. Grant*, 2009 SCC 32 (the “*Grant*”). They may argue the “totality of the circumstances” suggests the officers were acting in good faith.

Rebuttal

246. To characterize the violation of a mandatory statutory duty as a “technicality” is to invite judicial condonation of lawlessness. Under the *Grant* analysis, the “seriousness of the state conduct” is paramount. The breach was not a momentary lapse but a persistent, strategic refusal intended to deceive a legally sophisticated accused. This elevates the conduct from “negligent” to “wilful blindness” or “deliberate defiance,” tipping the balance toward the exclusion of all evidence obtained subsequent to the unlawful arrest. Allowing such conduct to stand would signal to law enforcement that statutory requirements for transparency are optional, thereby eroding the long-term repute of the administration of justice. This independent SCJ Court outside of the Toronto Region which has been forever tainted the initial misconduct and failure to correct in the face of demands will also see the temporal scope of the failure to correct and the failure to discharge the duty to warn.

ISSUE #8(G): NON-OBVIOUS LEGAL THEORY: THE PRIVACY INTEREST IN THE LEGAL PROCESS

247. A non-obvious theory relevant to this matter is the **“Privacy Interest in Legal Process”**. It is submitted that an individual has a residual privacy interest in the contents of the legal instrument authorizing their arrest. By withholding the **Arrest Warrant**, the state not only violates liberty but also the right to “informational self-determination” regarding the legal basis of one's own status. The refusal to produce the document prevents the accused from verifying that the state's data matches the judicial command. In an era of increasing state surveillance and automated data processing, the right to inspect the physical or primary digital source of authority is a vital check against the “hallucination” of authority by state agents.
248. Furthermore, the **“Doctrine of Strict Compliance in Liberty Deprivation”** dictates that where a statute provides a specific procedure for the override of a fundamental right, that procedure must be followed to the letter. *Section 29* is not a suggestion; it is a limitation on the power of the state. Failure to adhere to this limitation results in an arrest that is *void ab initio*, as the state cannot derive lawful power from a process it has fundamentally corrupted through non-disclosure.

ISSUE #8(H): CONCLUSION

249. It is the inescapable conclusion of this Court that the peace officers’ deliberate failure to produce the **Arrest Warrant** upon demand, in circumstances where production was eminently feasible, constitutes a substantial and fatal breach of *section 29* of the *Criminal Code*. This statutory breach concurrently triggered an infringement of the accused’s rights under *section 10(a)* of the *Charter*. The lawfulness of the arrest is thereby entirely vitiated. The detention of the accused, being predicated upon a refusal to disclose the legal authority for such detention, was arbitrary and unconstitutional. Consequently, the appropriate remedy must be granted to reflect the gravity of the state’s misconduct, to vindicate the **Nemo Dat Principle**, and to maintain the repute of the administration of justice in the eyes of a reasonable, informed public.

ISSUE NUMBER NINE (9): THE SYSTEMIC MANIPULATION OF THE CANADIAN POLICE INFORMATION CENTRE INFRASTRUCTURE AND THE OBFUSCATION OF METADATA

ISSUE #9(A): THE ISSUE

250. Whether the strategic and calculated utilization of the *Canadian Police Information Centre* (the “**CPIC**”) database to effectuate the apprehension of the Applicant constituted a deliberate and malicious mechanism to “launder” fundamentally defective documentation (the “Metadata Obfuscation”), thereby insulating the primary arresting officers from the *facially* deficient physical warrants through the creation of a digital imperative that was *prima facie* valid but *ipso facto* a nullity.

ISSUE #9(B): THE COMMON LAW RULES, SOURCE LAWS AND JURISPRUDENCE

251. It is a foundational and non-derogable principle of the *Constitution Act, 1982*, and specifically section 9 of the *Canadian Charter of Rights and Freedoms* (the “*Charter*”), that no individual shall be subjected to arbitrary detention or imprisonment. Jurisprudence from the Supreme Court of Canada in *R. v. Grant*, 2009 SCC 32 (the “*Grant Decision*”) and *R. v. Suberu*, 2009 SCC 33, dictates that state agents must operate under a valid, subsisting, and lawful authority. Where such authority is predicated upon a judicial warrant, that instrument must be structurally sound, issued by a court of competent jurisdiction, and reflective of the actual judicial proceeding.
252. The doctrine of *Coram Non Judice* establishes that any act performed by a court or a jurist lacking the requisite subject matter or territorial jurisdiction is a nullity *ab initio* and possesses no legal force, efficacy, or staying power. As articulated by the Supreme Court in *R. v. Paterson*, 2017 SCC 15, the “good faith” exception is not a panacea for systemic negligence or deliberate circumvention of constitutional safeguards; rather, it is reserved for technical errors that do not undermine the core of the judicial authorization.
253. Pursuant to the *Criminal Code*, R.S.C. 1985, c. C-46 (the “*Code*”) and the *Police Services Act*, R.S.O. 1990, c. P.15, the integrity of the *Canadian Police Information Centre* (the “**CPIC System**”) is a matter of paramount statutory importance. The data entries therein must be an accurate and contemporaneous reflection of the lawful status of judicial authorizations. Any discrepancy between the digital record and the underlying physical process is not a mere “irregularity” but a fundamental failure of the rule of law.
254. The maxim *Factum A Judice, Quod Ad Officium Jure Non Pertinet, Ratum Non Est* applies with absolute rigour where a jurist has exceeded the boundaries of their office or where the record of their act has been fabricated, rendering the resulting process a comprehensive nullity that cannot be retroactively cured by administrative “sanitization” or “good faith” execution.

ISSUE #9(C): THE ANALYSIS

The Electronic Laundering of Defective Paperwork and the Doctrine of Fraud on the Court

255. It is submitted that the **CPIC System** infrastructure was maliciously manipulated to electronically “launder” a fundamentally defective warrant. By transmuting a structurally deficient endorsement into a national digital

ledger, the investigating authorities effectively created a digital imperative to arrest that was designed to be unquestioned by frontline personnel. This manipulation constitutes a *Fraud on the Court*, as the state utilized a digital intermediary to represent the existence of a valid judicial authority that was, in reality, non-existent or fatally flawed. This process of “digital laundering” was intended to decouple the arrest from its *facially* deficient physical progenitor. The investigators successfully weaponized the systematic reliance that frontline officers are trained to repose in the digital ledger, ensuring that the execution of the arrest would be insulated from the underlying constitutional rot of the physical file. Such conduct transcends mere negligence and enters the realm of systemic bad faith.

ISSUE #9(D): METADATA INCONSISTENCIES AND THE IRREFUTABLE EVIDENCE OF FORGERY

256. The immutable, federally audited server-side metadata required for entry into the **CPIC System**—which necessitates the precise inputting of the Originating Agency, the Level of Court, and the specific Identity of the Authorizing Justice (the “Metadata Identity”)—stands in direct and irrevocable contradiction to the physical documentation subsequently filed at the *Ontario Court of Justice*. The digital footprints, permanently archived by the *Royal Canadian Mounted Police* (the “Rcmp”), reveal with mathematical and forensic certainty that the originating authority was a *Superior Court* judge at a specific venue. Consequently, the subsequent physical substitution of a *Justice of the Peace's* signature on the paper file must be characterized as a coordinated forgery. This *post-facto* reconciliation was executed with the specific intent to harmonize conflicting records and conceal the *ultra vires* involvement of a civil jurist in a criminal proceeding.

ISSUE #9(E): ANTICIPATING AND REBUTTING THE “ADMINISTRATIVE IRREGULARITY” AND “GOOD FAITH” COUNTER-ARGUMENTS

257. The Respondent may attempt to characterize these discrepancies as mere “administrative irregularities” or “clerical errors” curable under *Rule 2.01* of the *Rules of Civil Procedure*, R.R.O. 1990, Reg. 194 (the “Rules”). This argument is fundamentally flawed. A clerical error involves a secondary mistake in the recording of a valid act; here, the *act itself*—the entry into **CPIC**—was a deliberate falsification of the judicial record. Where a state agent knowingly inputs a different judicial officer into a national database than the one appearing on the physical warrant, the resulting process is not an irregularity but a substantive nullity. Furthermore, the Respondent might invoke the “good faith” exception articulated in *R. v. Grant*, suggesting that the executing officers relied on the **CPIC** entry in good faith. However, this argument ignores the principle of *State Indivisibility*. The “good faith” of the executing officer cannot be parsed from the “bad faith” of the entering officer or the primary investigators. In *R. v. Wong*, 2018 ONCA 421, the Court emphasized that the state cannot benefit from a “cascade of errors” generated by its own internal lack of diligence. To permit the “good faith” of an executing officer to sanitize a forged digital record would provide a blueprint for state agents to insulate themselves from constitutional scrutiny through strategic obfuscation.

ISSUE #9(F): ADDRESSING “INEVITABLE DISCOVERY” AND “INDEPENDENT SOURCE” THEORIES

258. It is anticipated that the Respondent may argue that the Applicant would have been arrested eventually through other lawful means, invoking a variant of the “Inevitable Discovery” doctrine. This counter-argument must be rejected. The doctrine of inevitable discovery requires the state to prove that the evidence *would* have been found regardless of the *Charter* breach. It cannot be used to retroactively validate an arrest that was *actually* predicated upon a forgery. To allow such a theory would render section 9 of the *Charter* nugatory, as the state could always claim a hypothetical alternate path to the same unconstitutional result. Similarly, any claim of an “Independent Source” for the arrest is belied by the **CPIC System** metadata itself. The digital record was the *causa causans* of the arrest; there was no independent, untainted stream of authority that led to the deprivation of the Applicant's liberty.

ISSUE #9(G):THE THEORY OF INSTITUTIONAL ESTOPPEL AND THE INTEGRITY OF THE DIGITAL LEDGER

259. Beyond the immediate forgery, the Court must consider the non-obvious legal theory of *Institutional Estoppel*. Having represented to the national police community via the *CPIC System* that a specific *Superior Court* judge authorized the arrest, the state should be estopped from later relying on a contradictory physical document signed by a different judicial officer. The state cannot benefit from the validity of the digital record to effect the arrest, while simultaneously relying on a contradictory physical record to justify the legality of the process in court.
260. The discrepancy creates a situation of *Coram Non Judice*. If the judge listed in the metadata lacked jurisdiction (as a civil jurist acting in a criminal capacity), the arrest is invalid. If the judge in the metadata is *not* the judge on the warrant, the process is a fraud upon the Court. In either scenario, the arrest remains a nullity, as the state has failed to provide a single, consistent, and lawful authorization for the deprivation of the Applicant's liberty.

ISSUE #9(H):THE CONCLUSION

261. For the reasons articulated above, it is self-evident that the arrest was the culmination of a deliberate effort to circumvent constitutional scrutiny through the manipulation of digital records and the subsequent forgery of physical documentation. The systematic reliance on the *CPIC System* to mask the *facially* deficient nature of the physical warrant constitutes a gross and egregious violation of the Applicant's rights under sections 7, 8, and 9 of the *Charter*. The subsequent "harmonization" of the records via forgery confirms the malicious intent and systemic bad faith of the authorities.
262. Accordingly, the arrest must be declared a nullity, and all evidence derived therefrom must be excluded pursuant to section 24(2) of the *Charter*, as its admission would inevitably bring the administration of justice into disrepute, signalling judicial condonation of state-sponsored forgery and metadata obfuscation.
Factum A Judice, Quod Ad Officium Jure Non Pertinet, Ratum Non Est

ISSUE #10: THE UNAUTHORIZED SUBSTITUTION AND FABRICATION OF THE JURAT INFORMATION LAYING CROWN ELECTION PAGE

ISSUE #10(A): THE ISSUE

263. Whether the physical substitution of the original jurat with a newly synthesized document, specifically page 4 of 6 from the *Lincoln County Law Association* materials (the "Jurat Information Laying Crown Election Page"), bearing the name of an *Ontario Court of Justice* (Justice of the Peace) who did not personally administer the oath, constitutes the deliberate fabrication of a sworn court document (the "Documentary Fabrication").
264. Whether the unauthorized affixation of a judicial officer's name to an *Information* they neither physically scrutinized nor officially attested to constitutes the creation of a false document pursuant to section 321 of the *Criminal Code*, RSC 1985, c C-46, thereby rendering the entirety of the proceedings *coram non judice*.
265. Whether the state's subsequent reliance upon a manufactured instrument, purporting to represent a valid exercise of judicial authority, constitutes an incurable jurisdictional nullity that cannot be salvaged by the curative provisions of the *Criminal Code* or the *Interpretation Act*, RSC 1985, c I-21 (the "Jurisdictional Impotence").

ISSUE #10(B): THE RULE

266. Pursuant to the *Criminal Code*, section 321, a "false document" is defined as a document that purports to be made by or on behalf of a person who did not make it or authorize it to be made, or a document that is made by or on behalf of the person who purports to make it but is false in some material particular.
267. The sanctity of the jurat is a substantive requirement of a valid *Information*. Jurisprudence dictates that the jurat is the fundamental, substantive bedrock of a legal instrument's authority, verifying the precise identity of the state agent who authorized the deprivation of liberty. *Prima facie*, an *Information* lacking a validly executed jurat is a nullity. The doctrine of *coram non judice* dictates that acts performed by a person or body lacking the requisite

- jurisdiction are a nullity. As expressed in the maxim *factum a judice, quod ad officium jure non pertinet, ratum non est*, an act of a judge which does not pertain to their office or jurisdiction is not ratified and remains void *ab initio*.
268. Where fraud is established in the procurement of a judicial act, the principle articulated in *Landreville v The Queen (No 2)*, [1977] 2 FC 726, 75 DLR (3d) 380 (TD) [*Landreville*], citing *Lazarus Estates Ltd v Beasley*, [1956] 1 QB 702, [1956] 1 All ER 341 (CA) [*Lazarus Estates*], governs: “No court in this land will allow a person to keep an advantage which he has obtained by fraud. Fraud unravels everything. It is a vitiating element in any case and any court.” The common law principle of *delegatus non potest delegare* further dictates that a judicial officer, such as a Justice of the Peace, cannot delegate the solemn duty of administering an oath or attesting to a jurat to an administrative clerk or any other third party.
269. The *Canadian Charter of Rights and Freedoms*, s 7, Part I of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982* (UK), 1982, c 11 [*Charter*], guarantees the right to a fair hearing in accordance with the principles of fundamental justice, which is axiomatically violated by the state's reliance on fabricated records.

ISSUE #10(C): THE ANALYSIS

The Nature of the Documentary Fabrication as a Jurisdictional Nullity

270. It is submitted that if a solemn oath was originally administered by a judge of the *Superior Court of Justice*, the subsequent and deliberate presentation of documentation averring, under the strictures and penalties of perjury, that said oath was actually precipitated before a different jurist at an alternative geographic location constitutes an irrefragable and monumental fraud upon the court (the “Court Fraud”).
271. The fabrication of the **Jurat Information Laying Crown Election Page** is not merely an error in form, but a wholesale subversion of the process of commencing a criminal proceeding. When the state presents a document to the court as a “sworn Information,” it represents that a specific judicial officer has performed their constitutional and statutory gatekeeping function. If the name appearing on that document is a mere substitution—a “phantom adjudicator” who never engaged with the deponent—the document is a falsehood *in limine*.
272. The Crown may attempt to aggressively de-emphasize this severe breach, characterizing the substitution as a mere curable “irregularity” or a harmless “administrative transcription anomaly” purportedly permitted under the broad curative provisions of section 32 of the *Interpretation Act* or section 601 of the *Criminal Code*. The Crown might argue that as long as an oath was taken *at some point* before *someone*, the identity of the signatory is a mere administrative detail.
273. This assertion is thoroughly and completely vitiated by established jurisprudence. A signature or jurat is definitively not a mere formatting requirement, a stylistic preference, or a formalistic technicality. Rather, it is the *sine qua non* of a valid *Information*. The law demands that the official who signs the document be the same official who heard the evidence and administered the oath. Its intentional misattribution to a third party is an active, undeniable fabrication designed expressly to deceive the tribunal, the accused, and the public record.
274. Consequently, where a direct contravention of a statute, regulation, or common law rule occurs—specifically the requirement that the person before whom the *Information* is sworn be the person who signs the jurat—the resulting document is not merely irregular; it is a nullity (the “Jurisdictional Nullity”). To hold otherwise would be to invite a state of affairs where court clerks may unilaterally “re-write” the history of judicial proceedings to suit administrative convenience.

ISSUE #10(D): LOGICAL GAPS AND REBUTTALS TO POTENTIAL COUNTER-ARGUMENTS

275. The Presiding CJ of the SCJ President or delegate may inquire whether the “good faith” of the court staff or the absence of “malice” should mitigate the severity of the fabrication. However, the subjective intent of the clerk is irrelevant to the objective status of the document. If the document is false *ipso facto* by virtue of containing a manufactured signature, it cannot serve as the foundation for a lawful prosecution. Jurisdiction cannot be conferred by “good faith” where the underlying instrument is a nullity.
276. Opposing counsel may further argue that the *status quo ante* can be restored by a simple amendment to the *Information* or by a re-swearing of the document. This extrapolation of legal principles is flawed; an amendment cannot breathe life into a document that was a nullity *ab initio*. One cannot amend a void act into a valid one. To

allow such a remedy would be to sanction the very fraud identified in *Landreville*. If the “source code” of the prosecution is corrupted by fraud, the entire software of the proceeding is compromised.

277. Furthermore, the Crown may rely on the “Presumption of Regularity” (*omnia praesumuntur rite et solemniter esse acta*). However, this presumption is rebuttable and is definitively extinguished where, as here, there is extrinsic evidence of a physical substitution of the record. The presumption cannot be invoked to shield a manifest fabrication; rather, the discovery of the Documentary Fabrication triggers the doctrine of *fraus omnia corrumpit* (fraud corrupts all).
278. The substitution of the **Jurat Information Laying Crown Election Page** constitutes an act *ultra vires* the powers of the administrative staff. The fabrication strikes a devastating blow to the heart of judicial integrity, creating an environment where the public cannot distinguish between authentic judicial authorizations and manufactured administrative surrogates. The principle of *Factum A Judice, Quod Ad Officium Jure Non Pertinet, Ratum Non Est* applies with even greater force when the “act” in question is not even that of a judge, but a clerk pretending to be a judge.
279. If the Court were to overlook this fabrication, it would signal that the state may bypass the mandatory requirements of the *Criminal Code* through “cut-and-paste” justice. Such a precedent would be catastrophic to the constitutional right of an accused to be informed of the specific authority upon which they are being detained or prosecuted. The integrity of the judicial record is not a negotiable commodity; it is a rigid requirement of the rule of law.

ISSUE #10(E): THE CONCLUSION

280. It is self-evident that the unauthorized substitution of the **Jurat Information Laying Crown Election Page** constitutes a deliberate fabrication of a court record. Such an act is not a mere procedural defect; it is a substantive fraud that vitiates the jurisdiction of the court and renders the resulting document a nullity. In accordance with the principles set forth in *Lazarus Estates*, the fraud perpetrated by the misattribution of the oath-taking official “unravels everything.” The resulting *Information* must be declared a nullity, as any hearing predicated upon such a fabricated instrument would be *coram non judice*. The presence of a false document in the court file is a cancer that spreads to every subsequent order and finding made by the tribunal.
281. As established in *R v Jageshur*, 2002 CanLII 3542 (ON CA) [*Jageshur*], a failure to comply with the essential requirements of the *Criminal Code* in the commencement of a proceeding results in a loss of jurisdiction. The fabrication of a jurat is the ultimate failure of essential validity.
282. The Court must intervene *in limine* to prevent the continuation of a proceeding based upon a document that is, on its face, a fabrication, thereby maintaining the sanctity of the judicial process and the rule of law. It is submitted that the only appropriate remedy for such an egregious breach of judicial integrity is the quashing of the *Information* and a declaration that all proceedings flowing therefrom are of no force or effect.

ISSUE #11: E-FILING LIMITATIONS AND ENDORSEMENT REQUIREMENTS

ISSUE #11(A): THE ISSUE

283. The fundamental question presented for the determination of this Honourable Court is whether the failure to electronically transmit and formally record the information (the “Information”)—which constitutes a defined indictment pursuant to the *Criminal Proceedings Rules for the Superior Court of Justice (Ontario)*, SI/2012-7 (the “Rules”)—within the mandatory parameters of the electronic filing infrastructure, operates to invalidate and render *void ab initio* any subsequent judicial endorsement or purported adjudication issued by the Superior Court of Justice.

ISSUE #11(B): THE RULE

Statutory and Regulatory Mandates

284. The procedural architecture of the Superior Court of Justice is governed by the *Rules*, which are not merely directory but are mandatory prescriptions of Law. Pursuant to *Rule 1.03(1)*, the definition of an “indictment” is explicitly and unequivocally expanded to encompass an Information (the “Information Indictment”), thereby subjecting such instruments to the rigorous filing protocols established by the *Rules of Civil Procedure, RRO 1990, Reg 194*, as incorporated *mutatis mutandis* by *Rule 3.01* of the *Rules*.
285. The modern judicial administrative framework requires that all originating processes be commenced and maintained through the authorized criminal intake portal. This requirement is a prerequisite to the vesting of jurisdiction, as the court’s authority to adjudicate is predicated upon the existence of a formal, auditable, and permanent institutional record. Specifically, the absence of the jurat page, as identified on page 4 of 6 of the Lincoln County Law Association documentation (the “Jurat Information Laying Crown Election Page”), signifies a foundational failure to authenticate the instrument of prosecution.

ISSUE #11(C): JURISPRUDENTIAL PRINCIPLES AND THE DOCTRINE OF NULLITY

286. It is a well-settled principle of law that where a statute or a rule of court prescribes a specific mode of procedure as a condition precedent to the exercise of judicial power, a failure to adhere to said mode does not constitute a mere irregularity but is a substantive nullity. *Factum A Judge, Quod Ad Officium Jure Non Pertinet, Ratum Non Est* (an act done by a judge which does not belong to his office is not valid). Where the court acts in the absence of a properly filed originating document, the proceedings are *Coram Non Judge* (not before a judge), as the judicial officer lacks the foundational jurisdiction to be seized of the matter.
287. Furthermore, where procedural circumvention involves a deliberate avoidance of transparency or the “electronic trail” mandated by the Sovereign, such actions may be scrutinized under the lens of constructive fraud upon the court. In *Landreville v The Queen (No 2)*, [1977] 2 FC 726, 75 NR 1, citing the seminal English authority of *Lazarus Estates Ltd v Beasley*, [1956] 1 QB 702 (CA) (*Lazarus Estates*), it was affirmed that “fraud unravels everything.” As Denning L.J. articulated in *Lazarus Estates*, no judgment of a court, no order of a Minister, can be allowed to stand if it has been obtained by fraud, for “fraud is an extrinsic, collateral act, which vitiates the most solemn proceedings of courts of justice.”

ISSUE #11(D): THE ANALYSIS

The Indictment as a Jurisdictional Foundation

288. The deliberate circumvention of the mandatory electronic filing protocols deprived the Superior Court of Justice of the requisite procedural and administrative foundation to lawfully issue any enforceable endorsement. Because the definition of an “indictment” within the *Rules* for the Superior Court of Justice (Ontario) explicitly and unambiguously encompasses an Information, the proceeding was, at all material times, strictly governed by the modernized electronic filing rules. These rules were specifically designed to ensure a permanent, unalterable, and instantly auditable institutional record, ensuring the *status quo ante* of the judicial record is preserved against clandestine alterations.
289. The omission of the Jurat Information Laying Crown Election Page from the digital repository is not a triviality; it is a failure of the Crown to properly lay the charge in a manner that the Court can recognize. Without the Jurat Information Laying Crown Election Page, the Information lacks the necessary evidence of an oath or affirmation, rendering the document a mere piece of paper rather than a legal instrument capable of invoking the state’s coercive powers.

ISSUE #11(E): REBUTTAL OF THE DOCTRINE OF URGENCY AND ORALITY

290. Opposing counsel may attempt to posit the creative, albeit legally flawed, proposition that the perceived oral urgency of the underlying investigation naturally supersedes the supposedly rigid administrative constraints of electronic filing. It may be argued that *viva voce* (oral) adjudications in chambers allow the judiciary to respond dynamically to fluid police investigations, and that a failure to file is a “mere irregularity” curable under the court’s inherent jurisdiction to prevent a miscarriage of justice or under the curative provisions of *Rule 2* of the *Rules of Civil Procedure*.

291. However, this argument must be rejected *in limine*. The Rule of Law demands strict, unwavering compliance with the originating mechanisms that formally vest jurisdiction; a court cannot validly act upon a document that, statutorily and procedurally, is deemed never to have been filed in the first place. The curative provisions of *Rule 2* are intended to remedy defects in the *form* of a proceeding, not to breathe life into a proceeding that never legally commenced. To permit the bypass of the digital record is to sanction a shadow docket, rendering the proceedings *ultra vires* the court's authority. The complete, documented failure to establish the mandatory digital record on the criminal intake portal prior to adjudication renders the subsequent oral or written endorsement an absolute, incurable nullity.

ISSUE #11(F):THE THEORY OF FUNCTIONAL NULLITY AND INSTITUTIONAL INTEGRITY

292. A non-obvious yet critical legal theory applicable herein is that of “Functional Nullity.” In an era of digital-first justice, the electronic filing is not a mere convenience; it is the *sine qua non* of the court's existence in a particular matter. Without the digital entry, the court's computerized management systems cannot assign a file number, track deadlines, or provide public access, effectively rendering the court “functionally blind.” An endorsement issued in this state of institutional blindness is a violation of the principle of open courts and institutional transparency.
293. Furthermore, the absence of an electronically filed Information means that the Court was effectively acting in a vacuum. Under the principle of *Factum A Judice, Quod Ad Officium Jure Non Pertinet, Ratum Non Est*, the judicial endorsement issued in the absence of a filed Information—specifically lacking the authentication of the Jurat Information Laying Crown Election Page—is not simply voidable at the discretion of the Court, but is *ipso facto* void. The Information must be present within the electronic repository to satisfy the transparency requirements of the *Rules*.

ISSUE #11(G):COUNTERING THE “DE MINIMIS” DEFENSE AND FRAUD CONCERNS

294. It might be suggested by the Crown that the failure to e-file is a *de minimis* administrative oversight that caused no substantive prejudice to the accused. This extrapolation fails to account for the constitutional dimension of procedural regularity. Prejudice is inherent where the state bypasses the very rules it enacted to govern its conduct. As established in *Landreville*, the focus is not merely on the result, but on the purity of the process.
295. If the Crown or the investigative agency deliberately avoided the electronic filing system to evade the scrutiny of a particular judicial officer or to hide the timing of the application, such conduct vitiates the entire process. As established in *Lazarus Estates*, the court cannot allow its processes to be utilized as a shield for procedural misconduct. The lack of a digital footprint is *prima facie* evidence of a jurisdictional deficit. The failure to include the Jurat Information Laying Crown Election Page suggests a potential for *ex post facto* rationalization of a charge that was not properly sworn, an act that would constitute a fraud upon the administration of justice.

ISSUE #11(H):THE CONCLUSION

296. It is therefore respectfully submitted that the failure to electronically file the Information constitutes a fatal jurisdictional defect. The subsequent endorsement exists entirely outside the recognized, legally binding parameters of the Court's procedural authority. Consequently, the endorsement must be declared a nullity, as the Court was *Coram Non Judice* at the time of its issuance. The integrity of the judicial system relies upon the strict adherence to the *Rules*, and where a direct contravention of a statute or regulation occurs, the resulting act is of no force or effect.

ISSUE #12

ISSUE #12(A): THE SURGICAL SPOILIATION OF THE JURAT INFORMATION LAYING CROWN ELECTION PAGE TO OBFUSCATE JUDICIAL IDENTITY

297. Whether the precise, surgical extraction of the original **jurat** (the “Jurat”), specifically situated upon the **jurat information laying crown election page** (the “Jurat Information Laying Crown Election Page”) being page

4 of 6 of the judicial record, was purposefully executed to definitively sever the documentary linkage identifying the presiding jurist, thereby obfuscating a severe, pre-existing conflict of interest and rendering the resulting proceedings *coram non jure*. Whether such an intentional excision of a mandatory component of the judicial record, which functions as the *sine qua non* of adjudicative validity, constitutes a **nullity** (the “Nullity”) *ab initio*, as opposed to a mere procedural irregularity, in light of the direct contravention of the *Rules of Civil Procedure*, RRO 1990, Reg 194 (the “Rules”), the *Criminal Code*, RSC 1985, c C-46, and the foundational equitable principles of fundamental justice. Whether the state’s failure to maintain the integrity of the Jurat Information Laying Crown Election Page triggers an adverse inference under the **doctrine of spoliation** (the “Spoliation Doctrine”), thereby shifting the evidentiary burden to the Crown to prove the absence of judicial bias in a vacuum of documentary authentication.

ISSUE #12(B): RULE: THE INTEGRITY OF THE JUDICIAL RECORD, THE DOCTRINE OF NULLITY, AND THE FRAUD UNRAVELLING PRINCIPLE

298. The *Rules* mandate that every affidavit, information, and judicial order must contain a complete Jurat. This component serves as the singular, indispensable mechanism identifying the specific judicial officer who actively engaged the state’s coercive apparatus and authorized the severe deprivation of physical liberty. Under the *Rules*, specifically *Rule 4.05* and *Rule 59*, the formal requirements for the authentication of judicial acts are not merely directory but mandatory; a failure to adhere to these foundational requirements transcends mere irregularity and strikes at the heart of the court’s jurisdiction.
299. The doctrine of *coram non jure* dictates that where a presiding adjudicator lacks the requisite jurisdiction—whether by statutory limitation or by the operation of an incurable, disqualifying conflict of interest—the resulting acts are devoid of legal efficacy. As established in the maxim *factum a jure, quod ad officium jure non pertinet, ratum non est*, an act performed by a judge which does not pertain to their office or jurisdiction, or which is performed in excess of their lawful authority due to bias, is not ratified and remains legally nugatory.
300. Regarding the presence of fraud or the malicious manipulation of the record to conceal such jurisdictional deficits, the jurisprudence is unequivocal. In *Landreville v The Queen*, [1977] 2 FC 776, 70 DLR (3d) 122 (FCTD) (*Landreville*), the court relied upon the seminal authority of *Lazarus Estates Ltd v Beasley*, [1956] 1 QB 702, [1956] 1 All ER 341 (CA) (*Lazarus Estates*), to articulate that “fraud unravels everything.” As Denning LJ famously posited in *Lazarus Estates* at 712, “no judgment of a court, no order of a Minister, can be allowed to stand if it has been obtained by fraud, for fraud is an intrinsic vice that vitiates every judicial act.” This principle extends to the fraudulent suppression of a judge’s identity to bypass recusal protocols.
301. Furthermore, where a contravention involves the breach of a fundamental statutory or equitable principle—specifically the right to an impartial tribunal—the court must lean toward a finding of a Nullity. A document missing its primary authentication block fails to meet the *status quo ante* required for a valid exercise of judicial power and constitutes a direct affront to the administration of justice. The absence of the Jurat Information Laying Crown Election Page is not a “technicality” but a total failure of the document to exist as a legal instrument.

ISSUE #12(C): ANALYSIS: THE CALCULATED ORCHESTRATION OF DOCUMENTARY EXCISION

The Indispensability of the Jurat and the Impossibility of Accidental Destruction

302. The Jurat, located specifically upon the Jurat Information Laying Crown Election Page, represents the functional heart of the adjudicative history. Its removal constitutes a highly calculated, malicious maneuver designed specifically to shield the identity of the presiding judge from the mandatory scrutiny of the *Canadian Judicial Council* and the accused. The identity of the jurist is the only thread connecting the exercise of state power to the person of the judge; severing this thread renders the judge unaccountable.
303. It is submitted that the physical removal of the original signature block was not a product of administrative fortuity. While an opposing counsel or the Presiding CJ of the SCJ President or delegate might cautiously inquire whether this single missing page could simply be attributed to benign administrative negligence, a paper jam, or a routine filing error common in high-volume registries, such an hypothesis is mathematically and logically insupportable.

304. The intricate, highly targeted nature of the removal—excising only the signature block while perfectly retaining the substantive charges and allegations on adjacent pages to aggressively preserve the prosecution—demonstrates a sophisticated level of intentionality. This “surgical extraction” ensured that the prosecution remained preserved while the identity of the authorizing mind was entirely sanitized. Such a selective preservation of the *incriminatory* components of the document, coupled with the deletion of the *accountability* components, precludes the possibility of accidental destruction. A printer or a scanner does not “accidentally” omit the exact page containing the judge’s signature while successfully capturing every other page of the six-page sequence.

B. Rebutting the Presumption of Regularity via the Doctrine of Spoliation

305. Opposing counsel may attempt to rely on the “presumption of regularity” (*omnia praesumuntur rite et solemniter esse acta*), asserting that registry staff are presumed to have acted in accordance with their duties. However, this presumption is rebuttable *prima facie* upon a showing of targeted spoliation. Under the Spoliation Doctrine, where a party (or the state apparatus) destroys or suppresses evidence relevant to a legal proceeding, the court is entitled to draw an adverse inference that the evidence was unfavorable to the party who destroyed it.
306. In the instant case, the specific suppression of the Jurat Information Laying Crown Election Page creates a rebuttable presumption of *mala fides*. The state cannot benefit from a missing record when the nature of the omission is so precisely aligned with the concealment of a judicial conflict. If the identity of the judge were neutral or benign, there would be no motive for the excision. The very fact of the missing page implies a consciousness of guilt on the part of the administrative or judicial actors involved. Consequently, the burden shifts to the Crown to demonstrate, via extrinsic evidence, the integrity of the original signing process—a burden they cannot meet without the very document they have permitted to be excised.

ISSUE #12(D): THE CONFLICT OF INTEREST AND THE VITIATION OF JURISDICTION

307. This orchestration was designed exclusively to ensure that the standard, high-volume intake mechanisms at the lower court would not immediately detect the highly irregular, deeply conflicted involvement of a specific civil jurist whose former firm was recently and publicly defeated by the accused in parallel, high-stakes litigation. The concealment of the identity was the only mechanism by which the jurist could persist in the matter without triggering an immediate motion for recusal.
308. Consequently, the proceedings were *coram non judice*. Where a judge persists in adjudicating a matter despite a patent conflict of interest, they act *ultra vires* their authority. The intentional concealment of this identity via the destruction of the Jurat constitutes a fraud upon the court. Following the principles in *Landreville* and *Lazarus Estates*, this fraud “vitiates the most solemn proceedings.” The court cannot allow a party to benefit from the fraudulent sanitization of the judicial record.
309. Any attempt to characterize this as a “procedural irregularity” under *Rule 2.01* must be rejected. A breach that strikes at the very identity of the adjudicator and the impartiality of the tribunal is a fundamental defect. It is a Nullity that cannot be cured by the subsequent passage of time or the purported “good faith” of registry staff. The act of the judge, being outside the lawful scope of their office due to the conflict and the subsequent concealment, *ratum non est*.

ISSUE #12(E): THE INAPPLICABILITY OF THE “HARMLESS ERROR” DOCTRINE AND THE BREACH OF FUNDAMENTAL JUSTICE

310. It may be contended by the Crown that the absence of the Jurat Information Laying Crown Election Page is “harmless error” because the substantive content of the charges remains visible. This argument fails to recognize that the identity of the judge is a jurisdictional prerequisite. Without knowing the identity of the jurist, the accused is stripped of the ability to verify if the judge was *functus officio* or otherwise disqualified by interest or bias. A “faceless” order is a hallmark of administrative tyranny and is antithetical to the principles of fundamental justice under the *Canadian Charter of Rights and Freedoms*.
311. Furthermore, the exclusion of the Jurat prevents the accused from exercising their constitutional right to a fair and public hearing before an independent and impartial tribunal. The obfuscation of the judicial identity *in limine* (at the threshold) prevents the timely filing of a motion for recusal, thereby insulating the jurist from the

natural consequences of their bias. The harm is not merely the missing page; it is the total destruction of the accused's ability to challenge the tribunal's impartiality.

ISSUE #12(F):THE SYSTEMIC IMPLICATIONS OF JUDICIAL ANONYMITY

312. If the Divisional Court were to validate an order where the identifying Jurat has been excised, it would establish a dangerous precedent allowing judicial officers to act with total anonymity. The transparency of the Jurat Information Laying Crown Election Page is the only safeguard against *Ex Parte* overreach and personal vendettas masquerading as judicial process. The deliberate removal of this page is a systemic failure that demands a robust judicial response to preserve the public's confidence in the administration of justice.
313. The principle of *open court* and *publicity* of judicial acts requires that the "who" is as important as the "what." By allowing a "phantom" judge to authorize coercive state action, the court invites a return to the Star Chamber, where the identity of the accuser and the judge were concealed from the accused. This is a direct violation of Section 7 and 11(d) of the *Canadian Charter of Rights and Freedoms*.

ISSUE #12(G):CONCLUSION: THE IMPERATIVE FOR A DECLARATION OF NULLITY

314. In light of the foregoing, it is self-evident that the removal of the Jurat Information Laying Crown Election Page was an intentional act of spoliation aimed at protecting a conflicted judicial officer. This act constitutes more than a mere deviation from the *Rules*; it is a deliberate subversion of the administration of justice and a fraud upon the court.
315. The resulting judicial acts must be declared a Nullity. As the presiding mind was acting *ultra vires* and the record was manipulated through fraudulent excision, the proceedings are *coram non judice*. To hold otherwise would be to sanction the use of judicial power in the dark, shielded from the very oversight mechanisms designed to ensure the integrity of the superior courts.
316. Therefore, the accused respectfully requests that the Divisional Court recognize the spoliation as an absolute bar to the validity of the impugned order, declare the entire process a Nullity *ab initio*, and restore the parties to the *status quo ante*.

ISSUE 13: THE CIRCUMVENTION OF STATUTORY OVERSIGHT PURSUANT TO SECTION 508 OF THE *CRIMINAL CODE*

ISSUE #13(A):

317. Whether the physical excision and subsequent destruction of the Crown election and mandatory confirmation components from the information (the "Information")—the primary charging instrument (the "Charging Instrument")—successfully circumvented the essential judicial oversight mandated by *section 508* of the *Criminal Code*, R.S.C. 1985, c. C-46 (the "*Code*").

ISSUE #13(B): RULE

318. *Section 508* of the *Code* prescribes a non-discretionary procedural safeguard, necessitating that an independent justice of the peace (the "Justice") conduct a foundational review of the *Charging Instrument* and formally confirm the police-issued process post-arrest.
319. This statutory requirement functions as a vital civilian buffer against the *ultra vires* exercise of unilateral police power, ensuring that no citizen remains under the compulsion of state-mandated release conditions without independent judicial verification *prima facie*. The *Code* contemplates a continuous chain of judicial authority; any breach in this chain results in a jurisdictional vacuum that renders subsequent state action a nullity.
320. Jurisprudence dictates that a failure to comply with mandatory statutory conditions for the initiation or confirmation of process renders the resulting detention or compulsion to attend *coram non judice* and a nullity *ab*

initio. Where a statute imposes a mandatory “shall,” strict compliance is the prerequisite for the exercise of jurisdiction, as the court’s authority is derived solely from the adherence to these legislative mandates.

321. In accordance with the *Canadian Guide to Uniform Legal Citation*, the integrity of the *Charging Instrument* is paramount; any deviation from the prescribed forms under the *Code* that affects the substance of judicial oversight constitutes a jurisdictional defect that is not remediable via the *curative provisions* of the *Code*.

ISSUE #13(C): ANALYSIS

322. It is submitted that the deliberate removal of these vital statutory grids effectively neutered the constitutionally mandated “checks and balances” designed by Parliament. By physically removing the architecture of the *Charging Instrument*, the state did not merely commit a clerical error but engaged in a profound structural subversion of the judicial process. This excision represents a calculated attempt to bypass the “sober second look” of the judiciary, thereby allowing police-led detention to continue without independent verification.
323. By explicitly excising the page containing the confirmation component (the “Confirmation Component”), the entire package surrendered its facial and structural validity as a compelling instrument. The absence of the page 4 of 6 from the *Lincoln County Law Association* (the “Jurat Information Laying Crown Election Page”) precluded the Justice from fulfilling the statutory duty to confirm the undertaking. Without this document, no evidence exists to suggest that the state’s power to compel attendance was ever judicially authorized *post-arrest*. This absence is not an irregularity of form; it is a total failure of a condition precedent to the exercise of judicial power.
324. The Prosecution may posit that the initial, pre-arrest issuance of a warrant by a Superior Court judge (the “Superior Issuance”) rendered subsequent confirmation by a lower court justice redundant, arguing that the higher court’s authority subsumes the lower court’s role and that the spirit of oversight was satisfied.
325. However, this postulate remains inherently flawed and structurally myopic; the *Code* explicitly demands the confirmation of the process *post-arrest* specifically to ensure ongoing, rigorous judicial oversight of the police’s unilateral discretion to release. The *Superior Issuance* authorizes the arrest, but *section 508* governs the continuation of state power and the transition from police custody to judicial supervision. To ignore this second stage is to permit an indefinite extension of police fiat, a condition that is *ipso facto* repugnant to the rule of law and the principles of fundamental justice under *section 7* of the *Charter*.
326. *Factum a iudice, quod ad officium iure non pertinet, ratum non est*; where the procedural prerequisites are ignored or physically deleted, the resulting judicial act is void. The destruction of the *Confirmation Component* created a “legal vacuum” where the police exercised detention powers without the requisite judicial warrant for the ongoing deprivation of liberty. This is not a matter of form but a matter of jurisdiction; the Court cannot “deem” a document valid when its very substance has been surgically removed to avoid oversight. The court’s jurisdiction is founded upon the *Charging Instrument*; if the instrument is structurally hollow, the jurisdiction is non-existent.
327. While opposing counsel may suggest that this constitutes a mere irregularity curable by amendment, the direct contravention of a mandatory statute necessitates a finding of nullity. The *status quo ante* cannot be restored where the foundational document is physically mutilated to bypass oversight. Such acts constitute a “calculated non-compliance” that strikes at the heart of the administration of justice and renders the process *void ab initio*.

ISSUE #13(D): CONCLUSION

328. Consequently, the ongoing release conditions are legally void and unenforceable, as the *Charging Instrument* constitutes a jurisdictional nullity that failed to satisfy the condition precedent of judicial confirmation.

ISSUE 14: THE UTILIZATION OF THE “DEFAULT JUDGE” ENDORSEMENT AS AN ADMINISTRATIVE SUBTERFUGE

ISSUE #14(A):

329. Whether the irregular utilization of a default judge endorsement (the “Default Judge Endorsement”) on October 3—significantly prior to the scheduled first appearance—constituted a deliberate administrative mechanism to bypass standard, rigorous intake scrutiny.

ISSUE #14(B): RULE

330. The administration of justice requires that all filings be subjected to the rigorous, daily review of the assigned intake justice to ensure the *status quo ante* of legal regularity. Transparency in the intake process is a foundational requirement to ensure that defective or fraudulent instruments are identified prior to the issuance of a compelling order.
331. Any attempt to sequester a file from adversarial or public scrutiny via back-channel administrative triage may be deemed an *abuse of process* if it facilitates the filing of a document that is *prima facie* deficient. The doctrine of public open courts extends to the administrative processes that initiate criminal proceedings, ensuring that state power is exercised in the light of scrutiny.
332. *Rules of Civil Procedure*, R.R.O. 1990, Reg. 194, and the *Criminal Rules of the Ontario Court of Justice*, mandate transparency in the docketing process to prevent the “shadow filing” of defective instruments.

ISSUE #14(C): ANALYSIS

333. It is submitted that prematurely recording the matter under a generalized default judge (the “Default Judge”)—as admitted by Mr. Michael Henriques as per the false information package (the “False Information Package”)—intentionally shielded the procedurally toxic file from the review of the assigned intake justice. The use of this specific nomenclature, rather than the standard “Intake Justice,” signals a departure from the regulated protocols of the Court. This *Default Judge* mechanism effectively acted as a jurisdictional bypass, allowing a fundamentally flawed document to gain the veneer of judicial sanction.
334. By pulling the file into the *Default Judge* stream weeks before the public was entitled to witness its appearance, the state effectively avoided the “front-line” verification process. This administrative “loophole” allowed a document that was facially invalid to gain the appearance of judicial sanction without ever being subjected to the critical eye of a justice performing their primary intake duties. This constitutes a sequestering of the file from the scrutiny that typically attends the commencement of a criminal prosecution, thereby shielding systemic errors from detection.
335. Had the documentation—replete with missing pages, fabricated replacement sheets, and a fabricated jurat—been presented in the ordinary course of standard docketing, a seasoned justice would have immediately identified the profound jurisdictional anomalies and structural defects. The *Default Judge Endorsement* mechanism served as a “black box” where procedural defects were buried rather than examined. It is a fundamental principle that administrative convenience cannot override jurisdictional integrity; where the latter is sacrificed for the former, the process is a nullity.
336. The Prosecution may argue this represents a standard administrative triage function (the “Triage Defence”) used to manage high-volume caseloads and prevent systemic backlog. They might suggest that the *Default Judge* is merely an efficiency tool to prevent backlog and ensure files are ready for their first appearance.
337. However, the strategic, timed deployment of this mechanism, in conjunction with a six-week delayed filing, reveals a cohesive and undeniable pattern of procedural evasion. This was not a pursuit of efficiency, but a pursuit of obfuscation. The state utilized an administrative shortcut to bypass the very scrutiny that is designed to catch the exact errors present in this file. The delay in filing, followed by the use of an irregular endorsement, indicates a systemic failure of transparency that cannot be cured by the mere assertion of high caseloads.
338. As the *Default Judge* mechanism was utilized strictly to bypass the adversarial audience, the resulting acts were *coram non judice*. Where fraud or administrative manipulation is found, the Court must rely upon *Landreville v. The Queen*, [1977] 2 F.C. 326 (the “*Landreville Decision*”), citing *Lazarus Estates Ltd. v. Beasley*, [1956] 1 Q.B. 702 (the “*Lazarus Doctrine*”), which articulates that “fraud unravels everything.” No court can permit a party to benefit from a “default” that was manufactured through the deliberate circumvention of public process and the fabrication of court records.

ISSUE #14(D): CONCLUSION

339. The use of the *Default Judge Endorsement* in these circumstances was *ultra vires* the standard administrative protocols, serving as a tactical veil for a jurisdictional nullity.

ISSUE 15: THE FACIAL INVALIDITY AND STRUCTURAL DEFICIENCY OF THE CHARGING INSTRUMENT

ISSUE #15

340. Whether the structurally deficient and custom-typed documentation presented to the Court (the “Fabricated Information”)—being a non-standard version of the prescribed form—is functionally capable of sustaining a criminal prosecution or accurately recording a formal judicial disposition.

ISSUE #15(B): RULE

341. A valid *Form 2 Information* is a provincially mandated, meticulously structured instrument containing mandatory grids for tracking Crown elections, pleas, remands, and final dispositions. These grids are not merely aesthetic; they are the functional record of the exercise of state power and the history of a prosecution.
342. The Crown’s paramount quasi-judicial duty, as articulated in *Boucher v. The Queen*, [1955] S.C.R. 16 (the “*Boucher Principle*”), is to ensure that justice is done through a fair and rigorous process. This duty includes ensuring that the documents upon which a prosecution rests are legally and structurally sound and capable of serving as the court’s official record.
343. The absence of the prescribed statutory form renders a document incapable of acting as the “record of the court,” meaning any judicial acts purportedly recorded thereon are *ipso facto* non-existent. A court speaks through its record; where the record is non-existent or structurally incapable of housing the requisite data, the court is mute and the jurisdiction is void.

ISSUE #15(C): ANALYSIS

344. The custom-typed replacement page, bizarrely pasted onto police letterhead, lacks the essential architecture required for statutory tracking. It is a “bastardized” document that fails to provide the necessary space for the mandatory endorsements of the Court, thereby making any future record-keeping an exercise in fiction. This represents a total departure from the *status quo ante* of standard judicial forms and violates the regulations governing the maintenance of court records.
345. The Prosecution, recognizing its duty under the *Boucher Principle*, correctly stayed the proceedings (the “Stay of Proceedings”) because it is legally and administratively impossible to proceed upon a document that lacks the physical capacity to record a conviction, an election, or an acquittal. The *Stay of Proceedings* is an implicit admission that the document could not survive the scrutiny of a trial court or serve as a valid basis for a criminal judgment.
346. To allow a prosecution to proceed on a custom-typed sheet would invite administrative chaos and violate the principle of *certainty* in criminal law. The integrity of the court record is the foundation of the administration of justice; once that record is replaced by an unverified police-created substitute, the entire proceeding is tainted by the specter of arbitrariness and the potential for fabrication.
347. Opposing counsel might argue substantial compliance (the “Substantial Compliance Argument”), suggesting that as long as the charges are clear, the form of the document is secondary and the accused suffers no prejudice. They might contend that the custom-typed nature of the page is a mere technical irregularity that does not go to the heart of the prosecution’s merit.
348. However, the total excision of tracking components renders the document a “non-form” rather than an irregular form. *Acta exteriora indicant interiora secreta*; the outward acts of mutilating the document and replacing it with a custom-typed page indicate a secret intent to bypass the law’s formal requirements. There can be no “substantial compliance” when the very structure of the document has been discarded to avoid the mandatory grids of the *Code*. Prejudice is inherent in the deprivation of a proper record of the court, as it precludes the possibility of an accurate appeal or judicial review.
349. The full answer is also contained in section 32 of the Interpretation Act.

ISSUE #15(D): CONCLUSION

350. The proceedings were stayed because the *Fabricated Information* was structurally incapable of sustaining a criminal prosecution, rendering the exercise *void ab initio*.

ISSUE 16: THE EVIDENTIARY IMPLICATIONS OF THE ABSENCE OF MINISTRY RECORDS

ISSUE #16(A):

351. Whether the confirmed absence of responsive records from the ministry of the attorney general (the “Ministry”) regarding the swearing of the *Charging Instrument* definitively proves the event never occurred within the designated jurisdiction.

ISSUE #16(B): RULE

352. The maxim *omnia praesumuntur rite et solemniter esse acta* (the “Presumption of Regularity”) assumes state officials acted properly; however, this presumption is rebuttable by evidence of systemic failure or definitive institutional silence.
353. Where fabrication is alleged, the *Lazarus Doctrine* dictates that no court will allow a party to keep an advantage obtained by fraud. The burden of proof shifts when the state’s own auditing mechanisms provide a “nil” response regarding the existence of a foundational act required for the deprivation of liberty.

ISSUE #16(C): ANALYSIS

354. The *Ministry* confirmed the absolute absence of internal records (the “Nil Response”) indicating the named informant swore a *Charging Instrument* during the relevant temporal window. This response was not merely “inconclusive” but was a definitive statement from the state’s own auditing body that no such event was recorded. This *Nil Response* is the functional equivalent of evidence that the event never transpired within the authorized court infrastructure.
355. The Prosecution may dismiss this absence as an archival delay (the “Administrative Delay Argument”), suggesting that the records exist but have not yet been digitized or indexed. They may argue that “absence of evidence is not evidence of absence” and that the presumption of regularity should still apply despite the lack of a paper trail.
356. However, a formal government assertion of non-existence regarding a liberty-depriving document carries insurmountable evidentiary weight. In the context of a criminal prosecution, where the state seeks to deprive a citizen of their liberty, the “benefit of the doubt” regarding missing records cannot go to the state. The burden shifts to the state to prove the document was sworn if their own record-keeping system says it was not. To allow otherwise is to allow the state to operate with impunity outside of its own audited and legislated infrastructure.
357. If the swearing event did not digitally or logically occur within the tracking system, it follows axiomatically that the purported judicial signature validating the event is a fabricated phantom. A signature cannot be valid if the event it purportedly witnesses never took place in the physical or digital reality of the Court. The *Charging Instrument* is thus revealed as a hollow artifact produced through fabrication.
358. In the *Landreville Decision*, the court emphasized that the appearance of regularity cannot shield an act that is fundamentally fraudulent. This establishes an overwhelming *prima facie* case of systemic fabrication, reversing the burden onto the state to produce the original justice who allegedly took the oath. Their failure to do so confirms that the document is a nullity born of fraud and that the swearing event is a legal fiction.

ISSUE #16(D): CONCLUSION

359. The *Nil Response* constitutes irrefragable proof that the document was fabricated, rendering all subsequent judicial acts *coram non iudice*.

ISSUE 17: SYSTEMIC FLAWS IN THE UTILIZATION OF CIVILIAN INFORMANTS

ISSUE #17(A):

360. Whether the entrenched systemic reliance upon civilian administrative clerks (the “Civilian Informants”) to routinely swear *Informations* based upon a rapid digital review constitutes an arbitrary mechanism profoundly prone to abuse and fabrication.

ISSUE #17(B): RULE

361. While *section 504* of the *Code* permits the swearing of an *Information* upon “information and belief,” the solemnity of the oath must not be divorced from the objective truth. The oath is the mechanism by which the informant assumes responsibility for the gravity of the allegations and the potential deprivation of the accused's liberty.
362. An oath taken in total ignorance of the underlying facts is a profanation of the judicial process and a violation of the foundational principles of criminal law. The informant must have reasonable and probable grounds to believe the facts alleged are true; a “conveyor belt” approach makes the formation of such a belief impossible.

ISSUE #17(C): ANALYSIS

363. The utilization of *Civilian Informants* who possess zero organic knowledge of the investigation fundamentally degrades and trivializes the judicial safeguard of the oath. When the individual laying the charge has never met the witnesses, seen the evidence, or understood the context of the arrest, the oath becomes a mere administrative ritual rather than a true attestation of belief. This creates a dangerous distance between the state's power and the accountability for its exercise.
364. The Prosecution will defend this as an absolute administrative necessity (the “Necessity Defence”), arguing that the volume of charges in a modern city makes it impossible for the investigating officers to swear every *Information*. They will claim that “information and belief” allows for this secondary review as an efficient triage of state resources and that appellate courts have sanctioned this practice.
365. However, generalized necessity cannot cure specific factual errors and the resultant arbitrary arrest. The “information and belief” must be *reasonable* and *probable*. In this instance, the *Civilian Informants* were provided with a digital summary that was itself defective, leading them to swear to a set of facts that were demonstrably false. The “industrialization” of the oath has removed the individual conscience from the charging process, replacing it with a blind adherence to digital prompts.
366. In this instance, the *Jurat Information Laying Crown Election Page* was signed by an individual structurally incapable of verifying the allegations. The process was so “streamlined” that it removed the individual's ability to exercise any discretion or critical thought. The informant was not a witness to the truth, but a witness to a digital prompt, rendering the oath a hollow shell.
367. This systemic detachment facilitated procedural overreach, as the individual taking the oath bore no personal accountability for the accuracy of the investigative files. *Quod ad officium jure non pertinet, ratum non est*; that which does not belong to the office is not valid. The clerk was acting as a “conduit” for police fabrications rather than a “buffer” for justice, thereby facilitating an arbitrary deprivation of liberty.

ISSUE #17(D): CONCLUSION

368. The industrialized “conveyor belt” approach to the swearing of *Informations* resulted in a blind attestation of factual inaccuracies, rendering the process a nullity and the detention arbitrary and unlawful.

ISSUE 18: PRE-EXISTING JUDICIAL CONFLICTS OF INTEREST AND THE ACTIONABLE APPREHENSION OF BIAS

ISSUE #18(A): ISSUE

369. Whether the historical, deeply contentious, and adversarial family law litigation involving the accused, the opposing parties, and the presiding judge's former law firm generates a constitutionally impermissible and actionable apprehension of bias, thereby rendering the subsequent adjudication a nullity *ab initio* and an exercise of power *extra jurisdictionem*.

ISSUE #18(B): RULE

370. The fundamental principle of natural justice, *nemo iudex in causa sua* (no one should be a judge in their own cause), dictates that a jurist must be beyond even the slightest shadow of suspicion regarding their impartiality. This requirement is not merely a matter of judicial etiquette but a constitutional cornerstone of the rule of law.
371. The governing legal threshold is established in *Committee for Justice and Liberty v. National Energy Board*, 1976 CanLII 2 (SCC), [1978] 1 SCR 369 (the “*National Energy Board Decision*”), which posits that the test is whether an informed, reasonable, and right-minded observer, viewing the matter realistically and practically, would perceive a reasonable apprehension of bias.
372. Ethical imperatives articulated by the *Canadian Judicial Council* and the *Principles of Judicial Office* mandate that a judge must recuse themselves where a “highly personalized history” exists. A prior senior partnership in a firm actively litigating against a party creates an inherent, indelible conflict of interest that cannot be cured by the passage of time or judicial platitudes.

ISSUE #18(C): ANALYSIS

373. **Historical Senior Partnership.** At the material time of said litigation involving the Epstein Cole LLP (Mr. Papadimitropoulos) and Ms. Nicole Artopoulos, the presiding judge maintained a senior partnership at the directly opposing firm. This established a deeply adversarial, highly localized nexus between the adjudicator and the accused. The jurist's historical alignment with the defeated party creates a *prima facie* conflict that undermines the “cold neutrality of an impartial judge.” The transition from the boardroom of an adversary to the bench of an adjudicator in a matter involving the same individual is a jurisdictional leap that the law does not permit.
374. **Rebuttal of Remoteness.** While the Crown or the *CJ of the SCJ President or delegate* may postulate that historical professional associations are *prima facie* remote (the “Remoteness Defence”), this argument is *ipso facto* deficient and legally hollow. The “remoteness” of the association is entirely eclipsed by the “high-stakes” nature of the prior conflict and the contemporaneous, highly irregular issuance of a severe criminal warrant against the accused by that exact jurist. The proximity of the prior loss to the current exercise of judicial coercion suggests a retaliatory motive that no reasonable observer could ignore. The law does not require proof of actual spite; the *appearance* of the possibility of such spite is sufficient to vitiate jurisdiction.
375. **The Presumption of Prejudice.** The intersection of this unresolved historical financial conflict with the sudden, anomalous deployment of judicial power creates an inescapable, overwhelming presumption of prejudice. Under the doctrine of *factum a judice, quod ad officium jure non pertinet, ratum non est* (an act of a judge which does not pertain to his office is of no force), the issuance of the warrant was an invalid exercise of power by a jurist who had lost the jurisdictional competence to act due to a lack of impartiality.

CONCLUSION

376. It is submitted that the pre-existing conflict necessitated mandatory recusal. The failure to do so completely vitiates the lawful, objective authority of the warrant from the moment of its execution, rendering all subsequent state action flowing therefrom fundamentally unconstitutional, *ultra vires*, and a legal nullity.

ISSUE 19: THE RUSE, RETALIATORY TIMELINE, AND THE DOCTRINE OF ABUSE OF PROCESS

ISSUE #19(A):

377. Whether the deliberate orchestration of a deceptive property ruse (the “Ruse”) to effectuate the arrest, coupled with the immediate, targeted deprivation of property, constitutes an unconstitutional retaliation and a *prima facie* abuse of process designed to suppress ongoing civil litigation and circumvent the *Canadian Charter of Rights and Freedoms*.

ISSUE #19(B):

378. In *R. v. Rothman*, 1981 CanLII 6 (SCC), [1981] 1 SCR 640 (the “*Rothman Decision*”), the *Supreme Court of Canada* articulated that while police trickery is not inherently unlawful, it is strictly prohibited when the conduct is so “appalling, manipulative, or shocking” that it offends the community's sense of fair play and decency. This standard serves as a constitutional floor, below which state conduct becomes an actionable assault on the integrity of the justice system. The doctrine of abuse of process, as refined in *R. v. Nixon*, 2011 SCC 34 (the “*Nixon Decision*”), protects the integrity of the judicial system from state conduct that is “conspicuous” in its unfairness or is motivated by an improper, retaliatory purpose that targets a citizen's protected interests.

ISSUE #19(C): ANALYSIS

The Stratagem of Deception

379. The state agents enticed the accused into custody under entirely false pretenses regarding property recovery. This stratagem was deployed specifically because the law enforcement officers possessed the *mens rea* that their originating paperwork was fatally flawed and would be identified as a nullity by the legally trained accused. The “Ruse” was a tactical weapon used to bypass the accused's inevitable and correct legal objection to a void process. By luring the accused into a “safe” environment, the police effectively engaged in a kidnapping under the colour of law.

ISSUE #19(D): REBUTTAL OF DE-ESCALATION

380. The Crown may aver that the Ruse was a “peaceful de-escalation method” (the “De-escalation Defence”). However, this assertion is robustly rebutted by the intentional, contemporaneous denial of section 10(a) *Canadian Charter of Rights and Freedoms* (the “*Charter*”) rights. If the intent were truly the preservation of the peace, the state would not have simultaneously engaged in the systematic suppression of the accused's right to be informed of the reasons for their detention. Deception is not a tool of de-escalation; it is a tool of subversion designed to catch a citizen off-guard and prevent the timely assertion of constitutional rights.

ISSUE #19(E): THE FRAUDULENT FOUNDATION

381. Where fraud is found in the conduct of state actors, the court must rely upon the principles in *Landreville v. The Queen* (No. 2) (1977), 1977 CanLII 1944 (FC), citing *Lazarus Estates Ltd v Beasley*, [1956] 1 QB 702 (the “*Lazarus Estates Decision*”), which establishes that “*fraud unravels everything*.” This principle is not limited to commercial contracts; it is a universal axiom of law. A warrant obtained through forum-shopping and executed through a ruse is a document born of fraud.

Retaliatory Consequences

382. The retaliatory timeline—initiating criminal process to stifle civil claims—is a hallmark of such fraud. The state’s conduct in “luring” a citizen into a deprivation of liberty under the guise of property assistance constitutes a subversion of the *Charter* that no court can countenance without bringing the administration of justice into disrepute. The use of police powers as a shield for judicial conflict is an actionable abuse of the highest order.

ISSUE #19(F):CONCLUSION

383. The orchestration of the Ruse constitutes a severe, intentional infringement of the *Charter*. Such conduct is *coram non judice* insofar as the state sought to exercise power through a fraudulent pretext, rendering the resulting detention an absolute nullity that requires immediate judicial repudiation.

ISSUE 20: THE “INTAKE COURT ENDORSEMENT” LEXICON AND JURISDICTIONAL CROSS-CONTAMINATION

ISSUE #20(A): THE ISSUE – LANGUAGE MATTERS

384. Whether the utilization of the specific phrase “Intake Court Endorsement” (the “Endorsement Lexicon”) conclusively demonstrates that the document originated from a civil/family law jurisdiction, thereby proving a fatal procedural cross-contamination and institutional overreach that exceeds the court's criminal mandate.

ISSUE #20(B): RULE

385. Formal legal instruments commanding the deprivation of liberty are defined by their strict, unwavering adherence to a precise statutory lexicon. In the realm of criminal law, the forms are not mere suggestions; they are the vessels of the state's legitimate power. The *Criminal Code*, RSC 1985, c C-46 (the “*Criminal Code*”) and the *Criminal Rules of the Ontario Court of Justice* (the “*OCJ Criminal Rules*”) prescribe the exclusive terminology for criminal process. Deviations from these prescribed forms are not merely “irregularities” but jurisdictional defects that render the process *nullius in terra*.

ISSUE #20(C):ANALYSIS

Alien Terminology

386. The terminology “Intake Court Endorsement” is entirely alien to criminal jurisprudence and at the very least at that stage per se. While there is but one criminal case that ever utilized such language of “Intake Court Endorsement”, it (see: Brown (Re), 2026 CanLII 10959 (Ontario Review Board) (which has its head of said board in former SCJ Judge (see: Michael R. Dambrot, K.C.,) utilized it after an individual suffering from severe mental illness and schizophrenia, substance abuse et al, had engaged in stabbing another individual with a knife on his property. It is a proprietary, administrative construct utilized exclusively by the *Superior Court of Justice* family law divisions to issue rapid interim directions (the “**Family Law Construct**”). Its appearance in a criminal context is an ontological impossibility for a validly generated criminal warrant. It serves as an indelible forensic marker of the document's illegitimate origin.

3.2. THE CLERICAL FALLACY.

387. The Crown may attempt to dismiss this as a “benign clerical misnomer” or a mere “template error” (the “Clerical Error Argument”). However, in a bifurcated justice system, a justice of the peace sitting in criminal intake possesses (“Criminal E-Intake Portal”) no computer template, no training, and no jurisdictional authority to spontaneously generate a family-law endorsement. To suggest otherwise is to suggest a level of institutional incompetence that would itself be a grounds for nullity.

3.3. INSTITUTIONAL OVERREACH

388. The utilization of this specific family law phrase is the “smoking gun” (the “Documentary Proof”), irrevocably exposing the family court origins of the fabricated process. It proves the deliberate circumvention of the standardized criminal e-intake portal and a total collapse of the “separation of powers” between family and criminal registries. This indicates that the matter was funneled through a family registry to avoid the automated safeguards of the criminal system.

3.4. NULLITY VS. IRREGULARITY

389. As this act was *ultra vires*, the presiding judge acted entirely outside their prescribed administrative office. The proceeding is a nullity under the doctrine of *coram non judice*—before one who is definitively not a judge of competent jurisdiction over the specific, improperly placed criminal matter.

CONCLUSION

390. The utilization of civil terminology to effectuate a criminal arrest is an irremediable irregularity that ascends to the level of a nullity, as it represents a direct contravention of the jurisdictional boundaries established by the *Criminal Code* and the rule of law.

ISSUE 21: NINE STATUTORY BREACHES OF FORM 7 AND THE STRUCTURAL NULLITY OF THE WARRANT

ISSUE #21(A):

391. Whether the document utilized by police to justify the arrest fundamentally and structurally deviates from the mandatory substantive requirements of a *Form 7 Arrest Warrant* (the “Form 7”), rendering it legally void, unenforceable, and a nullity.

ISSUE #20(B):RULE

392. Pursuant to section 32 of the *Interpretation Act*, RSC 1985, c I-21 (the “*Interpretation Act*”), deviations in prescribed forms that affect the “core substance” or are “calculated to mislead” are definitively fatal. This section codifies the principle of “substantial compliance,” but underscores that the “essence” of the form must be preserved.
393. A valid warrant must strictly comply with the *Criminal Code* requirements regarding territorial direction, identification of the accused, and the specific, active command to arrest to ensure the protection of the subject's liberty interests.

ISSUE #20(C):ANALYSIS

The Catalogue of Deficiencies

394. The purported warrant entirely lacks: (i) the mandatory territorial direction commanding peace officers to act; (ii) the subject's critical date of birth; (iii) active command language (“ordered... to immediately arrest”); (iv) explicit indications of the underlying offenses; and (v) a verifiable, authorized signature (the “Nine Breaches”). Each of these is a pillar of judicial authorization; without them, the document is mere “scrivener’s waste.” The omission of the territorial direction, in particular, renders the document a “blanket” authorization that the common law has abhorred for centuries.

The Liberty Safeguard

395. The Crown will inevitably argue that the “substantive intention” of the court is clear *ex facie* (the “Purposive Analysis Argument”). This position is legally bankrupt. The deprivation of physical liberty demands uncompromising, literal adherence to established penal forms to prevent state tyranny and “accidental” arrests. A “purposive” reading cannot conjure up a signature or a date of birth that is simply not there.

Irremediable Void

396. A document lacking these nine foundational pillars is fundamentally incapable of lawfully commanding a peace officer or compelling a citizen. Following the principle that a direct contravention of a statute results in a nullity, this document never acquired the force of law. It is a “paper tiger” that cannot shield the state from the consequences of its unauthorized actions. It was void *ab initio* and cannot be cured by a post-facto rationalization of “intent.” The state cannot rely on its own failure to adhere to mandatory forms to justify an illegal arrest.

ISSUE #21(D): CONCLUSION

397. The document is not a mere irregularity; it is a nullity. The resulting arrest constitutes an actionable assault and false imprisonment *ab initio*, as the “officers of the law” acted without any valid legal instrument to authorize their interference with the accused's person.

ISSUE 22: DIGITAL SIGNATURE INVALIDITY UNDER THE *CANADA EVIDENCE ACT* AND *PIPEDA*

ISSUE #22(A): ISSUE

398. Whether the merely typed, unencrypted phrase “Digitally signed” on the *Jurat Information Laying Crown Election Page* (the “Jurat Information Laying Crown Election Page”) satisfies the rigorous cryptographic and statutory requirements for a secure electronic signature under federal law, or if it constitutes a legal nullity.

ISSUE #22(B): RULE

399. The *Canada Evidence Act*, RSC 1985, c C-5 (the “*Canada Evidence Act*”) and the *Personal Information Protection and Electronic Documents Act*, SC 2000, c 5 (“*PIPEDA*”) require a “secure electronic signature” to involve a cryptographic hash, an asymmetric key pair, and a certificate of authenticity to ensure absolute non-repudiation and integrity.
400. A signature that cannot be verified for cryptographic integrity is not a signature in the eyes of the law; it is merely text. The *Secure Electronic Signature Regulations*, SOR/2005-30, provide the technical benchmarks that must be met for a digital mark to carry the weight of a judicial signature.

ISSUE #22(C): ANALYSIS

The Cryptographic Failure

401. The document contains merely unencrypted, manually typed Arial text. It lacks the mandatory Public Key Infrastructure (PKI) encryption required by the *Secure Electronic Signature Regulations*. There is no evidence of a “digital certificate” or a “hash function” that would link the typed name to the specific jurist. The phrase “Digitally signed” is a self-serving statement of fact that is not supported by the underlying metadata of the file.

The Functional Fallacy

402. The Crown may aver that a typed name is the “modern equivalent of a wax seal” (the “Functional Equivalent Argument”). This is definitively vitiated by explicit federal regulations designed precisely to prevent this exact species of rudimentary, desktop forgery. If a typed name were sufficient, any clerk with a keyboard could authorize a deprivation of liberty. The law recognizes a “digital signature” as a specific technological creature, not a semantic choice of font.

Absence of Authority

403. An unencrypted typed name is legally, functionally, and cryptographically indistinguishable from a blank piece of paper. Without a valid, secure digital signature, the judicial authority required to engage the state's coercive power was never triggered. The document remains an unsigned draft with no more legal weight than an informal memorandum, rendering the warrant *ipso facto* void. The “Jurat Information Laying Crown Election Page” remains fundamentally incomplete.

ISSUE #22(D): CONCLUSION

404. The document is inherently, statutorily unsigned. It fails to meet the threshold of a “secure electronic signature,” rendering the purported warrant a nullity that could not authorize a lawful arrest.

ISSUE 23: FORGERY, UTTERING A FALSE DOCUMENT, AND THE APPLICATION OF THE SMITH PRECEDENT

ISSUE

405. Whether the manual, unauthorized generation of the endorsement, bearing an unauthorized typed signature, and its subsequent tactical presentation to the accused to justify detention constitutes forgery and uttering a false document under the *Criminal Code*.

2. RULE

406. Under section 321 of the *Criminal Code*, a “false document” is one that “tells a lie about itself” regarding its origin, its authorization, or the circumstances of its creation. In *R. v. Smith*, 2020 ONCJ 611 (the “*Smith Decision*”), the court clearly delineated that placing an unauthorized signature onto an official system, even without malicious intent or for “administrative convenience,” satisfies the elements of criminal forgery. The court held that the integrity of the judicial record is paramount.

3. ANALYSIS

407. **The Lie of Authorization.** The document “tells a lie about itself” by purporting to be authorized by a specific jurist who did not actively, securely utilize a recognized signing mechanism. It masquerades as a judicial order while being an administrative fabrication. It “tells a lie” by claiming to be a criminal warrant when it is actually more in the nature of a family law endorsement form or “family law terminology” like it was some sort of endorsement between two parties that were separated and seeking a divorce along with other remedies.
408. **Rebuttal of Good Faith.** The Crown may suggest the frontline police acted upon a *bona fide*, innocent belief in the document's authenticity (the “Innocent Reliance Argument”). However, the *Smith Decision* established that the specific intent to merely deceive the justice system regarding the document's procedural authenticity is wholly sufficient to establish the *mens rea* for the offense. The police “uttered” this document knowing it was not a standard Form 7 warrant.
409. **The Role of the Default Judge.** *Ignorantia juris non excusat* (ignorance of the law is no excuse). The blind reliance on flawed registry practices by the “Default Judge” (the “DJ”)—as admitted by Mr. Michael Henriques—does not excuse the act of uttering a forged instrument to effect a severe deprivation of liberty. The use of a “Default

Judge” to bypass jurisdictional e-filing protocols is a hallmark of institutional forgery, where convenience is prioritized over the rule of law.

CONCLUSION

410. The deployment of the forged instrument to effect a physical detention satisfies the elements of uttering a false document. The process is void and the state agents involved have engaged in actionable malfeasance that cannot be cured by an apology or an “administrative” excuse.

ISSUE 24: E-FILING MANDATES, INSTITUTIONAL INTEGRITY, AND CORAM NON JUDICE

1. ISSUE

411. Whether the deliberate circumvention of mandatory e-filing protocols, combined with the adjudicator acting outside their administrative office and criminal jurisdiction, renders the proceedings an absolute nullity under the doctrine of *coram non judice*.

2. RULE

412. The ancient legal 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) is strictly applicable to the jurisdictional boundaries of modern tribunals.
413. In *Canada (Minister of Citizenship and Immigration) v. Vavilov*, 2019 SCC 65 (the “*Vavilov Decision*”), the *Supreme Court of Canada* affirmed that the rule of law requires even superior courts to operate within their prescribed statutory mandates and procedural demarcations to maintain public confidence.

3. ANALYSIS

Jurisdictional Bypassing

414. By aggressively bypassing the recognized, audited digital criminal intake portals and explicitly funneling the matter through a completely unrelated civil family registry, the criminal jurisdiction of the *Superior Court of Justice* was never legitimately, procedurally engaged. This was a “shadow proceeding” that avoided the scrutiny of the standard criminal registry. The e-filing mandates are not mere administrative suggestions; they are the digital border of the court's jurisdiction.

The Inherent Jurisdiction Fallacy

415. The Crown may assert that the court's “inherent jurisdiction” is boundless and capable of subsuming procedural irregularities (the “Inherent Jurisdiction Argument”). This is a profound mischaracterization. Inherent jurisdiction is not a license for institutional anarchy or the circumvention of mandatory filing rules; it cannot save an adjudication made in the absolute absence of a properly filed originating document. Inherent jurisdiction exists to fill gaps in the law, not to override it.

Institutional Integrity

416. An adjudication made via a civil portal for a criminal matter is an act performed *coram non judice*—before one who is definitively not a judge of competent jurisdiction over the improperly placed matter. Such acts are irredeemably void and cannot be saved by post-facto rationalizations of “administrative necessity.” To allow such cross-contamination would invite a system where criminal process could be hidden in the vast volume of civil filings.

CONCLUSION

417. The failure to properly initiate the proceeding digitally deprived the OCJ and the public of its baseline jurisdiction. However, this is counteracted by the Criminal Proceeding Rules which required the submitting of the Indictment, which includes an information electronically via email to the Court electronically by email. The language of the “Court” is used which means the SCJ in the place in which a Proceeding is pending or being heard, as the case may be. This is distinct from “Court Office” which implies that law enforcement can submit an Indictment or Information to the Courthouse specifically and not a specific “Court Office”. Hence, why the first floor of SCJ 361 University Courthouse was the correct “Court Office” based upon Madam Justice Shore being the undisclosed (to the Applicant or Accused) SCJ Judge. The one thing remained for certain after the Applicant discovered the False Information Package in late March 2025 was that the authorizing, issuing, giving, making or endorsing in relation to the INTAKE COURT ENDORSEMENT (SEPT 23 2024) (not fictitious Intake Court Endorsement) was NOT JP Jiri.
418. All subsequent judicial acts, including the warrant and the arrest, are null, void, and of absolutely no legal force.

ISSUE NUMBER 25: THE PROCEDURAL IMPERATIVE OF CERTIFICATION PURSUANT TO RULE 43.03

A. ISSUE

419. It falls to be determined whether the strategic effectuation of service regarding a subpoena under *Rule 43.03* of the *Criminal Proceedings Rules* upon the originating civil registry situated on the first floor—as distinguished from the secondary criminal intake—constitutes a legally insurmountable mechanism whereby the administration is compelled to formally acknowledge either a state of absolute nullity concerning the proceedings or an unauthorized excursion beyond the established boundaries of jurisdictional competence.
420. A subsidiary question arises as to whether the refusal of the “Court Office” (the “**Court Office**”) to certify the non-existence of such records, in the face of a direct service at the locus of origin, constitutes a contumacious disregard for the statutory mandates governing the transparency of judicial records

B. RULE

421. The *Criminal Proceedings Rules*, *Rule 1.03*, provides an exhaustive and restrictive definition of the Court Office, identifying it as the precise physical or electronic locus wherein a proceeding was originally commenced. This definition precludes the Crown from retroactively shifting the “home” of a file for the purpose of avoiding service or shielding records from scrutiny. Pursuant to *Rule 43.03*, an absolute statutory entitlement is vested in an applicant to command the immediate production of master records from the relevant official. This power is plenary and is intended to ensure that the court remains a court of record, where every judicial act is traceable to a specific filing. *Rule 4.05(6)* of the *Rules of Civil Procedure* dictates that where the originating office maintains no record of a filing, the document in question is deemed, by operation of law, never to have been filed (*ipso facto*). Such a document is a juridical ghost, incapable of supporting any subsequent order or warrant.
422. The doctrine of *coram non judice* establishes that any adjudication performed by a body lacking the requisite jurisdiction is a nullity and possesses no legal force. As established in *Papp v. Papp*, [1970] 1 O.R. 331 (C.A.), jurisdiction is not a matter of administrative convenience but a fundamental prerequisite for the exercise of judicial power.

C. ANALYSIS

423. It is observed that the service of the Notice of Application upon the manager of the first-floor registry—the site where the family endorsement was physically originated by the staff of *Madam Justice Shore*—utilizes the precise definition of the Court Office to trigger the production mandates of *Rule 43.03*. By serving the very office

where the illicit “family-law” notations were entered into the system, the applicant effectively traps the administration within its own data architecture.

424. Notwithstanding any potential assertions by the Crown regarding a purported technical error in service—specifically the contention that the application ought to have been directed to the second-floor criminal intake desk—such a position is fundamentally subordinated to the plain-text reading of *Rule 1.03*. To allow the state to “hand-off” the file to a different registry after the fact would be to sanction a shell game that undermines the integrity of the *Ontario Superior Court*.
425. Any counter-argument pertaining to the “presumption of regularity” (*omnia praesumuntur rite esse acta*) is rebutted by the physical absence of the record at the locus of origin. The Crown cannot rely on the record for the purposes of arrest while disclaiming the registry of that record’s origin for the purposes of service. This contradiction offends the principle of *allegans contraria non est audiendus*.
426. In consequence thereof, the manager of the first-floor registry is situated in a condition of administrative paralysis: there must be either a formal certification of a total absence of records—thereby confirming that the peace officers executed an unfiled and thus non-existent instrument, rendering the matter a nullity—or the production of the fabricated family-law endorsement, which *prima facie* proves the jurisdictional breach and the absence of a lawful *Form 7*.
427. Even if the Crown invokes the “De Facto Officer” doctrine—suggesting that the Judge’s acts should be upheld to prevent public chaos—it is submitted that this doctrine is inapplicable where the act in question is a liberty-restricting warrant issued in direct contravention of the *Criminal Code*. As established in *R. v. Bilodeau, 2017 ONCA 200*, administrative shortcuts cannot insulate a jurisdictional nullity from judicial review

D. CONCLUSION

428. The service under *Rule 43.03* is valid and necessitates a certification that will, by logical necessity, expose the proceedings as a jurisdictional nullity, thereby mandating the immediate quashing of the illicitly procured warrant and the excision of all resulting entries.

ISSUE NUMBER 26: THE LEGAL INHERENCE OF THE FORM 7 WARRANT VS. ADMINISTRATIVE ENDORSEMENTS

ISSUE

429. It must be adjudicated whether an “Intake Court Endorsement” dated 23 September 2024 (the “**Endorsement**”), supplemented by auxiliary administrative correspondence and electronic communications, satisfies the rigorous statutory criteria to constitute a valid arrest warrant, or whether the absence of a *Form 7* renders any subsequent deprivation of liberty a nullity.
430. Furthermore, it must be considered whether the “Ibula Email” (the “**Administrative Communication**”), despite its lack of judicial form, was intended to operate as a *de facto* instrument of compulsion, thereby bypassing the constitutional protections afforded by the *Criminal Code*.

B. RULE

431. Section 493 of the *Criminal Code of Canada* provides an exhaustive definition of “warrant” (the “**Warrant**”), mandating the utilization of *Form 7*. This form is the exclusive vehicle for the exercise of the state’s power to arrest, and no alternative “administrative” substitute is recognized by law.
457. Under the *Interpretation Act*, the use of prescribed forms is a substantive requirement where the liberty of the subject is at stake. A *Form 7* must contain a clear directive to peace officers, the identity of the accused, the specific offence, and the signature of a justice acting within the relevant territorial jurisdiction. The omission of any of these elements is not a mere irregularity but a fatal defect
458. In *Alfano v. Piersanti, 2014 ONSC 60 (Alfano)*, the court affirmed that judicial acts must be reducible to a formal, public court record to possess validity; informal or off-record communications, such as staff emails or internal notations, are devoid of the character of judicial orders.

459. The Supreme Court of Canada in *R. v. Adams*, [1995] 4 S.C.R. 153 (*Adams*), emphasized that statutory requirements for warrants are not mere “technicalities” but are essential substantive safeguards of the *Canadian Charter of Rights and Freedoms*.

C. ANALYSIS

460. The Endorsement and the subsequent electronic mail from administrative staff lack every essential element of a *Form 7*. They do not identify the offence with particularity, nor do they bear the requisite judicial signature for a warrant of arrest. Instead, they represent a series of administrative “directives” that were treated by the police as though they possessed the force of law.
461. It is anticipated that the respondent may contend that the Endorsement functions as a “functional equivalent” to a warrant under the doctrine of substantial compliance. However, this argument fails in the context of criminal process, where the *Adams* precedent demands strict adherence to the *Criminal Code*. The “Functional Equivalence Fallacy” cannot bridge the gap between a judge’s scheduling note and a statutory warrant for the seizure of a person.
462. Furthermore, the reliance on the “Jurat Information Laying Crown Election Page” (the “**Jurat Page**”)—specifically page 4 of 6 from the *Lincoln County Law Association*—to bolster the Endorsement is misplaced. That document, often referred to as the “**Jurat Information Laying Crown Election Page**”, cannot retroactively cure the absence of a signed *Form 7*. A jurat page is an evidentiary acknowledgment of an oath; it lacks the *commanding* authority of a warrant directed to a peace officer.
463. As established in *R. v. Grant*, 2009 SCC 32, any action that restricts liberty must be predicated upon a clear and reviewable judicial act. The break in the chain of authority between the judicial intent (as expressed in an unfiled endorsement) and the administrative staff’s email renders the entire process *coram non judice*. To hold otherwise would be to allow the state to govern by email rather than by law, offending the “Principle of Formalism” inherent in criminal proceedings.

D. CONCLUSION

464. The Endorsement is not a warrant at law. The absence of a *Form 7* constitutes a substantive defect that cannot be cured by administrative diligence, rendering the purported arrest authority a legal nullity.

ISSUE NUMBER 27: JURISDICTIONAL DEFECTS AND THE DOCTRINE OF CORAM NON JUDICE

A. ISSUE

465. Whether the unilateral actions of *Madam Justice Shore* in issuing, signing, and entering the Endorsement—absent a formal assignment to the criminal intake—constitute a jurisdictional transgression that renders the resulting proceedings *ab initio* void and incapable of generating legal consequences.
466. This inquiry further considers whether the “Default Judge” exceeded the scope of her office by purportedly receiving a *Form 4* Indictment in a setting entirely divorced from the proper criminal procedure.

B. RULE

467. The foundational maxim *factum a judice, quod ad officium jure non pertinet, ratum non est* (the “**Invalidity Maxim**”) dictates that acts performed by a judge outside their legal authority are not ratified and possess no force. This is an absolute bar; no amount of subsequent “ratification” by other court actors can breathe life into a void act.
468. In *McLean v. Bradley*, (1878) 2 S.C.R. 535, the Supreme Court established that where a court lacks jurisdiction over the cause, the proceeding is *coram non judice*. This results in a situation where the orders of the court are “a cipher in law,” possessing no more weight than the opinion of a private citizen. The principle of *nemo debet esse judex in propria causa* extends to the prohibition of puisne judges self-assigning jurisdiction. A judge who acts

without a formal administrative assignment to the relevant division is, in effect, appointing themselves to the cause, which offends the neutrality of the bench.

469. *Landreville v. Town of Boucherville*, [1978] 2 S.C.R. 801 (*Landreville*), confirms that acts performed in the absence of jurisdiction are nullities that cannot be cured by acquiescence or subsequent repetition.

C. ANALYSIS

470. The evidence confirms that *Madam Justice Shore* performed ministerial functions, such as receiving the *Criminal Code Form 2* Information, which are intake-related and do not bestow adjudicative jurisdiction. However, the move from ministerial intake to the issuance of a warrant-like endorsement represents a leap into the adjudicative realm for which she was not empowered.

471. The jurisdictional defect crystallised when she purported to issue the Endorsement while acting as a Default Judge, as per the admission attributed to Mr. Michael Henriques in the “False Information Package.” Without a formal assignment to the criminal division, her acts were *ultra vires*. In the *Ontario Superior Court*, jurisdiction is divided by practice directions; a judge cannot simply “happen upon” a criminal matter while sitting in a civil or family capacity.

472. The Crown may suggest that the “Open Court Principle” is satisfied by the eventual entry of the Endorsement into the record. This is a logical fallacy; the *timing* of the act is as critical as the *nature* of the act. A judge sitting in a “Shadow Court” without public notice or assignment cannot retroactively clothe their acts in the vestments of legitimacy.

473. Because the act was *coram non judice*, no peace officer can plead justification under the process. The Endorsement is a “cipher in law,” and those who authorized, executed, or abetted enforcement of the void endorsement face joint and several liability. The police reliance on a “family law judge” to issue a “criminal arrest directive” represents a fundamental breakdown in the rule of law.

D. CONCLUSION

474. The lack of jurisdiction renders the Endorsement and all derivative steps juridical nonentities. The proceedings must be declared void, the record expunged, and the parties returned to the *status quo ante*.

ISSUE NUMBER 28: THE DOCTRINE OF FRAUD AND ITS VITIATING POTENCY

ISSUE

475. What is the requisite legal standard for fraud (the “**Fraud Standard**”) that necessitates the vacating of judicial acts when such acts are predicated upon a fraudulent misrepresentation of judicial authority or the concealment of jurisdictional defects by the Crown (Provincial), the Crown (Federal), or the Judiciary.

476. Specifically, does the issuance of an endorsement that disguises its nature as a warrant constitute a “fraud on the court” (*fraus in curia*)?

B. RULE

477. The governing principle, as articulated by *Lord Denning* in *Lazarus Estates Ltd. v. Beasley*, [1956] 1 Q.B. 702 (*Lazarus Estates*) and adopted by the Supreme Court of Canada in *Landreville*, is that “fraud unravels everything” (*fraus omnia corrumpit*). This maxim is a categorical rule of law. Fraud is a constitutional nullity that vitiates all antecedent steps, regardless of the stage of the proceeding.

478. *Curtis v. Chemical Cleaning and Dyeing Co.*, [1951] 1 K.B. 805 (*Curtis*), establishes that a statement which is literally true may yet be practically false due to the deliberate omission of material facts—a “half-truth” is a fraudulent misrepresentation. In the judicial context, a neutral-sounding endorsement that hides its intended effect as a warrant of arrest is such a half-truth.

479. *Broom's Legal Maxims* provides that *consensus tollit errorem* (silence in the face of error is treated as consent). A judge who issues an endorsement knowing they lack the assignment to do so, and who remains silent about this deficiency, engages in a fraudulent concealment that induces false reliance.
480. *Meek v. Fleming*, [1961] 2 Q.B. 366 confirms that any judgment obtained by the concealment of material evidence, or by the misrepresentation of the status of the actors involved, cannot stand.

C. ANALYSIS

481. The record indicates a pattern of conduct by the Crown and the Default Judge that constitutes a fraud on the court. Specifically, the issuance of an Endorsement that appeared administrative but functioned as a *de facto* warrant—while concealing the absence of jurisdiction—is a fraudulent “half-truth” under the *Curtis* doctrine. The state presented a “Scheduling Note” to the police as if it were a “Warrant of Arrest,” thereby deceiving the executive branch.
482. The silence of the court regarding the lack of assignment to the criminal intake induced a false reliance by law enforcement. This silence, in the face of a jurisdictional void, constitutes *dolus malus* (evil intent). The use of misleading terminology, such as “Administrative Intake” to describe what was actually a “Liberty-Restricting Adjudication,” further proves the intent to deceive.
483. It might be suggested by the Crown that these were merely “administrative irregularities” rather than intentional deceptions. This defense is obliterated by the principle in *Lazarus Estates*: the motive is irrelevant if the effect is to mislead. The masquerading of an unauthorized endorsement as a valid warrant is, by definition, a fraudulent misrepresentation of authority. One cannot commit a “good faith” fraud on the jurisdiction of the court.
484. Under the authority of *Hip Foong Hong v. Neotia & Co.*, [1918] A.C. 888, even a suspicion of fraud in the procurement of an order necessitates its excision. The entire record is a “Tainted Instrument” (the “**Tainted Instrument**”). Because the initial Endorsement was born of misrepresentation, every subsequent warrant, email, and arrest is fruit from a poisoned tree.

D. CONCLUSION

485. The standard for fraud is met where there is a material non-disclosure of jurisdictional competence and the mischaracterization of judicial instruments. Under *Landreville* and *Lazarus Estates*, this fraud unravels all antecedent criminal steps, nullifies the Endorsement, and mandates the immediate quashing of all related orders.

V. FINAL SUPPLEMENTAL COMMENTARY

486. The convergence of jurisdictional nullity and fraudulent misrepresentation creates a constitutional imperative for this Court to intervene. The preservation of the “open court principle” and the “dignity of the law” requires that this Court not permit administrative shortcuts to supersede the “liberty of the subject.”
487. The proceedings are, in every legal sense, *nullities* and must be treated as though they never occurred. The restoration of the *status quo ante* is not merely a remedy for the applicant; it is a necessary act to preserve the legitimacy of the *Ontario Superior Court of Justice*. Any refusal to quash these instruments would be to signal that jurisdiction is optional and that *Form 7* is a mere suggestion. Such a result is untenable in a free and democratic society.

ISSUE NO. 29 — WHETHER THE EXECUTIVE BRANCH CONTRAVENED SECTION 2(B) OF THE *CANADIAN CHARTER OF RIGHTS AND FREEDOMS* (THE “OPEN COURT PRINCIPLE”) THROUGH THE FALSIFICATION AND FILING OF FABRICATED INSTRUMENTS WITHIN THE ONTARIO COURT OF JUSTICE

ISSUE

488. The fundamental inquiry presented for the adjudication of this Honourable Court is whether the Executive Branch—encompassing the Toronto Police Service (the “TPS”), the administrative personnel of the Ontario Court of Justice (the “OCJ”), and the Crown Prosecutors (the “Crown”)—contravened the *Open Court Principle* as protected under section 2(b) of the *Canadian Charter of Rights and Freedoms* (the “Charter”). This inquiry is necessitated by the deliberate falsification, unauthorized alteration, and surreptitious insertion of fabricated records into the judicial file at 10 Armoury Street, an act that strikes at the very foundations of judicial integrity and the structural separation of powers.
489. Furthermore, the Court is invited to determine whether such executive interference with the sanctity of the judicial record—specifically the contamination of the Information and the misrepresentation of intake court endorsements—must be characterized as a *nullity ab initio*, rather than a mere procedural irregularity. The gravamen of the Applicant’s position is that these acts represent a sophisticated fraud upon the court, necessitating a declaration that the resulting proceedings are *coram non judice*. This Court must adjudge whether the involvement of madam justice shore (the “Madam Justice Shore”), to the extent she purported to exercise judicial authority while lacking the requisite objective and subjective constitutional independence, renders the judicial record a fabricated instrument and an unconstitutional deception. The Court must consider if the state’s conduct in “shadow-filing” documents transcends mere administrative error and enters the realm of systemic constitutional subversion, effectively creating a parallel legal reality that is *ipso facto* void.

II. RULE

A. The Constitutional Dimension of the Open Court Principle

490. The *Open Court Principle* is recognized as a cornerstone of the democratic order and is constitutionally protected under section 2(b) of the *Charter*. As articulated in *Sherman Estate v. Donovan*, 2021 SCC 25 at paragraphs 30, 39, and 44 (*Sherman Estate*), judicial proceedings and the concomitant records are presumed to be accessible to the public to ensure transparency and prevent executive overreach. This principle is further reinforced by *CBC v. Named Person*, 2024 SCC 21 at paragraphs 27–32 (*CBC*), and *CBC v. New Brunswick (Attorney General)*, 1996 3 S.C.R. 480 at paragraph 23 (*New Brunswick*). The principle ensures that the public and press may attend hearings, inspect court files, and scrutinize the administration of justice to discourage mischief and maintain public confidence. Any state conduct that obscures the true nature of the judicial record constitutes a *prima facie* infringement of this constitutional guarantee, as openness is the primary deterrent against the arbitrary exercise of executive discretion.
491. The custodianship of court records is the exclusive prerogative of the judiciary, serving as a vital check against the arbitrary exercise of state power. The *Canadian Judicial Council* (the “CJC”), in its *Blueprint for the Security of Judicial Information* (2004), affirms that judicial information is created, maintained, and controlled solely by the judiciary, to the exclusion of the administrative arm of government. The term court does not include the administrative arm of government; therefore, executive actors have no authority to alter, falsify, or misfile judicial records. Any executive encroachment into this sphere—be it through the alteration of an Information or the insertion of unauthorized endorsements—is *prima facie* unconstitutional and offends the doctrine of the separation of powers. The sanctity of the judicial record is a prerequisite for the rule of law; without an authentic record, the open court becomes an empty theater for state-sanctioned fiction, wherein the *Acta* of the court are subordinated to executive convenience.

THE DOCTRINE OF NULLITY AND FRAUD UPON THE COURT

492. It is a fundamental tenet of the common law that *fraus omnia corrumpit* (fraud unravels everything). In *Landreville v. Boucherville (Town of)*, 1978 2 S.C.R. 801 (*Landreville*), the Supreme Court of Canada adopted the principle from *Lazarus Estates Ltd. v. Beasley*, 1956 1 Q.B. 702 at pages 712–13 (*Lazarus Estates*), stating that “no court in this land will allow a person to keep an advantage which he has obtained by fraud.” This doctrine dictates that where a record is birthed in deceit, it cannot be cured by subsequent procedural compliance. Fraud, dishonesty, and bad faith are special categorical causes of *nullity* that automatically vitiate all antecedent steps. The presence of fraud acts as an unravelling agent, stripping the state of any procedural shield it might otherwise claim, and rendering the resultant acts *ipso facto* void.

493. Where a judicial officer acts without jurisdiction or outside the scope of their assigned authority, the proceedings are *coram non judice* (not before a judge) and any resulting acts are void. The maxim *Factum A Judice, Quod Ad Officium Jure Non Pertinet, Ratum Non Est* (an act of a judge which does not pertain to his office is of no effect) governs such jurisdictional failures. A judge acting without assignment or jurisdiction is effectively the source of their own authority; such acts are inherently invalid and constitute an *ultra vires* exercise of power that the law refuses to recognize, for a judge cannot be *Judex In Propria Causa*.
494. Furthermore, the commencement of criminal proceedings through the swearing of an Information is a judicial act: *R. v. Awad*, 2015 NSCA 10 at paragraph 49 (*Awad*); *R. v. Pardo* (1991), 62 C.C.C. (3d) 371 (*Pardo*); *R. v. McHale*, 2010 ONCA 361 at paragraph 85 (*McHale*). Consequently, the alteration or clandestine editing of such a document by executive actors constitutes a direct interference with the judicial function and a breach of the state's duty of *uberrima fides* (utmost good faith) to the court. The Information is the foundational document of the criminal process; its corruption poisons the entire tree of the litigation, necessitating its treatment as a *nullity*.

III. ANALYSIS

The Systematic Corruption of the Judicial Record and the Role of Madam Justice Shore

495. The evidentiary record demonstrates that the Executive Branch engaged in the systematic fabrication and unauthorized modification of the judicial record. These actions were not confined to incidental administrative oversight but involved the deliberate creation of instruments masquerading as judicial orders. Such conduct represents an *ultra vires* intrusion into the judicial sphere, violating the structural separation of powers and the institutional independence of the OCJ. When the TPS and the Crown substitute their own internal narrative for the authentic judicial record, they effectively capture the court's process for executive ends, reducing the judiciary to a mere instrument of the administrative state. The creation of documents purporting to be judicial records, the misfiling of instruments without judicial authorization, and the misrepresentation of an Intake Court Endorsement as a warrant-like instrument collectively constitute a fraud upon the court. This shadow record was maintained to insulate state actors from accountability, thereby rendering the public's right of scrutiny a nullity.
496. The involvement of the Madam Justice Shore in these proceedings represents a profound failure of judicial neutrality and constitutional independence. To the extent that she purported to issue warrants or judicial authorizations, such acts were performed while she lacked the objective and subjective independence required by the Constitution. A judicial officer who is not independent cannot serve as the guardian of the court record or the protector of *Charter* rights. Consequently, any document bearing her endorsement under these circumstances is not a judicial record but a procedural fiction inserted into the file to facilitate executive objectives. This involvement creates a jurisdictional vacuum, rendering the proceedings *coram non judice*. The presence of a non-independent actor at the center of the judicial process contaminates the entire record, obscuring the true procedural posture of the case and interfering with public access to accurate information. This is not merely an irregularity; it is the complete evaporation of judicial authority and the imposition of a *nullity* that cannot be rehabilitated.

The Erosion of Public Scrutiny and the Social Contract of Justice

497. The public's ability to scrutinize the administration of justice is predicated upon the veracity of the court record. When the Executive Branch falsifies an Information or misfiles documents to obscure the procedural posture of a case, the *Open Court Principle* is rendered illusory. As held in *Sherman Estate*, openness is required to discourage mischief and maintain public confidence; conversely, executive fabrication encourages mischief and subverts the *status quo ante* of judicial integrity. The public cannot meaningfully audit the court's work if the record being audited is a product of executive fiction, effectively conducting a trial in the shadows where the true foundations of the state's authority are concealed from view by a non-independent judicial actor. Such conduct is antithetical to the constitutional requirement that courts operate in the open, not in the shadows of executive fabrication. The resulting legal mirage serves only to erode the social contract between the citizen and the state, leading to a state of *Coram Non Judice* where the form of law is used to mask the absence of justice.
498. In accordance with the *Landreville* and *Lazarus Estates* doctrine, the presence of fraud and bad faith in the creation of court records precludes any finding of mere irregularity. Because these acts were performed in direct contravention of the *Charter* and the judiciary's exclusive custodianship, they must be characterized as a *nullity*.

The deception practiced upon the court—by presenting an Intake Court Endorsement as a valid warrant-like instrument—vitiates all subsequent proceedings. This is not a case of technical non-compliance or a slip of the pen; it is a case of *fraus omnia corrumpit* where the very foundation of the record is tainted by a fundamental lack of truthfulness that poisons the entire tree of the litigation. The Executive Branch cannot claim documents are “court records” while knowing they are fabricated instruments designed to mislead the public and the accused. A record founded on a lie cannot be the basis for a deprivation of liberty and must be struck *In Limine*.

THE APPLICATION OF COMMON LAW MAXIMS TO EXECUTIVE DECEIT

499. Furthermore, Herbert Broom’s legal maxims provide that the law must not become a shelter for the deceitful. The principle of *allegans contraria non est audiendus* (he is not to be heard who alleges things contradictory to each other) prevents the Executive from asserting that these records are valid judicial instruments while knowing them to be fabrications. The state cannot simultaneously claim the protection of judicial process while actively subverting it through clandestine filings. *Consensus tollit errorem* dictates that silence in the face of known falsity is treated as consent; executive actors who knowingly maintain false records cannot later deny responsibility. To permit the state to rely on a record it has itself corrupted would be to invite a state of legal nihilism where the form of law is used to destroy the substance of justice. The state’s duty to the court is a duty of candour, not a license for artifice; where fraud is found, the law must restore the *status quo ante*.
500. Any act of the court obtained through such deceit must be rectified, as *actus curiae neminem gravabit* (an act of the court shall prejudice no one). To allow these fabricated documents to remain in the record would be to permit a continuing constitutional violation that erodes the rule of law. The contamination of the court file at 10 Armoury Street by the TPS and the Crown represents a shadow administration of justice that is antithetical to the transparency demanded by section 2(b). This interference creates a false history of the proceedings, depriving the accused of a fair hearing and the public of its right to a truthful accounting of the state’s exercise of power. A fraudulent filing masquerading as a judicial act must be corrected to restore the court to its proper constitutional position and to purge the record of its executive-led distortions.

IV. CONCLUSION

501. It is submitted that the Executive Branch breached section 2(b) of the *Charter*. The falsification of documents at 10 Armoury Street constitutes a fraudulent imposition upon the OCJ and a direct assault on the *Open Court Principle*. Furthermore, the purported judicial acts of the Madam Justice Shore are void for lack of independence. Consequently, the affected records and the steps taken in reliance thereon are a *nullity*. The integrity of the judicial record must be restored to its *status quo ante*, and the state conduct must be rebuked as an unconstitutional interference with judicial independence, public transparency, and the core tenets of the democratic constitution. Public confidence in the administration of justice cannot survive when the state is permitted to operate a system of fabricated judicial records that hide behind the veneer of officiality.

ISSUE NO. 30 — WHETHER THE APPLICANT’S RIGHT TO BE SECURE AGAINST UNREASONABLE SEARCH OR SEIZURE UNDER SECTION 8 OF THE *CHARTER* WAS VIOLATED BY THE CONTINUOUS SEQUENCE OF STATE CONDUCT COMMENCING SEPTEMBER 23, 2024

ISSUE

502. The issue to be determined is whether the cumulative state conduct—beginning with the issuance of the Intake Court Endorsement and including the Applicant’s lockout from his residence, his designation as having no fixed address (the “NFA Designation”), and the deceptive seizure of property on October 2, 2024—constitutes an unreasonable search and seizure under section 8 of the *Charter*.
503. The Court must evaluate whether this integrated sequence of events, characterized by fraudulent misrepresentation and the absence of judicial authorization, renders the state’s intrusion a *nullity*. Specifically, the Court must determine if any warrant or authorization purported to be issued by the Madam Justice Shore met the constitutional

requirements for search and seizure. The Applicant contends that her lack of independence precluded her from acting as a “neutral and impartial arbiter,” thereby failing the first prong of the *Hunter v. Southam* criteria and rendering any resulting search or seizure a *nullity ab initio*. The inquiry further examines whether the state’s use of deception to bypass the warrant requirement constitutes a bad faith circumvention of the *Charter* that necessitates the strongest possible judicial remedy to preserve the sanctity of the individual’s privacy and informational identity.

II. RULE

The Disjunctive Protections of Section 8

504. Section 8 of the *Charter* guarantees that “everyone has the right to be secure against unreasonable search or seizure.” This right is disjunctive, protecting against both searches (intrusions upon a reasonable expectation of privacy) and seizures (the non-consensual taking of property by a public authority). As noted in *Thomson Newspapers Ltd. v. Canada (Director of Investigation and Research, Restrictive Trade Practices Commission)*, 1990 1 S.C.R. 425 (*Thomson Newspapers*), compelled production is functionally equivalent to a seizure, as it involves the state exerting control over the individual’s effects. A search is any state activity that intrudes upon a reasonable expectation of privacy, while a seizure is the taking of a thing by a public authority without consent. Both occurred here through a single, continuous, and integrated sequence of state action that targeted the Applicant’s physical, informational, and decisional autonomy.

B. THE HUNTER STANDARD AND JUDICIAL INDEPENDENCE

505. The constitutional standard for valid authorization was established in *Hunter v. Southam Inc.*, 1984 2 S.C.R. 145 (*Hunter*). This requires: (i) prior authorization by a neutral and impartial arbiter; (ii) sworn evidence establishing reasonable and probable grounds; and (iii) a specific scope for the seizure. Any deviation from these criteria renders a search *prima facie* unreasonable. The requirement for a “neutral and impartial arbiter” is not a mere formality but a substantive prerequisite that demands absolute judicial independence from the executive branch. A “rubber-stamp” or a non-independent officer cannot satisfy this threshold. Furthermore, *Arkininstall v. Surrey (City)*, 2010 BCCA 250 (*Arkininstall*) holds that the *Hunter* criteria apply where a reasonable expectation of privacy exists, the intrusion carries stigma, and a warrant is feasible and useful.
506. However, herein this was not a regulatory intrusion but a criminal one so the strict requirements of the *Hunter* criteria were required to the extent any search warrants or purported search warrants were granted in the INTAKE COURT ENDORSEMENT (SEPT 23 2024) or outside of the same.

PRIVACY INTERESTS AND THE SANCTITY OF THE HOME

507. Territorial privacy, particularly regarding the home, attracts the highest level of constitutional protection known to the law. As affirmed in *R. v. Feeney*, 1997 2 S.C.R. 13 (*Feeney*); *R. v. Silveira*, 1995 2 S.C.R. 297 (*Silveira*); and *R. v. Evans*, 1996 1 S.C.R. 8 (*Evans*), the sanctity of the residence is nearly absolute. A state-engineered lockdown, which effectively de-platforms an individual from their own property and denies them access to their inner sanctum, constitutes a profound and total intrusion into territorial, informational, and decisional privacy. The home is not merely a physical space; it is a repository of one’s informational and psychological identity, and any state-led exclusion therefrom is a seizure of the most intrusive kind.

CONSENT AND STATE DECEPTION

508. Consent to a search or seizure must be voluntary, informed, and free from any element of state coercion or trickery. In *R. v. Wills* (1992), 7 O.R. (3d) 337 (C.A.) (*Wills*) and *R. v. Jaballah*, 2020 ONCA 513 (*Jaballah*), it is established that consent obtained through state deception, coercion, or misrepresentation is *prima facie* invalid and vitiates the legality of the seizure. Further jurisprudence in *R. v. Cole*, 2012 SCC 53 (*Cole*); *R. v. Blinch*, 2010 BCCA 234 (*Blinch*); and *R. v. Edwards*, 1996 1 S.C.R. 128 (*Edwards*) confirms that consent for one purpose is not consent

for another, and coercive circumstances vitiate any purported waiver of *Charter* rights. The state cannot bypass the *Charter* by wearing a mask of cooperation while hiding a spear of intrusion, for fraud unravels the validity of any purported consent.

III. ANALYSIS

The Failure of the Hunter Criteria and Judicial Neutrality

509. The state conduct in this matter represents a continuous and escalating deprivation of the Applicant's privacy interests, characterized by a lack of transparency and a disregard for judicial oversight. The Intake Court Endorsement, issued without the *Hunter*-mandated safeguards, provided the veneer of authority for a series of *ultra vires* acts. Because this endorsement—and any warrant purported to be issued by the Madam Justice Shore—lacked the prerequisite of a “neutral and impartial arbiter,” it must be viewed as a *nullity*. The endorsement authorized state interference with the Applicant's property without prior judicial authorization meeting *Hunter*, without sworn evidence, and without reasonable grounds to believe an offence had been committed. This jurisdictional failure renders the entire state sequence a constitutional void.
510. The lack of independence on the part of the Madam Justice Shore is dispositive of the section 8 analysis. The *Hunter* criteria demand that the person authorizing the search be capable of acting judicially, which requires independence from the state actors seeking the warrant. If she was not independent, she could not, as a matter of law, provide the “prior authorization” required by the Constitution. Any warrant she purported to issue was *void ab initio* and could not authorize a search or seizure. It was, in effect, an executive act masquerading as a judicial one, used to bypass the rigorous scrutiny of the warrant process and the requirement for sworn information. This failure of neutrality renders the search or seizure unconstitutional *simpliciter*, as the state effectively authorized itself to intrude upon the Applicant's privacy, violating the *Nemo Debet Esse Judex In Propria Causa* principle.

B. TERRITORIAL, INFORMATIONAL, AND DECISIONAL SEIZURES

511. The lockdown of the Applicant from his residence, notwithstanding the police possession of a driver's licence confirming his address, constitutes a “constructive seizure” of the home. By depriving the Applicant of control over his dwelling, the state engaged in a territorial seizure *simpliciter*. This intrusion was exacerbated by the informational expropriation inherent in the no fixed address (the “NFA Designation”). The state's deliberate misclassification of the Applicant's residency status—despite having contradictory evidence in their possession—was a tactical maneuver used to justify further intrusions into his autonomy and to strip him of the privacy protections normally afforded to residents. This designation served as an instrument of state-sponsored marginalization, rendering the Applicant invisible to the law's protections while remaining visible to the state's intrusions. This informational identity theft by the state facilitated the subsequent seizures and ensured the Applicant was rendered legally homeless by administrative fiat, a status that was then weaponized against him.

THE OCTOBER 2 FRAUDULENT SEIZURE VIA RUSE AND THE HONOUR OF THE CROWN

512. The events of October 2, 2024, involving an email from Cst. Romano, represent a seizure by fraudulent inducement. The state represented that the Applicant should attend to retrieve property (the “October 2 Property Retrieval”), when the true intent was the compelled production and seizure of effects. Following the *Lazarus Estates* doctrine, this fraud unravels the entire transaction. The state cannot benefit from a seizure effected through a deceptive “trap” that vitiates any possibility of informed consent. Under *Wills*, the “consent” was not an exercise of autonomy but a response to a fraudulent state command. The police did not receive property; they engineered a scenario to seize it under false pretenses, a practice that is fundamentally incompatible with the duty of the state to act with honour and within the bounds of the *Charter*. This ruse by Cst. Romano undermines the reputé of the administration of justice and constitutes a bad-faith circumvention of the warrant requirement that the court must rebuke by finding the act a *nullity*.

THE OBFUSCATION OF JUDICIAL OVERSIGHT AND THE ROLE OF THE DEFAULT JUDGE

513. Applying the “totality of the circumstances” test from *R. v. Tessling*, 2004 SCC 67 (*Tessling*), it is evident that the subject matter (the home and personal effects) and the nature of the state’s intrusion (coercive and deceptive) weigh heavily in favour of a constitutional breach. The use of a default judge (the “Default Judge”), as acknowledged by Mr. Michael Henriques, to facilitate these steps further demonstrates that the proceedings were *coram non judice*. The jurat information laying crown election page (the “Jurat Information Laying Crown Election Page”)—specifically page 4 of 6 from the Lincoln County Law Association—was utilized in a manner that further obfuscated the lack of proper judicial oversight, effectively removing the shield of judicial protection between the state and the citizen. This procedural sleight of hand ensured that the state’s actions remained unscrutinized by a neutral and impartial arbiter, violating the territorial, informational, and decisional privacy of the Applicant in a manner that section 1 cannot save.

IV. CONCLUSION

514. It is submitted that the state’s conduct constitutes a flagrant violation of section 8 of the *Charter*. The Intake Court Endorsement, the residence lockdown, the NFA Designation, and the fraudulent seizure of property were part of a single, continuous, and unconstitutional enterprise. Any warrant or authorization purported to be issued by the Madam Justice Shore failed the *Hunter* criteria due to her lack of independence and is therefore a *nullity*. Under the *Oakes* test, section 1 cannot save a violation founded upon state deception and the deliberate circumvention of the requirement for a neutral arbiter. The Applicant is entitled to a declaration of the breach and the exclusion of all evidence flowing therefrom, as the court must not allow its processes to be used as an instrument of state deception and unconstitutional seizure.

REMEDIES

I. CONSTITUTIONAL RELIEF PURSUANT TO SECTION 24(1) OF THE CHARTER

515. The Applicant seeks a declaration that the aforementioned state conduct constitutes a fundamental breach of his rights under sections 2(b) and 8 of the *Charter*. Pursuant to section 24(1), which empowers this Court to grant “such remedy as the court considers appropriate and just in the circumstances,” the Applicant moves for an order setting aside all judicial and quasi-judicial instruments generated, filed, or maintained in reliance upon the fraudulent record. As these instruments were birthed *ab initio* in a state of constitutional *nullity*, they must be treated as having no legal force or effect. The principle of *ex debito justitiae* (as a matter of right arising from debt to justice) demands that the Court restore the *status quo ante* by expunging the fabricated records and the contaminated Information. This restorative relief is essential to purge the judicial file of executive-led distortions and to vindicate the institutional independence of the Ontario Court of Justice.

516. Furthermore, the Applicant submits that the systematic and bad-faith nature of the state’s conduct—including the ruse employed by Cst. Romano and the fraudulent NFA Designation—warrants a permanent stay of proceedings. As held in *R. v. Babos*, 2014 SCC 16 at paragraphs 31–32 (*Babos*), a stay is appropriate where the state conduct is so egregious that to allow the trial to proceed would permanently damage the integrity of the justice system. The “parallel reality” created by the Executive Branch at 10 Armoury Street is precisely such an affront. To proceed on the basis of a fraudulent record would be to sanction a trial that is *coram non judice*, effectively transforming the Court into an unwitting accomplice to state deception. Only a permanent stay can provide the requisite rebuff to the state’s *ultra vires* actions and preserve the repute of the administration of justice.

ISSUE 31: THE CONSTITUTIONAL INFIRMITY OF THE DETENTION ARISING FROM THE INTAKE COURT ENDORSEMENT AND THE ATTENDANT POLICE MALFEASANCE

I. ISSUE

517. The sub-issues hereunder are:

- a. Whether the physical and psychological restraint of the Applicant by officers of the Toronto Police Service (the “TPS”) on 2 October and 3 October 2024, predicated upon an *Intake Court Endorsement* dated 23

September 2024 (the “Intake Court Endorsement”), constituted an arbitrary detention and imprisonment contrary to section 9 of the *Canadian Charter of Rights and Freedoms* (the “*Charter*”).

- b. Whether the subsequent movement and confinement of the Applicant, in the absence of a valid judicial warrant or statutory authorization, transcended mere procedural irregularity to become a substantive nullity, thereby satisfying the *actus reus* and *mens rea* of forcible confinement or kidnapping pursuant to section 279 of the *Criminal Code*, R.S.C. 1985, c. C-46.
- c. Whether the reliance by state actors upon a document devoid of custodial authority constitutes a jurisdictional error of such magnitude that the resulting acts are *coram non judice*, rendering the detention not merely voidable, but a nullity *ab initio*; and
- d. Whether the intentional utilization of an administrative instrument to bypass the rigorous judicial oversight required for the deprivation of liberty constitutes a fraudulent exercise of state power that “unravels” the legality of the entire custodial process.

II. RULE

518. Section 9 of the *Charter* guarantees that “[e]veryone has the right not to be arbitrarily detained or imprisoned.” This constitutional safeguard serves as a bulwark against the unconstrained exercise of state power, ensuring that no individual’s liberty is curtailed save for in accordance with the principles of fundamental justice: *R. v. Grant*, 2009 SCC 32 at para 54 [“*Grant*”]. The state bears the heavy burden of demonstrating that any interference with this primordial right is rooted in a clear and unambiguous legal authority.
519. A detention is characterized by a significant physical or psychological restraint imposed by the state. Psychological detention occurs when an individual is legally required to comply with a restrictive direction or when a reasonable person in the subject’s position would conclude, by reason of the state’s conduct, that they had no choice but to comply: *Grant* at paras 30-31, 44. The courts have emphasized that the perception of the individual, viewed through the lens of a reasonable person in similar circumstances, is paramount in determining whether the state has asserted a degree of control that triggers constitutional protections.
520. The analytical framework for an extraction of a section 9 breach requires the determination of two distinct elements: first, whether the individual was detained or imprisoned; and second, whether such detention was arbitrary: *R. v. Hufsky*, [1988] 1 S.C.R. 621 at paras 12-13.
521. In the context of the second branch, a detention is *prima facie* arbitrary if it is not authorized by law. Lawful authority must be found in a specific statute or a recognized common law power. The state cannot retroactively cure an unlawful detention by reference to powers that were available but not actually exercised at the material time: *R. v. Moore*, 2012 BCCA 400; *R. v. Whitaker*, 2008 BCCA 174. A detention that lacks a valid legal foundation is, by definition, an affront to the rule of law.
522. The term “arbitrary” (the “Arbitrary Definition”) denotes a deprivation of liberty that is capricious, despotic, or otherwise lacks a rational and legal foundation. Where a detention is effected in direct contravention of a statute, regulation, or the *Rules of Civil Procedure*, it constitutes a nullity *ab initio*. The distinction between a mere irregularity and a nullity is critical; where a state actor acts in total absence of jurisdiction or in direct defiance of statutory mandates, the act is a nullity that cannot be saved by subsequent procedural corrections.
523. Furthermore, where a judicial act is performed without the requisite jurisdiction, it is *coram non judice*. It is a settled maxim that *factum a judice, quod ad officium jure non pertinet, ratum non est*—an act of a judge which does not belong to his office or jurisdiction is not valid. This principle extends to those state actors, such as the police, who execute orders or rely upon documents that are ostensibly judicial but which lack the requisite jurisdictional foundation. An officer who acts upon a void order does not act under the protection of the law.
524. Regarding the integration of fraud into the jurisdictional analysis, as articulated in *Landreville v. The Queen*, [1977] 2 F.C. 376, citing *Lazarus Estates Ltd. v. Beasley*, [1956] 1 Q.B. 702 (C.A.) at 712: “No court in this land will allow a person to keep an advantage which he has obtained by fraud. No judgment of a court, no order of a Minister, can be allowed to stand if it has been obtained by fraud. Fraud unravels everything.”
525. Under section 279(1) of the *Criminal Code*, the *actus reus* of kidnapping or forcible confinement is established by the non-consensual deprivation of liberty or movement of a person without lawful authority. The *mens rea* involves the specific intent to confine or imprison the subject against their will. In the context of state actors, the absence of a valid warrant or statutory power renders the use of force or confinement a criminalized trespass.

III. ANALYSIS

A. The Fact of Detention and Imprisonment: Physical and Psychological Restraint

526. It is submitted that the Applicant was subjected to a paradigmatic physical detention when he was forcibly escorted from the first floor of 14 Division to the subterranean detention cells (the “Dungeon”). The physical transposition of the Applicant’s person from a public-facing area to a secure, non-public custodial environment represents an unequivocal exercise of state control. The closure of a locked cell door constitutes the ultimate physical restraint, rendering the Applicant’s lack of freedom to depart self-evident and absolute. This was not a transient interaction but a formal, physical enclosure of a human being.
527. *Ipso facto*, even if a physical restraint were not found, the psychological pressure exerted by the TPS officers—who asserted a non-existent legal authority—would lead any reasonable person to conclude that they were under a total restraint of liberty. The officers’ conduct, characterized by a formal assertion of power and the directed movement of the Applicant, created a situation where compliance was the only perceived modality of interaction, thereby satisfying the criteria for detention established in *Grant*. The Applicant was confronted with the coercive machinery of the state, leaving no room for the exercise of personal volition.
528. The psychological dimension of this detention is further exacerbated by the coercive atmosphere of a police station. When uniformed officers direct a citizen to enter a cell, the power imbalance is so profound that the individual is effectively stripped of their autonomy. This psychological submission is not a product of consent, but rather a surrender to the overwhelming authority of the state. To suggest that a citizen in such circumstances is “free to leave” is to engage in a legal fiction that ignores the reality of police-citizen encounters.

B. THE ABSENCE OF LAWFUL AUTHORITY AND THE PRESENCE OF ARBITRARINESS

529. The pivot of this constitutional challenge is the *Intake Court Endorsement*. The Applicant contends that the TPS officers treated the *Intake Court Endorsement* as a functional equivalent of a warrant for arrest or a committal order. However, the *Intake Court Endorsement* was a document of limited procedural scope, lacking the requisite judicial imprimatur to authorize a deprivation of liberty or the imprisonment of a subject. It was, at best, an administrative notation, and at worst, a tool of deception.
530. Because the *Intake Court Endorsement* was incapable of providing legal authorization for the arrest, the detention was unlawful. In accordance with the Supreme Court of Canada’s holding in *R. v. Tim*, 2022 SCC 12 at para 22, an unlawful detention is necessarily arbitrary. The state’s reliance on a document that is *ultra vires* its purported purpose renders the entire process a nullity rather than a mere procedural irregularity. This was not a minor technical flaw; it was a fundamental failure to adhere to the statutory prerequisites for the deprivation of liberty. There can be no “good faith” reliance on a document that is legally incapable of authorizing the act performed.
531. The movement of the Applicant to a bounded space without a valid warrant satisfies the *actus reus* of section 279(1) of the *Criminal Code*. The absence of consent, conjoined with the lack of lawful authority, transforms the state’s conduct into a criminalized deprivation of liberty. Given that the officers intended to confine the Applicant against his will, the *mens rea* for forcible confinement is manifest. To move a person, even a short distance, into a cell without a warrant is to kidnap that person from the protection of the law and place them in a state of legal invisibility.
532. **Furthermore, if the *Intake Court Endorsement* was issued in a manner that exceeded the jurisdiction of the issuing authority**, the resulting hearing and subsequent document are *coram non iudice* and the acts of the undisclosed judge were *Factum A Iudice, Quod Ad Officium Jure Non Pertinet, Ratum Non Est*. Under the doctrine of *factum a iudice, quod ad officium jure non pertinet, ratum non est*, the TPS officers were relying upon a void instrument. The Applicant avers that they knowingly did so. If they did not, which is denied, the provincial Crown certainly did.
533. A document issued without jurisdiction has no more legal force than a blank sheet of paper, and any imprisonment based upon it is a trespass against the person. The state cannot claim the protection of judicial authority for acts that fall outside the boundaries of that authority.

C. THE IMPACT OF POTENTIAL FRAUD AND JURISDICTIONAL OVERREACH

534. To the extent that the *Intake Court Endorsement* was obtained or utilized through a misrepresentation of its legal effect, the principle from *Lazarus Estates Ltd. v. Beasley*, as adopted in *Landreville*, applies with full force. Fraud serves to nullify any perceived legal advantage or authority obtained by the TPS. If the officers knew, or ought to have known, that the *Intake Court Endorsement* did not authorize imprisonment, their reliance upon it was a fraudulent exercise of state power that “unravels everything.” Fraud in this context is not merely a moral failing; it is a jurisdictional solvent that dissolves the legality of state action.
535. The use of an administrative endorsement to effect a custodial arrest suggests a calculated attempt to circumvent the rigorous standards of the *Criminal Code* and the *Charter*. Such conduct constitutes an *in limine* breach of the duty of state actors to act in good faith and within the bounds of their prescribed authority. When the state mischaracterizes a document to facilitate an arrest, it commits a fraud upon the administration of justice. This conduct undermines public confidence in the judicial process and renders the resulting detention a substantive nullity.
536. The duration of the confinement—persisting from the evening of 2 October through the morning of 3 October 2024—compounds the arbitrariness. As noted in *R. v. Storrey*, [1990] 1 S.C.R. 241, any unreasonable delay in bringing a detained person before a judicial officer or providing for their release exacerbates the constitutional breach. Each passing hour of confinement without lawful authority adds a fresh layer of illegality to the state's conduct, transforming a brief encounter into a prolonged and egregious violation of section 9. The Applicant was left to languish in the “Dungeon” while the state operated outside the bounds of the law.
537. Moreover, the conditions of the confinement serve to underscore the capricious nature of the state's actions. The lack of procedural safeguards, the failure to inform the Applicant of the true grounds for his detention, and the reliance on an inapplicable endorsement all point to a systemic disregard for the *status quo ante* of the Applicant's liberty. This was not an error of procedure; it was an abandonment of constitutional principle.

IV. CONCLUSION

538. The Applicant was detained, moved, and imprisoned without the requisite lawful authority, as the *Intake Court Endorsement* was legally insufficient to authorize such a deprivation of liberty. The officers of the TPS acted *extra-judicially*, usurping a power that was not granted to them by statute or common law. Their actions constitute a direct assault on the principles of fundamental justice.
539. The resulting detention was arbitrary *prima facie*, constituting a direct contravention of section 9 of the *Charter*. This breach is not merely an irregularity of form but a nullity of substance, as it occurred in total absence of jurisdiction. An act that is void *ab initio* can never be made valid by the passage of time or the subsequent discovery of other potential justifications.
540. Given the total absence of a valid warrant, the state's conduct represents a substantive nullity. The deprivation of liberty meets the elements of forcible confinement and potentially kidnapping under the *Criminal Code*. This Honourable Court is urged to find that the acts performed under the auspices of the *Intake Court Endorsement* were *coram non judice* and to grant a remedy that vindicates the Applicant's constitutional rights. The integrity of the justice system requires that the state be held to the highest standard of legality when it seeks to imprison a citizen, and any deviation from that standard must be met with the firmest possible judicial response to ensure that the rule of law is not sacrificed to administrative expediency.

ISSUE #32 — SECTION 11 OF THE CANADIAN CHARTER OF RIGHTS AND FREEDOMS: DERELICTION OF THE CONSTITUTIONAL OBLIGATION TO INFORM OF THE SPECIFIC OFFENCE AND THE PROTRACTED DURATION OF PROCEEDINGS AS AN UNREASONABLE DELAY

I. ISSUE

541. The central inquiry placed before this Honourable Court concerns whether the egregious failure to apprise the Applicant of the precise nature of the allegations, coupled with an 18-month duration of the proceedings, constitutes a fundamental contravention of *section 11(a)* and *section 11(b)* of the *Canadian Charter of Rights and Freedoms* (the “*Charter*”).

542. Furthermore, it must be determined if the existence of a plurality of inconsistent and ostensibly fabricated *Criminal Code* (the “Code”) *Informations* renders the entire process *coram non judice*, thereby transforming what might otherwise be characterized as a mere procedural irregularity into a substantive nullity.

II. RULE

543. The protections enshrined within *section 11* of the *Charter* are invoked whenever an individual is deemed a “person charged with an offence.” It has been authoritatively established by the Supreme Court of Canada that these constitutional rights attach at the temporal moment an information is sworn or a direct indictment is preferred: *R. v. Kalanj*, [1989] 1 S.C.R. 1594 at 1607 (*R. v. Kalanj*).
544. The ambit of these protections extends seamlessly from the pre-conviction phase through to the post-conviction stages of the penal process: *R. v. MacDougall*, [1998] 3 S.C.R. 45 at paras. 10–18 (*R. v. MacDougall*).
545. The teleological objective of *section 11* is the preservation of the liberty and security interests of those individuals subject to the coercive apparatus of the state’s criminal process: *John Howard Society of Saskatchewan v. Saskatchewan (Attorney General)*, 2025 SCC 6 at paras. 39, 48, 50, 55 (*John Howard Society of Saskatchewan*).
546. Under *section 11(a)* of the *Charter*, every person is guaranteed the right to be informed, without unreasonable delay, of the specific offence with which they are charged. Concurrently, *section 11(b)* of the *Charter* mandates that any person so charged possesses the right to be tried within a reasonable time.
547. In matters where the integrity of the judicial process is compromised by fraudulent conduct, the doctrine established in *Landreville v. The Queen* (1976), 70 D.L.R. (3d) 122 (Fed. T.D.) (*Landreville*), adopting the reasoning in *Lazarus Estates Ltd. v. Beasley*, [1956] 1 Q.B. 702 (C.A.) (*Lazarus Estates*), finds application. As Lord Denning famously articulated in *Lazarus Estates*, “fraud unravels everything” (*fraus omnia corrumpit*); consequently, no judgment or act of a court can be allowed to stand if it is premised upon deception or fabricated instruments.
548. Where a presiding judicial officer acts in direct contravention of a statute, regulation, or mandatory rule, such actions are governed by the principle of *Factum A Judice, Quod Ad Officium Jure Non Pertinet, Ratum Non Est* (an action of a judge which does not pertain to his office is not valid). If the jurisdiction of the court is fundamentally undermined by such an act, the proceedings are *ipso facto* a nullity.

III. ANALYSIS

The Failure to Inform and the Proliferation of Inscribed Nullities

549. It is submitted that the Applicant was never duly informed of a coherent or legally cognizable offence. The purported charges were ostensibly derived from a frivolous *Criminal Code Form 2 Information* (the “Form 2 Information”), which stood in direct contradiction to the authentic *Information* (the “Authentic Information”) sworn by Court Officer Frugoni-Rojas.
550. The existence of multiple, mutually exclusive *Informations*—one of which has been conceded as false—demonstrates *prima facie* that no lawful charge existed at the moment of the Applicant’s arrest. The communication of a “specific offence” is a functional impossibility where the underlying accusatory instrument is a fabrication.
551. In this context, the contravention is not a mere procedural irregularity capable of being cured by the *Rules of Civil Procedure* (the “Rules”). Rather, the reliance upon a fraudulent *Information* constitutes a direct breach of the common law and constitutional requirements for a valid prosecution. It is therefore a nullity *ab initio*.
552. Applying the principle of *Factum A Judice, Quod Ad Officium Jure Non Pertinet, Ratum Non Est*, the judicial acts predicated upon these fabricated documents were *ultra vires*. Because the very foundation of the state’s authority to detain the Applicant was grounded in an invalid instrument, the ensuing hearing was *coram non judice*. This lack of jurisdiction is not merely a transient defect but a terminal impairment of the court’s competence to adjudicate the matter. Where a tribunal purports to exercise a coercive power derived from a falsified record, it ceases to function as a court of competent jurisdiction and instead operates as an instrument of state-sanctioned illegality. The consequence of such a profound jurisdictional vacuum is that any resultant order, finding, or detention is a legal phantom, possessing the outward appearance of authority but devoid of any substantive validity. Furthermore, the persistence of these conflicting *Informations* within the judicial record creates an environment of systemic ambiguity that precludes the possibility of a fair trial. The Applicant was forced to navigate a labyrinth

of contradictory allegations, where the shifting nature of the charges rendered any meaningful defense impossible. This state of affairs constitutes a radical departure from the principles of fundamental justice, as it effectively invites the court to participate in a charade of legality while the underlying process is fundamentally subverted by the presence of a known falsehood.

553. The fraud inherent in the presentation of inconsistent *Informations* invokes the rule in *Landreville* citing *Lazarus Estates*. Because the prosecution sought to maintain an advantage obtained through the deployment of a false *Information*, the entirety of the proceedings must be set aside. The court cannot permit the *status quo ante* to be disrupted by a process so thoroughly tainted by deception.

B. The Exceedance of the Presumptive Ceiling for Unreasonable Delay

554. Even if one were to assume, *arguendo*, that a valid proceeding had been initiated, the duration of the matter has exceeded the 18-month presumptive ceiling for provincial court proceedings. This delay constitutes an unreasonable temporal expansion of the litigation beyond the constitutional limits.

555. *Ipso facto*, the Applicant's rights under *section 11(b)* of the *Charter* have been infringed. This delay was not necessitated by the complexity of the matter but was a direct result of the systemic reliance upon defective and fabricated documentation, which inevitably obfuscated the path to a timely adjudication.

IV. CONCLUSION

556. In light of the foregoing, the conclusion is self-evident. The Applicant was subjected to a judicial process that was fundamentally flawed and grounded in a fabricated *Information*. The failure to provide notice of a valid charge constitutes a clear violation of *section 11(a)* of the *Charter*, while the 18-month duration of the matter represents a breach of *section 11(b)* of the *Charter*.

557. Given that these violations involved a direct contravention of the *Code* and the principles of natural justice, the proceedings must be characterized as a nullity rather than a mere irregularity. The cumulative effect of these constitutional and jurisdictional failures necessitates the immediate termination of the proceedings and an award of damages to address the unconstitutional infringement of the Applicant's liberty.

ISSUE #33: THE CONSTITUTIONAL INFIRMITY OF THE POST-ENDORSEMENT TREATMENT UNDER SECTION 12 OF THE *CHARTER*

I. ISSUE

558. The primary question for determination before this Honourable Court is whether the state-imposed conditions and coercive oversight to which the applicant (the "Applicant") was subjected following the intake court endorsement dated 23 September 2024 (the "Intake Court Endorsement") constitute "treatment" that is "cruel and unusual" within the meaning of *section 12* of the *Canadian Charter of Rights and Freedoms* (the "*Charter*").

559. This inquiry necessitates a rigorous and exhaustive examination of whether the administrative and judicial processes preceding and succeeding the Intake Court Endorsement were conducted *coram non judice*, thereby rendering the subsequent deprivation of liberty and the systemic psychological imposition a nullity *ab initio*. The Court must determine if the state's departure from its jurisdictional boundaries constitutes a profound contravention of the Applicant's fundamental right to be free from degrading, dehumanizing, and oppressive state conduct.

560. Furthermore, the Court is invited to consider whether the lack of a temporal limit on the restrictive measures and the absence of a viable mechanism for periodic, meaningful review transformed an ostensibly administrative process into an engine of constitutional erosion, thereby triggering the highest level of judicial scrutiny.

II. RULE

561. Section 12 of the *Charter* mandates that “Everyone has the right not to be subjected to any cruel and unusual treatment or punishment.” It is a fundamental tenet of Canadian constitutional law that this protection is not restricted to the traditional penal environment or the post-conviction sphere. Rather, it extends to any circumstance where the state, through its functionaries or agents, exercises coercive control over a subject in a manner that impacts their physical or psychological integrity.
562. As articulated by the Supreme Court of Canada in *R v Rodgers*, 2006 SCC 15 (*Rodgers*), at paragraph 63, the concept of “treatment” possesses a significantly broader application than “punishment.” It encompasses any “active state process in operation, involving an exercise of state control over the individual”: *Rodriguez v British Columbia (Attorney General)*, [1993] 3 SCR 519 (*Rodriguez*) at page 610. This purposive interpretation ensures that individuals are shielded from state-sanctioned hardship regardless of whether the state labels such hardship as “administrative,” “protective,” “preventative,” or “corrective.”
563. Furthermore, the jurisprudence established in *Canada (Minister of Employment and Immigration) v Chiarelli*, [1992] 1 SCR 711 (*Chiarelli*) at page 735, defines treatment as “a process or manner of behaving towards or dealing with a person.” This expansive definition mandates that the Court look beyond the formal legal designation of the state’s actions and evaluate the “totality of the circumstances”—including the cumulative effect of restrictive conditions, the denial of procedural fairness, the isolation from support networks, and the sustained imposition of psychological stressors.

B. THE DUAL THRESHOLD OF CRUELTY: INHERENT DEGRADATION AND GROSS DISPROPORTIONALITY

564. State conduct contravenes section 12 if it is either inherently cruel—such as torture, corporal punishment, or measures that negate human dignity and the possibility of individual growth—or if the treatment is “grossly disproportionate” to any legitimate state objective: *R v Bissonnette*, 2022 SCC 23 (*Bissonnette*) at paragraphs 61, 66, and 70. This protection is absolute in its inherent category; once a measure is found to be intrinsically degrading to human personhood, it cannot be justified under section 1 of the *Charter*.
565. The test for gross disproportionality is met where the state’s actions are so excessive as to “outrage society’s sense of decency” or are deemed “abhorrent or intolerable”: *R v Smith*, [1987] 1 SCR 1045 (*Smith*) at page 1072. This standard is not merely one of simple excessiveness or a failure of strict proportionality; it represents a qualitative and fundamental departure from the norms of a free and democratic society. It applies where the state’s power is exercised with such indifference to the individual’s inherent worth that the resulting hardship becomes a “shock to the conscience.”

C. JURISDICTIONAL VALIDITY, THE DOCTRINE OF NULLITY, AND THE EFFECT OF FRAUD

566. In instances where an administrative act or a judicial proceeding is conducted without the requisite statutory or inherent jurisdiction, such an occurrence is characterized as *coram non judice* (not before a judge). It is a settled principle of law that *factum a judice, quod ad officium jure non pertinet, ratum non est* (an act of a judge which does not belong to his office is not valid). Any treatment flowing from a void endorsement is, by definition, an arbitrary and lawless exercise of state power, as the state lacks the legal authority to impose the hardship in question.
567. Moreover, where fraud is found to have tainted the process—whether through the suppression of material facts, the presentation of misleading evidence, or the subversion of the tribunal’s impartiality—the entire proceeding is vitiated *ab initio*. As noted in *Landreville v The Queen (No 2)*, [1977] 2 FC 726, citing *Lazarus Estates Ltd v Beasley*, [1956] 1 QB 702 (*Lazarus Estates*), “Fraud unravels everything.” A state agent who procures a judicial endorsement through deceptive means acts *ultra vires*, and any subsequent treatment of the subject is inherently illegitimate, regardless of its perceived necessity.

III. ANALYSIS

568. It is submitted that the conditions imposed upon the Applicant subsequent to the Intake Court Endorsement satisfy the definition of “treatment” *ipso facto* and *prima facie*. The Applicant was not merely an observer of state process; he was the target of a regime of ongoing, high-intensity state control and coercive oversight. This was not a passive state of affairs but an active, aggressive management of his person that restricted his movement, monitored his interactions, and dictated his daily existence.
569. Applying the purposive interpretation required by *Rodgers*, the state’s behaviour toward the Applicant involved a systematic process of administrative confinement and without legal authority and an intent to imprison by the very representations made to him (see: “You will be spending the night here, then transferred to another detention centre and will unlikely get bail”) it was tantamount to kidnapping. This categorization is entirely consistent with the findings in *Ogiamien v Ontario (Community Safety and Correctional Services)*, 2017 ONCA 667 (*Ogiamien*) and *Biever v Ontario (Community Safety and Correctional Services)*, 2018 ONSC 1526 (*Biever*). In those instances, restrictive or degrading conditions of confinement, even when removed from a traditional criminal context, were unequivocally recognized as forms of treatment. The cumulative impact of the Applicant’s measures—the deprivation of liberty combined with the psychological weight of indefinite administrative limbo—constitutes a distinct form of state-imposed “dealing” that falls squarely within the protective ambit of section 12.

B. THE MANIFESTATION OF GROSS DISPROPORTIONALITY AND INHERENT CRUELTY

570. The treatment of the Applicant reached the constitutional threshold of cruelty due to the systemic absence of meaningful procedural safeguards and the deliberate infliction of profound psychological hardship. Where the state exercises power in a manner that disregards the inherent dignity of the person, it acts *ultra vires* its constitutional authority. The lack of a clear, reviewable, and time-bound pathway to restore the Applicant’s *status quo ante* serves as a primary catalyst for a finding of gross disproportionality.
571. The Applicant’s circumstances, characterized by prolonged administrative deprivation without meaningful review, mirror the concerns raised in *Charkaoui v Canada (Citizenship and Immigration)*, 2007 SCC 9 (*Charkaoui*) at paragraphs 107–110. Such detention-like conditions, when assessed against the prevailing standards of Canadian society, are abhorrent and intolerable because they treat the individual as a mere object of state policy—a means to an end—rather than a subject of rights. The resulting psychological attrition and the “learned helplessness” induced by state control are not incidental byproducts but are direct consequences of a state process that prioritizes administrative convenience over human personhood.
572. To the extent that the Intake Court Endorsement or subsequent proceedings were conducted without proper jurisdiction or in direct contravention of the *Rules of Civil Procedure*, such acts are not merely procedural irregularities; they are a legal nullity. The failure to adhere to the rule of law rendered the state’s conduct *coram non iudice*. Treatment flowing from a void judicial act cannot, under any circumstances, be proportionate, as there is no valid legal objective to which it can relate. An act that is *null and void* can never provide the legal scaffolding necessary to support a deprivation of *Charter* rights.
573. Furthermore, should the evidence demonstrate that the state’s agents acted with fraudulent intent or misled the tribunal during the 23 September 2024 proceedings, the principle in *Lazarus Estates* dictates that the resulting endorsements and treatments are invalid. The state cannot rely on a process infected by fraud to justify the deprivation of the Applicant’s liberty or the imposition of degrading conditions. Such treatment is, *ipso facto*, a violation of section 12 because it is predicated on a deception that undermines the very integrity of the judicial system and the administration of justice.

C. SYNERGISTIC APPLICATION OF CONSTITUTIONAL PRINCIPLES TO THE FACTUAL MATRIX

574. In applying the law to the facts, the record discloses that the Applicant was held in conditions of segregation or high-intensity oversight that lacked a proportional nexus to any documented security risk or legitimate state interest. This state-imposed hardship, characterized by the denial of basic autonomy and the imposition of severe psychological stressors, constitutes a direct assault on the Applicant’s human dignity. The state has failed to demonstrate that the severity of the treatment was the “least restrictive means” to achieve its stated objectives, thereby failing the basic requirements of a democratic society.

575. The absence of a “meaningful review” mechanism, as contemplated in *Charkaoui*, exacerbated the severity of the treatment by creating a sense of permanence and despair. The Applicant was left in a state of constitutional vulnerability, where the state’s coercive power was exercised without the requisite oversight to prevent it from becoming “cruel and unusual.” The resulting isolation and the uncertainty regarding the duration of the state’s control created a feedback loop of hardship that “outrages the conscience” of a society committed to the rule of law and the protection of individual liberty.

IV. CONCLUSION

576. In light of the exhaustive analysis of the jurisprudence and the factual record, it is self-evident that the treatment to which the Applicant was subjected following 23 September 2024 violates the protections afforded by section 12 of the *Charter*.

577. The state’s conduct was grossly disproportionate, lacked a valid jurisdictional foundation, and was fundamentally incompatible with the dignity of the human person. The proceedings were conducted *coram non judice*, and the resulting deprivation of liberty was an exercise of power that was *ultra vires*. Consequently, the Intake Court Endorsement and the subsequent treatment of the Applicant must be declared a nullity and a breach of the Applicant’s constitutional rights.

578. Subject to the analysis under section 1 of the *Charter*, these violations warrant a robust and multifaceted remedy under section 24(1) to vindicate the Applicant’s rights and uphold the administration of justice. The state must be held to the standard that *factum a judice, quod ad officium jure non pertinet, ratum non est*, ensuring that no individual is subjected to the weight of a void, fraudulent, or cruel administrative regime. To hold otherwise would be to permit a “hollowed out” version of the *Charter* where state convenience overrides the most basic of human rights.

ISSUE #34: THE INAPPLICABILITY OF SECTION 1 JUSTIFICATION TO PROCEDURAL NULLITIES AND FRAUDULENT STATE CONDUCT

THE ISSUE

579. The central question for determination is whether the myriad, cascading contraventions of the *Canadian Charter of Rights and Freedoms* (the “*Charter*”)—specifically those egregious violations pertaining to the open court principle (the “**Open Court Principle**”) under *s. 2(b)*, the profound deprivations of life, liberty, and security of the person under *s. 7*, the demonstrably unreasonable intrusions under *s. 8*, the complete abrogation of procedural and fair trial guarantees under *ss. 9 through 11*, and the treatment accurately characterized as cruel and unusual under *s. 12*—are legally capable of being salvaged by the state through the remedial operation of *s. 1*.

580. This Court is tasked with determining if state conduct that is fundamentally *ultra vires*, completely jurisdictionless, and inextricably rooted in the fraudulent fabrication of judicial instruments can ever logically or legally constitute a limit prescribed by law (the “**Prescribed by Law Requirement**”) as a mandatory condition precedent to a *s. 1* analysis. The inquiry necessitates a rigorous, uncompromising, and doctrinally pure examination of whether a proceeding that is *void ab initio* due to established *mala fides* can be retroactively cured by a proportionality analysis.

581. This question takes on heightened constitutional significance when such conduct simultaneously violates the foundational international norms established in the *International Covenant on Civil and Political Rights* (the “*ICCPR*”). It must be ascertained whether domestic constitutional provisions can be interpreted in a manner that implicitly endorses the violation of peremptory norms of international human rights law, particularly those concerning the absolute requirement for a competent, independent, and impartial tribunal.

582. Furthermore, the Court is invited to critically consider whether the executive branch of the state may successfully invoke a constitutional justificatory framework to sanitize acts that constitute a direct, systemic, and calculated subversion of the *status quo ante* of the judicial process. This involves a necessary extrapolation of legal principles concerning the critical, unyielding boundary between a curable procedural anomaly (the “**Procedural Irregularity**”) and a fatal, jurisdiction-stripping violation (the “**Fundamental Nullity**”). It must be determined whether the latter acts as an absolute, insurmountable, and ontological bar to the state’s reliance on the *s. 1* safety valve.

583. It is further submitted that the resolution of this issue strikes at the very heart of the constitutional architecture of Canada and the delicate balance of the separation of powers. If the state is permitted to actively deploy fraudulent instruments to breach fundamental rights, usurp the judicial function, and subsequently hide behind the proportionality shield of *s. 1*, the *Charter* is effectively reduced from a paramount constitutional safeguard to a mere instrument of administrative convenience and state apologia.
584. Such a permissive interpretation would intrinsically erode the integrity of the administration of justice and severely undermine the public's confidence in the judiciary as the ultimate guarantor of constitutional supremacy. The judiciary cannot be placed in the untenable position of applying a balancing test to state actions that inherently deny the authority of the court itself. Conduct that is undertaken *coram non judge*—without jurisdiction—cannot simultaneously be subjected to a constitutional justification test, as the two concepts are legally mutually exclusive.
585. Ultimately, it must be definitively adjudicated whether the state, having acted as the primary architect of a fabricated, extra-legal process, can subsequently rely upon the very constitutional instrument it has willfully subverted to retroactively legitimize its own lawlessness. It is advanced that permitting such a justificatory exercise offends the most basic tenets of equity and public law, specifically the ancient and unyielding maxim *ex turpi causa non oritur actio*—from a dishonourable cause an action does not arise. A constitutional defense cannot be birthed from the womb of state-sponsored fraud.

THE RULE

A. Governing Principles, Constitutional Architecture, and the Dual Nature of Section 1

599. *Section 1* of the *Charter* effects a delicate, meticulously calibrated balance between the constitutionally entrenched rights of the individual and the pressing, demonstrably collective interests of society by permitting limits only where they are “appropriately tailored, or proportionate” (*Canada (Attorney General) v JTI-Macdonald Corp*, [2007] 2 SCR 610). This provision represents a significant innovation in human rights jurisprudence, mirroring and expanding upon protections codified in the *ICCPR*—specifically *Article 14(1)* regarding the absolute, unyielding necessity of open courts and *Article 12* regarding mobility—as well as the limitations clause found within the *South African Constitution’s Bill of Rights (s. 36)*.
600. The immutable values and principles which must relentlessly guide the Court in applying *s. 1* encompass the inherent dignity of the human person, an unwavering commitment to social justice and equality, the accommodation of a wide variety of beliefs, and a profound faith in social and political institutions which enhance the meaningful participation of individuals and groups in society (*R v Oakes*, [1986] 1 SCR 103 (the “**Oakes Test**”)). These values are not merely aspirational preamble; they are the substantive matrix through which any proposed limitation must be rigorously filtered.
601. It is a preordained, axiomatic requirement that any limitation placed upon a fundamental right must be intrinsically consistent with the values of a free and democratic society. Consequently, where the limitation itself is fundamentally rooted in systemic lawlessness, executive deception, or the usurpation of judicial authority, it fails this substantive requirement at the very outset. A society that genuinely prides itself on freedom and democracy cannot, by definition, tolerate limits imposed through fraudulent machinations or administrative deceit.
602. Therefore, any further proportionality analyses in circumstances characterized by state fraud are rendered intellectually barren and legally superfluous. *Section 1* is designed to mediate conflicts between legitimate state objectives and individual rights; it is emphatically not designed to serve as a retroactive pardon for executive malfeasance or jurisdictional overreach.

B. THE BURDEN AND THE RIGOUR OF “COGENT AND PERSUASIVE” EVIDENCE

603. *Section 1* is engaged exclusively after a *Charter* breach has been definitively established by the applicant. Once engaged, the onus of proof shifts entirely and rests exclusively and heavily upon the party seeking to justify the limit, which is invariably the state (*Oakes*). The standard of proof is the civil standard or balance of probabilities (the “**Balance of Probabilities**”). However, the jurisprudential phrase “demonstrably justified” connotes a “strong evidentiary foundation” (*Oakes*). This is not a superficial, rubber-stamp hurdle; it is a rigorous evidentiary mandate specifically designed to prevent the capricious, arbitrary, or expedient abrogation of constitutional rights by an overzealous executive.

604. Cogent and persuasive evidence is generally required; where scientific, statistical, or social science evidence is logically available, its adduction is mandatory to avoid a finding of constitutional invalidity (*Mounted Police Association of Ontario v Canada (Attorney General)*, 2015 SCC 1). The state cannot rely on generalized assertions, administrative platitudes, or hypothetical harms to justify the deprivation of enumerated rights. The evidentiary record must unequivocally demonstrate the absolute necessity of the infringing measure.
605. In contexts directly involving the criminal justice system, judicial deference to the legislature or the executive is profoundly inappropriate. As forcefully articulated by the Supreme Court, deference is abandoned in this sphere because “the government is the singular antagonist of the individual whose right has been infringed” (*Irwin Toy Ltd v Quebec (Attorney General)*, [1989] 1 SCR 927). The state cannot be afforded the luxury of deference when it is actively utilizing its immense, coercive apparatus to prosecute the individual while simultaneously stripping them of mandatory procedural safeguards.
606. Furthermore, speculation, post-hoc rationalization, or reliance upon institutional expediency (the “**Administrative Convenience**”) cannot, under any circumstances, satisfy this stringent evidentiary burden. The Supreme Court has explicitly and consistently foreclosed the possibility of shifting purposes; the state cannot retroactively rationalize an infringement that was preordained by an illicit motive, institutional embarrassment, or an absolute absence of statutory authority (*R v Big M Drug Mart Ltd*, [1985] 1 SCR 295). The objective advanced must be the actual, true objective at the precise time the impugned action was taken. If the true objective was to bypass a conflicted judge or to launder defective paperwork, no post-hoc claim of public safety can salvage the state's position.

C. THE THRESHOLD REQUIREMENT: “PRESCRIBED BY LAW” AND THE UNWRITTEN RULE OF LAW

607. A limit is only capable of justification if it is first meticulously and affirmatively determined to be “prescribed by law.” This absolute threshold criterion strictly requires that the impugned limit emanate directly from a validly enacted statute, a properly promulgated regulation, a binding policy of general application, or a clearly delineated common law rule (*R v Therens*, [1985] 1 SCR 613). To be legally recognizable as “law” for the purposes of *s. 1*, the limit must not be so vaguely articulated that it fails to provide an “intelligible legal standard” capable of allowing citizens to govern and regulate their conduct accordingly, and equally importantly, constraining the discretion of state officials (*R v Nova Scotia Pharmaceutical Society*, [1992] 2 SCR 606).
608. It is a foundational tenet of Canadian public law that government actions that are entirely unauthorized by statute or common law are inherently not “prescribed by law” (*Little Sisters Book and Art Emporium v Canada (Minister of Justice)*, 2000 SCC 69). The unwritten constitutional principle of the rule of law (the “**Rule of Law**”) dictates an absolute prohibition against the exercise of arbitrary power. It requires that all exercise of public power must find its ultimate source in a legally valid rule, and that no public official is exempt from the obligation to act strictly within the four corners of their delegated authority (*Reference re Secession of Quebec*, [1998] 2 SCR 217; *Roncarelli v Duplessis*, [1959] SCR 121).
609. Where a state act is definitively *ultra vires*, procedurally void, or constitutes a brazen, calculated jurisdictional overreach, it resides entirely outside the ambit of *s. 1* justification. The concept of a limit prescribed by law is ontologically incompatible with the concept of an *ultra vires* act. *Ipsa facto*, an act that constitutes a legal nullity cannot logically or linguistically operate as a “limit” because a nullity possesses no legal existence, force, or effect in a free and democratic society. It is, in strict constitutional terms, a phantom entity—a legal cipher incapable of bearing any justificatory weight.

D. THE OAKES FRAMEWORK: A MULTI-STAGE, INTERCONNECTED PROPORTIONALITY INQUIRY

610. Only if the rigorous, foundational threshold of the **Prescribed by Law Requirement** is unequivocally satisfied, must the state then fulfill the proportionality branch through a rigid, sequential, and deeply interconnected three-stage inquiry. Failure at any single, isolated stage immediately renders the entire infringement unjustified and unconstitutional:
611. **First:** The demonstration of a pressing and substantial objective (the “**Pressing and Substantial Objective**”). This objective must meticulously reflect the actual, contemporaneous purpose of the specific infringement, not the overarching goal of the entire statutory scheme. Furthermore, the objective must be of sufficient magnitude and

societal importance to warrant overriding a constitutionally protected right, aligning with the core values of a free and democratic society.

612.**Second:** A demonstration of proportionality, consisting strictly of three demanding sub-components:

- a. (i) rational connection (the “**Rational Connection**”), requiring a direct, non-arbitrary causal link supported by unimpeachable logic and evidence between the impugned measure and the stated objective. The measure cannot be fundamentally unfair, irrational, or predicated upon deception;
- b. (ii) minimal impairment (the “**Minimal Impairment**”), ensuring the state has painstakingly selected the absolute least rights-impairing means available among a range of reasonable, lawful alternatives. The state must demonstrate that no lesser intrusion could have accomplished the objective in a real and substantial manner; and
- c. (iii) final proportionality or balancing (the “**Final Balancing**”), where the actual, realized salutary effects of the measure are weighed meticulously against its deleterious, real-world impact upon the individual, the integrity of the judicial system, and the broader societal fabric.

E. The Doctrine of Nullity and the Vitiating, Unravelling Effect of State Fraud

613. Where state action is incontrovertibly founded upon deliberate fraud, the intentional spoliation of evidence, the forgery of judicial endorsements, or a direct, calculated contravention of a mandatory, jurisdiction-conferring statute, the resulting conduct manifests as a substantive nullity rather than a curable, technical defect (the “**Doctrine of Nullity**”).

614. In *Landreville v The Queen (No 2)* (1977), 75 DLR (3d) 380 (Fed TD) (the “*Landreville*”), the federal court unequivocally and forcefully adopted the foundational, centuries-old equitable principle originally articulated in *Lazarus Estates Ltd v Beasley*, [1956] 1 QB 702 (the “**Lazarus Estates Doctrine**”), holding with absolute, unyielding clarity that “fraud unravels everything.” This principle recognizes that fraud is an active solvent that dissolves the legal foundation of any act it touches.

615. Under the strict, uncompromising application of this doctrine, no court of law or equity will permit a party—most especially the state, which acts as the supreme fiduciary of the public trust and the exclusive monopoly on legitimate force—to maintain, enforce, or benefit from any procedural or substantive advantage obtained through mendacity, deception, or the outright fabrication of the judicial process.

616. A fraudulent *acta* cannot, by any stretch of legal imagination or academic extrapolation, constitute a limit prescribed by law; it is a nullity *in limine* that permanently and irrevocably vitiates every subsequent step in the proceeding. The fraud infects the root, poisoning the entire resultant tree. The inescapable legal consequence of such pervasive fraud is that the state is entirely stripped of its constitutional justificatory shield. The judicial system, the very institution fundamentally designed to safeguard truth and equity, cannot be conscripted, manipulated, or weaponized to validate its own subversion or to excuse those who mock its procedures.

THE ANALYSIS

A. The Structural Failure of the Threshold Analysis: The Creation of a Jurisdictional Black Hole

617. The state conduct systematically deployed and extensively documented in the case at bar—encompassing the deliberate fabrication of core judicial documents, the intentional spoliation of sworn instruments, and the unprecedented utilization of a non-existent, entirely fabricated “Form 7” (the “**Phantom Form**”)—cannot be categorized, under any recognized legal theory or jurisprudential stretch, as “prescribed by law.”

618. These highly irregular actions are definitively not “binding rules of general application” accessible to the public, nor are they legitimate exercises of statutory discretion. They are, in fact, lawless, ad hoc administrative maneuvers designed solely and exclusively to circumvent strict statutory imperatives, evade mandatory judicial oversight, and conceal an underlying absence of jurisdiction (*Greater Vancouver Transportation Authority v Canadian Federation of Students*, 2009 SCC 31).

619. Because these impugned acts involved a direct, irreconcilable, and deliberate contravention of the mandatory provisions of the *Criminal Code*, the rigid strictures of the *Rules of Civil Procedure*, and the sacred *status quo ante* of the legal system, they must be definitively categorized as a **Fundamental Nullity**. To permit the state to attempt to justify a nullity would be tantamount to permitting the executive branch to unilaterally dispense with the law

through the mechanism of its own transgression, thereby fundamentally violating the sacrosanct separation of powers.

620. The *s. 1* analysis must unequivocally and permanently terminate at this precise juncture; the state is legally precluded from justifying a jurisdictional void by pleading its own operational convenience or institutional embarrassment. One cannot construct a constitutional defense upon a foundation of jurisdictional quicksand.
621. Furthermore, the clandestine deployment of an unauthorized, fabricated “Intake Court Endorsement” (the “**Unauthorized Endorsement**”) egregiously fails the basic constitutional tests of accessibility, precision, and foreseeability. A limit that exists solely in the subjective mind of a state administrator, or that is entirely fabricated post-facto to generate the mere illusion of legality where none genuinely exists, cannot possibly provide an intelligible legal standard by which a citizen might govern themselves.
622. Such deceptive practices generate a perilous “jurisdictional black hole” that renders the constitutional protections afforded to the individual entirely illusory. This effectively subjects the citizenry to the arbitrary, dictatorial, and completely unreviewable whims of an unfettered executive apparatus, representing the very antithesis of the **Rule of Law**.

SECTION-SPECIFIC ANALYSIS OF JUSTIFICATION: THE RIGHTS LEAST AMENABLE TO STATE INTRUSION

Section 2(b): Open Court Principle.

623. The **Open Court Principle** serves as the indispensable bedrock of democratic accountability, deeply enshrined in centuries of common law and robustly protected under international covenants, including *ICCPR Art 14(1)*. The Supreme Court has continuously and vigorously affirmed that justice must not only be done but must manifestly and undoubtedly be seen to be done, to prevent the specter of the Star Chamber from returning to domestic jurisprudence.
624. Any limits imposed upon transparency and public access require “cogent and persuasive evidence” to satisfy *s. 1*. Secrecy measures that systematically undermine public scrutiny rarely, if ever, satisfy the **Minimal Impairment** threshold (*Sherman Estate v Donovan*, 2021 SCC 25; *Dagenais v Canadian Broadcasting Corp*, [1994] 3 SCR 835). The Supreme Court has repeatedly struck down publication bans and access restrictions where the state failed to demonstrate an absolute, overriding necessity to protect a competing fundamental right.
625. No such evidence exists herein to justify the opaque, unauthorized, and clandestine procedures actively employed by the state actors in this matter. Conversely, the evidentiary record forcefully suggests a deliberate, orchestrated attempt to shield fundamentally unlawful state conduct, jurisdictional errors, and fabricated endorsements from public outrage and appellate view. Such motives are entirely repugnant to *s. 1*.

Section 7: Life, Liberty, and Security of the Person.

626. The substantive and procedural rights guaranteed by *s. 7* are universally recognized by the judiciary as “basic to our conception of a free and democratic society.” Violations of the principles of fundamental justice (the “**Fundamental Justice**”)—specifically those egregious, systemic breaches involving statutory vagueness, extreme overbreadth, or profound administrative arbitrariness—are singularly “difficult to justify” under *s. 1* (*Canada (Attorney General) v Bedford*, 2013 SCC 72; *Charkaoui v Canada (Citizenship and Immigration)*, 2007 SCC 9).
627. The appellate courts have only once upheld a *s. 7* breach under *s. 1* in *R v Michaud*, 2015 ONCA 585 (the “*Michaud*”), and only in circumstances where the infringement was extraordinarily minimal, strictly regulatory in its nature, and inextricably tied to a compelling, immediate public safety objective concerning commercial trucking safety standards.
628. Here, the breaches are neither minimal nor tied to any recognizable, lawful societal interest; they represent a total, devastating, and entirely arbitrary abrogation of fundamental justice. The deprivation of liberty achieved entirely through the outright fabrication of judicial authority and the spoliation of sworn Information offends the most basic tenets of fundamental justice, placing the state's conduct entirely beyond the reach of *s. 1* salvation.

SECTION 8: UNREASONABLE SEARCH AND/OR SEIZURE (NOTA BENE: DISJUNCTIVE UNLIKE THE USA WITH ITS “SEARCH AND SEIZURE” (SEE: R. V. DYMENT))

629. It is universally recognized in constitutional scholarship as exceptionally “difficult to justify provisions authorizing unreasonable searches” because the right to privacy constitutes an absolute, indispensable prerequisite for liberty, human dignity, and human flourishing (*Canada (Attorney General) v Federation of Law Societies of Canada*, 2015 SCC 7).
630. As unequivocally established in the seminal, foundational jurisprudence of *Hunter v Southam Inc.*, [1984] 2 SCR 145, the paramount purpose of s. 8 is to proactively protect individuals from unjustified state intrusions upon their private sphere, rather than merely providing an after-the-fact remedy or a mechanism for post-search compensation. This robust constitutional protection stringently requires a system of prior authorization, administered by a neutral, independent, and impartial arbiter who is legally capable of objectively weighing the competing interests of state investigatory powers against the individual's expectation of privacy.
631. A search conducted in the complete absence of this prior, valid, and genuinely lawful judicial authorization is presumptively and inherently unreasonable. Intrusions that are unreasonable by their very definition—and utterly devoid of any legitimate statutory underpinning—cannot be retroactively sanitized, legitimized, or justified through the s. 1 proportionality matrix.
632. The specific, targeted breaches documented herein strike at the absolute core of the Applicant's privacy interests and are “never saved herein and not this time.” This absolute bar to justification exists because a search predicated entirely upon a fraudulent, fabricated warrant or an **Unauthorized Endorsement** is not a mere procedural defect or an administrative oversight; it is, *ipso facto*, a constitutional nullity that violently and intentionally subverts the mandatory role of the independent judiciary.
633. Such state deceit completely deprives the individual of the prior independent assessment that s. 8 strictly demands, replacing lawful, measured scrutiny with unfettered, rogue executive action. Consequently, state action that relies upon fabricated judicial instruments to forcibly invade the private sphere fundamentally offends the conscience of the Court. It brings the administration of justice into profound, irreversible disrepute, irrevocably shatters the public trust in state institutions, and renders any theoretical s. 1 justification both legally untenable and morally impossible.

SECTIONS 9–11: ARBITRARY DETENTION, PROCEDURAL RIGHTS, AND FAIR TRIAL GUARANTEES

634. These specific, interrelated rights exist explicitly to protect vulnerable individuals against the overwhelming, potentially tyrannical coercive power of the state apparatus and to ensure the fundamental fairness of the truth-seeking process. In this highly adversarial context, judicial deference is entirely and absolutely inappropriate because the government operates exclusively as the “singular antagonist.”
635. Arbitrary detention and the systematic, calculated denial of procedural fairness rarely, if ever, meet the strict **Minimal Impairment** requirement. The state's conduct in this specific matter—intentionally delaying filings for six weeks to manipulate jurisdiction, actively utilizing phantom documents to circumvent intake courts, and executing arrests entirely devoid of any lawful authority—represents the polar opposite of a minimal impairment. It constitutes a maximal, unfettered, and deeply malicious deprivation of liberty designed to secure a tactical advantage through unlawful means.

SECTION 12: CRUEL AND UNUSUAL TREATMENT OR PUNISHMENT

636. The psychological and administrative treatment inflicted upon the Applicant, accurately and grimly described as “most vile and cannot be saved,” falls squarely under the absolute constitutional prohibition of s. 12. The Supreme Court has definitively held in *R v Bissonnette*, 2022 SCC 23 (the “*Bissonnette*”) and *R v Nur*, 2015 SCC 15 (the “*Nur*”) that such violations, which inherently deny the moral worth and fundamental dignity of the individual, are almost mathematically impossible to justify.
637. The prevailing jurisprudence emphatically suggests that only an existential, wartime-level emergency threatening the very fabric of the nation could even initiate a s. 1 dialogue regarding a s. 12 breach. Absolutely no such apocalyptic emergency existed to justify the systemic abuse of process, the prolonged psychological degradation,

and the profound, sustained deprivation of human dignity evidenced by the state's calculated actions in this proceeding.

STRUCTURAL FAILURES IN THE OAKES PROPORTIONALITY ANALYSIS

Absence of a Pressing and Substantial Objective

638. It is a trite, unyielding, and foundational principle of constitutional law that administrative convenience, financial cost savings, institutional expediency, or the overzealous desire to maintain the public illusion of institutional infallibility cannot, under any legal paradigm, constitute a **Pressing and Substantial Objective** (*Figueroa v Canada (Attorney General)*, 2003 SCC 37; *Eldridge v British Columbia (Attorney General)*, [1997] 3 SCR 624; *Nova Scotia (Workers' Compensation Board) v Martin*, [2003] 2 SCR 504).
639. The state is absolutely prohibited from retroactively manufacturing a valid, sanitized public policy purpose to mask what was, in undeniable reality, a fraudulent process designed explicitly to bypass legal protections and conceal judicial conflicts. If the state's actual rationale is grounded in administrative expediency or the deliberate concealment of jurisdictional error, the *s. 1* analysis violently and terminally terminates at the very first step. There exists no legitimate, democratic state objective in the systematic fabrication of court documents or the subversion of criminal intake protocols.

Lack of Rational Connection

640. The state is legally burdened with demonstrating a logical, causal link supported by empirical, cogent evidence, not mere institutional conjecture or bald, self-serving assertions. The **Rational Connection** test mandates significantly more than "arbitrary, unfair or irrational considerations."
641. There is absolutely no causal or logical link between the fabrication of an **Unauthorized Endorsement** using a **Phantom Form** and any legitimate state aim, such as the maintenance of public safety or the fair, impartial administration of justice. On the contrary, such deeply ingrained fraud directly undermines the foundational integrity of the judicial system. It creates an undeniable, objective reasonable apprehension of bias and establishes a framework of institutional lawlessness that actively harms the collective interests of society rather than advancing them.

Failure of Minimal Impairment

642. The government must definitively establish that "no other less rights-impairing means" were available to achieve its purported objective. In the present case, the state possessed every conceivable, robust lawful alternative explicitly provided by the legislature. The state could have simply and effectively: filed a procedurally proper Information; obtained a valid, judicially scrutinized warrant from an impartial arbiter; utilized a Justice of the Peace in the standard manner; and stringently avoided all known conflicts of interest.
643. The deliberate, conscious choice by state actors to abandon these lawful, established avenues and instead actively traverse a jurisdictionless, fraudulent path is the very antithesis of **Minimal Impairment**. The state did not select the "least intrusive" path from a spectrum of reasonable options; it affirmatively engineered the most deceptive, destructive, and maximally rights-impairing path imaginable, completely eviscerating any claim to proportionality.

Final Balancing: The Catastrophic Deleterious Impact on the Rule of Law

644. The final, crucial stage of the analysis demands that the actual, proven salutary effects be weighed heavily against the severe deleterious impacts of the infringing measure. The deleterious effects exacted upon the Applicant's liberty, privacy, bodily integrity, and the public's overriding demand for absolute institutional accountability vastly, overwhelmingly outweigh any purported, illusory administrative benefits claimed by the executive.
645. *R v K.R.J.*, 2016 SCC 31 (the "*K.R.J.*") severely underscores the vital importance of this concluding stage, demonstrating that even a rationally connected law crafted with good intentions can fail if its impact upon the individual is simply too severe.

646. In the present circumstances, where the measure is born of bad faith and where the state actively launders defective, fabricated paperwork through the highly trusted *Canadian Police Information Centre* (the “**CPIC**”), the cost exacted upon the **Rule of Law** is absolute, incalculable, and irredeemable. The practical, undeniable impact is the total erosion of the public's faith in the administration of justice. A system that permits the police and prosecutorial apparatus to unilaterally fabricate its own judicial authorizations is a system that has definitively abandoned democratic constraints, rendering any theoretical benefit to the state mathematically void and constitutionally repugnant.

IV. THE CONCLUSION

647. Based upon an uncompromising application of governing constitutional jurisprudence, the overarching dictates of unwritten constitutional principles, and the strict evidentiary standards demanded by *s. 1*, it is unequivocally self-evident that none of the infringements at issue can be justified, saved, mitigated, or excused.
648. The established, documented breaches strike violently at the very core of constitutional protections—obliterating the foundations of open justice, fundamental justice, privacy, liberty, and human dignity. The state cannot satisfy the preliminary threshold requirement of acting pursuant to a limit “prescribed by law,” it cannot meet the burden of demonstrating a valid **Pressing and Substantial Objective**, nor can it survive even the most highly deferential application of the proportionality requirements articulated in *Oakes*.
649. In strict, unwavering accordance with the **Lazarus Estates Doctrine** and its binding adoption into Canadian law via *Landreville*, the systemic fraud perpetrated by the state irrevocably “unravels” the entirety of the proceeding, stripping it of all legal force and effect. A **Fundamental Nullity** cannot be mathematically saved by proportionality; a jurisdictional void cannot be balanced against a collective state interest. These infringements are, by their very inherent, deceptive nature, completely incapable of being “demonstrably justified in a free and democratic society.”
650. Consequently, it is submitted that the *status quo ante* must be immediately, fully, and forcefully restored. The state's legally repugnant attempt to rationalize its own documented illegalities, *ultra vires* actions, and fraudulent fabrications through the improper invocation of the *s. 1* safety valve must be rejected with the exact same unyielding, categorical vigor that the common law rejects fraud in all its insidious forms.
651. To conclude otherwise, and to permit the state to rely upon *s. 1* in these circumstances, would be to grant the state a constitutional imprimatur to violate the supreme law of Canada with absolute impunity. The *Charter* cannot, and must not, be contorted into a shield to protect the state from the consequences of its own lawless conduct. The integrity of the justice system demands that unconstitutional acts born of fraud remain entirely and perpetually unjustified.

PART XX — REMEDIES UNDER SECTION 24(1) OF THE *CHARTER*

ISSUE THE JURIDICAL CHARACTER OF THE IMPUGNED PROCEEDINGS AND THE DOCTRINE OF NULLITY

Issue

652. Whether the fabrication of the jurat information laying crown election page (the “**Jurat Information Laying Crown Election Page**”), the spoliation of sworn instruments, and the clandestine concealment of judicial conflicts by the default judge (the “**Default Judge**”) constitute mere procedural irregularities curable under the *Criminal Code* or whether such egregious, calculated conduct represents a fundamental, irremediable usurpation of jurisdiction that renders the entirety of the proceeding an absolute nullity *ab initio*, entirely incapable of subsequent judicial rehabilitation, retroactive validation, or statutory cure by any mechanism recognized within Canadian administrative and constitutional jurisprudence.

2. RULE

653. The governing principle regarding the catastrophic and entirely vitiating effect of fraud upon judicial processes is authoritatively and decisively articulated in the jurisprudential framework of *Landreville v. Town of Boucherville*, 2006 SCC 54 (the “*Landreville*”). Within this foundational jurisprudence, the Supreme Court of Canada unequivocally adopted the venerable English authority of *Lazarus Estates Ltd v. Beasley*, [1956] 1 Q.B. 702 (the “*Lazarus Estates*”), wherein it was pronounced by Denning L.J. that “fraud unravells everything” and that “no judgment of a court, no order of a Minister, can be allowed to stand if it has been obtained by fraud.” This doctrine fundamentally transcends mere evidentiary rules or malleable procedural guidelines; it represents an immutable, bedrock tenet of jurisdictional limitation and constitutional integrity. It is posited that a fraud perpetrated upon the tribunal by sworn agents of the state constitutes an existential, structural assault upon the inherent constitutional adjudicative power of the court. Such malfeasance functions as a pervasive contaminant, ensuring that any subsequent procedural or substantive result flowing therefrom is fatally infected, inherently unreliable, and constitutionally unsustainable in a society governed by the rule of law. The inherent power of the Court to protect the absolute integrity of the judicial process is recognized as the ultimate, non-derogable safeguard against such institutional corruption. The judiciary cannot, under any conceivable circumstances, be perceived to lend its coercive, liberty-depriving authority to a deliberate, state-sponsored fiction. To permit the judicial apparatus to act upon forged, fabricated instruments is to sever the foundational social contract upon which the consent of the governed is predicated, thereby reducing the administration of justice to an exercise in arbitrary coercion.
654. Furthermore, where an act is undertaken by a state actor *ultra vires* or in direct, deliberate contravention of a strictly codified statutory imperative—such as the mandatory, foundational requirements for the laying of a validly sworn information pursuant to the *Criminal Code*—the resulting administrative and judicial acts are strictly classified under the ancient legal maxim as *coram non judice* (before one who is not a judge) and constitute an absolute, unmitigated jurisdictional nullity. As held in *R. v. Ferguson*, 2008 SCC 6 (the “*Ferguson*”), while section 52(1) of the *Constitution Act, 1982* is designated to address the enactment of unconstitutional legislation, section 24(1) of the *Canadian Charter of Rights and Freedoms* (the “*Charter*”) is identified as the appropriate, mandated, and exclusive remedial vehicle in instances where a constitutional infringement arises directly from discretionary, *ultra vires* executive government action.
655. The conceptual distinction meticulously articulated in the *Ferguson* decision is intensely critical to the present analysis: in circumstances where the promulgated law itself is constitutionally valid, yet the executive execution thereof is rendered lawless, clandestine, and fundamentally fraudulent, section 24(1) confers upon the presiding tribunal the “widest and less fettered discretion” to vigorously restore the fractured rule of law. This expansive, overarching discretion exists precisely to rectify exigent, anomalous situations wherein executive agents have unilaterally transgressed the circumscribed bounds of their statutory authority, thereby rendering the associated actions not merely illegal, voidable, or procedurally deficient, but entirely non-existent in the eyes of the law. A jurisprudential nullity cannot be subject to a stay, an adjournment, or a subsequent administrative cure; it must be declaratorily recognized by a court of competent jurisdiction as having never legally occurred. To hold otherwise would be to grant a retrospective legal validity to a fundamentally flawed, deceptive process that unequivocally lacked constitutional authorization from its very inception, thereby rendering the adjudicative tribunal a subsequent accessory to the initial transgression of the state. The legal fiction of curative validation cannot be lawfully deployed to resurrect a process that was entirely devoid of the requisite constitutional oxygen at its genesis.
656. In assessing the profound jurisdictional void created by such unconstitutional conduct, the broader jurisprudential view of “unlawful means” must be rigorously examined. This tortious concept encompasses all acts which the state is simply not at liberty to commit—namely, acts undertaken entirely without legal justification, statutory warrant, or constitutional sanction. This broader, highly protective view was espoused by Lord Denning in *Torquay Hotel Co. Ltd. v. Cousins*, [1969] 1 All E.R. 522, [1969] 2 Ch. 106 (C.A.) at p. 530 (the “*Torquay Hotel*”). The Ontario Court of Appeal explicitly adopted the principle established in *Torquay Hotel* in *Reach M.D. v. Pharmaceutical Manufacturers Assn. of Canada*, (2003) 65 O.R. (3d) 30 (C.A.) (the “*Reach M.D.*”), wherein it was found that unlawful means unequivocally include instances in which an administrative or judicial body issues a ruling or undertakes an action that it lacked the explicit statutory authorization to execute. It was perceptively noted by Laskin J.A. that no coherent public policy rationale exists for adopting a narrower, restrictive view of unlawful means when institutional actors willfully exceed strict, codified powers. State actors are possessed of no inherent, residual powers outside of those explicitly granted by enabling statutes; therefore, any deviation utilizing fabricated documents is, *ipso facto*, the deployment of unlawful means and a direct, unconstitutional affront to the separation of powers.

657. Upon a rigorous, forensic examination of the evidentiary record, it is observed that page 4 of 6 from the Lincoln County Law Association page, herein identified as the **Jurat Information Laying Crown Election Page**, was subjected to material alteration, deliberate fabrication, and systemic, orchestrated spoliation. The *prima facie* evidence inexorably suggests that the master judicial record was intentionally and maliciously contaminated by state actors to facilitate an unlawful arrest and a subsequent, highly prejudicial, and unconstitutional detention. Any hypothetical, apologetic suggestion that such profound, structural deficiencies constitute mere technical “irregularities” contemplated and curable by the remedial provisions of *Rule 2.01.01* of the *Rules of Civil Procedure* or analogous criminal curative mechanisms must be summarily rejected as a jurisprudentially untenable affront to the core principle of legality. The legislative codification of procedural curative mechanisms was historically designed to ameliorate innocent scriveners' errors and minor administrative oversights, not to sanitize the intentional usurpation of judicial authority by rogue state agents.
658. The critical jurisprudential distinction existing between a curable irregularity and an absolute nullity is delineated not by subjective judicial preference, administrative convenience, or the pursuit of systemic efficiency, but by an objective, unyielding assessment of whether the underlying defect is one of superficial form or of foundational substance. An irregularity is traditionally conceptualized in administrative law as a mere slip, an inadvertent typographical or procedural misstep occurring within the parameters of a fundamentally valid, jurisdictionally sound, and honestly initiated process. Conversely, a nullity is strictly defined as a purported process that never legally commenced due to a complete, incontrovertible lack of requisite statutory, jurisdictional, or constitutional authority. For illustrative purposes, a missing signature on a validly sworn document, in circumstances where the oath was demonstrably, contemporaneously, and honestly administered before a qualified, independent official, may constitute a procedural irregularity capable of retroactive cure. However, a fabricated jurat—the indispensable, foundational mechanism through which legal life is breathed into an Information and by which the deployment of the violent, coercive powers of the state is formally authorized—must be classified as an absolute nullity. Such a fabrication violently offends the core of the judicial function, eviscerates the paramount, unyielding duty of candour owed by the state to the tribunal, and transforms a passive judicial instrument into an unconstitutional weapon of state oppression.
659. In the matter at bar, it is submitted that the fabrication of judicial documentation and the coordinated, systemic spoliation of a jurat cannot, under any logical framework, be characterized as a mere defect of form; rather, it is a defect of absolute, unmitigated substance that strikes lethally at the *raison d'être* of the administration of justice. The documented, undeniable involvement of the **Default Judge**, as explicitly and voluntarily admitted by Mr. Michael Henriques within the False Information Package, further corroborates that the proceedings were conducted under a deceptive, meticulously manufactured cloak of authority, entirely devoid of any lawful, underlying jurisdiction. Consequently, the venerable legal principle of *factum a iudice, quod ad officium jure non pertinet, ratum non est* (an act of a judge which does not pertain to the judicial office is not valid) applies with absolute, unyielding, and unqualified force. Under the binding legal framework established in *Reach M.D.*, it is evident that affirmative, liberty-depriving acts were engaged in by the **Default Judge** and associated state actors—acts which lacked any lawful statutory authorization whatsoever, thereby constituting the deployment of unlawful means to effectuate an unconstitutional deprivation of physical liberty.
660. The curative provisions of the *Rules* cannot be improperly or cynically invoked to retroactively validate a process birthed from deliberate, calculated institutional fraud. To permit a judicially sanctioned cure for fabricated, state-sponsored evidence would be equivalent to formally providing a jurisprudential license for executive lawlessness and tyranny. Such a permissive approach would inextricably transform the Superior Court into a complicit, passive accessory to the deception perpetrated by the state. The broader systemic implications of permitting such a cure are profoundly deleterious to the democratic order: it would functionally dictate that jurisdiction may be unilaterally and endlessly manufactured by the state through the clandestine spoliation of evidence, provided the deception remains successfully undetected by the targeted individual. Furthermore, it would perversely incentivize the creation of fraudulent records by offering the state an automatic, risk-free procedural safety net should the malfeasance eventually be exposed by rigorous defense. It is imperative that this dystopian possibility be categorically foreclosed by the Court to preserve the institutional integrity of the justice system and strictly deter future misconduct.
661. In reaching this determination, it is respectfully submitted that the ancient, highly equitable evidentiary principle of *omnia praesumuntur contra spoliatores* (everything is presumed against the spoliator) must be strictly, rigidly,

and uncompromisingly applied. Due to the intentional, concerted actions of the state defendants, which have rendered it entirely impossible to determine the true, original extent of the unadulterated judicial record through deliberate obfuscation and the subsequent, calculated destruction of critical digital metadata, the drawing of an overwhelming, irrebuttable adverse inference is both logically permitted and strictly mandated by prevailing jurisprudence. It must be conclusively presumed that the legal apparatus was catastrophically misused against the targeted individual, and that the destroyed, withheld, or hidden evidence would unequivocally confirm the assertions of profound bad faith. The state cannot be permitted to simultaneously destroy the evidentiary record and subsequently demand strict, mathematical proof of the contents of the destroyed materials; to permit such an absurdity would be to heavily reward the successful spoliator.

662. Furthermore, any anticipated reliance by opposing counsel upon the “good governance” immunity traditionally associated with the *bona fide* enactment of laws or the negligent, albeit honest, execution of broad public policy must fail *in limine*. The conduct herein constitutes an egregious, calculated, and malicious abuse of power and is fundamentally characterized by bad faith, thereby instantly stripping the involved state actors of any such protective veil or statutory immunity (*Canada (Attorney General) v. Power*, 2024 SCC 26 at para 4). When the coercive machinery of the criminal court is mobilized by the executive branch based upon a known, verifiable falsehood, the protection of the law is definitively and irrevocably abandoned. Such unconstitutional actions compel the application of the full, unmitigated weight of the remedial power of the Court to declare the entire procedural edifice a nullity. Statutory immunities are carefully constructed to shield honest errors in judgment and protect the public purse from endless litigation over policy choices; they are unequivocally not designed to immunize the deliberate, coordinated fabrication of judicial authority.
663. The inevitable, logical consequence of such a declaratory finding of nullity is sweeping, uncompromising, and absolute: every derivative warrant, every restrictive condition of release, every signed undertaking, and every stigmatizing entry localized within the **CPIC** database is rendered an oppressive legal fiction that must be immediately, permanently, and forensically expunged. The Court must act as the ultimate, uncompromising arbiter of truth; if the foundational document supporting state action is determined to be a fabrication, the entire legal structure built upon that invalid foundation must inevitably and completely collapse, leaving no residual legal effect or societal stigma.

CONCLUSION

664. It is concluded that the proceedings initiated heavily transcend mere procedural irregularity; they constitute an absolute, irremediable nullity. The fraudulent, fabricated nature of the **Jurat Information Laying Crown Election Page**, considered alongside the unyielding evidentiary presumption of *omnia praesumuntur contra spoliatores*, inextricably necessitates a robust, unequivocal judicial declaration that all subsequent state actions, encompassing the arrest, the physical detention, and the imposition of liberty-restricting release conditions, were void from absolute inception and possess no continuing legal force or effect whatsoever.

THE FIDUCIARY DUTY OF THE CROWN, COMMON DESIGN, AND THE IMPERATIVE OF UBERRIMA FIDES

THE FOUNDATIONAL PRINCIPLE OF UTMOST GOOD FAITH IN PUBLIC LAW

665. It is a foundational public law principle that the Crown, and by direct extension the constituent agencies, ministries, and law enforcement apparatuses thereof, is inextricably bound not merely by the statutory strictures of the *Ontario Human Rights Code*, but by the overarching, unwritten constitutional principle requiring all governmental entities to act with *uberrima fides*—the utmost good faith—in all dealings with the citizenry. As eloquently and forcefully articulated in the seminal jurisprudence of *Roncarelli v. Duplessis*, [1959] S.C.R. 121 (the “*Roncarelli*”), untrammelled, absolute administrative discretion is anathema to the rule of law and exists merely as a legal fiction. Every exercise of state power—most notably the immense, inherently coercive, and liberty-depriving police and prosecutorial powers entrusted to the executive apparatus—must be irrevocably and demonstrably directed in absolute good faith toward the legitimate, democratic purposes expressly articulated within the enabling statute. The monopoly over the legitimate deployment of force and the extraordinary capacity to initiate punitive legal processes are not inherent, unassailable rights of the sovereign; rather, they constitute highly conditional

delegations of authority strictly predicated upon the unwavering observance of constitutional and jurisdictional limitations. When such formidable administrative and policing powers are untethered from their foundational statutory moorings, and are instead deployed for ulterior, unacknowledged, or retaliatory motives, the resulting state action immediately ceases to be classified as lawful administration, degenerating instead into arbitrary, *ultra vires* persecution. Consequently, it is mandated that every discretionary execution of state authority—ranging from the foundational swearing of an Information to the physical execution of a warrant of arrest—be objectively justified by an honest, demonstrable pursuit of public safety and justice, entirely devoid of institutional malice, personal vendetta, or manufactured, spoliated pretexts. The authority of the state is held in a sacred trust; the subversion of that trust for improper purposes constitutes a fundamental breach of the constitutional order.

666. The imperative for governments to act with *bona fides* implies an unwavering, institutionalized commitment to honesty and scrupulous adherence to the highest ethical standards. This comprehensive obligation encompasses several foundational tenets, including absolute transparency, non-partisanship, and strict adherence to the rule of law. These tenets parallel the stringent, uncompromising protections afforded in the criminal law context to “informer privilege.” In a criminal law context, “informer privilege” is recognized as almost absolute, guaranteeing that the anonymity of an individual providing information to the police will be preserved indefinitely. It is only where innocence is at stake that the privilege must give way. In any litigation, whether civil or criminal, it is absolutely mandated that the police, the Crown, and the courts aggressively protect the privilege. Even the right to full disclosure, which constitutes a paramount part of the constitutional right to make full answer and defence, will not override the privilege.
667. The jurisprudential analogy utilized herein is highly instructive and deeply compelling: just as the promise of anonymity to an informer is held as an almost sacred, inviolable trust absolutely necessary for the functioning of the justice system and the protection of individuals from reprisal, the right of the public to an uncorrupted, unspoliated judicial record is an equally absolute, non-derogable trust. If trust cannot be maintained regarding the authenticity of sworn Informations generating armed arrest warrants, the entirety of the judicial system is imperiled and reduced to a mechanism of state terror. Analogously, no purported administrative convenience, institutional embarrassment, or opaque state objective can ever override the absolute prohibition against judicial fraud. The duty of the state to maintain a pure, untampered record is existential to the continued operation of the rule of law; it serves as the foundational currency upon which the consent of the public to be governed is predicated. When the state falsifies this currency, the social contract is voided.
668. It is submitted that these fundamental requirements of *uberrima fides* have been systematically disregarded, mocked, and intentionally subverted by the state actors in the present matter through a highly coordinated common design. The jurisprudence surrounding conspiracy and common design in the civil context is highly instructive in attributing liability across the multiple, interwoven institutional actors involved, thereby successfully preventing the evasion of accountability through bureaucratic compartmentalization and the intentional diffusion of responsibility across sprawling state agencies.
669. **Unnecessary for Each Respondent to Engage in the Specific Unlawful Acts:** It has been definitively recognized by the Courts that personal engagement in the specific, mechanical unlawful act of fabricating the document by every single conspirator or state actor is entirely unnecessary, provided that the unlawful act of one conspirator was a probable, reasonably foreseeable consequence of the original common design (*Kuwait Oil Tanker Co. v. Al Bader*, [2000] 2 All E.R. (Comm) 271 at pp. 110 and 133 (C.A.); *Golden Capital Securities Ltd. v. Holmes*, [2005] 1. W.W.R. 631 at pp. 74; *HM Revenue & Customs v. Begum*, [2010] EWHC 1799 at p. 86 (Ch.D.)). In the present scenario, the unlawful arrest, the harrowing deprivation of physical liberty, and the subsequent, ongoing institutional cover-up are identifiable as the direct, highly probable, and fully intended consequences of the original fabrication of the **Jurat Information Laying Crown Election Page**. All actors facilitating this continuum of constitutional harm are strictly captured by the doctrine of common design, irrespective of the precise degree of their direct mechanical or administrative involvement.
670. **Aiding and Abetting Qualifies as Unlawful Means:** It is established as a matter of law that aiding and abetting a co-conspirator to commit an unlawful act can itself qualify as an independent, actionable application of unlawful means (*2038724 Ontario Ltd. v. Quizno's Canada Restaurant Corp.*, 2010 ONCA 466, pp. 46-49). State actors, court clerks, administrators, and police officers who processed, stamped, transmitted, or mobilized police resources based on documents known, or which through the exercise of minimal professional diligence ought to have been known, to be spoliated, are equally culpable under this parasitic liability model. Willful blindness, feigned ignorance, or administrative apathy provides no sanctuary from constitutional liability. The failure to inquire when

confronted with glaring documentary irregularities, and the subsequent procession of the prosecution, constitutes a formal adoption of the underlying fraud.

671. **The Mandatory Duty to Extricate or Notify to Absolve:** Crucially, to legally extricate oneself from an ongoing conspiracy or common design of fraud, definite, affirmative, and documentable steps must be taken by a party to absolve themselves of continuing acts in the direction of the common design (*Claiborne Industries Ltd. v. National Bank of Canada*, 1989 CanLII 183 (ONCA) (the “*Claiborne Industries*”)). It is entirely insufficient for an officer of the court or a sworn police officer to simply retreat, ignore the circumstances, look the other way, or feign ignorance *ex post facto*. The evidentiary record indicates a profound absence of any definite, affirmative steps taken by any state actor in this multi-agency event to disclose the malfeasance, provide notification to the accused, formally correct the record, or halt the malicious prosecution. By maintaining conscious, strategic silence in the face of known, demonstrable fraud, the common design of institutional spoliation was actively perpetuated, endorsed, and adopted as official state action.
672. The wholesale, unrepentant abandonment of these fiduciary-like duties, facilitated through a pervasive, suffocating common design of institutional silence and complicity, violently transforms the interactions between the state and the citizenry from a legitimate exercise of policing power into an oppressive, *ultra vires* persecution. A full, unmitigated exercise of the available rights and remedies is thereby strictly necessitated to rectify this profound, structural, and ongoing breach of the public trust.

THE AVAILABILITY AND SCOPE OF CONSTITUTIONAL REMEDIES

Issue

673. Whether the Superior Court of Justice, acting as a court of competent jurisdiction, possesses the requisite constitutional authority and the affirmative, non-delegable duty under section 24(1) of the *Charter* to grant a comprehensive, multifaceted suite of restorative remedies—including declarations of absolute nullity, *mandamus*, independent forensic structural injunctions, and *habeas corpus*-type relief—in response to systemic executive misconduct, fraud, and institutional spoliation.

Rule

674. Section 24(1) of the *Charter* expansively empowers the Court to grant “such remedy as the court considers appropriate and just in the circumstances.” As comprehensively interpreted in *Vancouver (City) v. Ward*, 2010 SCC 27 (the “*Ward*”), and heavily reinforced by the Supreme Court in *Doucet-Boudreau v. Nova Scotia (Minister of Education)*, 2003 SCC 62 (the “*Doucet-Boudreau*”), this remedial power is intended to be “meaningful,” “responsive,” and demonstrably “effective.” It is a settled principle that a remedy which is merely symbolic, or a bare declaration issued in the face of ongoing administrative recalcitrance, is practically no remedy at all. It is strictly required that the remedy be directly and tangibly relevant to the specific lived experience of the affected individual and surgically address the distinct, compounding circumstances of the constitutional breach. A declaratory judgment unaccompanied by coercive enforcement mechanisms and structural oversight fails entirely to satisfy the purposive requirements of the *Charter* when confronted with systemic institutional resistance and historical bad faith.
675. Furthermore, a constitutional mandate exists requiring the Court to remain “flexible and responsive to the needs of a given case.” This explicitly includes the affirmative employment of remedies possessing “novel and creative features” to breathe practical, enforceable life into the maxim that “where there is a right, there must be a remedy.” Superior courts possess a constant, concurrent, and inherent jurisdiction to ensure that an efficacious remedial forum is perpetually available (*Rahey v. R.*, [1987] 1 S.C.R. 588; *R. v. Mills*, [1986] 1 S.C.R. 863). This inherent jurisdiction explicitly permits, and indeed requires, the transcendence of traditional, restrictive remedial boundaries in circumstances where the executive branch has entirely abandoned traditional legal, ethical, and statutory constraints. The remedial capacity of the Court is not to be constrained by archaic procedural forms or historic limitations when confronting modern, technologically sophisticated institutional fraud.

ANALYSIS

676. The orchestrated, systemic violations detailed herein represent a catastrophic departure from the *status quo ante*. Any assertion advanced by opposing counsel that a judicial stay of proceedings constitutes the maximum available or appropriate remedy must be firmly and uncompromisingly rejected. A stay of proceedings is classified exclusively as a remedy of “last resort,” specifically reserved for proceedings that are otherwise validly constituted but irreparably prejudiced by delay or prosecutorial misconduct (*R. v. O'Connor*, [1995] 4 S.C.R. 411). A stay cannot retroactively cure the fundamental jurisdictional void birthed by the fabrication of the **Jurat Information Laying Crown Election Page**. Operating strictly prospectively, a stay merely pauses a tainted process. While representing an administrative cessation of immediate prosecution, it crucially permits the fabricated documents to linger permanently in the digital and physical record. A stay without associated expungement and declarations of nullity operates as an incomplete, inadequate remedy that leaves the fraudulent architecture of the state completely intact and permanently perpetuates the underlying stigma attached to the targeted individual.
677. Where actions have been undertaken *in limine* without a scintilla of legitimate jurisdiction, the restoration of constitutional legality requires a robust, proactive, and deeply intrusive multifaceted approach. The issuance of the extraordinary prerogative writ of *mandamus* is highly appropriate and constitutionally necessitated. Mandatory, judicially supervised correction of all **CPIC** and localized police databases is required, alongside the compelled production of all master records and associated digital metadata to definitively identify the genesis of the fraud and expose the responsible actors to judicial scrutiny. In the modern era, physical documents represent merely a fraction of the institutional record; the digital footprint—the metadata—constitutes the empirical, unalterable truth of the document's creation, modification, and subsequent alteration.
678. **Ancillary Orders of Destruction and Forensic Inspection:** An order for the delivery up, destruction, or preservation of property is conventionally granted as ancillary to injunctive relief in intellectual property and spoliation matters. Typically, the option to choose between delivery up or destruction is provided, assuming that, in the case of destruction, an unequivocally sworn Affidavit confirming permanent destruction is submitted by the contemnor. However, given the demonstrated, repeated propensity for spoliation, concealment, and profound bad faith in the present context, a mere sworn Affidavit from the offending institutional actors is constitutionally insufficient and logically absurd. It is procedurally unsound, intellectually bankrupt, and logically contradictory to permit the offending actors to autonomously audit and verify the deletion of the very records they are alleged to have systematically compromised and utilized for unconstitutional purposes.
679. Following the stringent, protective protocols established in *Hotsplex Inc. v. Edwards*, 2011 CarswellOnt 6211 (Ont. S.C.J.), it is submitted that a mandatory order must be issued requiring the involved state actors to submit to a comprehensive, unfettered forensic inspection of the relevant databases, servers, and physical registries by an independent, court-appointed Third-Party IT auditor. Modern state databases, such as **CPIC**, utilize immensely complex, redundant architecture, including synchronized backup servers, disaster recovery sites, and clouded data silos. The simple administrative deletion of a file from a local terminal is profoundly insufficient to guarantee its eradication across the institutional network. An independent inspection is strictly required to verify, beyond any doubt, that all vestiges of the fabricated **Jurat Information Laying Crown Election Page** and all associated derivative **CPIC** records have been permanently, thoroughly, and irrevocably deleted from every redundant level of the state apparatus. As affirmed in *Altus Group Ltd. v. Yeoman*, 2012 CarswellOnt 9503 (Ont. S.C.J.), the appointment of an independent forensic inspector is recognized as the sole mechanism capable of neutralizing the technological opacity of sprawling computer networks and ensuring the actualization of the constitutional right to be free from fraudulent records.
680. Given the systemic, entrenched nature of the misconduct, the issuance of “structural injunctions” is required to ensure rigorous, ongoing judicial supervision of the reconstruction of the master record. In the absence of sustained structural supervision involving independent Third-Party verification, the state effectively remains the judge of its own cause regarding the correction of the misconduct—a scenario fundamentally abhorrent to the rule of law and the constitutional separation of powers.

CONCLUSION

681. It is respectfully submitted that a formal declaration of absolute nullity, inextricably coupled with mandatory orders of *mandamus*, compelled independent third-party forensic IT inspections, and ongoing structural injunctive relief, represents the only “appropriate and just” remedial response capable of comprehensively addressing the staggering magnitude of the constitutional infringements detailed herein.

Issue

682. Whether a global, aggregate damages award of \$10,000,000 (the “**Total Damages**”) is rationally justified, evidentiarily supported, and constitutionally required to provide compensation for profound psychological injury, to effectively vindicate the heavily infringed *Charter* rights, and to adequately deter the state from engaging in future systemic abuses of power.
683. As noted in the Form 1 of the Criminal Proceeding Rules herein, there has never been a reported decision where law enforcement falsified the entire information package. There was in *R. v. Silva*, the taking of the JP’s stamp (physical) and stamping the very warrant that the police wished to have. While completely unauthorized, that context involved a younger law enforcement officer who made a terrible error in judgment while the Quebec police forces were attempting to apprehend a known criminal who assassinating persons tied to a carry over from the historically violent and fatal gang violence involving the likes of gangs where innocent persons were being killed.

Rule

684. The assessment, quantification, and allocation of constitutional damages under section 24(1) follows a rigorous “functional approach” explicitly endorsed by the Supreme Court of Canada. This framework is primarily focused upon three general, intersecting constitutional objects: compensation, vindication, and deterrence (*Ward* at paras 25-31). Initially, compensation seeks to directly and tangibly address the personal, psychological, reputational, and economic losses actually suffered as a proximate result of unconstitutional actions. In matters involving the deprivation of physical liberty, the terror of unlawful arrest, and deep institutional betrayal, this compensatory branch must be sufficiently robust to acknowledge the profound disruption to the individual’s life and tangibly restore equilibrium. Secondly, vindication serves an essential declaratory function; it operates to forcefully uphold the societal importance of the infringed right, acting as a judicial reaffirmation that the rule of law remains paramount and that the state remains subordinate to the Constitution. Finally, deterrence aims to actively, financially discourage future breaches by the state apparatus, ensuring that institutional actors internalize the constitutional costs of malfeasance.
685. The jurisprudence dictates that while the foundational *Andrews v. Grand & Toy Alberta Ltd.* (1978) “Trilogy” established strict upper limits on non-pecuniary damages for ubiquitous forms of negligence—principally enacted as a matter of public policy to protect the stability of the public purse and insurance sectors from unpredictable, catastrophic bodily injury claims—this arbitrary ceiling is definitively inapplicable in instances of intentional torts, institutional spoliation, and egregious institutional bad faith. Where the state has acted in “bad faith or an abuse of power,” traditional civil immunities and jurisprudential caps are fully pierced and discarded (*Mackin v. New Brunswick*, 2002 SCC 13). This functional approach ensures that *Charter* damages function as an essential, calibrating tool for the maintenance of constitutional standards, strict institutional accountability, and the preservation of the democratic order, rather than operating merely as a mechanism for base, mathematically constrained restitution. The policy rationales shielding negligent actors do not extend to shield malicious, fraudulent actors.
686. The assessment of profound psychological trauma resulting from state action must be rigorously analyzed through the lens of recent Supreme Court of Canada directives. In *Mustapha v. Culligan of Canada Ltd.*, the threshold for legal causation was established, dictating that psychological injury must be reasonably foreseeable to a person of “ordinary fortitude.” However, once this threshold gateway of objective foreseeability is satisfied, the requirement to establish a formally recognized psychiatric illness is decisively discarded pursuant to *Saadati v. Moorhead*, 2017 SCC 28 (the “*Saadati*”). *Saadati* confirms that serious, prolonged psychological injury caused by state misconduct warrants significant compensation regardless of the presence of specific diagnostic criteria from the Diagnostic and Statistical Manual of Mental Disorders. Evidence of profound, persisting cognitive and emotional disturbance, loss of enjoyment of life, and the fracturing of societal trust is sufficient to ground substantial compensatory awards.
687. Upon the establishment of liability and the surpassing of the *Mustapha* threshold, the strict, unyielding application of the “thin skull” doctrine is engaged. The jurisprudence mandates that the tortfeasor must take the victim exactly as they are found; if an unconstitutional deprivation of liberty triggers a catastrophic psychological breakdown due

to latent, pre-existing vulnerabilities, the state remains strictly, fully liable for the entirety of the profound deterioration. The thin skull doctrine relates strictly to the ultimate quantum and extent of damages, bypassing generalized foreseeability considerations once constitutional liability is firmly cemented. The state cannot invoke the victim's fragility as a mitigating factor when it has intentionally shattered their psychological foundation through unlawful means.

688. Furthermore, the assessment of punitive components must be heavily guided by recent appellate jurisprudence, including the landmark principles solidified in *Whiten v. Pilot Insurance Co.* and recently expanded in *Baker v. Blue Cross Life Insurance Co. of Canada*, 2023 ONCA 842 (the “*Baker*”). Punitive damages standards dictate that severe financial penalties may be awarded for conduct displaying high-handedness, malice, or a marked departure from ordinary standards of decency. As articulated in *Baker*, a modest punitive award is frequently absorbed by massive institutional defendants as a mere “nominal cost of operating” or a “license fee” for rights violations. To achieve genuine, structural deterrence, the punishment must be economically meaningful; it must be of a sufficient magnitude to garner the immediate attention of senior executives, disrupt operational budgets, and compel the dismantling of institutionalized, systemic strategies of bad faith.

HIGHEST PUNITIVE DAMAGE AWARDS IN CANADIAN JURISPRUDENCE:

689. An analysis of the highest confirmed punitive damage awards in Canadian jurisprudential history reveals a trajectory of escalating judicial sanction against institutional malfeasance. The following jurisprudence establishes the requisite benchmarks for calculating punitive damages against massive institutional entities, demonstrating a judicial willingness to impose multi-million dollar penalties to ensure compliance:
690. **Baker:** In *Baker v. Blue Cross Life Insurance Company of Canada*, 2023 ONCA 842, a record-setting award of \$1,500,000 was upheld by the Ontario Court of Appeal following a jury determination that a “systemic” pattern of wrongfully denying long-term disability benefits had been engaged in by the insurer. It was explicitly noted by the appellate tribunal that for an entity of such vast capitalization, any lesser financial penalty would be functionally absorbed as a mere “rounding error,” thereby comprehensively failing to effectuate any deterrent objective.
691. **Whiten:** In *Whiten v. Pilot Insurance Co.*, 2002 SCC 18, an award of \$1,000,000 was restored by the Supreme Court of Canada, standing as the historic record-holder for two decades, after an insurance corporation baselessly accused a family of arson to evade the payment of a legitimate property claim.
692. **Boucher:** In *Boucher v. Wal-Mart Canada Corp.*, 2014 ONCA 419, an initial jury award exceeding \$1,000,000 in punitive damages was issued in a constructive dismissal action involving sustained workplace abuse. Although subsequently reduced upon appellate review, it remains a significant landmark establishing the availability of massive punitive sanctions in the employment context.
693. **Higginson:** In *Higginson v. Babine Forest Products Ltd.*, 2012 BCSC 1303, an award of \$800,000 was granted in a wrongful dismissal matter wherein it was determined that the employer had falsely alleged “just cause” to avoid the payment of severance entitlements to a long-tenured employee.
694. **Hill:** In *Hill v. Church of Scientology of Toronto*, [1995] 2 S.C.R. 1130, an award of \$800,000 in punitive damages was upheld by the Supreme Court of Canada against the defendant organization for the propagation of allegations that were determined to be entirely untrue and without foundation against a Crown lawyer.

LEGAL CONTEXT AND THE RATIONALITY TEST:

695. The fundamental purpose of punitive damages, sharply distinguished from compensatory awards, is solely to punish, denounce, and deter exceptionally reprehensible conduct. Under the “Rationality Test” established in *Whiten*, it is mandated that punitive awards must be no higher than absolutely necessary to achieve their specific purpose and must possess a rational connection to the underlying misconduct. While historical punitive awards rarely exceeded a \$50,000 threshold, the *Baker* decision is indicative of a profound jurisprudential shift toward significantly higher awards when the courts are confronted with large institutional actors, thereby ensuring that the financial penalty imposed is genuinely meaningful and not absorbed as a mere administrative expense. When applied to the state—an entity with vastly more resources than any private insurer—the rational deterrent amount scales correspondingly.
696. **Damage is Presumed in the Face of Constitutional Usurpation:** It is a fundamental, bedrock tenet of Anglo-Canadian public law that where an inherent right is unlawfully invaded, the occurrence of damage is

incontrovertibly presumed. As articulated in *Shaw v. Lewis*, [1948] 2 D.L.R. 189 (BCCA), involving an individual excommunicated from an organization as a result of a conspiracy, the Court of Appeal sternly rebuked a trial judge for dismissing the case due to unproven pecuniary losses, cementing the inviolable principle that “if a right is invaded, damage is presumed.” The invasion of liberty through the deployment of fabricated judicial documents constitutes an ultimate trespass against the person. It demands an automatic judicial presumption of massive, irreparable harm, negating any strict requirement for the mathematical proof of the precise parameters of suffering. The sheer loss of liberty and the subjection to a fraudulent, weaponized process are heavily compensable injuries *in and of themselves*.

ANALYSIS

697. A global award comprised of general, aggravated, and punitive components, cumulatively totaling the **Total Damages**, is sought herein. The mental and emotional injury sustained, arising directly from the profound institutional betrayal orchestrated by the **Default Judge** and the fraudulent utilization of the **Jurat Information Laying Crown Election Page**, is identified as intensely serious, deeply prolonged, and utterly devastating to the affected individual's cognitive and psychological baseline.
698. **Inapplicability of Damages Caps:** It is anticipated that attempts may be made to improperly invoke the *Andrews* common law “cap” on personal injury damages to artificially limit recovery for profound psychological trauma. Such an approach is fundamentally foreclosed by binding Supreme Court of Canada jurisprudence, which recognizes the limitless nature of non-pecuniary harm when inflicted intentionally by the state. As definitively established in *Cinar Corp. v. Robinson*, 2013 SCC 73 (the “*Cinar*”) and *Young v. Bella*, 2006 SCC 3 (the “*Young*”), the “cap” simply does not apply to discrete, massive awards for psychological injury flowing from non-bodily torts, institutional breaches, and violations of fundamental rights.
699. In *Young*, a \$430,000 damages award was upheld for psychological injury arising in a defamation context, entirely separate from the primary tortious injury to reputation.
700. However, herein the facts at bar involving the deprivation to an individual's life, liberty and security along with section 12 violations without any remedying of the same while dragging the individual through the OCJ process and violating court orders authorizing him to bring his motion to strike and then yet again destroying documents.
701. Similarly, in *Cinar*, a sweeping copyright infringement case, an additional, discrete award of \$400,000 was affirmed exclusively for the psychological devastation caused by the violation of the creative process. It was noted at para 108 of *Cinar* that “the integrity of his personal creative process was violated, causing deep psychological suffering.”
702. Further rejection of artificial damage ceilings in instances of systemic institutional abuse was decisively cemented in *Barker v. Barker*, wherein uncapped, multi-million dollar non-pecuniary awards were affirmed for individuals subjected to state-sponsored psychological violence under the guise of institutional authority.
703. The logical extrapolation is constitutionally requisite: if uncapped, massive awards are readily available to compensate for the psychological distress of copyright infringement (*Cinar*) or to penalize systemic state psychiatric abuse (*Barker*), an exponentially greater, uncapped award is mandated when the psychological trauma stems from the intentional, unconstitutional deprivation of physical liberty utilizing criminally fabricated judicial instruments. The trauma of being pursued by a state apparatus deprived of lawful jurisdiction utterly eclipses the trauma of material property infringement. To apply a cap in such circumstances would be to incorrectly assign a higher systemic value to intellectual property and public purse preservation than to human liberty and the foundational integrity of the courts.

APPLICATION OF THE THIN SKULL DOCTRINE:

704. The psychological devastation experienced is not merely a transient upset; it undeniably satisfies the remoteness gateway established in *Mustapha*. It is entirely foreseeable that an individual of ordinary fortitude would suffer severe psychological harm upon discovering that the coercive powers of the state—including armed police intervention and the imposition of restrictive bail conditions—were deployed against them based on forged judicial documentation. Consequently, the “thin skull” doctrine is fully activated. The state must take the affected individual exactly as they were found. Any pre-existing vulnerabilities or predispositions that exacerbated the psychological descent into chronic anxiety, post-traumatic stress, or the total loss of societal trust are the sole

financial responsibility of the state actors whose deliberate spoliation triggered the collapse. The ultimate limits of the compensation are defined not by mathematical averages of resilience, but by the limitless depths of the actual psychological injury sustained as a direct result of the state's malfeasance.

705. **The Parasitic Nature of Unlawful Means:** In assessing cumulative damages, the overarching intentionality of the conduct must be recognized. As described by Cromwell J. in *A.I. Enterprises Ltd. v. Bram Enterprises Ltd.*, 2014 SCC 12, the “unlawful means” tort creates a type of “parasitic” liability, the core of which captures the intentional infliction of injury by the use of unlawful means against a third party. Conduct was engaged in by the state actors which would be universally actionable if perpetrated by any private citizen. These damages may be cumulative and stacked to reflect the multiplicity of the breached constitutional and fiduciary duties.
706. **Subsequent Conduct as Aggravation and the Failure to Investigate:** The analysis is not limited to the initial moment of the fraudulent arrest. Subsequent conduct must be heavily considered in assessing damages, particularly in inflating aggravated and punitive damages. As established in *Robitaille v. Vancouver Hockey Club Ltd.* (1981), 124 D.L.R. (3d) 228 (B.C. C.A.), subsequent actions operate in aggravation of damages. A sustained campaign characterized by opacity, the obdurate refusal to legally correct the master record, and the active bureaucratic obstruction of legitimate inquiries operate to severely aggravate the damages profile. Furthermore, drawing from employment law principles established in *Saskatchewan Indian Gaming Authority v. Pasap* and *Curtis v. Bank of Nova Scotia*, the bad faith failure of the state to conduct a neutral, procedurally fair internal investigation into the origins of the fabricated **Jurat Information Laying Crown Election Page** once formally notified constitutes an independent, heavily aggravating feature justifying massive additional compensation for the ensuing humiliation and prolonged injury to dignity.
707. **Punitive Damages for Confidentiality Breaches and Spoliation:** The conduct in question mirrors egregious examples of malfeasance where massive punitive damages are awarded as a matter of course to ensure disgorgement and deterrence.
708. Punitive damages have been consistently awarded where confidential documentation is manipulated and actively retained while falsely purporting to return it through legal counsel (*Jones v. Klassen*, 2006 CarswellAlta 31 (Alta. Q.B.)).
709. Taking confidential files, agreeing to return them, and then failing to do so on the bad-faith pretext of inappropriate destruction warrants severe judicial sanction (*Service Corp. International (Canada) Ltd. v. Nunes-Pottinger Funeral Service & Crematorium Ltd.*, 2012 CarswellBC 1100 (B.C. S.C.)).
710. In cases where a deliberate cover-up renders it impossible to ascertain damages with arithmetical precision, the measure of damages must be an equitable estimate drawn adversely against the wrongdoers, applying the principle of *omnia praesumuntur contra spoliatores* (*XY, Inc.*). Successful spoliation must not be permitted to serve as a shield to limit financial exposure.
711. **The Nissen Multiplier:** A highly relevant analogue to the present institutional betrayal is found in *Nissen v. Durham Regional Police Services Board*, 2017 CarswellOnt 114 (Ont. C.A.). In *Nissen*, the Ontario Court of Appeal confirmed a baseline award of \$345,000 in general damages against the police for a single breach of a promise of confidentiality made to an informer.
712. While *Nissen* establishes a powerful baseline for psychological trauma caused by police betrayal, the present circumstances are exponentially more severe. In *Nissen*, the handling of an interview tape was primarily negligent; in the present matter, a highly coordinated, intentional, multi-agency conspiracy was engaged to fabricate the **Jurat Information Laying Crown Election Page**, actively conceal judicial conflicts involving the **Default Judge**, and effectuate an unlawful arrest. The multiplier effect of these compounding, intentional, bad-faith constitutional violations justifies an award that significantly transcends the *Nissen* baseline. If \$345,000 is the accepted metric for negligent disclosure, an award in the multi-millions is strictly required for the intentional fabrication of judicial warrants resulting in the physical deprivation of liberty.
713. **The Necessity of Meaningful Deterrence:** The conduct evidenced herein represents a paradigm wherein the punitive and deterrent effect of a multi-million dollar award is strictly required. Relying heavily upon the rationales articulated in *Baker v. Blue Cross* and *Whiten*, it is submitted that an award must not merely represent a nominal cost of operating for the state. A sprawling, publicly funded apparatus will not be deterred by an award of hundreds of thousands of dollars; such a sum will be seamlessly absorbed by existing ministerial budgets without triggering any requisite structural overhaul. The state engaged in a “closed loop of information,” deliberately ignoring or refusing to clarify the invalidity of the sworn instruments utilized against the targeted individual. To achieve absolute deterrence, the financial penalty must be catastrophic enough to compel immediate, systemic administrative reform across all involved agencies. An award of \$10 million is entirely proportionate to the

systemic, multi-agency failure of the institutions involved and the unprecedented usurpation of the judicial function.

CONCLUSION

714. It is concluded that the requested aggregate sum of \$10,000,000 is both rationally connected and entirely proportionate to the unprecedented gravity of the misconduct engaged in by the state. This quantum serves to powerfully vindicate the *Charter*, adequately compensate for the limitless depths of the psychological harm inflicted pursuant to the thin skull doctrine, actively deter future misconduct through a massive financial penalty that cannot be administratively ignored, and restore desperately needed public confidence in the administration of justice following an unparalleled assault upon the constitutional order.
715. Notably, this is where the CSMD Diversion, which was clearly extortion on its face and in substance, is the reaping of the aforementioned sowing.

PART XXII — PERSONAL LIABILITY OF THE OFFENDING JUDICIAL OFFICER

ISSUE I: THE ABDICATION OF JURISDICTION AND THE ABROGATION OF JUDICIAL IMMUNITY

716. The foundational issue for determination before this Honourable Court is whether the impugned conduct, characterized by the unauthorized receipt of criminal process and the unsolicited, *sua sponte* usurpation of civil case management authority in the absolute absence of mandatory statutory prerequisites, constitutes *acta* executed *coram non iudice*. This inquiry strikes at the very architectural integrity of the administration of justice, questioning the boundaries between lawful adjudication and rogue administrative expropriation by an individual acting under the mere color of office. It invites the Court to consider the specter of arbitrary power manifesting within the very halls designed to constrain it, where a member of the judiciary departs from the codified path of the *Legislature* to pursue an extra-jurisdictional agenda.
717. If the actions under scrutiny are fundamentally determined to be devoid of subject-matter jurisdiction, the secondary, inextricably linked issue to be resolved is whether such profound jurisdictional abdication operates to instantaneously strip the presiding justice of presumptive judicial immunity. The Court must determine whether the complete departure from the statutory framework crystallizes personal and constitutional liability for the resulting deprivation of liberty, the systemic procedural subversion, and the intentional frustration of the appellate process. This assessment requires a granular analysis of the “judicial contract”—the implicit agreement where immunity is granted in exchange for adherence to the law.
718. The ultimate inquiry must further determine whether the institutional apparatus of the state, encompassing reliant court registry staff, case management coordinators, and opposing counsel, is exposed to derivative civil liability under the tort of civil conspiracy for continually executing and relying upon these irremediable nullities (the “Irremediable Nullities”). The implications of this inquiry are far-reaching, as they address the positive duty of state actors and officers of the court to identify and resist the enforcement of void directives that lack a jurisdictional anchor, thereby preventing the perpetuation of a jurisdictional void.
719. Finally, the Court must assess whether a formal undertaking (the “Undertaking”), proffered by the Applicant to perpetually abstain from future tort litigation against the jurist, serves to definitively extinguish the institution's defensive multiplicity concerns pursuant to the legislative mandate of section 138 of the *Courts of Justice Act*, RSO 1990, c C.43 (the “**Courts Of Justice Act**”). This section demands that the Court harmonize the conflict between the need for individual accountability and the systemic desire for finality and judicial economy, ensuring that the primary administrative dispute is resolved without the paralyzing fear of collateral litigation.

THE RULE

720. The doctrine of judicial immunity is fundamentally designed to insulate the institutional independence of the judiciary, ensuring that lawful adjudicative functions may be discharged absent the paralyzing apprehension of personal reprisal, vexatious collateral litigation, or executive political interference. The historical evolution of this doctrine demonstrates that it was conceived as a necessary constitutional shield to protect the integrity of the

judicial office itself, rather than serving as a limitless personal privilege for the individual occupying that office. It is a shield for the office, not a sword for the occupant to wield against the *Constitution*.

721. However, it remains an established, unyielding legal axiom that absolute immunity exclusively shields *acta* executed within a recognized, statutory matrix of subject-matter jurisdiction. The protective veil is not an absolute cloak for administrative tyranny or extra-jurisdictional adventurism; it is strictly and permanently conditional upon the lawful assumption and execution of the judicial role. When a jurist abandons the adjudicative framework to engage in unauthorized administrative interference, the protective mantle is simultaneously forfeited, as the act ceases to be “judicial” in any legally cognizable sense.
722. In *Morier v. Rivard*, [1985] 2 SCR 673 at 680 (the “*Morier Decision*”), the Supreme Court of Canada affirmed that superior court judges enjoy absolute immunity strictly for acts performed within their legitimate judicial capacity. The Supreme Court meticulously delineated that the protective sphere is categorically pierced, and immunity irreversibly abrogated, where the conduct constitutes an administrative usurpation or is executed in the clear, objective absence of all jurisdiction. The *Morier Decision* definitively extinguished the antiquated notion that a superior court judge is absolutely immune under all conceivable circumstances, emphasizing that the “color of office” cannot validate a jurisdictional void where the fundamental authority to act is non-existent.
723. This jurisdictional exception is inextricably anchored in two foundational legal maxims that have governed common law jurisprudence for centuries: first, *coram non judice* (proceedings before a tribunal not having jurisdiction); and second, *factum a judice, quod ad officium jure non pertinet, ratum non est* (an act of a judge not pertaining to the office is of no legal force). These maxims articulate the fundamental constitutional premise that state coercion is only legitimate when it flows directly from a democratically enacted statutory source. To act outside this source is to act as a private citizen, and the resulting orders are mere “dead letters” possessing no more authority than a private request.
724. The threshold for state and personal liability arising from the exercise of judicial and legislative functions has been explicitly modernized, clarified, and expanded in *Canada (Attorney General) v. Power*, 2024 SCC 39 at para 42 (the “*Power Decision*”). To successfully pierce state immunity and engage liability, the impugned conduct must satisfy a stringent tripartite threshold: it must be clearly unconstitutional, executed in bad faith, or constitute a gross abuse of power. The *Power Decision* establishes that the modern constitutional architecture does not tolerate the existence of legal black holes wherein state actors may act with absolute impunity while inflicting catastrophic violations of the *Charter*.
725. Where such an abuse of power manifests as a deliberate, calculated contravention of statutory imperatives and procedural safeguards, the equitable doctrine of fraud upon the court is incontrovertibly engaged. Relying upon the timeless pronouncement articulated by Lord Denning in *Lazarus Estates Ltd. v. Beasley*, [1956] 1 QB 702 (the “*Lazarus Estates Decision*”), as formally adopted, contextualized, and expanded by the Supreme Court of Ontario in *Landreville v. The Queen*, (1977) 75 DLR (3d) 380 at para 45 (the “*Landreville Decision*”), it is a universally recognized equitable principle that fraud unravels everything. Fraud, in this jurisdictional sense, includes the intentional misrepresentation of authority to secure a procedural or substantive advantage.
726. The usurpation of jurisdiction, when executed with calculated disregard for established statutory boundaries and administrative protocols, operates as a constructive fraud upon the administration of justice. Under such circumstances, the maxim *fraus omnia corrumpit* (fraud corrupts all) applies with absolute force, permanently vitiating any theoretical entitlement to judicial immunity, invalidating all subsequent directives, and mandating the comprehensive restoration of the injured party to the *status quo ante*.

THE ANALYSIS

Judicature vs. Judiciary

727. Within this constitutional architecture, a vital and unyielding distinction is strictly maintained between the judicature (the “**Judicature**”), encompassing the administrative and procedural machinery of the courts, and the judiciary (the “**Judiciary**”), representing the collective body of judges whose independence ensures that the legal order remains immune to the corrosive effects of administrative fictions (the “**Administrative Fictions**”). The Judicature provides the scaffolding; the Judiciary provides the intellectual and moral force. When the two are conflated to shield malfeasance, the temple of justice begins to crumble under the weight of its own internal inconsistencies.

728. The constitutional architecture of the Dominion of Canada precisely necessitates a judicial branch (the “**Judicial Branch**”) distinguished by an absolute and unfettered institutional independence. This imperative is derived comprehensively from the unwritten constitutional principles inherent within the Judicature Sections of the *Constitution Act, 1867* (UK), 30 & 31 Vict, c 3, explicitly characterized by the Supreme Court of Canada as the “principal pillars in the temple of justice.” This independence is not a personal perquisite of the judge but a right of the citizen to be heard by an impartial and legally-constituted tribunal that adheres to the very laws it purports to enforce.
729. When a member of the Judiciary abandons adjudicative independence to manipulate the Judicature's administrative machinery without statutory authorization, a profound constitutional breach is instantly precipitated. This subversion of the Judicature by a rogue member of the Judiciary erodes the separation of powers, as it allows the judicial actor to act as both legislator of their own rules and executor of their own unauthorized mandates. It represents a “state within a state,” where the judge operates outside the very *Judicature* they are sworn to uphold, effectively neutralizing the checks and balances designed to prevent precisely this species of arbitrary intervention.
730. Furthermore, this distinction highlights that while the *Judiciary* is independent, the *Judicature* must be predictable and transparent. The administrative machinery must operate according to the *Civil Rules* and relevant statutes to ensure due process and equal treatment before the law. When a judge bypasses the *Judicature*'s registry and intake systems—as occurred here with the unauthorized receipt of the Information and Indictment—they are not exercising “judicial independence,” but are rather committing an administrative trespass that violates the institutional integrity of the court and compromises the neutrality of the registry staff.

<i>The Epoch of 1878: Coram Non Judice and the Bradley Precedent</i>
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731. It is observed that since the foundational epoch of the confederation of Canada (the “**Confederation**”) in 1867—a principle subsequently fortified by seminal jurisprudence—the legal architecture of this jurisdiction has perennially mandated that for the adjudicative manifestations of a member of the judiciary to possess binding efficacy (i.e., to be ratified), such *acta* must emanate exclusively from the duly authorized office of the judge (the “**Judge's Office**”) and pertain rigorously to the statutory and prescribed obligations and functions inextricably associated therewith. This is the cornerstone of jurisdictional legitimacy in a constitutional democracy.
732. In the venerable matter of *McLean (Roderick) v. Bradley*, (1878) 2 SCR 535 (the “**Bradley 1878 Decision**”), it was judicially determined that acts exceeding the scope of judicial authority are fundamentally *factum a judice, quod ad officium jure non pertinet, ratum non est*. The constitution of such an esteemed Supreme Court of Canada bench in 1878 underscores the gravity with which the early Court contemplated jurisdictional boundaries. Any appearances or interactions with a judge acting in such an unauthorized capacity are *coram non judice*, thereby falling squarely within the categorical classification of Irremediable Nullities which cannot be salvaged by subsequent procedural compliance.
733. At page 547 of the *Bradley 1878 Decision*, the Court, invoking the wisdom of *Broom's Legal Maxims* and *Taylor v. Clemson*, definitively stated:

“When the Court has no jurisdiction of the cause, the whole Proceeding is coram non judice, and actions will lie against the above mentioned parties without any regard to the precept or process, and in this case it is not necessary to obey one who is not judge of the cause. Broom, L. M. 90; Taylor v. Clemson. Factum a judice, quod ad officium jure non pertinet, ratum non est.”

734. This foundational principle ensures that the Judiciary remains tethered to the Law and the sovereign will of the *Legislature*. To permit a judge to exercise power *ultra vires* would be to acknowledge an authority superior to the Law itself, a proposition that was categorically rejected at the very inception of the Canadian legal project. The *Bradley 1878 Decision* remains an unassailable barrier against judicial overreach, confirming that a judge without jurisdiction of the cause is no judge at all for the purposes of that specific proceeding, and any order issued therein is a legal phantom.

3. DISTINCTIONS WITH A DIFFERENCE: COURT VS. JUDGE NOT HAVING JURISDICTION OF THE CAUSE – BY ANALOGY OF THE TAINTED ACTIONS AND EFFECT POST THE UNDISCLOSED “EX PARTE IN CAMERA HEARING” AND THE UNDISCLOSED NAME OF THE JUDGE (CHIEF JUSTICE MORAWETZ) FROM SEPTEMBER 2024 – HIS UNLAWFUL ASSIGNMENT TO MADAM JUSTICE SHORE AS HIS “UNLAWFUL FIXER”

735. Naturally arising from this historical premise is the critical distinction between: (a) a court having no jurisdiction of the cause; versus (b) a judge having no jurisdiction of the cause. To deconstruct the term “cause,” one traditionally thinks in terms of a “cause of action” which is naturally the legal foundation for suing someone—be it breach of contract, tort, or breach of statute. In the context of the Divisional Court, the “cause” is often a specialized statutory application or appeal which is strictly bound by its enabling legislation.
736. In the specific context of an application under the *Judicial Review Procedure Act*, RSO 1990, c J.1 (the “**JRPA**”), the “cause of Application” is strictly governed by the enabling statute itself. Naturally, if an individual filed a *JRPA* application directly with the Court of Appeal for Ontario (the “ONCA”) at first instance, that court would not have any jurisdiction of the cause. All acts of any judge therein would be *factum a iudice, quod ad officium iure non pertinet, ratum non est* and appearances before him or her would be *coram non iudice*. The Divisional Court, while a branch of the Superior Court, possesses a specialized statutory jurisdiction that cannot be expanded or bypassed through individual judicial fiat or administrative caprice.
737. In the precise context of the matter at bar, any case management judge (the “CMJ”) does *not* possess jurisdiction of the cause. Within the framework of *rule 50* of the *Rules of Civil Procedure*, RRO 1990, Reg 194 (the “**Civil Rules**”), there exists greater procedural latitude; however, that provision only applies to pre-trial procedures in actions. Applications are not actions, and, *ergo*, are not positioned upon a procedural trajectory culminating in “trials.” This is a distinction of profound legal consequence that prevents the administrative management of a file from swallowing the substantive merits of the cause.
738. Under *rule 77* of the Civil Rules, substantially less latitude is afforded to actions and applications, and even narrower scope is granted to a CMJ (who is emphatically not the “Judge of the Cause”) when managing a statutory application, particularly one grounded in the *JRPA*. The rationale for this stringent limitation is deeply rooted in statutory supremacy. The *Legislation Act*, 2006, SO 2006, c 21, Sch F, delineates the absolute superiority of the enabling statute over subordinate regulation. The *Civil Rules* cannot be used to circumvent the jurisdictional triggers and evidentiary thresholds established in the *Courts of Justice Act* or the *JRPA*.
739. The “Judge of the Cause” is strictly defined as the jurist who “Hears and Decides,” an eventuality that can only lawfully transpire within a formal Hearing. Pursuant to the Civil Rules, a “Hearing” means the hearing of an application, motion, reference, appeal or assessment of costs, or a trial. Because an “Appeal,” “Reference,” and “Trial” are procedurally irrelevant to a *JRPA* application—as historically affirmed in *Pong v. Quong*, [1927] SCR 271 (the “**Pong Decision**”)—the substantive merits of a *JRPA* application may only be lawfully heard and decided following the precise procedural setting of the application.
740. This formal setting is exclusively executed either by the Registrar of the Divisional Court via the issuance of Form 68A pursuant to *rule 68.05*, or alternatively, through a formal motion advanced by a litigant, as confirmed in *Yatar v. TD Insurance Meloche Monnex*, 2024 SCC 8 at para 49 (the “**Yatar Decision**”). While the Civil Rules provide the power to convert a motion into a motion for judgment, no corresponding residual or inherent authority exists under *rule 77* to transmute an unauthorized conference into a “Conference For Judgment.” The attempt to do so is an *ultra vires* transmutation of procedural character that bypasses the notice requirements and the evidentiary record necessary for a final determination.
741. This structural reality provides a comprehensive answer establishing that a CMJ, whether authorized or functioning as an interloper, is not a Judge Of The Cause. Consequently, Madam Justice Shore possessed no authority whatsoever to wade into the merits as she was not a “Hearing Judge.” It is solely through the precise procedural mechanism of a formal motion, or through the administrative setting of the matter on a listing for hearing (the “**Listing For Hearing**”) by the Registrar—a mandatory function exclusively reserved for the Registrar, contrary to the entirely erroneous pronouncements of court clerk Ms. Clegg—and the subsequent issuance, endorsement, and distribution of a Form 68B pursuant to *rule 68.05*, that the matter may lawfully proceed.
742. This incontrovertible procedural architecture leads directly to the unassailable, deductive syllogism that Madam Justice Shore functioned not merely as an unauthorized CMJ interloper (the “**Unauthorized CMJ Interloper**”) and an unauthorized “*Ex Parte* in camera hearing” judge interventionist (the “**Unauthorized 'Ex Parte In Camera Hearing' Judge Interventionist**”), but importantly, was at no point the Judge Of The Cause. Her assumption of

power was not a procedural irregularity; it was a total jurisdictional vacuum that renders the ensuing proceedings a nullity.

4. NO OBLIGATION TO COMPLY WITH UNAUTHORIZED DIRECTIVES

743. The mandatory obligation to comply with a court order promulgated by a specific judicial officer is inextricably contingent upon both the lawful subject-matter jurisdiction of the tribunal and the precise jurisdictional competence of the individual judge to effectuate the requisite procedural acts. Without this foundational nexus of legal authority, a directive masquerading as a formal Order possesses no greater legal force than a request articulated by a private citizen and demands absolutely no compliance from the litigants. A void order cannot support a finding of contempt, nor can it impose a legal duty to alter one's position or abandon one's rights.
744. To hold otherwise would be to validate the subversion of the rule of law by administrative caprice. If a litigant were compelled to obey an order issued *ultra vires*, the very concept of jurisdictional boundaries would be rendered illusory. The Law does not demand obedience to a phantom authority; it demands adherence to the *Constitution* and the statutes from which all judicial power is derived. The Applicant was not merely at liberty to ignore the unauthorized directives; they were constitutionally justified in resisting the same to preserve the integrity of the *Judicature* and the sanctity of the adversarial system.

5. POSITIVE DUTY TO NOT FACILITATE, AID, AND ABET UNLAWFUL ACTS

745. Consistent with the established legal doctrine that there exists no plea of justification for a constable who executes a warrant that is fundamentally “bad” because it was issued by a judicial officer lacking the foundational jurisdiction to endorse it, there exists no plea of justification for any state actor, litigant, court staff, or subsequent judicial officer to rely upon an Irremediable Nullity. The lack of jurisdiction is a fatal defect that permeates every subsequent act predicated upon it, poisoning the entire stream of the proceeding.
746. The jurisprudence governing the tort of civil conspiracy provides ample, binding authority in this specific domain. The tort manifests in two distinct branches: (i) Unlawful Means Conspiracy: wherein two or more persons by agreement, frequently established via inferential deduction rather than direct evidence, utilize unlawful means that precipitate damage and loss to another; and (ii) Lawful Means Conspiracy: wherein two or more persons engage in a lawful agreement predominantly motivated by the malicious intent to inflict harm. When the fundamental, constitutional rights of the victim are transgressed by state actors, damage and loss are legally presumed, as established in *Shaw v. Lewis*, [1949] 1 WWR 355 (BCCA) (the “**Shaw Decision**”). In the context of the *Judicature*, this conspiracy involves the coordinated reliance on void orders to deprive a litigant of their day in court through administrative attrition.
747. The Court of Appeal for Ontario in *Reach M.D. Inc. v. Pharmaceutical Manufacturers Assn. of Canada*, 2003 CanLII 27828 (ON CA) (the “**Reach MD Decision**”), citing the seminal jurisprudential contribution of Lord Denning in *Torquay Hotel Co. Ltd. v. Cousins*, [1969] 2 Ch 106 (CA) (the “**Torquay Decision**”), found that the expansive construction of unlawful means encompasses acts the defendant “is not at liberty to commit”—in other words, an action devoid of legal justification. Lord Denning expounded that if the means are unlawful, that is sufficient to ground liability. Interfering with a litigant's access to a properly constituted hearing through the use of void directives is an act no officer of the court or member of the bar is at liberty to commit, as it violates their primary duty to the administration of justice.
748. It is indisputable that the actions undertaken by Madam Justice Shore were not merely executed absent jurisdiction—as she operated entirely as the Unauthorized CMJ Interloper—but were concurrently unlawful acts, characterized unequivocally as *factum a iudice, quod ad officium jure non pertinet, ratum non est*. Consequently, any purported case management conference convened before her constituted an attendance before a person who was not a judge at law (*coram non iudice*). Therefore, subsequent reliance upon such proceedings by any entity, including the coordination staff, the registry, and adversarial counsel, is properly construed as the active aiding and abetting of unlawful acts which facilitate a jurisdictional usurpation.
749. Liability in civil conspiracy can be robustly imposed for the mere maintenance of silence and the passive permission of the promulgation of false statements regarding the validity of the proceedings, a principle firmly affirmed in *Sugar v. Peat Marwick Ltd.* (1988), 55 DLR (4th) 230 (Ont HCT) (the “**Sugar Decision**”). Court staff who facilitate the scheduling of void conferences while remaining silent as to the jurisdictional void are actively

facilitating the resulting harm. To definitively extricate oneself from a continuing conspiracy, definite and unequivocal steps MUST be undertaken to absolve participation in the common design, as mandated by *Claiborne Industries Ltd. v. National Bank of Canada*, 1989 CanLII 183 (ON CA) (the “**Claiborne Decision**”). Passive withdrawal is not an exculpation when the machinery of the court continues to churn based on a known void directive.

750. The mere aiding and abetting of a co-conspirator in the commission of unlawful means qualifies as an unlawful act *per se*, pursuant to *2038724 Ontario Ltd. v. Quizno's Canada Restaurant Corp.*, 2010 ONCA 466 (the “**Quizno's Decision**”). Furthermore, it is not required for every single conspirator to individually and actively participate in the unlawful *actus reus*, provided the unlawful act of one conspirator was a probable consequence of the original common design (see: *Kuwait Oil Tanker Co SAK v. Al Bader*, [2000] 2 All ER (Comm) 271 (CA) (the “**Kuwait Oil Decision**”); *Golden Capital Securities Ltd. v. Holmes*, 2004 BCSC 262 (the “**Golden Capital Decision**”); and *HM Revenue & Customs v. Begum*, [2010] EWHC 1799 (Ch) (the “**Begum Decision**”)).
751. This articulation serves as a formal, jurisprudential notice to those entities potentially unaware of the original clandestine scheme, heavily steeped in particulars of fraud, bribery, and extortion, yet who remain strictly liable for the perpetuation of the common design by consistently relying upon void directives. The “common design” here was the extra-jurisdictional termination of the Applicant's proceeding through administrative sabotage and the creation of a procedural cul-de-sac designed to insulate the initial error from review.

6. THE BOUNDS OF JUDICIAL IMMUNITY AND THE COLOR OF OFFICE

752. While absolute judicial immunity and qualified immunity may naturally be advanced as defensive postures, qualified immunity is strictly contingent upon the execution of acts in good faith, and absolute judicial immunity is rigidly confined to the lawful execution of judicial functions. The overarching policy rationale for judicial immunity is entirely vitiated when the judicial officer abandons the adjudicative framework entirely and engages in unauthorized administrative usurpation. Immunity exists to protect the independence of the judge's mind, not the lawlessness of the judge's actions or the arbitrary expansion of their administrative region.
753. Such immunities emphatically do not apply to non-functions and non-duties *per se*. As unequivocally demonstrated in *R. v. Germain* (1984), 53 AR 264 (QB) (the “**Germain Decision**”), a misguided contempt proceeding initiated without authority or pertinence to the office of the inferior court judge constituted a severe constitutional violation, thereby yielding *Charter* relief. The *Germain Decision* underscores that where a judge acts in the “clear absence of all jurisdiction,” they are acting not as a judge, but as an individual trespasser whose acts possess no legal character and merit no institutional protection.
754. In *Prefontaine v. Gosman*, 2000 CanLII 28227 (AB KB) (the “**Prefontaine Decision**”), Jones J. synthesized the bounds of immunity, stating that a judge is shielded from civil liability for actions done in their judicial capacity, even if acting outside their jurisdiction or out of malice, *if the judge believed that he or she was acting with jurisdiction and in the course of his or her judicial duties*. The paramount requisite for the invocation of judicial immunity is, therefore, the subjective, *bona fide* belief in the possession of jurisdiction which must be grounded in an objective legal reality.
755. It is legally inconceivable and objectively impossible that a *bona fide* belief in her jurisdictional competence could have been harbored by Madam Justice Shore as the Unauthorized CMJ Interloper. The evidentiary record concerning the contemporaneous *Nash v. CAMI JRPA* Divisional Court proceeding (see: 25-872-JR) demonstrates that Madam Justice Shore only took steps in January 2026 AFTER the Honourable Justice Nakatsuru emailed confirming that said proceeding would be subject to a formal “Assignment For Case Management.” This chronological sequence definitively establishes that acute awareness of the requisite procedural gateways was possessed by Madam Justice Shore. The “Nash precedent” serves as the benchmark for her subjective knowledge and proves that she was acutely aware that a formal order was a condition precedent to her intervention. Ignorance of the law is emphatically not a recognized legal defence for a jurist whose very duty is the interpretation of that law.
756. Furthermore, adjudicative privilege—the absolute protection afforded to the deliberative secrecy of judicial decision-making—must be strictly demarcated from administrative privilege, which is not absolute *per se*. As established by the Supreme Court of Canada in *MacKeigan v. Hickman*, [1989] 2 SCR 796 (the “**MacKeigan Decision**”), judges possess absolute adjudicative privilege regarding the cognitive processes of rendering a judgment. However, the usurpation of a file and the issuance of unauthorized scheduling directives do not

constitute a protected deliberative function. They are administrative acts that occur *outside* the deliberative process and involve the manipulation of the court's registry system.

757. Because the Unauthorized “*Ex Parte In Camera* Hearing” Judge Interventionist was executing a purely administrative usurpation devoid of subject-matter jurisdiction, the protective mantle of absolute adjudicative privilege articulated in the *MacKeigan Decision* is rendered entirely inapplicable. An Irremediable Nullity cannot be shielded by a privilege reserved exclusively for valid adjudicative deliberation. Privilege cannot be used as a cloak for jurisdictional subversion or the concealment of administrative misconduct from the scrutiny of a reviewing court.
758. It is logically irreconcilable that Madam Justice Shore, a puisne judge lacking the administrative authority to assign judicial duties, could have perceived herself to possess jurisdiction over the McLean TDHA *JRPA* proceeding when there was no filing of a First Defence, no “Assignment For Case Management” BY ORDER, and, by legal deductive reasoning of sound minds, no lawful assignment to a particular judge for hearing. Her only conceivable justification would be a claim that she finally learned the strictures of *rule 77* in late 2025, a proposition that is analytically imprecise and legally hollow given her correct handling of the *Nash* matter and her years of experience as a Section 96 judge.
759. The policy rationale for Case Center invitations is to facilitate the uploading of documentary evidence prior to a lawfully scheduled conference following the filing of a First Defence by a respondent. For a judge of the Divisional Court to convene such a conference within the City of Toronto (her designated administrative region since 2018), she must know that a formal order was pronounced (see: *rule 59.01*). This requires the judicial officer to judiciously verify the court file to ensure an order was made by a judge of the Divisional Court (expressly excluding an Associate Judge), and further, that a First Defence was filed prior to that order, unless mutual consent was provided (*rule 77.05(1)*).
760. Absent consent, the judge must turn her mind to confirm an order for assignment was made, endorsed, issued, and entered by separate document requirements pursuant to the 2020 amendments to the Civil Rules (see: *rule 59.02*). The failure to observe these mandatory gateways renders subsequent interventions procedurally hollow and jurisdictionally void. A judge who ignores these gateways is not acting in the “course of judicial duties” but is acting in the course of an administrative trespass that violates the institutional independence of the court and the rights of the litigants.

7.STATE LIABILITY EXCULPATION AND INDIVIDUAL JURIST ACCOUNTABILITY

761. The analytical framework established in *Kopyto v. Ontario*, [1995] OJ No 601 (Gen Div) (the “**Kopyto Decision**”), clarifies that when an official operates within the statutory or inherent framework of their office (their “judicial capacity”), the court will not second-guess subjective motivations through civil lawsuits. Consequently, if a judge is not operating within the prescribed statutory framework, they do not possess a “Judicial Office” for the purposes of that specific act. They are, *in limine*, a private actor exercising arbitrary power under the false color of office.
762. To illustrate the distinction: a judge acting *with* jurisdiction could hypothetically act with profound malice and remain absolutely shielded by judicial immunity. Conversely, a judge acting *without* jurisdiction could behave in the most benign manner, yet if their *ultra vires* acts cause catastrophic harm—such as effectively neutralizing a human rights application or a residential tenancy judicial review, resulting in the applicant's severe loss or incapacitation—a cause of action is naturally grounded against the judge personally. The law prioritizes jurisdictional legitimacy over subjective intent to ensure that no individual is above the statutes they are sworn to uphold. The acts remain *factum a iudice, quod ad officium jure non pertinet, ratum non est*.
763. In the context of a federally appointed judge delegated by provincial statute to the Divisional Court—a provincial court of non-inherent jurisdiction and non-federal creation—the question of which “State” would be liable is resolved by statutory immunity. As conclusively determined in *Feeney v. Canada*, 2022 FCA 190 (the “**Feeney Decision**”), the federal government cannot be held vicariously liable for the conduct of a judge. Under the *Crown Liability and Proceedings Act*, RSC 1985, c C-50 (the “**Federal CLPA**”), while a judge receives remuneration from the federal purse, they are emphatically not a servant, agent, or employee of the federal government. *Feeney* confirms that judicial independence precludes the existence of a servant-master relationship between the executive and the judiciary.
764. Concurrently, the *Crown Liability and Proceedings Act*, 2019, SO 2019, c 7, Sch 17 (the “**Provincial CLPA**”), immunizes the provincial sovereign. Pursuant to subsections 8(1) through 8(3), provincial liability is strictly

constrained to the torts committed by an officer, employee, or agent of the provincial Crown. A federally appointed judge is categorically not an agent of the provincial Crown, regardless of the court in which they sit.

765. Because neither the federal nor the provincial state assumes vicarious liability for a superior court judge acting completely outside their statutory framework without an honest belief of jurisdiction, personal liability attaches directly, exclusively, and inescapably to the presiding jurist. This is the “liability gap” created by jurisdictional abdication which must be filled by personal accountability to prevent the total failure of justice. As observed by Chief Justice Morawetz in the public record, judges are ultimately responsible for their own conduct. When the state provides no remedy for a judge's *ultra vires* act, the common law provides a remedy against the individual acting outside their lawful mandate.

8. THE INTENTIONAL SUBVERSION OF THE CONSTITUTIONAL ORDER

766. The intentional transgression of section 96 of the *Constitution Act, 1867* by a sitting judge constitutes a catastrophic subversion of the judicial mandate and the institutional independence of the court. This subversion is further compounded by severe executive interference in the administration of the court, representing a direct, incontrovertible violation of the independence of the judiciary established in *R. v. Cawthorne*, [2016] 1 SCR 983 (the “**Cawthorne Decision**”).

767. The precipitous, unprecedented termination of the Former Registrar of the Divisional Court, Ms. Tashekah Gentles, precisely on December 3, 2025—the exact date mandated for the written hearing—constitutes a chilling manifestation of systemic disarray and administrative reprisal, evidently designed to paralyze the lawful progression of the *JRPA* proceeding. This administrative sabotage serves as potent evidence of the “bad faith” and “abuse of power” required under the *Power* threshold to pierce any remaining immunity. It suggests a coordinated effort to neutralize the court's registry as a safeguard against jurisdictional overreach.

768. Pursuant to the strict parameters established in *Ernst v. Alberta Energy Regulator*, 2017 SCC 1, [2017] 1 SCR 3 (the “**Ernst Decision**”), and recently fortified by the *Yatar Decision*, the Applicant is unequivocally entitled to a Hearing. The efficacy of an alternative adjudicative remedy operates as a strict condition precedent to the denial of *Charter* damages. Where a *sua sponte* Irremediable Nullity fundamentally bypasses and maliciously short-circuits the established appellate process, the *Ernst Decision* barrier is conclusively overcome. The lack of an “alternative remedy” to challenge an unfiled, non-existent order makes *Charter* damages the only viable relief for the resulting constitutional injury.

769. The conduct of Madam Justice Shore cannot be analyzed in a vacuum. It must be analyzed within the broader temporal context of her pattern of conduct spanning from 2018 to the present. This longitudinal evidentiary record reveals a demonstrable predilection towards being vengeful, particularly when her jurisdictional authority is challenged or when procedural dissent is registered by litigants. This propensity for retaliatory action reinforces the finding that the present jurisdictional usurpation was not a mere clerical error or a misunderstanding of the rules, but a calculated manifestation of bad faith designed to inflict maximum procedural harm under the color of office. Her conduct suggests an ongoing campaign to personalize the administration of justice and punish those who insist on statutory compliance.

9. POSITIVE DUTY TO NOT FACILITATE, AID, AND ABET UNLAWFUL MEANS

770. The law of the tort of civil conspiracy provides ample, binding authority in this regard. This tort manifests in two distinct branches: (i) **Unlawful Means Conspiracy**: where two or more persons by agreement (frequently established via inferential deduction, as in *Golden Capital Securities Ltd. v. Holmes*, 2004 BCSC 262) employ unlawful means that precipitate damage and loss to another; or (ii) **Lawful Means Conspiracy**: where two or more persons engage in a lawful agreement with the predominant motive to cause harm. When a victim's rights are at issue, damage and loss are legally presumed (*Shaw v. Lewis*, [1949] 1 WWR 355 (BCCA)).

771. As articulated by the Court of Appeal for Ontario in *Reach M.D. Inc. v. Pharmaceutical Manufacturers Assn. of Canada*, 2003 CanLII 27828 (ON CA), citing Lord Denning's seminal decision in *Torquay Hotel Co. Ltd. v. Cousins*, [1969] 2 Ch 106 (CA), the construction of “unlawful means” encompasses acts the defendant “is not at liberty to commit”—actions devoid of legal justification. Lord Denning expounded that if one deliberately interferes with another's trade or business by an act they are not at liberty to commit, the means are unlawful, even if no actual breach of contract is procured.

772. It is indisputable that the acts of Madam Justice Shore were not only executed without jurisdiction—as she functioned as the Unauthorized CMJ Interloper—but were concurrently unlawful acts, as they were *factum a iudice, quod ad officium jure non pertinet, ratum non est*. Consequently, any purported “case management conferences” convened before her were attendances before a person legally divested of judicial character (*coram non iudice*). Subsequent reliance upon the same by any person constitutes the aiding and abetting of unlawful acts.
773. Liability can be robustly imposed for maintaining silence and permitting the promulgation of false statements (*Sugar v. Peat Marwick Ltd.* (1988), 55 DLR (4th) 230 (Ont H CJ)). To definitively extricate oneself from an ongoing conspiracy, unequivocal steps must be undertaken to absolve participation in the common design (*Claiborne Industries Ltd. v. National Bank of Canada*, 1989 CanLII 183 (ON CA)). The mere aiding and abetting of a co-conspirator in the commission of unlawful means qualifies as an unlawful act *per se* (2038724 Ontario Ltd. v. Quizno's Canada Restaurant Corp., 2010 ONCA 466).
774. It is not necessary for every conspirator to actively participate in the *actus reus*, provided the unlawful act was a probable consequence of the original common design to inflict harm or secure an unjust advantage (*Kuwait Oil Tanker Co SAK v. Al Bader*, [2000] 2 All ER (Comm) 271 (CA); *Golden Capital Securities Ltd. v. Holmes*, 2004 BCSC 262; *HM Revenue & Customs v. Begum*, [2010] EWHC 1799 (Ch)). This serves as a formal jurisprudential notice to those entities continuing the “original plan”—characterized by clandestine fraud, bribery, and extortion—that they remain liable for relying upon void directives.

10. THE FAILURE OF IMMUNITY AND THE QUESTION OF SUBJECTIVE BELIEF

775. Absolute immunity and adjudicative privilege strictly apply only to the lawful duties and functions of a judge; they do not apply to extra-jurisdictional non-functions. As elucidated in *Prefontaine v. Gosman*, 2000 CanLII 28227 (AB KB), citing *R. v. Germain* (1984), 53 AR 264 (QB), judicial immunity hinges upon the judge's subjective, *bona fide* belief that they were acting with jurisdiction and in the course of their judicial duties.
776. It is inconceivable that Madam Justice Shore, or the various state actors and court staff facilitating this usurpation, could have harbored a *bona fide* belief in their jurisdictional authority. If such authority truly existed, the necessity for concealment would be non-existent. The question of why the true jurisdictional state was hidden answers itself: the actors were acutely aware of the jurisdictional void. The temple of justice cannot be used as a fortress for those who would violate its foundational architectonics and betray the trust of the sovereign and the citizen alike.

DENOUEMENT

777. It is averred, *in limine*, that the foundational jurisdiction purportedly exercised by the respondent, His Majesty the King (the “**Crown**”), is *prima facie* invalid, manifestly defective, and unequivocally *ultra vires* the strictly enumerated statutory parameters delineated within the *Criminal Code*, RSC 1985, c C-46 (the “*Criminal Code*”). It is a foundational tenet of the administration of justice that jurisdiction cannot be assumed, constructively imparted, or retroactively manufactured when the essential procedural prerequisites have been deliberately subverted by officers of the court. The fundamental bedrock of the rule of law (the “**Rule Of Law**”) dictates that state authority to deprive an individual of liberty must be strictly constrained by positive law; consequently, where statutory preconditions are circumvented, the ensuing state action is not merely irregular, but operates as an absolute nullity. The arrogation of judicial authority, unmoored from explicit statutory authorization, constitutes an existential threat to the constitutional architecture of the state. As the highest jurisprudence mandates, statutory courts and courts of inherent jurisdiction alike are strictly bound by the substantive limits imposed by parliament when adjudicating matters of criminal procedure. Any deviation from these codified strictures effectively severs the judicial action from its lawful mandate, extinguishing any presumption of regularity.

THE COVERT ADJUDICATION(BEFORE AND AFTER) BY CHIEF JUSTICE MORAWETZ

The Undisclosed (Post Arrest and contrary to section 29 of the Criminal Code and other governing statutes and regulations) Presiding Judge: Proceeding In Camera and Ex Parte Without Lawful Authority

778. It is unequivocally posited that the orchestration of clandestine, unrecorded *Ex Parte* proceedings by the undisclosed presiding jurist—subsequently and conclusively identified within the evidentiary record as Chief Justice Geoffrey B. Morawetz—constitutes a paramount abrogation of the principles of fundamental justice. The systemic and purposeful concealment of the presiding adjudicator's identity irrevocably strips the tribunal of its lawful adjudicative authority, thereby rendering any resultant judicial authorizations, warrants, or detentions an absolute nullity *ab initio*. Such covert machinations inherently trigger the inviolable application of the doctrine of *coram non judge*. An adjudication conducted in absolute secrecy, absent the prerequisite statutory and constitutional jurisdictional foundation, permanently transforms the purported judicial forum into a legally non-existent entity, irreparably stripping its pronouncements of all legal force. The deliberate obfuscation of the jurist's identity operates to permanently paralyze the appellate functions of higher courts, as it becomes fundamentally impossible to seek the prerogative writ of *certiorari* or initiate a review of a judicial officer whose very existence in the proceeding has been deliberately masked. This paradigm mirrors the historical tyranny of the anonymous *lettre de cachet*, rendering the deprivation of liberty an exercise of arbitrary absolutism rather than an application of the law.
779. *Nota bene*: It might be postulated by the respondent that a jurist of the Superior Court possesses an inherent jurisdiction capable of overriding strict procedural codification. This is a profound jurisprudential fallacy. Inherent jurisdiction is a residual power utilized exclusively to maintain the authority of the court and prevent abuses of process; it is never to be weaponized to unilaterally manufacture jurisdiction where parliament has explicitly mandated procedural codifications, nor can it ever authorize the subversion 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*”). As elucidated in *R. v. Ahmad*, [2011] 1 S.C.R. 110 (the “*Ahmad*”), inherent powers cannot be invoked to contravene statutory imperatives or constitutional guarantees. Furthermore, it must be noted that the *de facto* doctrine—which occasionally preserves the validity of acts performed by officers operating under a colourable but defective authority—is wholly inapplicable here. The *de facto* doctrine cannot salvage proceedings where the defect is not merely a technical deficiency in appointment, but a calculated, fraudulent concealment of the proceedings themselves intended to evade appellate oversight.

SUBVERSION OF SUPERIOR COURT JURISDICTION: THE ILLUSION OF IMPARTIALITY AND THE BREACH OF JUDICIAL INDEPENDENCE

780. Furthermore, the structural integrity of the Superior Court of Justice is fundamentally subverted by the deliberate curation of a mere illusion of impartiality. The aforementioned clandestine adjudication effectively eviscerates the indispensable constitutional guarantees enshrined within section 11(d) of the *Charter*. The foundational presumption of impartiality is inherently obliterated when an adjudication is conducted *in camera* and *Ex Parte* without explicit, strictly construed statutory sanction. This unauthorized secrecy fractures the fundamental judicial independence mandated for a section 96 jurist pursuant to the *Constitution Act, 1867* (UK), 30 & 31 Vict, c 3 (the “*Constitution Act, 1867*”). An independent judiciary must not only be liberated from external executive pressure but must also strictly adhere to the transparent procedural mechanisms that legitimize its authority in the eyes of the public. By operating outside the institutionalized, public framework, the presiding jurist effectively privatized judicial power, acting not as an organ of the state, but as an autonomous, unaccountable agent.
781. *Summary of the Jurisprudence*: In *Reference re Remuneration of Judges of the Provincial Court of Prince Edward Island*, [1997] 3 S.C.R. 3 (the “*Provincial Judges Reference*”), the Supreme Court of Canada affirmed that judicial independence is an unwritten constitutional principle ensuring that courts are free from interference and operate with objective impartiality. This was further compartmentalized in *Valente v. The Queen*, [1985] 2 S.C.R. 673 (the “*Valente*”), which established the tripartite test demanding security of tenure, financial security, and institutional independence.
782. *Application of the Law to the Facts*: The institutional dimension of judicial independence was egregiously violated when the Chief Justice operated a shadow tribunal, immune from appellate oversight. By concealing his identity and acting *Ex Parte* without statutory justification, the presiding jurist destroyed the objective appearance of independence, necessitating the immediate and absolute invalidation of the proceedings. The psychological coercion inherently present in a secret tribunal forces the administration of justice into a state of subservience to the Crown, violating the unwritten constitutional principle of the separation of powers.

THE UNRECORDED STAR CHAMBER: THE DELIBERATE ABSENCE OF RECORDING APPARATUSES IN A COURT OF RECORD

783. The deliberate circumvention and explicit non-utilization of standard recording apparatuses within what is statutorily designated as a court of record (the “**Court Of Record**”) must not be misconstrued, minimized, or sanitized as a benign administrative oversight. Rather, this calculated omission operates as a deliberate act of spoliation by omission. By operating the contemporary judicial apparatus as an unrecorded, modernized Star Chamber, the judicial actor is purposefully insulated from the imperative mechanisms of appellate review and broader public scrutiny. This active suppression fundamentally contravenes the open court principle (the “**Open Court Principle**”) safeguarded by section 2(b) of the *Charter*. A non-existent record in a purported court of record is a legal paradox that results, inevitably, in an absolute nullity, as there exist no *acta* to substantiate the legality of the deprivation of liberty. The essential function of a court of record is the generation of an unalterable chronicle of the proceedings; the intentional failure to produce this chronicle is tantamount to the destruction of evidence, purposefully designed to paralyze the applicant's capacity to establish constitutional infringements on subsequent review.
784. *Summary of the Jurisprudence:* In *Canadian Broadcasting Corp. v. New Brunswick (Attorney General)*, [1996] 3 S.C.R. 480 (the “*CBC v. NB*”), the Supreme Court of Canada categorically established that the *Open Court Principle* is inextricably linked to the freedom of expression and the freedom of the press under section 2(b) of the *Charter*, noting that covert proceedings inherently breed suspicion and dismantle public confidence in the judiciary.
785. *Application of the Law to the Facts:* The unrecorded nature of the chamber application constitutes an active suppression of the public's constitutional right to witness the administration of justice. The failure to deploy recording apparatuses was not a passive failing, but an active, unconstitutional preclusion of transparency, effectively insulating jurisdictional trespasses from the corrective mechanisms of appellate scrutiny.

THE PHANTOM INFORMATION AND SUPPRESSED ENDORSEMENT(S)

The Non-Existent Foundational Instruments: Complete Failure to Provide the Information/Indictment

786. The absolute failure to provide the true, sworn information or indictment represents the total deprivation of the jurisdictional lifeblood of the tribunal. As irrefutably evidenced by the irreconcilable documentary discrepancies manifested within the application record (the “**Application Record**”), specifically demarcated between the false information package (first iteration) (the “**First Iteration Information**”) and the false information package (second iteration) (the “**Second Iteration Information**”), the foundational instruments are glaringly deficient and demonstrably fabricated. The deliberate withholding of the authentic swearing of the information dictates that the purported judicial body never formally acquired *in personam* or subject matter jurisdiction over the applicant (the “**Applicant**”). The prosecution has proceeded in a jurisdictional epistemological void, sustained entirely by legal fiction, thereby eviscerating the Applicant's constitutional guarantee under section 11(a) of the *Charter* to be informed without unreasonable delay of the specific offence. The information is the statutory prerequisite that animates the entire prosecutorial machinery; without a validly sworn and endorsed instrument, the proceedings are a mere simulacrum of justice. To detain an individual upon a non-existent or fabricated charge is the purest manifestation of arbitrary state action, fundamentally indistinguishable from a kidnapping perpetrated under the colour of state authority.

Concealment of the Judicial Record: The Suppression of Endorsements Validating the Unlawful Detention

787. The concurrent suppression of the judicial endorsements required to validate the precipitous and unlawful detentions generates an unbridgeable procedural chasm at the epicentre of the prosecutorial narrative. In the strict absence of authentic, contemporaneously executed endorsements by a recognized justice of the peace (the “**Justice Of The Peace**”) or a sitting judge upon the face of the charging document pursuant to section 504 and section 508 of the *Criminal Code*, any cascading warrants or consequential arbitrary detentions are fundamentally and incurably unlawful, directly contravening the absolute protections against arbitrary detention enshrined within

section 9 of the *Charter*. The endorsement is not a mere clerical formality; it is the physical and incontrovertible manifestation of the transfer of jurisdiction from the executive apparatus (the police) to the independent judicial apparatus. Without this endorsement, the state possesses no lawful mechanism to justify the prolonged deprivation of the Applicant's liberty.

788. *Nota bene*: Should the respondent advance the counter-argument that the absence of physical endorsements on the informational instruments constitutes a mere curable procedural irregularity under the remedial provisions of section 686 of the *Criminal Code*, such an assertion is intellectually bankrupt, legally unviable, and fundamentally offensive to the administration of justice. The strict adherence to foundational jurisdictional prerequisites dictates that the complete absence of a verified oath and a corresponding judicial endorsement is not a defect of form, but a substantive jurisdictional deprivation, culminating in an absolute nullity that cannot be retroactively resuscitated by statutory curative mechanisms. Equity, the *Charter*, and the rule of law absolutely prohibit the post-hoc curing of a void *ab initio* circumstance that was purposefully engineered through deliberate prosecutorial and judicial concealment. The doctrine of *strictissimi juris* demands that deprivations of liberty be grounded in impeccable procedural adherence; consequently, the court is compelled to declare this specific contravention an absolute nullity rather than a mere irregularity. As delineated in *R. v. Litchfield*, [1993] 4 S.C.R. 333 (the “*Litchfield*”), structural divisions and jurisdictional parameters cannot be bypassed; a proceeding devoid of a legitimately sworn instrument is irreparably severed from lawful authority. This principle is inviolably anchored in the foundational jurisprudence of *Pong v. Quong*, 1927 CanLII 2 (SCC) (the “*Pong*”), wherein the Supreme Court of Canada categorically delineated the unbridgeable chasm between a mere procedural irregularity—which might theoretically be cured—and a fundamental jurisdictional defect, which permanently renders the resulting proceedings an absolute nullity incapable of equitable or statutory resuscitation. The respondent cannot rely upon curative provisions to excuse errors that were actively and fraudulently manufactured; to permit such an application of section 686 would be to endorse a doctrine of “jurisdictional spoliation,” wherein the Crown benefits directly from its own subversion of the record.)

Ex Nihilo Nihil Fit (Out of Nothing Comes Nothing) and Nemo Dat Quod Non Habet: The Void Nature of the Entire Proceeding once the falsification occurred with the OCJ 10 Armoury Street Courthouse – leaving only relief in favour of the Applicant

789. Consequently, the irrefutable application of the foundational jurisprudential maxims *ex nihilo nihil fit* (out of nothing comes nothing) and *nemo dat quod non habet* (no one can give what they do not have) must be strictly enforced. Given that the originating foundational instruments are unequivocally established by the documentary record to be non-existent or, in the alternative, entirely fraudulent, every subsequent prosecutorial initiative, arbitrary detention, and judicial action inextricably cascading from those void instruments is irrevocably vitiated. A legal fiction cannot birth lawful detention; a tribunal lacking jurisdiction cannot lawfully delegate the power to arrest. Therefore, the entirety of the proceeding operates *ipso facto* as an absolute nullity, entirely devoid of legal consequence, requiring the immediate extrication of the Applicant from the state's coercive apparatus. This doctrine of absolute nullity is further entrenched by the appellate reasoning articulated in *Turigan v. Alberta*, 1988 ABCA 333 (the “*Turigan*”), which unequivocally substantiates that judicial actions predicated upon fundamentally invalid or void foundations operate *ab initio* as nullities, thereby obliterating any purported legal authority derived therefrom and unconditionally mandating the restoration of the aggrieved party's prior legal status. The constitutional mandate encapsulated by *fiat justitia ruat caelum* (let justice be done though the heavens fall) necessitates the unhesitating dismantling of the Crown's prosecution, irrespective of the resultant administrative inconvenience.

ADJUDICATIVE FRAUD UPON THE PUBLIC AND THE APPLICANT AND THE FAILURE TO CORRECT BY, ON ITS FACE, AN INDEPENDENT SCJ COURTHOUSE (HIGHER LEVEL OF INSTITUTIONAL INDEPENDENCE REQUIRED WITH A SECTION 96 COURT THAN THE LIKES OF A DIVISIONAL COURT)

The Resignation/Retirement Nexus: Institutional Concealment of Jurisdictional Usurpation

790. The unprecedented and highly irregular circumstances surrounding the precipitous resignation or early retirement of Chief Justice Morawetz, falling in immediate chronological proximity to the exposure of these covert *Ex Parte* proceedings, is advanced as a constructive admission of catastrophic jurisdictional usurpation. Under section 99 of the *Constitution Act, 1867*, Superior Court justices hold office during good behaviour. It is submitted that this synchronized departure operates not as a standard, benign administrative transition, but as a calculated institutional stratagem designed to definitively evade public accountability, forestall any prospective investigation by the Canadian Judicial Council (the “**Canadian Judicial Council**”), and permanently insulate the judicial actor from the profound constitutional ramifications of the alleged adjudicative misconduct. By ostensibly retiring, the judicial actor systematically freezes the factual matrix, effectively attempting to render the inquiry into his constitutional breaches moot and shielding the systemic infirmities from a formal, statutory inquest. This strategic withdrawal further exacerbates the deprivation of procedural fairness owed to the Applicant, as it removes the primary architect of the void proceedings from the reach of conventional disciplinary mechanisms.

Fraus Omnia Corruptit: How the Fraudulent Concealment Vitiates All Subsequent Prosecutorial Actions

791. The pervasive and insidious nature of the orchestrated concealment irrevocably taints the entirety of the Crown’s prosecution. The inviolable, overarching equitable doctrine of *fraus omnia corruptit* (fraud vitiates everything) dictates that the deliberate suppression of the true, unrecorded nature of the proceedings permanently contaminates the prosecutorial record.

792. *Summary of the Jurisprudence:* In *Lazarus Estates Ltd. v. Beasley*, [1956] 1 Q.B. 702 (the “*Lazarus Estates*”), Lord Denning famously articulated that “No court in this land will allow a person to keep an advantage which he has obtained by fraud. No judgment of a court, no order of a Minister, can be allowed to stand if it has been obtained by fraud. Fraud unravels everything.” This overarching equitable doctrine is unequivocally fortified by contemporary jurisprudence concerning severe state misconduct and the abuse of process doctrine (the “**Abuse Of Process Doctrine**”). As meticulously illuminated in *R. v. Babos*, [2014] 1 S.C.R. 309 (the “*Babos*”), *R. v. Codrington*, 2023 ONSC 6352 (the “*Codrington*”), *R. v. Hampton*, 2020 ABQB 429 (the “*Hampton*”), and *R. v. Barry*, 2021 BCPC 59 (the “*Barry*”), in circumstances where the prosecutorial apparatus and judicial actors engage in deliberate obfuscation or systemic constitutional violations that irreparably prejudice the integrity of the justice system, the residual category of abuse of process is categorically and instantly triggered.

793. *Application of the Law to the Facts:* The unassailable extrapolation of these legal principles dictates that the deliberate concealment of the true nature of the judicial authorizations permanently vitiates the prosecution. The residual category of the *Abuse Of Process Doctrine* is specifically formulated to address precisely this paradigm of misconduct—where the transgressions are so egregious that the mere continuation of the proceeding offends society’s sense of decency and fair play. The sole appropriate remedy capable of addressing such a profound and calculated dissociation from the rule of law is an unconditional, permanent stay of proceedings pursuant to section 24(1) of the *Charter*. Any lesser remedial intervention would ostensibly condone the systemic weaponization of the judicial apparatus, retroactively validate the adjudicative fraud, and further degrade the institutional integrity of the courts beyond the point of jurisprudential redemption.

ORDERS SOUGHT

794. The Applicant seeks the Orders contained in the Form 1 and this Form 5 which will be reduced to a draft order in due course.

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

A handwritten signature in black ink, appearing to be a stylized name, possibly "S. J. [unclear]".

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

TABLE OF AUTHORITIES — PINPOINT CITATIONS (PART I: CASE LAW)

A. Supreme Court of Canada

1. Landreville v Boucherville (Town of), [1978] 2 SCR 801

Pages: 34–35, 58

Excerpt: “Applying the rigorous equitable and common law doctrines... reliance is placed upon the Supreme Court of Canada’s jurisprudence articulated in *Landreville v Boucherville (Town of)*...”

2. R v Babos, 2014 SCC 16

Pages: 20–21

Excerpt: “Through the application of the deductive syllogism... as comprehensively elucidated in *R. v. Babos*, 2014 SCC 16...”

3. R v Grant, 2009 SCC 32

Pages: 22–23

Excerpt: “The comprehensive, constitutionally mandated tripartite analytical framework explicitly established in *Grant*...”

4. R v Jordan, 2016 SCC 27

Pages: 17–18

Excerpt: “It must be conclusively determined whether this state-induced procedural labyrinth... exceeds the presumptive eighteen-month ceiling established in *R. v. Jordan*...”

5. R v Stinchcombe, [1991] 3 SCR 326

Pages: 11, 17

Excerpt: “The complete denial of fundamental justice, the evisceration of the *audi alteram partem* principle... engages *Stinchcombe* disclosure rights.”

6. R v Chabot, [1980] 2 SCR 985

Pages: 11

Excerpt: “These deprivations were perpetrated via procedurally vacuous adjudicative mechanisms... contrary to *Chabot*.”

7. R v Krannenburg, [1980] 1 SCR 1053

Pages: 11

Excerpt: “The arbitrary deprivation of liberty... contrary to the principles articulated in *Krannenburg*.”

8. R v Storrey, [1990] 1 SCR 241

Pages: 11

Excerpt: “The profound compromise of the security of the person... engages the *Storrey* standard.”

9. R v Feeney, [1997] 2 SCR 13

Pages: 11

Excerpt: “Highly intrusive, unwarranted physical and digital penetrations... contrary to *Feeney*.”

10. R v Evans, [1991] 1 SCR 869

Pages: 11

Excerpt: “Unauthorized incursions into privacy spheres... contrary to *Evans*.”

11. R v MacNeil, 2001 SCC 53

Pages: 11

Excerpt: “These incursions were executed entirely absent any valid... judicial pre-authorization, contrary to *MacNeil*.”

12. Canada (Minister of Citizenship and Immigration) v Tobiass, [1997] 3 SCR 391

Pages: 21

Excerpt: “The coordinated, extra-judicial maneuvering... demonstrates an actionable, localized retaliatory animus, contrary to *Tobiass*.”

13. Wewaykum Indian Band v Canada, 2003 SCC 45

Pages: 21–22

Excerpt: “The apprehension of bias herein... satisfies and demonstrably exceeds the *Wewaykum* standard.”

14. Reference re Residential Tenancies Act (Ontario), [1981] 1 SCR 714

Pages: 30–31

Excerpt: “The historical evolution of judicial authority... definitively affirmed in the *Residential Tenancies Reference*.”

15. R v Dudley, 2009 SCC 58

Pages: 11

Excerpt: “Cruel and unusual treatment... contrary to *Dudley*.”

16. R v Myers, 2019 SCC 18

Pages: 11

Excerpt: “The imposition of state treatments... engages the principles in *Myers*.”

17. R v Bjelland, 2009 SCC 38

Pages: 11

Excerpt: “The formal institution of penal processes lacking evidentiary substantiation... contrary to *Bjelland*.”

18. R v Araujo, 2000 SCC 65

Pages: 11

Excerpt: “Executed entirely absent any valid... judicial pre-authorization, contrary to *Araujo*.”

19. R v Nixon, 2011 SCC 34

Pages: 11

Excerpt: “The utilization of fabricated charging instruments... contrary to *Nixon*.”

20. British Columbia (AG) v Lafarge Canada Inc., 2007 SCC 23

Pages: 11

Excerpt: “The discriminatory application of coercive state powers... contrary to *Lafarge*.”

21. McLean v Bradley, 1878 CanLII 22 (SCC)

Pages: 24–25

Excerpt: “This exact jurisdictional doctrine was affirmed... in the *Bradley* Decision.”

22. Pong v Quong, 1927 CanLII 475 (SCC)

Pages: 26–27

Excerpt: “The absolute necessity of strict jurisdictional adherence... illuminated by the *Pong* Decision.”

B. Ontario Court of Appeal

1. R v P(J), 2013 ONCA 537

Pages: 11

Excerpt: “These deprivations were perpetrated via procedurally vacuous adjudicative mechanisms... contrary to *P(J)*.”

2. R v Kelsy, 2011 ONCA 605

Pages: 11

Excerpt: “The arbitrary deprivation of liberty... contrary to *Kelsy*.”

3. R v Forcillo, 2018 ONCA 402

Pages: 11

Excerpt: “The imposition of state treatments... engages the principles in *Forcillo*.”

C. English & Historical Common Law Authorities

1. Lazarus Estates Ltd v Beasley, [1956] 1 QB 702 (CA)

Pages: 34–35

Excerpt: “As articulated by Lord Denning in *Lazarus*: ‘fraud unravels everything.’”

2. Taylor v Clemson, (1844) 11 Cl & Fin 610, 8 ER 1233 (HL)

Pages: 23–24

Excerpt: “This axiomatic doctrine... was unequivocally established in *Taylor v Clemson*.”

3. Griffith v Owen, [1907] 1 Ch 195

Pages: 26–27

Excerpt: “This conceptualization of fiduciary constraint... anchored in *Griffith v Owen*.”

4. Keech v Sandford, [1726] EWHC Ch J76

Pages: 26–27

Excerpt: “Reinforcing the strictures established by the foundational trust doctrine in *Keech v Sandford*.”

5. Foss v Harbottle, (1843) 67 ER 189

Pages: 26

Excerpt: “The equitable principles... trace back to *Foss v Harbottle*.”

TABLE OF AUTHORITIES — PINPOINT CITATIONS (PART II: STATUTES)

A. Constitutional Instruments

1. Canadian *Charter* of Rights and Freedoms

Sections cited: 1, 2(b), 7, 8, 9, 10(a), 10(b), 11(a), 11(b), 12, 15, 24(1), 24(2)

Pages: 10–13, 16–18, 52–57, 82–102

Excerpt: “The Applicant asserts that the Toronto Police Service... have directly, intentionally, and egregiously contravened the following fundamental constitutional guarantees enshrined within the *Charter*...”

2. Constitution Act, 1867

Sections cited: 91(27), 92(14), 96–100

Pages: 18, 30–31, 113–120

Excerpt: “A supplementary, overarching, and fundamentally structural constitutional inquiry shall be rigorously advanced regarding whether the adjudicative actions... constituted an egregious usurpation of the core judicature provisions enshrined immutably within sections 96 to 100 of the Constitution Act, 1867.”

3. Constitution Act, 1982

Pages: 10–11

Excerpt: “Invoking the plenary remedial jurisdictions enshrined within sections 24(1) and 24(2) of the Canadian *Charter* of Rights and Freedoms, Part I of the Constitution Act, 1982...”

B. Federal Statutes

1. *Criminal Code*, RSC 1985, c C-46

Sections cited: 29, 487.1, 503–512, 508, 508.1, 511, 512, 599, 601, 686(1)(b)(iv)

Pages: 32–36, 41–52, 55–75

Excerpt: “The contravention of section 29 of the *Criminal Code* and the concomitant violation of section 10(a) of the *Charter*... demonstrates the vitiation of lawful authority and the structural nullity of the purported arrest.”

2. Canada Evidence Act, RSC 1985, c C-5

Pages: 34–35, 74–75

Excerpt: “The statutory deficiencies appertaining to the impugned digital signatures... violate the mandatory authentication requirements under the Canada Evidence Act.”

3. Personal Information Protection and Electronic Documents Act (*PIPEDA*), SC 2000, c 5

Pages: 34–35, 74–75

Excerpt: “The legislative mandates of *PIPEDA*... render the digital signature process constitutionally and statutorily defective.”

C. Provincial Statutes (Ontario)

1. Courts of Justice Act, RSO 1990, c C.43

Sections cited: 12, 13(1), 13(2), 18(3), 109

Pages: 10, 13, 27–28, 77–78

Excerpt: “Pursuant to the mandatory notification mechanisms delineated within section 109 of the Courts of Justice Act... formal notice is hereby promulgated.”

2. Judicial Review Procedure Act, RSO 1990, c J.1

Pages: 27–28

Excerpt: “The Applicant expressly reserves the right to seek judicial review under the Judicial Review Procedure Act where appropriate.”

3. Residential Tenancies Act, 2006, SO 2006, c 17

Pages: 22

Excerpt: “Parallel civil litigation and extra-judicial retaliation... including proceedings before the Landlord and Tenant Board under the Residential Tenancies Act.”

4. Expropriations Act, RSO 1990, c E.26

Pages: 30

Excerpt: “Historical demarcations of adjudicative power... analogized through statutory regimes such as the Expropriations Act.”

D. Regulations

1. Secure Electronic Signature Regulations, SOR/2005-30

Pages: 34–35, 74–75

Excerpt: “The cryptographic failure and absence of authority... contravene the Secure Electronic Signature Regulations.”

E. Rules of Court & Forms

1. Criminal Proceedings Rules for the Superior Court of Justice (Ontario)

Pages: 10, 13, 77–78

Excerpt: “This reservation is subject strictly to specific procedural exemptions... as dictated by the mandatory provisions contained within the Criminal Proceedings Rules for the Superior Court of Justice.”

2. Criminal Rules of the Ontario Court of Justice, SI/2012-30

Pages: 49–52

Excerpt: “The circumvention of the Criminal E-Intake Portal... constitutes a breach of the Criminal Rules of the Ontario Court of Justice.”

3. Rules of Civil Procedure, RRO 1990, Reg 194

Pages: 27–28

Excerpt: “The Applicant reserves the right to seek interim relief... consistent with the Rules of Civil Procedure.”

4. Rule 43.03 (Certification)

Pages: 74–75

Excerpt: “The procedural imperative of certification pursuant to Rule 43.03... remains unmet, rendering the proceedings structurally null.”

5. Forms Referenced

Forms: 1, 2, 4, 6, 7, 10, 21

Pages: 44–52, 57–75

Excerpt: “The anatomy of Form 2 and the conspicuous absence of the mandatory judicial command... demonstrates the jurisdictional nullity of the charging instrument.”

TABLE OF AUTHORITIES — PINPOINT CITATIONS (PART III: RULES & FORMS)

A. Criminal Proceedings Rules for the Superior Court of Justice (Ontario)

Pages: 10, 13, 77–78

Excerpt: “This reservation is subject strictly to specific procedural exemptions... as dictated by the mandatory provisions contained within the Criminal Proceedings Rules for the Superior Court of Justice.”

Relevance: Establishes procedural jurisdiction, service requirements, and the mandatory certification regime under Rule 43.03.

B. Criminal Rules of the Ontario Court of Justice (SI/2012-30)

Pages: 49–52

Excerpt: “Tactical circumvention and the suppression of the ‘Criminal Portal’... constitutes a breach of the Criminal Rules of the Ontario Court of Justice.”

Relevance: Supports the argument that the Crown and police bypassed the mandatory e-intake portal, resulting in forum shopping, bench hunting, and structural abuse of process.

C. Rules of Civil Procedure (RRO 1990, Reg 194)

Pages: 27–28

Excerpt: “The Applicant expressly reserves the right to seek interim equitable and legal relief... consistent with the Rules of Civil Procedure.”

Relevance: Used to ground interlocutory relief, judicial review pathways, and procedural fairness doctrines.

D. Rule 43.03 — Certification Requirement (Superior Court of Justice)

Pages: 74–75

Excerpt: “The procedural imperative of certification pursuant to Rule 43.03... remains unmet, rendering the proceedings structurally null.”

Relevance: This is one of the strongest jurisdictional nullity anchors in your application. Failure to certify the record under Rule 43.03(3) is fatal and cannot be cured.

E. Mandatory Criminal Forms (*Criminal Code* & *Criminal Rules*)

Each form is cited in the Schedule A as part of the structural nullity analysis. Below are the pinpoint citations.

1. Form 1 — Information / Application

Pages: 13, 44–45

Excerpt: “Inextricable integration with the foundational Form 1 application... forms the evidentiary predicate for the constitutional challenge.”

Relevance: Establishes the defective origin of the proceeding and the absence of a valid sworn information.

2. Form 2 — Information / Warrant (Judicial Command)

Pages: 47–49

Excerpt: “The anatomy of Form 2 and the conspicuous absence of the mandatory judicial command... demonstrates the jurisdictional nullity of the charging instrument.”

Relevance: This is one of your strongest arguments: a Form 2 without a judicial command is void *ab initio*.

3. Form 4 — Indictment / Charging Instrument

Pages: 67–68

Excerpt: “The facial invalidity and structural deficiency of the charging instrument... renders the indictment incapable of grounding jurisdiction.”

Relevance: Supports the argument that the Crown’s election and routing were unlawful.

4. Form 6 — Summons

Pages: 44–45

Excerpt: “The withholding of the master record and the failure to comply with Form 6 requirements... vitiates procedural regularity.”

Relevance: Demonstrates non-compliance with statutory service and notice requirements.

5. Form 7 — Arrest Warrant

Pages: 52–55, 73–74

Excerpt: “Nine statutory breaches of Form 7 and the structural nullity of the warrant... establish an irremediable void.”

Relevance: This is a central pillar of your nullity argument: the “Intake Court Endorsement” was not a Form 7 warrant and cannot lawfully ground detention.

6. Form 10 — Undertaking

Pages: 44–45

Excerpt: “The Applicant’s liberty was constrained through instruments that do not satisfy the mandatory requirements of Form 10.”

Relevance: Supports the argument that post-arrest conditions were unlawful.

7. Form 21 — Recognizance

Pages: 44–45

Excerpt: “The structural deficiencies in the recognizance documentation... further demonstrate the absence of lawful authority.”

Relevance: Reinforces the argument that all derivative conditions are void.

F. E-Filing and Electronic Intake Requirements

These are not “forms” per se but are treated as mandatory procedural instruments.

1. Criminal E-Intake Portal Requirements

Pages: 49–52

Excerpt: “Circumvention of the Criminal E-Intake Portal... constitutes a breach of mandatory filing architecture and a colorable exercise of power.”

Relevance: Supports the abuse of process and forum shopping arguments.

2. Electronic Signature Requirements (Canada Evidence Act + SESR)

Pages: 34–35, 74–75

Excerpt: “The cryptographic failure and absence of authority... contravene the Secure Electronic Signature Regulations and the Canada Evidence Act.”

Relevance: Supports the argument that the digital signatures on the Information, Warrant, and Endorsement are invalid.

G. Summary Table (Rules & Forms)

Authority	Pages	Core Issue
SCJ Criminal Proceedings Rules	10, 13, 77–78	Procedural jurisdiction, certification
OCJ Criminal Rules	49–52	E-intake, forum shopping
Rules of Civil Procedure	27–28	Interim relief, <i>JRPA</i>
Rule 43.03	74–75	Certification nullity
Form 1	13, 44–45	Defective originating process
Form 2	47–49	Missing judicial command
Form 4	67–68	Invalid indictment
Form 6	44–45	Defective summons
Form 7	52–55, 73–74	Void warrant
Form 10	44–45	Invalid undertaking
Form 21	44–45	Invalid recognizance
E-Intake Portal	49–52	Structural abuse
SESR / CEA	34–35, 74–75	Invalid digital signatures

TABLE OF AUTHORITIES — PINPOINT CITATIONS (PART IV: DOCTRINAL MAXIMS & COMMON LAW PRINCIPLES)

A. Fraud-Based Doctrines

1. *Fraus omnia corrumpit* — “Fraud unravels everything.”

Pages: 34–35, 58, 82–84, 98–102

Excerpt: “The doctrine of nullity and the fraud-unravelling principle... render the impugned proceedings void ab initio.”

Function: This is the backbone of your argument: any proceeding tainted by fraud, fabrication, or concealment is legally incapable of producing jurisdiction.

2. *Falsus in uno, falsus in omnibus* — “False in one thing, false in everything.”

Pages: 56–57, 83–84

Excerpt: “The systemic manipulation of CPIC metadata and the fabrication of instruments... triggers the maxim *falsus in uno, falsus in omnibus*.”

Function: Supports the position that once one part of the record is proven false, the entire record loses reliability.

3. *Ex turpi causa non oritur actio* — “No action arises from a dishonourable cause.”

Pages: 82–84, 98–102

Excerpt: “The state cannot rely on its own unlawful conduct... consistent with *ex turpi causa non oritur actio*.”

Function: Prevents the Crown from benefiting from its own wrongdoing.

B. Jurisdictional & Structural Nullity Doctrines

4. *Coram non iudice* — “Before a person not a judge.”

Pages: 23–24, 29–31, 76–80

Excerpt: “The adjudicative acts were rendered by an undisclosed jurist... rendering the proceedings *coram non judice*.”

Function: Establishes that any order issued by a person lacking jurisdiction is void.

5. *Factum a judice quod ad officium jure non pertinet ratum non est* — “An act of a judge not pertaining to his office is void.”

Pages: 20–21, 23–24

Excerpt: “Acts of judges which were *factum a judice quod ad officium jure non pertinet*... cannot be validated by subsequent proceedings.”

Function: Reinforces that jurisdictional overreach by a judicial officer is incurable.

6. *Strictissimi juris* — “Of the strictest law.”

Pages: 23–24, 29–31

Excerpt: “Coram non judice and the *strictissimi juris* interpretation of statutory grants... require strict compliance with jurisdictional prerequisites.”

Function: Supports your argument that criminal jurisdiction must be interpreted narrowly and strictly.

7. *Ex nihilo nihil fit* — “Nothing comes from nothing.”

Pages: 52–55, 73–75

Excerpt: “A warrant that never existed in law cannot give rise to lawful arrest... *ex nihilo nihil fit*.”

Function: Demonstrates that a void warrant cannot produce lawful derivative actions.

8. *Nemo dat quod non habet* — “One cannot give what one does not have.”

Pages: 52–55

Excerpt: “The statutory imperative of production and the *nemo dat* principle... confirm that officers cannot rely on nonexistent authority.”

Function: Shows that police cannot derive authority from an invalid or missing warrant.

C. Procedural Fairness & Natural Justice Doctrines

9. *Nemo judex in causa sua* — “No one should be a judge in their own cause.”

Pages: 50–51, 70–71

Excerpt: “The adversarial position adopted by the undisclosed judicial officer... constitutes a breach of the *nemo judex* principle.”

Function: Supports the apprehension of bias and structural unfairness arguments.

10. *Audi alteram partem* — “Hear the other side.”

Pages: 11, 17, 83–84

Excerpt: “These deprivations were perpetrated via procedurally vacuous adjudicative mechanisms... in complete denial of the *audi alteram partem* principle.”

Function: Establishes denial of natural justice.

D. Fiduciary & Good Faith Doctrines

11. *Uberrima fides* — “Utmost good faith.”

Pages: 105–120

Excerpt: “The fiduciary duty of the Crown... requires *uberrima fides* in all dealings with the public.”

Function: Supports the argument that the Crown’s deception violates constitutional fiduciary obligations.

12. *Rex non potest peccare* — “The King can do no wrong.” (invoked to show its limits)

Pages: 35, 119–120

Excerpt: “Rex non potest peccare does not shield state instruments from liability where deception of the Crown is established.”

Function: Used to show that Crown agents can be liable when acting unlawfully.

E. Evidentiary & Spoliation Doctrines

13. *Omnia praesumuntur contra spoliatorem* — “All things are presumed against the destroyer of evidence.”

Pages: 60–63

Excerpt: “Rebutting the presumption of regularity via the doctrine of spoliation... *omnia praesumuntur contra spoliatorem* applies.”

Function: Supports the inference of bad faith where records were altered or withheld.

14. *Omnia praesumuntur rite esse acta* — “All acts are presumed to have been done rightly.” (invoked to rebut it)

Pages: 60–63

Excerpt: “The presumption of regularity is displaced where deliberate excision and fabrication are demonstrated.”

Function: Shows that the Crown cannot rely on presumptions of regularity when fraud is proven.

F. Equity & Public Law Doctrines

15. *Fiat justitia ruat caelum* — “Let justice be done though the heavens fall.”

Pages: 82–84

Excerpt: “The constitutional imperative... demands a declaration of nullity, *fiat justitia ruat caelum*.”

Function: Supports the necessity of granting relief despite systemic implications.

16. *Consensus ad idem* — “Meeting of the minds.”

Pages: 35

Excerpt: “The absence of consensus ad idem... demonstrates that no lawful judicial authorization ever crystallized.”

Function: Shows that the warrant process lacked the essential elements of a valid judicial act.

Summary Table (Doctrinal Maxims)

Maxim / Doctrine	Pages	Function
<i>Fraus omnia corrumpit</i>	34–35, 58, 82–84, 98–102	Collapses entire proceeding
<i>Falsus in uno</i>	56–57, 83–84	Record unreliability
<i>Ex turpi causa</i>	82–84, 98–102	Crown cannot benefit from wrongdoing
<i>Coram non judice</i>	23–24, 29–31, 76–80	Jurisdictional void
<i>Factum a judice...</i>	20–21, 23–24	Judicial overreach void
<i>Strictissimi juris</i>	23–24, 29–31	Strict jurisdiction
<i>Ex nihilo nihil fit</i>	52–55, 73–75	Void warrant cannot ground arrest
<i>Nemo dat</i>	52–55	No authority from void instrument
<i>Nemo judex</i>	50–51, 70–71	Bias
<i>Audi alteram partem</i>	11, 17, 83–84	Denial of natural justice
<i>Uberrima fides</i>	105–120	Crown fiduciary breach
<i>Rex non potest peccare</i>	35, 119–120	Limits of Crown immunity
<i>Omnia praesumuntur contra spoliatorem</i>	60–63	Inference of bad faith
<i>Omnia praesumuntur rite esse acta</i>	60–63	Rebuttal of regularity
<i>Fiat justitia ruat caelum</i>	82–84	Necessity of nullity
<i>Consensus ad idem</i>	35	No valid judicial authorization

PART V — AUTHORITIES ORGANIZED BY ISSUE NUMBER (ISSUES 1–34)

ISSUE 1 — Inapplicability of s. 599 *Criminal Code* & Jurisdictional Nullity of Administrative Transfer Statutes

- *Criminal Code*, s. 599
- *Criminal Code*, ss. 503–512 (routing, transmission, venue)
- Courts of Justice Act, ss. 12, 13, 18

Cases

- *Pong v Quong* — strict jurisdictional compliance
- *McLean v Bradley* — coram non judice
- *Reference re Residential Tenancies Act* — constitutional limits on inferior tribunals

Doctrines

- *Coram non judice*
- *Strictissimi juris*
- *Ex nihilo nihil fit*

ISSUE 2 — Jurisdictional Routing & Chain of Custody

Statutes

- *Criminal Code*, ss. 507–508
- *Criminal Code*, s. 508.1 (electronic transmission)

Cases

- *R v Myers* — judicial oversight of detention
- *R v Storrey* — lawful basis for detention
- *R v Grant* — state conduct analysis

Doctrines

- *Nemo dat quod non habet*
- *Fraus omnia corrumpit*

ISSUE 3 — Spoliation & Alteration of Sworn Instruments

Statutes

- Canada Evidence Act (authentication)
- *PIPEDA* (digital integrity)

Cases

- *Lazarus Estates v Beasley* — fraud unravels everything
- *Wewaykum* — institutional integrity
- *Tobiass* — abuse of process

Doctrines

- *Omnia praesumuntur contra spoliatores*
- *Falsus in uno, falsus in omnibus*

ISSUE 4 — Statutory Timelines & Deliberate Obfuscation

Statutes

- *Criminal Code*, ss. 503–505
- *Charter*, s. 11(b)

Cases

- *R v Jordan* — delay ceilings
- *R v Babos* — abuse of process
- *R v Grant* — seriousness of state conduct

Doctrines

- *Audi alteram partem*
- *Ex turpi causa non oritur actio*

ISSUE 5 — Telewarrants, Electronic Information & Withholding of Master Record

Statutes

- *Criminal Code*, s. 487.1
- Canada Evidence Act
- Secure Electronic Signature Regulations

Cases

- *R v Araujo* — warrant validity
- *R v MacNeil* — informational privacy
- *R v Evans* — reasonable expectation of privacy

Doctrines

- *Ex nihilo nihil fit*
 - *Nemo dat quod non habet*
-

ISSUE 6 — Anatomy of Form 2 & Missing Judicial Command

Statutes

- *Criminal Code*, Form 2 requirements
- Courts of Justice Act

Cases

- *McLean v Bradley* — judicial command is mandatory
- *Pong v Quong* — strict jurisdictional compliance

Doctrines

- *Factum a iudice quod ad officium iure non pertinet ratum non est*
 - *Coram non iudice*
-

ISSUE 7 — Circumvention of Criminal E-Intake Portal (Bench Hunting / Forum Shopping)

Statutes

- Criminal Rules of the Ontario Court of Justice
- Criminal Proceedings Rules (SCJ)

Cases

- *Tobiass* — coordinated state misconduct
- *Wewaykum* — apprehension of bias

Doctrines

- *Nemo iudex in causa sua*
 - *Fraus omnia corrumpit*
-

ISSUE 8 — Contravention of s. 29 *Criminal Code* & s. 10(a) *Charter*

Statutes

- *Criminal Code*, s. 29
- *Charter*, s. 10(a)

Cases

- *R v Storrey* — lawful arrest
- *R v Feeney* — warrantless entry
- *R v Evans* — informational privacy

Doctrines

- *Nemo dat quod non habet*
 - *Ex nihilo nihil fit*
-

ISSUE 9 — CPIC Manipulation & Metadata Obfuscation

Statutes

- *PIPEDA*
- Canada Evidence Act

Cases

- *Lazarus Estates* — fraud
- *Wewaykum* — institutional integrity

Doctrines

- *Falsus in uno, falsus in omnibus*
 - *Omnia praesumuntur contra spoliatores*
-

ISSUE 10 — Unauthorized Substitution & Fabrication of Jurat Page

Statutes

- *Criminal Code* (Information requirements)
- Canada Evidence Act

Cases

- *Lazarus Estates*
-

- *Taylor v Clemson*

Doctrines

- *Fraus omnia corrumpit*
 - *Ex turpi causa non oritur actio*
-

ISSUE 11 — E-Filing Limitations & Endorsement Requirements

Statutes

- Criminal Proceedings Rules
- *Criminal Code* (filing requirements)

Cases

- *Araujo* — warrant validity
- *Grant* — state conduct

Doctrines

- *Strictissimi juris*
 - *Coram non judice*
-

ISSUE 12 — Surgical Spoliation of Jurat Page to Obfuscate Judicial Identity

Statutes

- Canada Evidence Act
- Courts of Justice Act

Cases

- *Lazarus Estates*
- *Wewaykum*

Doctrines

- *Omnia praesumuntur contra spoliatores*
 - *Fraus omnia corrumpit*
-

ISSUE 13 — Circumvention of s. 508 *Criminal Code* Oversight

Statutes

- *Criminal Code*, s. 508

Cases

- *Storrey*
- *Myers*

Doctrines

- *Ex nihilo nihil fit*
-

ISSUE 14 — “Default Judge” Endorsement as Administrative Subterfuge

Statutes

- Courts of Justice Act
- *Criminal Code*

Cases

- *Wewaykum*
- *Tobiass*

Doctrines

- *Nemo iudex in causa sua*
 - *Coram non judice*
-

ISSUE 15 — Facial Invalidity & Structural Deficiency of Charging Instrument

Statutes

- *Criminal Code*, ss. 504–505

Cases

- *Bjelland* — defective charging instruments
- *Nixon* — prosecutorial integrity

Doctrines

- *Strictissimi juris*

ISSUE 16 — Absence of Ministry Records

Statutes

- Courts of Justice Act
- *Criminal Code*

Cases

- *Wewaykum*
- *Grant*

Doctrines

- *Omnia praesumuntur contra spoliatores*

ISSUE 17 — Systemic Flaws in Civilian Informant Use

Statutes

- *Criminal Code* (Information requirements)

Cases

- *Stinchcombe* — disclosure
- *Grant* — state conduct

Doctrines

- *Audi alteram partem*

ISSUE 18 — Judicial Conflicts of Interest & Apprehension of Bias

Statutes

- Constitution Act, 1867, s. 96

Cases

- *Wewaykum*
- *Tobiass*

Doctrines

- *Nemo iudex in causa sua*

ISSUE 19 — Retaliatory Timeline & Abuse of Process

Statutes

- *Charter*, ss. 7, 11(b)

Cases

- *Babos*
- *Grant*

Doctrines

- *Ex turpi causa non oritur actio*

ISSUE 20 — “Intake Court Endorsement” Lexicon & Jurisdictional Cross-Contamination

Statutes

- *Criminal Code* (Forms 2 & 7)

Cases

- *Pong v Quong*
- *Bradley*

Doctrines

- *Strictissimi juris*
- *Coram non iudice*

ISSUE 21 — Nine Statutory Breaches of Form 7 & Structural Nullity of Warrant

Statutes

- *Criminal Code*, Form 7
- *Criminal Code*, ss. 29, 503–505

Cases

- *Feeney*
- *Storrey*

Doctrines

- *Ex nihilo nihil fit*
- *Nemo dat quod non habet*

ISSUE 22 — Digital Signature Invalidity (CEA + *PIPEDA*)

Statutes

- Canada Evidence Act
- *PIPEDA*
- SESR

Cases

- *Araujo*
- *MacNeil*

Doctrines

- *Fraus omnia corrumpit*

ISSUE 23 — Forgery, Uttering False Document & Smith Precedent

Statutes

- *Criminal Code* (forgery provisions)

Cases

- *Lazarus Estates*
- *Taylor v Clemson*

Doctrines

- *Falsus in uno, falsus in omnibus*

ISSUE 24 — E-Filing Mandates, Institutional Integrity & Coram Non Judice

Statutes

- Criminal Proceedings Rules
- Courts of Justice Act

Cases

- *Wewaykum*
- *Tobiass*

Doctrines

- *Coram non judice*

ISSUE 25 — Certification Requirement under Rule 43.03

Statutes

- Rule 43.03 (SCJ)

Cases

- *Pong v Quong*
- *Bradley*

Doctrines

- *Strictissimi juris*

ISSUE 26 — Form 7 Warrant vs. Administrative Endorsements

Statutes

- *Criminal Code*, Form 7

Cases

- *Feeney*
- *Storrey*

Doctrines

- *Ex nihilo nihil fit*

ISSUE 27 — Jurisdictional Defects & Coram Non Judice

Statutes

- Constitution Act, 1867, ss. 96–100

Cases

- *Residential Tenancies Reference*
- *Bradley*

Doctrines

- *Coram non judice*
-

ISSUE 28 — Doctrine of Fraud & Vitiating Potency

Cases

- *Lazarus Estates*
- *Taylor v Clemson*

Doctrines

- *Fraus omnia corrumpit*
-

ISSUE 29 — Open Court Principle & Fabricated Instruments

Statutes

- *Charter*, s. 2(b)

Cases

- *Wewaykum*
- *Tobiass*

Doctrines

- *Fiat justitia ruat caelum*
-

ISSUE 30 — Section 8 *Charter* Violations

Statutes

- *Charter*, s. 8
- *Criminal Code*, s. 487.1

Cases

- *Hunter v Southam*
- *Evans*
- *Feeney*

Doctrines

- *Ex nihilo nihil fit*
-

ISSUE 31 — Constitutional Infirmary of Detention

Statutes

- *Charter*, ss. 7, 9, 10(a)

Cases

- *Storrey*
- *Grant*

Doctrines

- *Nemo dat quod non habet*
-

ISSUE 32 — Section 11 *Charter* Violations (Notice & Delay)

Statutes

- *Charter*, ss. 11(a), 11(b)

Cases

- *Jordan*
- *Stinchcombe*

Doctrines

- *Audi alteram partem*
-

ISSUE 33 — Section 12 *Charter* Violations (Cruel Treatment)

Statutes

- *Charter*, s. 12

Cases

- *Dudley*
- *Forcillo*

Doctrines

- *Fraus omnia corrumpit*
-

ISSUE 34 — Inapplicability of Section 1 to Procedural Nullities

Statutes

- *Charter*, s. 1

Cases

- *Oakes*
- *Grant*

Doctrines

- *Ex turpi causa non oritur actio*
- *Fraus omnia corrumpit*

NOTHING PAST THIS LINE
