

Shawn Cassista
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Mississauga, ON. XXX XXX

January 24th, 2013

Complaints Services
The Law Society of Upper Canada
Osgoode Hall, 130 Queen Street West
Toronto Ontario M5H 2N6

To whom it may concern,

I am bringing forward a very serious complaint regarding one of your prosecutors/Paralegals as he has been blatantly negligent in his duty to perform in the best interest of the public.

I bring your attention to file number 3161-10-001942 of the Mississauga courts. Recently, a transcript had been made available and you can now refer to this transcript for the evidence of my claims within this file.

At Trial, on July 19th 2012 in Mississauga, Mr. A. Bruno, in a disparaging manner, was negligent in his duty to perform on three (3) counts and in the process eroded the fundamental principles of natural justice by using deceptive tactics that created an aggressive mindset in the presiding Justice towards me.

Let me address the facts of the first accusation: I did NOT receive Disclosure on this matter until thirteen (13) months after the Summons to Appear was received by me, which was May 17th, 2010. I made two (2) requests and also filed a Motion in attempts to obtain Disclosure. **The Crown finally made the Disclosure documents available May 30th, 2011 and they were picked up by me in nine (9) business days.**

Mr. A. Bruno was negligent in his duty when he stated the following on the record:

“So the defendant did bring a motion forward, your worship. The motion I have in front of me was from May the 7th, 2011 (actual date was May 27th, 2011) to which it indicates there was-he requested full disclosure on the said matter, however the crown brief would indicate that there were a number of phone calls and Mr. Cassista did avoid any type of disclosure requests that were made by our office.”

After, the Court asks for clarification on me avoiding pick up of the Disclosure, Mr. A. Bruno responds with the following:

“Correct, through numerous phone calls. We have documentation here that suggest either he would say, and I can tell you this through personal...” (He was cut off at this point but it sure

sounded like he was going to say something like "...through personal experience or knowledge".)

The Court interrupts and asks for dates and he responds with the following:

"It was left on May the 30th and it's still in our possession." (The Court asks' what year?) Mr. A. Bruno responds, "2011".

He goes on to say, *"Although the requests were made on a number of occasions, February the 9th, 2012."* (A fax request was made on this date in 2011, not 2012.)

And the Court responds, *"He requested disclosure on February 9th, 2012 but it's been sitting in the crown's office since May 30th, 2011?"*

Mr. A. Bruno responds, ***"Correct. Yes, your worship."***

The Court clarifies the May 30th date and then Mr. A. Bruno goes on to say, *"That was left here at Police Bureau in Mississauga to which it was not picked up."*

The Court once again asks for clarification of the date Disclosure was available and Mr. A. Bruno once again responds, *"Disclosure was ready on May 30th, 2011 after the first request on February 9th."* (On April 19th, 2011 another fax request was sent and then a motion was filed on May 27th, 2011 so this would be three (3) requests by me before May 30th, 2011. Two fax confirmations are attached. The Motion can be confirmed in the court file.)

Mr. A. Bruno does get it right once soon after all the above statements, but not without using more words that would continue to vilify me when he states the following, *"He finally picked up the disclosure request on June 9th, 2011 at 3:30, after two phone calls were made on May the 30th. One time he actually picked up the phone and stated to call him back and then the next time it went straight to his voicemail. So he actually does have the disclosure picked up as of June 9th, 2011."*

CLEARLY, the events that Mr. A. Bruno had described regarding Disclosure availability and pickup are so far from the truth – and I will go further in quoting case law regarding the duty of the Crown:

Quoting the landmark Supreme Court of Canada decision *R. v. Stinchcombe* 3 S.C.R. 326

"It cannot be over-emphasized that the purpose of a criminal prosecution is not to obtain a conviction, it is to lay before a jury what the Crown considers to be credible evidence relevant to what is alleged to be a crime. Counsel have a duty to see that all available legal proof of the facts is presented: it should be done firmly and pressed to its legitimate strength but it must also be done fairly. The role of prosecutor excludes any notion of winning or losing; his function is a matter of public duty than which in civil life there can be

none charged with greater personal responsibility. It is to be efficiently performed with an ingrained sense of the dignity, the seriousness and the justness of judicial proceedings.”

On the second count of Mr. A. Bruno’s negligence in his duty to perform in the best interests of the public, he avoided presenting further disclosure when it was requested and responded with, once again, complete nonsense.

Here are the facts regarding this matter: On November 25th, 2011 (after a previous failed attempt by way of a motion), I requested a very straightforward question that deserved a very straightforward answer. In my research of the law, I could not find the definition of the word “person” in the Compulsory Automobile Insurance Act and in every law dictionary I researched through, I learned that the word has two meanings when narrowed down. One is **natural** and the other is **artificial**. After request, and to eliminate any ambiguity regarding the Act, the Crown is obligated to provide the definition of the word “person” **as it applies to the Act**. All the Crown had to do was state what the meaning of the word “person” is in relation to the Act. Does the word “mean” natural person and artificial person or one or the other? Then simply provide the source of authority of their claim. They did not answer this straightforward question and not only did they fail in that aspect, they provided an absolutely outrageous claim in their response. That information along with the timeline of the request and the fulfillment of the request are as follows:

On June 9th, 2011 Disclosure is received. August 16th, 2011 a Motion is filed to receive further disclosure which was heard on August 26th. In court, the Crown stated they would provide the definition of the word “person” upon written request. A written request was sent via fax August 30th, 2011. No response was made by the Crown and on November 25th, 2011 another request was made in person with a Part III Request Form. Soon after, a call was received by the Crown’s office stating that a document was ready for pickup. It was dated November 23rd, 2011 and it did not disclose the nature of my question – it was simply a definition from a law dictionary, it did not have anything to do with the Compulsory Automobile Insurance Act. Furthermore, they appeared to give their own definitions to “natural person” and “artificial person” and in their definition of “natural person” they stated, “*Natural Person is a **legal entity** for the human being.*” Really? And where is the source of authority to back up such an absurd claim? I have included a copy of this document with Mr. A. Bruno’s name on it and someone else’s signature. As for the Crown withholding information...

Quoting the landmark Supreme Court of Canada decision *R. v. Stinchcombe* 3 S.C.R. 326

“It is difficult to justify the position which clings to the notion that the Crown has no legal duty to disclose all relevant information. The arguments against the existence of such a duty are groundless while those in favour, are, in my view, overwhelming.”

“The principle has been accepted that the search for truth is advanced rather than retarded by disclosure of all relevant material.”

Also in response to this request, the Crown provided the definition of the word person from Barron's 4th Law Dictionary. So, it did not answer the question at all, it simply defined the word outside the realm of the Act... along with their own definition. As well, it took a very long time to get the response. It appears, specifically in the case of Mr. A. Bruno, that the Crown has forgotten the purpose of our courts – and that is to determine the facts and law – the search for truth.

When addressing this matter in court, Mr. A. Bruno responded with sentences that sounded ridiculous and, in my opinion, were meant to confuse the court and once again vilify me. Mr. A. Bruno states, "*Mr. Cassista then goes on to state some numerous motions about identification of a person under the CIA to which the crown responded immediately.*"

The Court responds, "*Motions for what? For identification?*" and Mr. A. Bruno goes on to say, "*A 'Schedule A' is what he called it, your worship. It was a definition-the defense requested a definition of the word person under the CAIA, the word person is defined and he requested artificial relations to a corporation, to the government and to non-legal entities.*" And then further states, "*The crown did respond to that, your worship, immediately on November 23rd and gave Mr. Cassista the proper requirements as he wanted with regards to **a definition of a person.** That was satisfied.*"

CLEARLY, Mr. A. Bruno is either completely incompetent or negligent in his duty to perform in the best interests of the public. He has made false statements to the court in regards to the time frame of the response to the request – to, once again, vilify me. He states that the Crown provided me with "the proper requirements as he wanted", but he did not. He provided me with "a" definition of the word "person" and what appears to be their own definition of the word – not what I asked for. He also does not, at anytime, **clarify what "exactly" it was I was looking for** from the Crown and in the process he is making it look as if I am bringing forward frivolous motions and completely wasting the courts time.

Once again I was looking for the Crown to clarify the "meaning of the word as it applies to the Act" and not just a definition from any law dictionary, for *Misera est servitus, ubi jus est vagum aut incertum* "*It is a wretched state of slavery which subsists where the law is vague or uncertain.*"

Thirdly, one further act of negligence made by Mr. A. Bruno was his continuous reference to a recognizance that I was under, from what he states is "bad court behavior" by me. In no way has there ever been any bad behavior by me on any of the matters I have faced or that I am faced with. The recognizance came into play when I missed a court date due to a family crisis. He has continuously used this on July 19th date and on other court appearances to once again, vilify me.

On all of these counts of negligence that I have brought forward, I have to seriously question the integrity and the intentions of Mr. A. Bruno in his duties to perform in the best interest of the

public. Recently, I had come across a newsletter from the *Prosecutors' Association of Ontario* titled *The Disclosure Vol. 2 – Issue 1 March 2011* that may shed some light on his appalling behavior. I found a section to be very disturbing in regards to how our justice system operates and since this information is readily available to all Crown Prosecutors, I have to seriously consider, based on Mr. A. Bruno's actions, that prosecutors are taking advantage of "the lack of training that our presiding justices and judges have" and just trying to get convictions. To quote the newsletter:

*I begin by indicating that I fully appreciate that those individuals who are appointed to sit as justices of the peace are frequently citizens who have a wealth of experience in the community, in the business world, in the education field, in all aspects of employment who often come to this position later in life. **They rarely have any training in legal matters and it is exceptionally rare that an individual would be appointed with some working knowledge of the laws of evidence and criminal process.** They are trained on a very steep learning curve. **That training falls far less than that received by even a first-year law student.** They are asked to draw upon their experience, common sense and general knowledge and their somewhat limited training to preside over matters in the Provincial Offences Court. They acquire a great deal of experience on the job.*

***There is a lack of analysis, there is a lack of conclusions, there is a lack of weighing and assessing of evidence.** If I'm asked to decide or to review how the Justice of the Peace made this decision, what was important and what was not important, the reasons are absolutely lacking and those alone would indicate that the reasons are insufficient, constituting a palpable and overriding error.*

The court refers to R. v. Shephard "It would be wrong to expect them (Judges and Justices of the Peace) to explain in detail the process they followed to reach a verdict. They need only give reasons that the parties can understand and that permit appellate review."

Once again, and also keeping in mind the above insertion, is Mr. A. Bruno taking advantage of the lack of training that our presiding justices have and are his intentions simply to get convictions using whatever means possible? From my point of view and from my personal experiences with Mr. A. Bruno, it would appear so, and his integrity is seriously in question.

With no ill will, I only want the opportunity to bring the facts and law into the courtroom and see justice prevail as a man asserting his right to do so. My intentions are honourable and not vexatious in any manner, but merely, as a *pro se* defendant, using every lawful means to defend myself in these matters.

Sincerely,

Shawn Cassista