

CASE/FILE NO: 3161-999-10-001942

ONTARIO COURT OF JUSTICE
PROVINCIAL OFFENCES APPEAL COURT
(REGION OF PEEL)



BETWEEN:

HER MAJESTY THE QUEEN

Respondent

and

SHAWN CASSISTA

Appellant

APPELLANT'S FACTUM AND AUTHORITIES

SHAWN CASSISTA

MISSISSAUGA ON [REDACTED]

OFFENCE NO: TB 558602

CASE/FILE NO: 3161-999-10-001942

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Tab 1

ONTARIO COURT OF JUSTICE
PROVINCIAL OFFENCES APPEAL COURT
(REGION OF PEEL)

BETWEEN:

HER MAJESTY THE QUEEN

Respondent

and

SHAWN CASSISTA

Appellant

NOTICE OF APPEAL

TAKE NOTICE that an Appeal will be brought on behalf of the Appellant with respect to the charge of *Operate Motor Vehicle Without Insurance* contrary to Compulsory Automobile Insurance Act section: 2 (1) (a). The Appeal will be brought forward on the 8th day of February, 2013 at 10am in courtroom 409 by the Appellant to appeal the decision made by Madam Justice M. McLeod at the Mississauga Courthouse at 950 Burnamthorpe Road West.

THE GROUNDS FOR THE APPEAL ARE:

1. That the Appellant's right to bring forward an 11(b) Charter Application before trial was denied, therefore the Appellant's right to a fair and just hearing pursuant to section 11 (d) of the Charter of Rights and Freedoms has been violated;
2. That the Appellant's right to respond to the Crown's false allegations about bringing this matter forward was denied, therefore the Appellant's right to a fair and just hearing pursuant to section 11 (d) of the Charter of Rights and Freedoms has been violated;

3. That the Appellant's right to bring forward a motion before trial was denied, therefore the Appellant's right to a fair and just hearing pursuant to section 11 (d) of the Charter of Rights and Freedoms has been violated.

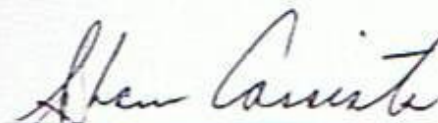
IN SUPPORT OF THIS NOTICE OF APPEAL, THE APPELLANT RELIES UPON THE FOLLOWING:

1. The Notice of Appeal herein;
2. The Appellant's Factum and Authorities;
3. Such further and other material as the Appellant may advise and this Honourable Court may permit.

THE RELIEF SOUGHT IS:

1. An Order to allow the Application and staying the proceedings.

DATED at Mississauga, Ontario this 6th day of February, 2013.



Shawn Cassista

Mississauga, ON.

Tab 2

**ONTARIO COURT OF JUSTICE
PROVINCIAL OFFENCES APPEAL COURT
(REGION OF PEEL)**

BETWEEN:

HER MAJESTY THE QUEEN

Respondent

and

SHAWN CASSISTA

Appellant

APPELLANT'S FACTUM

Shawn Cassista
[Redacted]
Mississauga, Ontario
[Redacted]

**PART I
STATEMENT OF CASE**

1. On July 19th 2012, the Appellant was convicted by Madam Justice M. McLeod pursuant to s. 2(1)(a) of the Compulsory Automobile Insurance Act R.S.O. 1990 c C.25.
2. The date that the initial Summons was issued was May 17th 2010, and the only request for delay by the Appellant was on a third set trial date of January 4th 2012.
3. The Appellant did not receive Disclosure until after one (1) year had passed since the original summons was issued, after two (2) fax requests and one (1) Motion.
4. The Appellant did not receive full disclosure after requests for further disclosure was made.
5. The Appellant was denied the right to bring forward an 11(b) Charter Application.
6. The Appellant was denied the right to bring forward a motion for a stay of proceedings.

**PART II
SUMMARY OF THE FACTS**

7. The Appellant received a Summons to Defendant on May 17th 2010, for *Operate Motor Vehicle Without Insurance* contrary to the Compulsory Automobile Insurance Act section 2 (1)(a).

Reference: Copy of Summons To Defendant, Tab 3

8. The Appellant appeared in court on June 23rd 2010, and entered a plea of not guilty. A trial date was then set for January 12th 2011. No disclosure was provided by the prosecution.
9. The Appellant filed a Motion on December 17th 2010, to adjourn the trial date because the Crown failed to provide the Disclosure in a timely manner and the Defendant was unable to prepare full answer and defense. The Motion was heard on December 20th 2010, and the prosecution still did not provide Disclosure. A new Trial Date was set for July 20th 2011.

Reference: Motion within court documents

10. On February 9th 2011, the Appellant faxed the Crown's office a Part III Request For Crown Disclosure form and the fax was confirmed to be successfully delivered.

Reference: Copy of fax and confirmation, Tab 5

11. On April 19th 2011, the Appellant still did not received any communication whatsoever from the Crown's office regarding the Disclosure documents. The Appellant sent another fax along with copies of the previously faxed documents to the Crown's office. The fax was confirmed as successful delivered.

Reference: Copy of fax and confirmation, Tab 6

12. On May 17th 2011, a motion was filed to enter an order for the Crown to provide Disclosure. The Motion was heard on May 27th 2011. A new trial date was set for January 4th 2012.

Reference: Motion within court documents

13. On May 30th 2011, the Crown's office called to say that Disclosure is available for pickup. The Appellant picked up Disclosure on June 9th 2011.

Reference: July 19th 2012 Transcript, page 8, line 1 – 2

Reference: July 19th 2012 Transcript, page 8, line 11 – 12

14. On August 16th 2011, the Appellant filed a motion to obtain further disclosure – to have the prosecution provide the definition of the word "person" **as it applies to the Compulsory Automobile Insurance Act**. The prosecution said they would provide the information only upon a written request by fax.

Reference: Motion within court documents

15. On August 30th 2011, the Appellant faxed the written request. The Appellant also requested a response in a reasonable time period of two (2) weeks.

Reference: Copy of the fax and confirmation, Tab 7

16. On November 25th 2011, the Appellant filed a Part III Request For Crown Disclosure form after the Crown's office failed to fulfill the August 30th 2011, fax request. The form was personally served by the Appellant.

Reference: Copy of the Part III Request For Crown Disclosure, Tab 8

17. The Crown's office called soon after the Part III Request For Crown Disclosure form is served and the document dated November 23rd 2011, which was picked up by the Appellant, did NOT disclose what the Appellant asked for. It was simply "a" definition of the word person from a law dictionary. The Crown even provided its own definition of the word – which is completely false representation. The Crown stated that, "*Natural Person is a legal entity for the human being.*"

Reference: Copy of document from Crown's office, Tab 9

18. On December 21st 2011, the Appellant filed a Notice of Application for Stay of Proceedings which was to be heard on the trial date of January 4th 2012. The Appellant's right to have a trial in a reasonable time was violated according to section 11(b) of the Canadian Charter of Rights and Freedoms.

Reference: See Notice of Application, Tab 10

19. On the trial date of January 4th 2012, the Appellant addressed the court with the Notice of Application for Stay of Proceedings (11(b) Charter Application) and was unable to move forward with it because the transcripts were not added with the filing. The Appellant requested another trial date to perfect the Application and it was granted by the presiding Justice. New trial date is July 19th 2012.
20. On January 12th 2012, the Appellant ordered four (4) transcripts and noted that they needed to be available for July 19th 2012.

Reference: Copy of transcript receipts, Tab 11

21. On May 28th 2012, the Appellant brought forward a Motion to grant a stay of proceedings based on the grounds the Compulsory Automobile Insurance Act applies to "corporations" only. The Motion included a lengthy oral submission by the Appellant and a short argument by the prosecution. The Motion was denied and is appealable, but the transcript is not available for the appeal.

Reference: Motion within court documents

22. In the six (6) weeks prior to the trial date of July 19th 2012, the Appellant made numerous phone calls (June 12th, June 18th, June 25th, July 10th, July 16th) to the court house to inquire as to the status of the four (4) transcripts that were ordered. The court clerks could not say when they would be ready.

23. On June 21st 2012, the Appellant filed a motion to grant a stay of proceedings that was to be heard on July 9th 2012. On July 9th 2012, the Motion was adjourned to be heard on the trial date of July 19th 2012 due to time issues.

Reference: Motion within court documents

24. On July 19th 2012, the Appellant was approached in the courtroom by a court transcriber by the name of Jean. She stated that only two (2) of the four (4) transcripts were available and advised the Appellant that it was a court administrative error. She provided the Appellant with her number – 905-615-3200, extension 3044.

25. On July 19th 2012, the Appellant attempted to motion the court to grant a stay of proceedings in regards to the 11(b) Charter Application without the transcripts. According to case law, *R. v. Vellone*, transcripts are not needed, "*Legal technicalities should not be used as a sword by a prosecutor to defeat legitimate arguments raised by unrepresented individuals in a trial process that is not overly technical or complex*".

Reference: July 19th 2012 transcript, page 3, line 1 – 13

Reference: *R. v. Vellone*, Tab 13, para 24

26. On July 19th 2012, the Appellant attempted to motion the court to grant a stay of proceedings in regards to the Motion that was originally to be heard on July 9th 2012, but was adjourned to this date.

Reference: July 19th 2012 transcript, page 4, line 22 to page 5, line 11

27. On July 19th 2012, the prosecution lied to the court regarding the numerous dates that were set and the motions that were filed. The presiding Justice believed all the lies without providing the Appellant the opportunity to respond. The end result was the prosecution prejudiced the Appellant and encourage the presiding Justice to move forward with a trial.

Reference: July 19th 2012 transcript, page 5, line 12 to page 9, line 8

28. On July 19th 2012, the presiding Justice refused to accept an accurate Timeline Sheet of the events concerning this matter from the Appellant.

Reference: July 19th 2012 transcript, page 3, line 26 – 30

Reference: Timeline Sheet, Tab 12

29. On July 19th 2012, the presiding Justice denied the right of the Appellant to bring forward an 11(b) Charter Application that was scheduled to be heard on this date.

Reference: July 19th 2012 transcript, page 9, line 15 to page 10, line 13

30. On July 19th 2012, the presiding Justice denied the right of the Appellant to bring forward the Motion that was adjourned from July 9th 2012, and that was to be heard on this trial date.

Reference: July 19th 2012 transcript, page 9, line 15 to page 10, line 13

PART III ISSUES AND THE LAW

ISSUES

- (a) Did the court err in being fair and just by not hearing the Appellant's 11(b) Charter application that was properly before the court?
- (b) Did the court err in being fair and just by not giving the Appellant an opportunity to respond to the Crown's false allegation about the delays in bringing this matter forward?
- (c) Did the court err in being fair and just by denying the Appellant's pre-trial motion?

THE LAW

Section 11(d) of the Charter of Rights and Freedoms provides that:

Any person charged with a criminal offence has the right

...

(d) to be presumed innocent until proven guilty according to law in a fair and public hearing by an independent and impartial tribunal

In *Baker v. Canada (Minister of Citizenship and Immigration)*, [1999] 2 SCR 817

"The values underlying the duty of procedural fairness relate to the principle that the individual or individuals affected should have the opportunity to present their case fully and fairly, and have decisions affecting their rights, interests, or privileges made using a fair, impartial, and open process, appropriate to the statutory, institutional, and social context of the decision."

Reference: *Baker v. Canada*, Tab 14

Natural Justice is defined in The Dictionary of Canadian Law, 3rd Edition as:

Two main components, the right to be heard and the right to a hearing from an unbiased tribunal.

Fundamental and long settled principles of law state:

Justitia nemini neganda est "*Justice is to be denied to no one.*"

Audi alteram partem "*Hear the other side.*" No one should be condemned unheard.

REMEDY

Once a violation of section 11 (d) is established, the minimum remedy is a stay of proceedings. Indeed, the court no longer has jurisdiction to try an accused once an 11 (d) violation occurs; in effect, section 11 (d) recognizes the individual's right **not** to be tried for this occurrence. It is submitted that to allow a trial to begin or continue after a violation of section 11 (d) would be for the judiciary to participate in further violation of the Charter – section (b), "to be tried within a reasonable time". Therefore, the judiciary must be in a position to fashion an effective remedy when confronted with an individual's Charter rights. It is respectfully submitted that this must be the case when such a remedy may conflict with societal interest to proceed with trials when Charter rights have and are continuing to occur. As Mr. Justice Cory noted in *R. v. Askov*, "to conclude otherwise would render meaningless a right enshrined in the Charter as the supreme law of the land."

Reference: *R. v. Askov*, Tab 15

PART V ANALYSIS

(a) Did the court err in being fair and just by not hearing the Appellant's 11(b) Charter application that was properly before the court?

31. In essence, the Appellant submits that the delay in getting his case to trial is attributable to the actions of the Crown in not providing Disclosure in a timely manner. It is the Crown's responsibility to provide Disclosure and even though the Appellant made requests, they are to do so "*without request*" according to *R. v. Stinchcombe*.

Reference: *R. v. Stinchcombe*, Tab 15, after blue tab

32. Furthermore, full disclosure was never provided after requests for further disclosure were made by the Appellant. In *R. v. Stinchcombe* it was made clear as to the duty of the Crown in disclosing all relevant information:

"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."

Reference: *R. v. Stinchcombe*, Tab 15, after blue tab

33. The Appellant submits that he is not responsible for any of the delays which elapsed in setting the initial trial date and the trial dates that followed up to the January 4th 2012, trial date. These delays will have accounted for more than nineteen (19) months after the issuance of the Summons to Defendant.
34. The Appellant submits that this argument was not allowed to be addressed on July 19th 2012, and that constitutes a violation of the Appellant's right to a fair trial as guaranteed by section 11 (d) of the Charter.
- (b) Did the court err in being fair and just by not giving the Appellant an opportunity to respond to the Crown's false allegation about the delays in bringing this matter forward?
35. The Appellant respectfully submits that the timeline of events are, and have always been, readily available to the court and to the Crown. The facts are there for "all" parties to see and research. When the Crown Prosecutor made allegations that prejudiced the Appellant, the presiding Justice did not address the Appellant on any of his claims, nor did she carefully analyze the documentation before her.
36. The Appellant submits that, even though a simple and accurate one page Timeline Sheet was offered to the court to speed up the process and provide a response from the Appellant, the right to be heard in regards to the Crowns allegations, was completely ignored and then denied latter in the proceedings.
37. So once again, the Appellant submits that he was denied the right to address this matter as well on July 19th 2012, which also constitutes a violation of the Appellant's right to a fair trial as guaranteed by section 11 (d) of the Charter.

(c) Did the court err in being fair and just by denying the Appellant's pre-trial motion?

38. The Appellant submits that he brought forward a written motion on July 9th 2012, in advance of the trial date. The Motion was put over to be heard on the trial date due to time issues. Regardless of the nature of the Motion, it should have been addressed.
39. The Appellant submits that on a third count, he was once again denied the right to be heard, which also constitutes a violation of the Appellant's right to a fair trial as guaranteed by section 11 (d) of the Charter.

Conclusion

40. It is the Appellant's position that this case falls squarely into the circumstances discussed in *Baker, supra*. That the values underlying the duty of procedural fairness relate to the principle that the individual affected should have the opportunity to present their case fully and fairly and with an open impartial process, be established.
41. Therefore the Appellant submits that this legal process has not been treated in a fair and just manner as the Appellant's right to be heard was denied on July 19th 2012, and constitutes a violation of the Appellant's rights as guaranteed by section 11 (d) of the Charter.

Remedy

42. As noted earlier, when a Charter right has been violated, for it to continue, would be further violation of an individual's Charter rights. The Appellant therefore submits that a stay of the proceedings should be entered in this case.

PART VI RELIEF SOUGHT

43. The Appellant seeks an order allowing the appeal application and ordering that the proceedings against him be stayed pursuant to section 11 (d) of the Canadian Charter of Rights and Freedoms.

Tab 3

Form 104
Rev. 10/01
L.A.S. 1991, page 307

**SUMMONS TO DEFENDANT
SOMMATION ADRESSÉE AU DÉFENDEUR**

Under Section 22 of the Provincial Offences Act
Aux termes de l'article 22 de la Loi sur les infractions provinciales

Ontario Court of Justice
Province of Ontario

Cour de Justice de l'Ontario
Province de l'Ontario

TB 558602

You are charged with the following offence
Vous êtes accusé(e) de l'infraction suivant

On the 17 day of MAY ^{yt} en 2010 at 12.25

P
M

Name CASSISTA SHAWN A

Address [REDACTED]

MISSISSAUGA ONTARIO

At CANTARA RD NORTH OF

DUNDAS ST MISSISSAUGA

Did commit the offence of
Vous avez commis l'infraction suivante

OPERATE MOTOR VEHICLE
WITHOUT INSURANCE

Contrary to COMPULSORY AUTOMOBILE
Par dérogation à ACT Section 2(1)(a)

Therefore you are commanded
In Her Majesty's name to appear
before the Ontario Court of
Justice

A ces causes, au nom de Sa
Majesté, vous êtes sommé(e) de
comparaître devant la Cour de
Justice de l'Ontario

At 150 BURNHAMTHORPE RD W

MISSISSAUGA

On the 23 day of JUNE

yt 20 at 9:00 **A** **M**

Courtroom/Salle d'audience M1

and to appear thereafter as required by the court
in order to be dealt with according to law.

et de comparaître par la suite chaque fois que le
tribunal l'exigera de façon à ce que vous soyez
jugé(e) selon la Loi.

Issued this day - Délivré ce jour
17 MAY ^{yt} en 2010 [Signature]

Signature of Provincial Offences Officer
Signature de l'agent d'infractions provinciales

Summons confirmed Summons cancelled

this 17 day of MAY ^{yt} 2010 by [Signature]

Driver's Licence No. [REDACTED] Class [REDACTED]

Site [REDACTED] Date of issuance [REDACTED]

CVCR No. / NCO No. / N° du CECRU - N° du CNE

Officer no. / Numéro de l'agent de police 1234
Unit / Groupe PTUA

Defendant's Copy
Copie du défendeur

Note: This summons is issued under Part II of the Provincial Offences Act.
Cette sommation est émise aux termes de la partie II de la Loi sur les infractions provinciales.

Tab 4

3161-10-001942
NOTICE OF TIME AND PLACE OF HEARING OF APPEAL
AVIS DE L'HEURE ET DU LIEU DE L'APPEL

ONTARIO COURT OF JUSTICE
COUR DE JUSTICE DE L'ONTARIO
PROVINCE OF ONTARIO
PROVINCE DE L'ONTARIO

Under Section 116 of the Provincial Offences Act
Aux termes de l'article 116 de la Loi sur les infractions provinciales

Courts of Justice Act
Loi sur les tribunaux judiciaires
R.R.O. / R.R.O. 191
O. Reg. / Règl. de l'Ont. 21

To / À Shawn CASSISTA, Appellant / Appelant

[Redacted], Mississauga, ON, (address / adresse)

and / et Her Majesty the Queen, Respondent / Intimé

7755 Hurontario Street, Brampton, ON (address / adresse)

Take notice that the appeal of the above-named Appellant in respect of: conviction
Veillez noter que l'appel interjeté par l'appelant susmentionné que porte sur:

by the Ontario Court of Justice at 950 Burnhamthorpe Rd W, Mississauga, ON
par la Cour de justice de l'Ontario à (au) (address / adresse)

on the 19 day of July, yr. 2012
le 19 jour de July, an

in respect of the charge that CASSISTA Shawn of
concernant l'accusation selon laquelle (name / nom) of de

same as above on or about / le ou vers le 17 day of / jour de May, yr. / an 2011

did commit the offence(s) of: / ou aux environs de cette date, a commis l'infraction (ou les infractions) suivante(s):

DRIVE NO INSURANCE

contrary to CAIA section 2(1)(a)
par dérogation a article (a) has been placed on the list for the / et a été inscrit sur le rôle des appels

hearing of appeals in the Ontario Court of Justice at / de la Cour de justice de l'Ontario à (au)

7755 Hurontario Street, Brampton, ON (address / adresse)

to be heard on the 8 day of FEBRUARY, yr. 2013, at 10 AM
afin qu'il soit entendu jour de an à (hour / heure)

at 7755 Hurontario Street, Brampton, ON à 409
(address / adresse) (courtroom / salle d'audience)

Given at the City of Brampton
Établi à

this 14 day of December, 20 12 R. Marks
ce jour de Clerk / Greffier

I certify that a copy of this Notice of Time and Place of Hearing of Appeal was given to the Appellant and Respondent in the manner set out below. / J'atteste qu'une copie de l'Avis de l'heure, de la date et du lieu de l'audition de l'appel a été remise à l'appelant et à l'intimé dans l'affaire comme indiqué ci-dessous.

Distribution:
 Appellant by personally
Appelant, par (mail, courier, personally / poste, messenger, en personne)
 Respondent by courier
Intimé, par (mail, courier, personally / poste, messenger, en personne)

Attorney/Agent
Avocat/mandataire (mail, courier, personally / poste, messenger, en personne)
 Other
Autre (mail, courier, personally / poste, messenger, en personne)

Served by [Signature] on the 14 day of December, 20 12
Document signifié par (Clerk's signature / signature du greffier) le jour de

**NOTICE OF APPEAL UNDER SECTION 116 OF THE PROVINCIAL OFFENCES ACT
AVIS D'APPEL INTERJETÉ EN VERTU DE L'ARTICLE 116 DE LA LOI SUR LES INFRACTIONS
PROVINCIALES**

ONTARIO COURT OF JUSTICE
COUR DE JUSTICE DE L'ONTARIO
PROVINCE OF ONTARIO
PROVINCE DE L'ONTARIO

(Part III)
(Partie III)

Form / Form
Courts of Justice
Loi sur les tribunaux judiciaires
O.Reg. / Rég. de l'Ont. 7

(Strike out
inapplicable words /
Rayer ce qui ne
s'applique pas)

1. Superior/Ontario Court of Justice at / Cour supérieure de justice/Cour de justice de l'Ontario à
CENTRAL WEST REGION 950 BURNHAM

2. Appellant is / La partie appelante est

Defendant / le défendeur (la défenderesse) Attorney General / le procureur général Prosecutor / le poursuivant

3. Name of Appellant: SHAUN CASSISTA
Nom de l'appelant(e):

Address for service: _____
Domicile élu:

4. Counsel for Appellant: Name: _____
Avocat(e) de l'appelant(e) : Nom :

Address for service: _____
Domicile élu:

5. Name of respondent (if known): _____
Nom de l'intimé(e) (s'il est connu):

Address for service: _____
Domicile élu:

6. Counsel for respondent (if known): _____
Nom de l'avocat(e) de l'intimé(e) (s'il est connu):

Address for service: _____
Domicile élu:

7. Decision of Ontario Court of Justice / Décision rendue par la Cour de justice de l'Ontario :

(include name of Judge or Justice of Peace appealed from, if known): / Inscrire le nom du juge ou du juge de paix dont la décision est portée en appel, s'il est connu :

GUILTY - \$5000 + VICTIM FEE (\$1,025)

8. Date of decision: / Date de la décision : JULY 19 2012

9. The Appellant appeals against: / L'appelant(e) interjette appel :

conviction / de la déclaration de culpabilité
 dismissal / du rejet de l'accusation
 finding as to ability to conduct a defense / de la conclusion quant à la capacité du défendeur (de la défenderesse) d'assurer sa défense
 sentence / de la sentence
 order (s. 161 of the P.O.A.) / de l'ordonnance (art. 161 de la L.I.P.)

by the Ontario Court of Justice / de la Cour de justice de l'Ontario

at 950 BURNHAMTHORPE RD, MISSISSAUGA
à/au (address of court / adresse du tribunal)

FILED
DEC 14 2012
[Signature]
Ontario Court of Justice
Brampton



10. If Defendant is in custody, place where held: _____
 Si l'appelant(e) est sous garde, lieu de détention: _____
11. (a) Description of offence¹: / Description de l'infraction¹ OPERATE MOTOR VEH
 WITHOUT INSURANCE
- (b) Information number (if known): 3161-999-10-1942
 Numéro de la dénonciation (s'il est connu): _____
12. (1) Statute²: / Loi²: COMPULSORY AUTOMOBILE INSURANCE A
 (2) Section³: / Article³: 2 (1) (a)
13. Date of offence: / Date de l'infraction: MAY 17 2010
14. Plea at trial: / Plaidoyer au procès: NOT GUILTY
15. The grounds for appeal are: / Moyens d'appel: _____
 (specify the question of law or issue where the appeal is from conviction or acquittal or finding as to ability to conduct a defense or specify the grounds for appeal against sentence / préciser la question de droit ou la question en litige lorsqu'il est interjeté appel de la déclaration de culpabilité, de l'acquiescement ou de la conclusion quant à la capacité de la partie défenderesse d'assurer sa défense, ou préciser les moyens d'appel contre la sentence)
TO BE PROVIDED WHEN TRANSCRIPTS ARE
 MADE AVAILABLE
16. In support of this appeal, the Appellant relies upon the following:
 À l'appui du présent appel, l'appelant(e) se fonde sur les documents suivants:
 (set out documents such as transcript, etc. upon which the Appellant relies / indiquer les documents, tels que les transcriptions, sur lesquels l'appelant(e) se fonde)
COURT TRANSCRIPTS
17. The relief sought is: FULL DISMISSAL + REMEDY
 Mesure de redressement demandée: _____
18. The Appellant intends: / Intention de l'appelant(e):
 to be present in person or by counsel and to present the issues and the Appellant's arguments orally.
 comparaître en personne ou par l'entremise d'un(e) avocat(e) et débattre les questions en litige et présenter ses arguments oralement.
 not to be present in person or by counsel and to present the issues and the Appellant's arguments in writing.
 ne comparaître ni en personne ni par l'entremise d'un(e) avocat(e) et débattre les questions en litige et présenter ses arguments par écrit.
19. Does the Appellant intend to make a motion for an order that the appeal be heard by way of a new trial in the appeal court?
 L'appelant(e) a-t-il(elle) l'intention de présenter une motion en vue d'obtenir une ordonnance prévoyant la tenue de l'appel sous forme d'un nouveau procès devant le tribunal d'appel?
 Yes / Oui No / Non
20. Date: AUGUST 3 2012
21. Signature of Appellant or Counsel: Shaur - Alan of the Cassista family
 Signature de l'appelant(e) ou de son avocat(e): _____

I request a _____
 Je demande les services
 d'un interprète de langue

(leave blank if inapplicable / à remplir, le cas échéant)

language interpreter for the appeal.
 pour l'appel.

NOTES:

- (1) If Appellant's address for service is that of the Appellant's Counsel, state Counsel's full address and Appellant's own full address.
- (2) Please notify the clerk of the court in writing immediately of any change of address. The court will communicate with you by mail at the address shown by you in this notice unless you notify the court of a change in your address.
- (3) This court of appeal must be filed with the local registrar of the Superior Court of Justice or Ontario Court of Justice.
¹ for example, careless driving / par exemple, conduite imprudente
² for example, Highway Traffic Act / par exemple, Code de la route
³ for example, Section 130 / par exemple, article 130

REMARQUES:

- 1) Si le domicile élu de l'appelant(e) est celui de son avocat(e), indiquer l'adresse au complet de l'avocat(e) de même que l'adresse au complet de l'appelant lui-même (elle-même).
- 2) En cas de changement d'adresse, en aviser immédiatement le greffier du tribunal par écrit. Si le tribunal n'est pas avisé, il communiquera avec vous par courrier à l'adresse indiquée au présent avis.
- 3) Le présent avis d'appel doit être déposé auprès du greffier local de la Cour supérieure de justice ou de la Cour de justice de l'Ontario.

Tab 5



Ministry of
the Attorney
General

Ministère
du Procureur
général

Crown
Attorney

Procureur de
la Couronne

Regional Municipality
of Peel

Municipalité régionale
de Peel

7755 Hurontario Street
Suite 100 (Meeting Only)
5th Floor, Office Suite 506
Brampton ON L6W 4T6

7755, rue Hurontario
Bureau 100 (adresse
postale)
5^e étage, suite 506
Brampton ON L6W 4T6

Tel/Tel:
(905) 456-4777

Fax/Téléx:
(905) 456-4780

REQUEST FOR CROWN DISCLOSURE

Part III Provincial Offence Charges

REQUEST DATE: FEB 9 2011

Please return completed request to the Provincial Crown Attorney's Office, at 7755 Hurontario Street, 5th floor, Brampton, or send by facsimile to 905-456-4780.

Once disclosure become available, it will be faxed to you or you will be contacted to pick up this material.

Case Administration Co-ordinators,
Crown Attorney's Office.
Telephone: (905) 456-4777
Facsimile: (905) 456-4780

** PLEASE CALL FOR
PICK UP - NO FAX
AVAILABLE.*

Name of Accused: SHAWN CASSISTA

Officer's Badge Number: 1234 Peel Regional O.P.P.

Offence Date: MAY 17 2010 Next Court Date: JULY 20 2011

Court Location: Brampton Mississauga Orangeville Caledon

Charge(s): COMPULSORY AUTOMOBILE INS. ACT

Contact Person: Shawn Cassista

Telephone Number: [REDACTED] Facsimile Number [REDACTED]

33 [REDACTED]

Date/Time: Feb. 9. 2011 11:18AM

File No.	Mode	Destination	Pg(s)	Result	Page Not Sent
1099	Memory TX	9054564780	P. 1	OK	

REASON FOR ERROR
 1) HANG UP OR LINE FALL
 2) NO ANSWER
 3) EXCEEDED MAX. E-mail size
 4) Busy
 5) No facsimile connection



Ministry of the Attorney General	Case Number	Request Made at	17th Floor, 100 King Street West Toronto, Ontario M5X 1C6	Tel: (416) 392-1000
Ministry of the Attorney General	Requester's Name	Request Made on	17th Floor, 100 King Street West Toronto, Ontario M5X 1C6	Tel: (416) 392-1000

REQUEST FOR CROWN DISCLOSURE

Part III Provincial Offence Charges

REQUEST DATE: FEB 9 2011

Please return completed request to the Provincial Crown Attorney's Office, at 1725
Barrington Street, 5th Storey, St. Catharines, or send by facsimile to 905-456-4788.

Once disclosure becomes available, it will be found in you or you will be contacted to
pick up the material.

Case Administration Co-ordinator,
Crown Attorney's Office,
Telephone: (905) 456-4777
Facsimile: (905) 456-4788

*** PLEASE CALL FOR
PICK UP - NO FAX
AVAILABLE.**

Name of Applicant: SHAWN CASTIDA

Officer's Badge Number: 1234 Paid Requested 0.25

Offence Date: MAY 17 2010 Next Court Date: JULY 20 2011

Court Location: St. Catharines Mississauga Orangeville Colborne

Charge: COMPULSORY AUTOMOBILE INS. ACT

Case File No.: Shawn Castida

Telephone Number: [REDACTED] Facsimile Number: _____

Tab 6

April 19, 2011

Re: Previous request for Disclosure documents

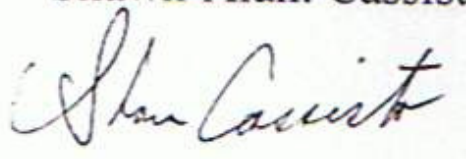
To whom it may concern,

I had put in a request on February 9 2011 for Disclosure documents for a charge of: Operate Motor Vehicle Without Insurance. As of yet, I have not received any confirmation that these documents have been prepared and are ready for pickup.

The Trial date is 2 months away and these documents are necessary for the Defense. Please address this matter as soon as possible. Refer to the documents that follow.

Thank you,

Shawn-Alan: Cassista



23 [REDACTED]

Date/Time: Apr. 19. 2011 3:49PM

File

No.	Mode	Destination	Pg(s)	Result	Page Not Sent
2728	Memory TX	9054564780	P. 3	OK	

Reasons for error
 (1) HANG UP or line fa l
 (2) NO ANSWER
 (3) EXCEEDING MAX. E-mail size

E-2) Busy
 E-4) No facsimile connection

April 19, 2011

Re: Previous request for Disclosure documents

To whom it may concern,

I had put in a request on February 9 2011 for Disclosure documents for a charge of Operate Motor Vehicle Without Insurance. As of yet, I have not received any confirmation that these documents have been prepared and are ready for pickup.

The Trial date is 2 months away and these documents are necessary for the Defense. Please address this matter as soon as possible. Refer to the documents that follow.

Thank you,

Shawn-Alan Cassista

Tab 7

August 30, 2011

Re: Motion for further Disclosure August 26, 2011

Case/File # 3161-999-10-001942
Offence Trial Date - January 4, 2012

On August 26th, the Defense motioned the court to order the Crown to provide further Disclosure in regards to the Compulsory Automobile Insurance Act.

The motion was to clarify the meaning of the word "person" as it applies to the act as the act itself fails to define the word. As well, there are numerous definitions to the word in various law dictionaries.

As stated in court by the Defense, Barron's Fifth Canadian Law Dictionary narrows the definition down to two: **natural** and **artificial**.

The Crown responded to this motion by stating it "believes" it applies to both "natural" and "artificial" persons but did not know for sure. The Crown stated on the record it will provide a written statement for the Defense upon written request (to the Crown Attorney's office). This is the official written request for that statement.

Please call [REDACTED] when a **signed** written statement is available for pick up. Due to the time sensitive matter, please respond within a two (2) week period.

Thanks,

Shawn-Alan of the Cassista family

*** Communication Result Report (Aug. 30. 2011 12:48PM) ***

23 [REDACTED]

Date/Time: Aug. 30. 2011 12:48PM

File No.	Mode	Destination	Pg(s)	Result	Page Not Sent
5620	Memory TX	9054564780	P. 1	OK	

Reason for error

Plaintiff	1	HANG UP or line fail	E- 2) Busy
Defendant	1	No answer	E- 4) No facsimile connection
Unknown	1	Exceeded max. E-mail size	

August 26, 2011

Re: Motion for further Discovery August 26, 2011

Casefile # 21-61-999-20-001342
Offense Filed Date - January 4, 2012

On August 26th, the Defendant contacted the court to order the Crown to provide further Discovery in regards to the Questionnaire: Automobile Insurance Act.

The motion was to clarify the meaning of the word "person" as it applies to the act or the act itself both to define the word. As well, there are numerous definitions to the word in various law dictionaries.

As stated in court by the Defendant, Black's Fifth Canadian Law Dictionary receives the definition down to their national and certified.

The Crown responded to this motion by stating it "believes" it applies to both "person" and "individual" person but did not know for sure. The Crown stated on the record it will provide a written statement for the Defendant upon written request (to the Crown Attorney's office). This is the official written request for that statement.

Please call [REDACTED] where a request/written statement is available for pick up. Due to the fact [REDACTED] please respond within a two (2) week period.

Travis,

State-Aides of the Criminal Justice

Tab 8



NOTEDULE 1A

110

Ministry of the Attorney General

Crown Attorney

Regional Municipality of Peel

7755 Hurontario Street
Suite 100 (Mailing Only)
5th Floor, Office Suite 506
Brampton ON L6W 4T6

Tel/Tél: (905) 456-4777

Ministère du Procureur général

Procureur de la Couronne

Municipalité régionale de Peel

7755, rue Hurontario
publipostage, suite 100
5^e étage, suite 506
Brampton ON L6W 4T6

Fax/Téléx: (905) 456-4780

NOV 25 2011

REQUEST FOR CROWN DISCLOSURE
Part III Provincial Offence Charges

Request Date: NOV 25/2011

Please complete the information requested below and return this form to the Provincial Crown Attorney's Office in the A. Grenville and William Davis Courthouse, 5th Floor, 7755 Hurontario Street, Brampton, or send by facsimile to #905-456-4780.

Once disclosure becomes available, it will be faxed to you, or you will be contacted as to where and when you are to pick up this material

Provincial Prosecutor
Crown Attorney's Office,
Telephone: #905-456-4777
Facsimile: #905-456-4780

NAME OF ACCUSED: SHAWN CASSISTA

OFFICER'S BADGE NUMBER: 1234 PEEL REGIONAL POLICE A
O.P.P.

COURT LOCATION: Brampton or Mississauga A

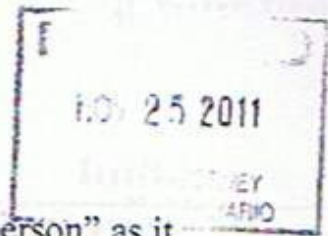
OFFENCE DATE: MAY 17 2010 NEXT COURT DATE: JAN 4/2012

CHARGE(S): COMPULSORY INSURANCE ACT
SEE SCHEDULE "A" ATTACHED

Contact Person: Shawn Cassista

Telephone Number: [REDACTED] Facsimile Number: _____

SCHEDULE "A"



Motion for further disclosure.

1. The Defense requests the definition of the word "person" as it applies to the Compulsory Automobile Insurance Act.

The word "person" is defined in numerous law dictionaries as 1) natural and 2) artificial:

Artificial relates to **corporations, to government, to non-living entities.**

Natural relates to man, to nature, to God's authority (according to the Canadian Charter of Rights and Freedoms).

2. For the purpose of preparing a defense that will eliminate confusion and save time at the Trial, further Disclosure regarding the above is needed and pertinent to the Defense.
3. A previous Motion for further Disclosure was executed on August 26th, 2011 for the same information whereas the Crown Prosecutor stated that a written statement would be provided to the Defense upon written request. That request was transmitted and received via fax on August 30th, 2011. The Defense has yet to receive a response from the written request. Attached is a copy of the transmission and confirmation of communication.
4. Motion to disclose a copy of the police officer's notes.



33 [REDACTED]

Date/Time: Aug. 30. 2011 12:48PM

File No.	Mode	Destination	Pg(s)	Result	Page Not Sen
5620	Memory TX	9054564780	P. 1	OK	

Reason for error

UNDELIVERABLE

Message up or line fail

No answer

Exceeded max. E-mail size

E. 2) Busy

E. 4) No facsimile connection

August 26, 2011

Re: Motion for Further Disclosure August 26, 2011

Casefile # 2461-895-20-001342
Offense Trial Date - January 4, 2012

On August 26th, the Defence contacted the court to order the Crown to provide further disclosure in regards to the Ontario Automobile Insurance Act.

The motion was to clarify the meaning of the word "person" as it applies to the act as the act itself fails to define the word. As well, there are numerous definitions to the word in various law dictionaries.

As stated in court by the Defence, Barron's Fifth Canadian Law Dictionary across the definition does to their national and certified.

The Crown responded to this motion by stating it "includes" it applies to both "natural" and "artificial" persons but did not know for sure. The Crown stated as the ground it will provide a written statement for the Defence upon written request for the Crown Attorney's office. This is the official written request for that statement.

Please contact the court when a signed written statement is available for pick up. Due to the time sensitive matter, please respond within a two (2) week period.

Thanks,

Shawn Allen of the Ontario Society

RECEIVED

NOV 25 2011

CRIMINAL JUSTICE

BRAMPTON ONTARIO

Tab 9

Ministry of the Attorney General Ministère du Procureur general

Crown Attorney
Regional Municipality of Peel

Court House
7755 Hurontario St.
Suite 100
Brampton, ON.
L6W 4T6

Tel: (905) 456-4777
Fax: (905) 456-4780

November 23, 2011

Procureur de la Couronne
Municipalité régionale de Peel

Palais de justice
7755, rue Hurontario
Suite 100
Brampton, ON.
L6W 4T6

Tél: (905) 456-4777
Téléx: (905) 456-4780



Shawn Cassista
[REDACTED]
Mississauga, Ontario
[REDACTED]

RE: CASSISTA, Shawn: DOB 1966 07 06

CHARGES: Operate Motor Vehicle without Insurance s. 2(1)(a) CAIA

Mr. Cassista:

Further to your request here are the definitions to the word "person"

1. Natural Person is a legal entity for the human being
2. Artificial Person is a legal entity that is not a human being

Under Barron's Canadian Law Dictionary 4th Edition

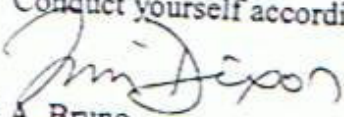
Natural Person is a human being that has the capacity for rights and duties.

Artificial Person is a legal entity, not a human being, recognized as a person in law to whom certain legal rights and duties may attach (example corporate body)

Further to that a Legal Person (*Latin-persona ficta*) also Artificial Person, Juridical Person, Juristic Person and Corporate Body has a legal name and rights, protection privileges, responsibilities and liabilities under law.

You have already received a copy of the police officers notes 9th June 2011 which included Ministry of the Transportation documents showing that the person known as Shawn Cassista is the registered owner of the Pontiac Montana, blue in colour. If you require further clarification I would suggest contacting a lawyer or agent to assist you in the definitions. Please be advised that Mr. Shawn Cassista is under a recognizance with the Brampton Court.

Conduct yourself accordingly.


A. Bruno
Provincial Prosecutor
Peel Crown Attorney's Office

AB/td

Tab 10

TABLE OF CONTENTS

ONTARIO COURT OF JUSTICE
(PROVINCIAL DIVISION)
(REGION OF PEEL)



BETWEEN:

HER MAJESTY THE QUEEN

Respondent(s)

and

SHAWN CASSISTA

Applicant(s)

NOTICE OF APPLICATION FOR STAY OF PROCEEDINGS

SHAWN CASSISTA
MISSISSAUGA ON. [REDACTED]
OFFENCE NO: TB 558602
CASE/FILE NO: 3161-999-10-001942

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PHOTOCOPIES OF FAXED COMMUNICATIONS	3.
PHOTOCOPY OF SUMMONS.....	4.
ASKOV et al v. R DECISION	5.
R. v. MORIN DECISION	6.

ONTARIO COURT OF JUSTICE
(PROVINCIAL DIVISION)
(REGION OF PEEL)

BETWEEN:

HER MAJESTY THE QUEEN

Respondent(s)

and

SHAWN CASSISTA

Applicant(s)

NOTICE OF APPLICATION FOR STAY OF PROCEEDINGS

TAKE NOTICE that an Application will be brought by SHAWN CASSISTA the Applicant, before the presiding Justice of the Ontario Court of Justice (Provincial Division), Courtroom #M4, ADDRESS 950 Burnhamthorpe Rd W, Mississauga, Ontario L5C 3B4 on the 4th day of January, 2012, at 1:30 p.m. or as soon thereafter as the Applicant may be heard, for an Order directing the prosecution of the charges herein (Operate Motor Vehicle Without Insurance 17th day of May 2010, contrary to the Compulsory Automobile Insurance Act – Section 2(1) (a) be stayed, pursuant to section 24, (1) of the *Canadian Charter of Rights and Freedoms* (hereinafter the "Charter").

THE GROUNDS OF THE APPLICATION ARE:

1. That the Applicant's right to a trial within a reasonable time, as guaranteed by s. 11(b) of the Charter, have been infringed;
2. That a stay of the proceedings is appropriate and just in the circumstances, as defined by s. 24(1) of the Charter;
3. Such further grounds and other grounds as the Applicant may advise and this Honorable Court may permit.

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

1. The Sworn Statement of the Applicant, Sworn on December 20th, 2011.
2. Jurisprudence-Copies of the Supreme Court decisions-Askov & Morin.

3. Such further and other material as the Applicant may advise and this Honorable Court may permit.

THE RELIEF SOUGHT IS:

1. An Order allowing the Application and granting a stay of proceedings.

December 20th, 2011

Shawn Casisto

Mississauga, ON

TO: The Attorney General of Ontario
Constitutional Law Branch
4th Floor
720 Bay Street
Toronto, ON M5G 2K1
Fax: (416) 326-4015

The Attorney General of Canada
Suite 3400, Exchange Tower
Box 36, First Canadian Place
Toronto, ON M5X 1K6
Fax: (416) 973-3004

SWORN STATEMENT OF SHAWN CASSISTA

I, Shawn Cassista, hereby attest to the following.

On or about May 17, 2010, at CAWTHRA @ DUNDAS in the city of Mississauga, I was charged with a single offence:

Operate Motor Vehicle Without Insurance, contrary to the *Compulsory Automobile Insurance Act - Section 2(1) (a)*

I was therefore commanded in Her Majesty's name to appear before the Ontario Court of Justice on the 23rd day of June 2010, which I did. On that day I pleaded not guilty to the alleged offense and was provided a date which (at the time) I believed to be a Trial Date, but it was not (more on this follows). This Trial Date was set for the 12th day of January 2011 and was agreed upon by the acting Justice of the Peace, the Crown and myself.

On the 17th day of December 2010 I filed a "Notice of Motion" to delay what I believed to be was the Trial Date for 2-3 months as I needed more time to do research and prepare a proper Defense. From my recollection of what was said between the Justice of the Peace and the Crown Prosecutor was that the January 12, 2011 date was for the purpose of some kind of pre-trial or settlement conference. Only the court and the Crown can determine exactly what it was as I have no record of it other ^{than} my original belief that that was a Trial Date. It was also determined on the 17th day that I did not receive Disclosure from the Crown and was handed a Part III REQUEST FOR CROWN DISCLOSURE form by the Crown Prosecutor which was to be faxed to the Crown Attorney's Office. A Trial Date was then set for July 20th, 2011.

On February 9th, 2011 I had faxed the Part III Disclosure Request form to the Crown Attorney's Office using the fax number provided on the document. I included a copy of the Summons. The fax was sent from Musket Transport and a copy of the Confirmation Result came back positive in its delivery.

Over two (2) months had gone by since sending the February 9th fax and I did not hear from the Crown Prosecutors Office regarding the Disclosure documents. On the 19th day of April 2011 I sent a follow up fax/letter titled Re: Previous request for Disclosure documents stating that I had not received confirmation that the Disclosure documents had been prepared and ready to be picked up. The fax was sent from Musket Transport and a copy of the Confirmation Result came back positive in its delivery.

After sending the April 19th fax/letter, five (5) weeks had gone by and I still did not hear anything from the Crown Prosecutors Office. On the 17th day of May 2011 I filed a "Notice of Motion" that was heard on the 27th day of May 2011 where I explained my numerous attempts to contact the Crown Attorneys Office that also included a phone call in which I left a detailed message. On that day I moved the court to order the Crown to provide Disclosure. Because of the lack of response the acting Justice of the Peace and the Crown set another Trial Date for January 4th, 2012.

I can not verify the date, but a fairly short time after the 27th of May appearance I did finally receive a call from the Crown Prosecutors Office stating that the Disclosure documents were ready for pick up at the Burnhamthorpe court house.

On August 16th, 2011 I filed another "Notice of Motion" to obtain **further disclosure** in regards to the Compulsory Automobile Insurance Act (CAIA). I appeared once again before an acting Justice of the Peace on August 26th, 2011 and stated that I needed clarity of the definition of the word person as it pertains to the CAIA as my research of law has determined that the word "person" has numerous meanings.

The CAIA defines numerous words but for whatever reason does not clarify the definition of the "person". **This request is pertinent to the Defense – as well, it is a simple answer to a simple question.** On the 26th day of August, the Crown Prosecutor of record stated that she, "believes it applies to both natural and artificial person, but was not sure and needed to look into it further" before providing me with the definition in writing and complying with my request for further (Full) Disclosure. She instructed me to once again fax a request to the Crown Attorney's Office for a written statement that she seemingly was willing to provide.

On August 30th, 2011, four days after the latest Notice of Motion, I faxed a letter to the Crown Attorney's Office requesting the written statement clarifying the word "person" as it "applies" to the CAIA. Once again, I did not hear back from the Crown Prosecutors Office with this very basic request. The fax was sent from Musket Transport and a copy of the Confirmation Result came back positive in its delivery.

On the 25th day of November 2011 I prepared another Part III REQUEST FOR CROWN DISCLOSURE form with a detailed request for the definition of the word "person" as it "applies" to the CAIA. In the request I provided the narrowed down version of the definition of the word person (natural and artificial) and basically wanted a Crown Attorney to pick **one** or the **other** or **both**. I personally delivered the Part III Request Form as well as attached copies of the August 30th fax and fax confirmation result.

On the 13th day of December 2011, **approximately three (3) weeks before the Trial Date of January 4th, 2012**, I received a phone message from the Crown Attorney's Office stating that the statement I was waiting for was now ready for pick up. On the 15th day of December 2011, I finally had it in my possession...

What does the statement say? The written statement in which I asked the Crown to **clarify the definition of the word "person" as it "applies" to the CAIA** states nothing of the sort. The Crown instead provided virtually the same definition I had been using in my communications with them. I know what the definition is according to law dictionaries such as Barron's 4th (the one the Crown provided), but **the Crown has failed in stating the definition of the word as it applies to the CAIA and providing FULL DISCLOSURE.** Once again, this is a very basic request and it appears as though the Crown does not want to go on record and state one of the following: a) the CAIA applies to natural persons only, or b) the CAIA applies to artificial persons only, or c) the CAIA applies to both natural and artificial persons.

Because of the Crown's inability to perform and provide Full Disclosure [not to mention the inadequate communication from the Crown's side], I am not prepared to present a case. Through

no fault of my own, this matter will be going on two (2) years or more before an actual Trial will take place.

As it stands, the January 4th, 2012 Trial Date is a date that comes 17 months after the alleged offense. Even if there may have been some kind of misunderstanding on my part regarding what I believed to be the first Trial Date, there will still be well over twelve (12) months that have gone by and I still have not received Full Disclosure which, judging from past events, will lead to another Trial Date and my opportunity to challenge the alleged offense six (6) more months further into the future.

It is my understanding that the purpose of the courts is to determine the facts and law. It appears as though the Crown would rather have me without the facts regarding the CAIA which would, in turn, only cause me added stress and anxiety in building a defense that I would lack confidence in as there would be some confusion in addressing some of the facts. This would also take up the courts time and waste taxpayer dollars.

Therefore, as a result of the Crown's actions and inactions, this would mean that I would probably have to wait over two (2) years for this matter to be dealt with and it is for this reason that I am filing this motion, requesting that a stay be granted pursuant to *sections 11(b) & 24(1) of the Canadian Charter of Rights and Freedoms*, due to these inordinate and unreasonable delays.

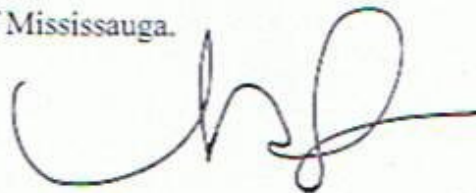
I swear this statement to be true.

Dated this 20th day of December, 2011 in the City of Mississauga.



Shawn Cassista

Mississauga ON



MICHELLE DENISE SANSTRA, a Commissioner, etc.,
Regional Municipality of Peel, for the
Corporation of the City of Mississauga.
Expires October 17, 2014

Tab 11



Ministry of the Attorney General
Ministère du Procureur général

Order No. 6012/12
N° de commande

**REQUEST FOR TRANSCRIPT
DEMANDE DE TRANSCRIPTION**

CASE NAME CASSIDA, SHAWN
NOM DE DOSSIER
MAILING ADDRESS [REDACTED]
ADRESSE POSTALE MISSISSAUGA, ON

TELEPHONE NUMBER [REDACTED]
NUMÉRO DE TÉLÉPHONE (Business/Bureau)

CASE REFERENCE FOR 7-2010-1234
NUMÉRO DE DOSSIER

COURT DATE July 19, 2012
DATE D'AUDIENCE

ONTARIO COURT OF JUSTICE
COUR DE JUSTICE DE L'ONTARIO

COURT ROOM [REDACTED] COURT TIME [REDACTED]
SALLE D'AUDIENCE HEURE D'AUDIENCE

OFFENCE [REDACTED]
INFRACTION

REPORTER/TAPE needed for July 19/12
STENOGRAPHE/ENREGISTREMENT @ 10:30am #ms

**PAYMENT BY CASH OR CERTIFIED FUNDS
PAIEMENT EN ARGENT COMPTANT OU PAR CHEQUE CERTIFIÉ**

PREPARED BY [REDACTED] TOTAL COST \$ [REDACTED]
PRÉPARÉ PAR COUT TOTAL
NO. OF PAGES [REDACTED] DEPOSIT \$ 50.00
NOMBRE DE PAGES DÉPÔT
BALANCE \$ [REDACTED]
OWING OR REFUND [REDACTED]
SOLDE OU REMBOURSEMENT

REMARKS [REDACTED]
COMMENTAIRES

REPORTER'S CERTIFICATE
This is to certify that the Appellant has ordered a transcript of the evidence including any reasons for judgement or sentence received by me, upon the trial of this matter before the Ontario Court of Justice

CERTIFICAT DU STÉNOGRAPHE
Je certifie par les présentes que l'appellé a demandé une transcription de la preuve ainsi que des motifs à l'appui du jugement et de la sentence dont j'ai pris note au cours du procès devant la Cour de justice de l'Ontario.

DATE _____ Court Reporter/Sténographe judiciaire

Part 1 Transcript Order Part 2 Reporter's Certificate Part 3 Appellant's Receipt
Part 4 Case Retrieval Part 5 Accounting

RECEIVED RECEIPTS
ONTARIO PROVINCIAL OFFENCES OFFICE
PROVINCIAL OFFENCES OFFICE
FOR THE WORK OF \$50.00
FOR THE FOLLOWING:
AMOUNT PAID \$50.00
DESCRIPTION
FEE FOR TRANSCRIPTION
RECEIPT NO. [REDACTED] DATE [REDACTED]
AMOUNT

Tab 12

TIMELINE OF MAY 17 2010 INSURANCE CHARGE EVENTS

- May 17th 2010 is the record of event
- Summons date set for June 23rd of 2010. Trial date was set for January 12th 2011.
- Motion filed on December 20th 2010, to adjourn the trial because the Crown did not provide Disclosure and I was not prepared to answer and defend. Part III Request for Crown Disclosure form provided by Crown. New Trial Date set for July 20th 2011.
- February 9th 2011 the Request For Crown Disclosure is faxed to Crown's office.
- Follow up phone call made February 28th 2011, there was no answer and Defendant left a message regarding Disclosure availability.
- No response from the Crown. Another fax is sent on April 19th 2011.
- No Discloser provided by Crown. On May 17th 2011 a Motion is filed for Disclosure and is heard on May 27th. On this date a new trial date is set for January 4th 2012.
- Defendant receives a call from the Crown on May 30th 2011, and Disclosure was picked up by the Defense on June 9th 2011.
- August 16th 2011, a Motion was filed for further disclosure and was heard on August 26th 2011. The Crown agreed with providing further disclosure upon a written request.
- August 30th 2011, a fax was sent to the Crown's office requesting the details of further disclosure.
- November 25th 2011, no response from the Crown's office and a PART III Request For Crown Disclosure is personally served by the Defendant.
- Soon after November the 25th 2011, an unacceptable document is received from the Crown and dated November 23rd 2011. The document did not disclose the nature of the request and also provided false documentation.
- December 21st 2011, an 11(b) Charter Application is filed and heard on the trial date. Because of the short time frame, after which the Defendant realized a Charter violation had occurred, the Charter Application did not include transcripts. Trial adjourned to July 19th 2012, by request of the Defendant (first request for adjournment by the Defendant for faults of his own).
- Two other motions were filed for stay of proceedings. One on May 22nd 2012, and heard on May 28th 2012, and the other filed June 21st 2012 and adjourned on July 9th 2012, to be heard on the trial date of July 19th 2012.

Tab 13

Case Law Link:

canlii.org/en/on/oncj/doc/2009/2009oncj150/2009oncj150.html?resultIndex=1

Tab 14

Case Law Link:

canlii.org/en/ca/scc/doc/1999/1999canlii699/1999canlii699.html?resultIndex=10

Tab 15

Case Law Link:

canlii.org/en/ca/scc/doc/1990/1990canlii45/1990canlii45.html?resultIndex=2

Tab 15 (Blue Tab)

Case Law Link:

canlii.org/en/ca/scc/doc/1991/1991canlii45/1991canlii45.html?resultIndex=4

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