

Additional Ineffective Assistance Claims Against Lagemaat

Tony Lagemaat failed to cross examine DC:

- On fact that her going on news media about me is essentially the same as me publishing a website about her.
 - DC's goal against me was the same as mine against her - to discredit me to other people.
- On my notifying the authorities about JP1's security clearance is no different than her notifying DHS about me. Either way, we're notifying the appropriate authorities about a person we believe is violating the law.
 - Why is it acceptable for DC to inform, but not for me?
- On the truthfulness or correctness of the blog posts in the Crown's book.
 - Lagemaat should have pointed out what DC's really afraid of is everybody finding out the truth and the proof of all the terrible things she's done to people.
- On why DC is so convinced I am not a US citizen, especially since I've shown her proof I am. And on her insistence I was in the US illegally.
- On why she was afraid for her safety due to the "shooting" email (January 2015) and if she considered it threatening, why did she, not once, until AFTER speaking with CBC in January 2016, claim to be afraid for her safety? Even in the order of protection hearing she did not claim to be afraid for her safety or claim to consider that email threatening.
 - DC already admitted the order of protection was only to try to get the website taken down - NOT fear for safety.
- On her claims about what she kept insisting my real name (Riess) and why she so adamantly insisted my name was not Fox.
 - Why did she believe I was really Ress? What evidence did she have?
- On how she so frequently misconstrued my words and applied her own incorrect inferences to them, yet she never, not once, asked me to clarify or confirm my meaning.
- On why she never forwarded to the RCMP the supposedly "threatening" emails she claimed I sent her, when she filed an uttering threats complaint in April 2015.
 - RCMP asked her to forward the threatening emails, which she claimed to have, and she said she would.
- On her frequent practice of being deliberately vague so that she can later claim she meant something else. That happened repeatedly during cross. It was also the source of many of mine and DC's disputes - she would make very vague, generalized

claims/allegations about me, then when I asked her to clarify or be more specific she would refuse.

- Cite specific points in the transcripts where DC was deliberately vague, then later claimed she meant something else:
 - Her letter to me from March 2011;
 - First saying I generally tell the truth, then later saying I lie about everything, and claiming the first statement was being taken out of context.
- This also could have shown the jury that she is so used to lying that she phrases things in such a way to make it easier to change her words later and she does so without even thinking about it.
- On her claims that she had contacted the police and CPS, every six months, about GR1, yet they have no record of any calls from her.
- On her claims I repeatedly interfered with her visitation with GR1.
 - Lagemaat should have reviewed each scheduled visitation and the emails around each to prove it was actually DC, each time, who had changed the arrangements at the last minute, made the arrangements less than two weeks before the travel date without checking with me, or simply didn't show up or call when it was time to pick GR1 up.
- On why, if she was so afraid for SC1's safety, she never asked me to remove him from the website.
 - Nor did she ask her lawyer to ask the court to order me to remove him.
- On why my opinion of her mattered at all. If she did not care about my opinion then she would not have been affected by my criticisms or insults.
 - Much like how I am indifferent to her criticisms and insults to me.
- On why, and under what circumstances, she abducted GR1 in 2011.
 - Did she care at all about how doing that might affect GR1? Did that even occur to her?
 - Lagemaat should have then confronted her with her Facebook post, immediately after she abducted GR1, where she says everything is right in the universe now. That shows that she only cared about herself - not GR1.
- On GR1 being with KL1 when he was arrested for passing counterfeit notes, on November 1, 2011.
 - Refutes DC's testimony:

- On emails she claims I sent to her co-workers, or about the LinkedIn profile she claims I created. No evidence of their existence was ever provided - and she never provided any evidence to the police, either. By not crossing her on this it gave the jury the impression it was true.

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- On why, since I was in custody and couldn't respond to emails, she didn't file a complaint with the web hosting provider or the domain registrar while I was in custody.
 - Since I could not respond to the complaint process, the provider would have suspended the account. That would have been a very simple and immediate way to get the website taken down.
 - Proves DC and JP1 didn't truly care about the website.
 - I even told Myhre about this in January 2017. I presume he would have informed DC.
- On why she and JP1 filed a complaint about the website with the domain registrar rather than with the web hosting provider. Since they both work in computers, they must know the difference, and they must have known the domain registrar would have nothing to do with the web hosting.
 - Proves DC and JP1 were not really concerned about the website.
- On why, if she was afraid due to the email where I tell her GR1 asked if I would shoot her, and if she really found it threatening, she waited 7 months to mention it to the RCMP.
 - And why that report to the RCMP just happened to be within 24 hours of me putting JP1's name and photo on the website.
 - And why, if she was afraid and threatened, she continued that email conversation without making a single reference to that statement.
- On exactly what she was "afraid" I would do to her. All of her claims of fear for safety are overly vague and she never once stated what she believed I would do.
 - There is absolutely no history of violence or aggressive behavior on my part.
 - She has consistently said to the police, the Canadian Consulate, the news media, that she does not believe I would physically harm her - that I'm too much of a coward to do anything like that.
- On why she is acting so melodramatic about all of this. There is no threat of physical harm, not one word on the website is false - I'm only telling the truth about her own actions and beliefs; I have no power, control or authority over her; she claims she doesn't care about me or my opinions, there is no emotional bond between us - she can't say I'm manipulating her emotions; so why is she acting as though she's a traumatized child.

- This might seem harsh, but if presented to her there would simply have been no reasonable explanation for overly emotional behavior. This would have helped the jury to see that it was all just an act to exploit their compassion.
- On why she believed I would harm her, just because I own firearms. I've owned firearms all my life, yet I've never harmed anyone. Lots of people own firearms and don't go around shooting others. If I own a car does it mean I'm going to go to Arizona and try to run her over?
- On why, if she believed I was an illegal alien, she didn't report to me the police when she admitted to knowing I had a firearm in Arizona. Illegal aliens are prohibited from possessing firearms in Arizona.
- On the legitimacy of all the emails I sent her which she did not respond to.
 - Crown tried to make it seem like I sent her many emails which she ignored and didn't respond to - creating the impression those emails were intended to merely harass her. However, the vast majority of them were either about GR1 or about our legal matters.
 - This would also have shown the jury that DC generally only responded to the emails she misconstrued as being insulting or confrontational. Even though that was only her own distorted perception of the meaning and intent of any given email - I was always very literal and deliberately did not use implications or innuendos - DC was the one always inferring and trying to read more into my emails. I repeatedly pointed that out to her in numerous emails.
- On why, if she really believed I was an alien, we never applied for an adjustment of status (e.g. permanent resident card) while we were together - particularly since we had a child together. I had absolutely no criminal history; I was a software engineer, which was a high demand occupation; I was married to a US citizen; and I had a US citizen child with her. Getting a permanent resident status would have been very simple.
- On her trip to Europe - cost; shows she wasn't too concerned about finding or contacting GR1. She would rather spend thousands of dollars on a trip to Europe - money she admits she could not afford at the time, than to find GR1 or hire a lawyer to help her.
- On her claims of me using multiple names and social security numbers.
 - Lagemaat should have pointed out that there is no evidence to support those claims, or that I've ever used any names other than Patrick Fox and Richard Riess - both of which I openly admit to, because there was nothing deceitful or questionable about me changing my name to Riess then back to Fox.
 - Lagemaat should have pointed out that DC is the one who deliberately and illegally mislead the police and the court by using the admittedly fake name Virginia Tomlin when she was arrested in Santa Monica.

- On why, if she was looking for or didn't know where I and GR1 were, from 2002 - 2011, she didn't simply contact the Torrance courthouse, where we had an active child custody case.
 - She has made this same claim in the Arizona and California (Compton) courts, and in the news media. But the California judge asked her why she didn't just contact the Torrance court and she said she didn't know that's what she could do. The California judge did believe/accept that and did not consider her claim credible. She never brought it up in that court again. But any time she has a new audience she brings it up, even though it is so easy to disprove.
 - I've even written about it, and provided proof that her claim is false (her own admissions), on the website.
- On her boasting about continuing to use marijuana while participating in the court ordered TASC program.

Email: 2012-11-19 9:05:54 PST Re: Request for confirmation
- On why she explicitly requested the court vacate the publication ban on her name and identity at the start of the trial.
 - Doing so is completely inconsistent with her claims and act of being traumatized by this whole experience.
 - This shows that she's not really traumatized, she's doing it for attention. Since the trial, she's done additional interviews, particularly with CBC, and she had agreed to do an episode of the 5th Estate. But the 5th Estate segment was later dropped.
- On why, exactly, she stopped emailing me from March to May 2014. She repeatedly claimed she was trying a different tactic, to try to get me to stop harassing her.
 - But on direct, she admitted it was because she didn't want to give me more stuff to use against her and because because I had made all her words public

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 - it was not a tactic to discourage me and it was NOT ignoring my emails. It was because she knew her emails showed everybody what she was REALLY like.
- On why she told the RCMP the reason she called ICE on me was because I was trying to take away all her visitation - but in testimony she said it's because I was in "her country" illegally and she didn't want her son thinking that's right.
 - DC also claimed such on the Aaron Rand interview.
- On her perjurious testimony in the California family court, that she had only done one news media interview and turned down all the rest.

- On why DC believed an order of protection would provide her any additional benefit or protection since she claims to believe I was an illegal alien and a convicted felon - both of which are already prohibited from possessing a firearm in the US.
 - The order of protection and Brady notice would make no difference if I'm already prohibited from possessing.
 - Unless she didn't REALLY believe I was an illegal alien - the felony conviction is also based on the allegation of me being an alien. So, me not actually being an alien is grounds for vacating the conviction and the removal order - which would meaning be permitted to own guns in the US again. The order of protection would only be relevant to DC if she believed that was likely to happen.
- On all of the emails conversations from 2011 - 2014 where I started the conversation for a legitimate purpose and DC initiated the hostility, insults, et cetera.
- On her frequent use of overly vague statements and her consistent refusal to provide me clarification when I would request it.
 - DC does this on purpose so that she if she's later confronted on her statements she can say that's not what she meant, or that her statement is being taken out of context, or that the other party (me) is putting their own spin on it. She did this repeatedly on cross.
 - There are numerous emails where I asked her to clarify her meaning, or to be more specific, or to provide specific examples of what she was referring to. She consistently refused.
 - I believe DC speaks in this way say that when she's confronted about a lie she can more easily talk her way out of it, for example by claiming I misunderstood or put my own interpretation on her words. That is why I frequently insisted she be specific, though she never would.
 - During the trial, whenever DC would be very vague in her responses, Lagemaat never pursued clarification. And, whenever she became evasive or acted confused (another ploy to avoid being confronted about a lie) he would move on to another line of questioning.
- On her admission that she never read any of the blog posts (TR 2017-07-13 p41/2-4). If she had not read them then they could not have contributed to her fear for her safety or harassment.
 - The admission is even in Lagemaat's notes (p24, last 2 lines of the page), so he clearly knew about it.
- On her being committed, under court order, to a psychiatric hospital.
 - This refers to the time she was committed to Penn Mar in El Monte. This would have raised serious doubts about her credibility.
- On her history of domestic violence/disturbance when she was with Michael Capuano.

- DC was the one being violent and aggressive. This would have shown the jury that she has a history of domestic violence and emotional instability, and that when she doesn't get her way she gets violent, aggressive and vindictive.
- On why she never forwarded the emails where she claims I had threatened her, to the rcmp, for her uttering threats complaint in April 2015.
 - Cst Jubbal explicitly asked her to forward the emails and she said she would.
 - This would have shown the jury she has a history of filing false and frivolous complaints.
- On why she thought I was doing whatever it is I'm doing that she objects to; and exactly she would do if I took GR1 from her and ran off to another state or country with him.
 - In other words, what would she have done if I had done to her what she did to me.
 - And, more so, what if I had done that to her, then lied in the family court and the family court believed me even though she provided proof I was lying. In other words, what would she have done if the tables were turned?
 - DC has already proven that with much less provocation she would go on the international news and tell lies about me; file false police reports against me; and lie in court about me.
 - This could have shown the jury that DC expects rules to apply to everyone else, but not to her.
- On why she so frequently chose to misconstrue what I said in my emails, completely distorting my words.
 - And each time she did so she never asked me to clarify or confirm my meaning. She would rather wrongly assume I'm being insulting, belligerent, and confrontational rather than asking me if that's what I meant. She was consistently wrong about my meaning and intent.
 - This would have shown that she was more interested in fighting than in understanding or communicating.
- On her testimony that she was often engaging me and continuing the conversation to try to provoke me into saying things she could use against me (TR 2017-06-14 p48/31-46).
 - That's a clear admission that she knowingly and deliberately WANTED me to continue communicating with her, and that she was doing so for selfish reasons: to try to get me to say things she could use against me - for example, in a criminal harassment charge.
 - If she was deliberately engaging me to try to get me to say things she could use against me then how can my going along with that be considered harassment?