27178-2
Vancouver Registry

In the Supreme Court of British Columbia

(BEFORE THE HONOURABLE MADAM JUSTICE HOLMES AND JURY)

Vancouver, B.C.
June 14, 2017

REGINA

v.

PATRICK HENRY FOX

PROCEEDINGS AT TRIAL

COPY

BAN ON PUBLICATION – INHERENT JURISDICTION

J.C. WordAssist Ltd. (Vancouver)
Suite 614 - 808 Nelson Street, Vancouver, B.C. V6Z 2H2
Phone 604-669-6550

27178-2
Vancouver Registry

In the Supreme Court of British Columbia

(BEFORE THE HONOURABLE MADAM JUSTICE HOLMES AND JURY)

Vancouver, B.C.
June 14, 2017

REGINA

v.

PATRICK HENRY FOX

PROCEEDINGS AT TRIAL

COPY

BAN ON PUBLICATION – INHERENT JURISDICTION

Crown Counsel:	**M. Myhre**
Appearing on his own behalf:	**P. Fox**
Defence Counsel:	**A.J. Lagemaat** **M. Chatha, A/S**

J.C. WordAssist Ltd. (Vancouver)
Suite 614 - 808 Nelson Street, Vancouver, B.C. V6Z 2H2
Phone 604-669-6550

INDEX

WITNESSES FOR THE CROWN:

EXHIBITS

Nil

RULINGS

Nil

BAN ON PUBLICATION - INHERENT JURISDICTION

Vancouver, B.C.
June 14, 2017

(JURY OUT)

THE CLERK: In the Supreme Court of British Columbia, at Vancouver, this 14th day of June, 2017, recalling the matter of Her Majesty the Queen against Patrick Henry Fox, My Lady.
THE COURT: Yes.
MR. MYHRE: So, My Lady, when the jury comes in, I'll just signal that I have no more questions for Ms. Capuano.
THE COURT: All right.
MR. MYHRE: My Lady, there is perhaps one thing we should put on the record with respect to who was in the courtroom yesterday. Could I just have a quick word with my friend?
My Lady, I think it should be on the record that --
THE COURT: I wonder if it's better put on the record at a different time --
MR. MYHRE: Very well.
THE COURT: -- if it's what I'm thinking it is.
MR. MYHRE: A second issue. I just wanted to alert Your Ladyship that, after my friend finishes his cross, I think we should stand down to canvass whether there is anything else that Mr. Fox believes needs to be addressed.
MR. LAGEMAAT: I would have been asking My Lady's indulgence to do that anyways after my cross, to go meet with Mr. Fox and see if there's anything he feels I've left out. But, in discussions with my friend this morning, it was discussed if we're not in agreement with something he would like me to cross-examine on, and I -- it is my cross-examination, we might ask My Lady to make a decision on that.
THE COURT: I see. All right. Well, let's see where we get to --
MR. LAGEMAAT: Yes.
THE COURT: -- and deal with it step by step.
We'll come back to the other matter, Mr. Myhre.
As to scheduling, I'm thinking, given that we're a little later starting than we expected, probably one break during the afternoon. I had

BAN ON PUBLICATION - INHERENT JURISDICTION

raised the possibility of two, but, unless it appears that somebody needs a break -- and Ms. Capuano, you're somebody who may, so you signal if you need one --
DESIREE CAPUANO: Thank you.
THE COURT: -- we'll just take one afternoon break. All right. Are we ready for the jury?
THE ACCUSED: I just want to bring one thing to the court's attention. An issue arose at the jail yesterday, I guess because of the news coverage of the hearing of the trial so far. There is apparently some safety or security concerns regarding me at the jail, so I was moved to segregation, but that might complicate my ability to continue to represent myself somewhat, given what's available in the segregation area. Also, that explains why I appear so dis -- disheveled today. That's all.
THE COURT: Well, Mr. Fox, I need to know if you're having difficulty or not. And, if you are in a situation in which you're not able to do what's necessary, I may need to address it.
THE ACCUSED: Hmm. It won't be an issue during the cross-examination, but I'm sure immediately after that it will be if the circumstances at the jail haven't changed. One of the main issues is there's no electrical sockets in the cells in the segregation unit, so I can't access any new disclosure. But I will keep the court apprised of any changes in those circumstances.
THE COURT: All right. And the issue relates mainly to not having access to electronic devices? Is that what it is?
THE ACCUSED: Yeah, that's a substantial part of it. There's some smaller unrelated iss -- well, less significant issues. For example, not being able to shave and come to court in a presentable manner. Oh, also --
THE COURT: All right.
THE ACCUSED: I'm confined --
THE COURT: We'll --
THE ACCUSED: -- to the cell --
THE COURT: We'll come back to that, but just, at some point, if you're anticipating or experiencing either one of those --
THE ACCUSED: Mm-hmm.
THE COURT: -- difficulty, then give me the

BAN ON PUBLICATION - INHERENT JURISDICTION

specifics --
THE ACCUSED: Okay.
THE COURT: -- and we'll address it. All right.
THE ACCUSED: Thank you.
THE COURT: Are we ready for the jury?
MR. MYHRE: Yes, My Lady.
THE COURT: Please.
THE SHERIFF: The jury, My Lady.

(JURY IN)

DESIREE CAPUANO
a witness called for the Crown, recalled, warned.

THE CLERK: I'll remind you, Ms. Capuano, that you're still under affirmation.
A Yes.
MR. MYHRE: My Lady, I have no more questions for Ms. Capuano.
THE COURT: Thank you. Before we start, members of the jury, we're a little later getting started than we expected, and I'm planning, unless somebody, and you may be one of those people, needs more breaks, I'm thinking we'll just have one afternoon break. But if anyone is in need of a break, please let me know.
MR. LAGEMAAT: My Lady, I do have a book I'll be asking to make an exhibit on this trial. I've provided 12 copies for the jury. I've given one to my friend. I have an exhibit copy, and a copy for My Lady.
THE COURT: Mr. Myhre, any objection?
MR. MYHRE: My Lady, I think we'll have to go through the emails --
MR. LAGEMAAT: Yes.
MR. MYHRE: -- that are in here individually, but no objection to proceeding in this fashion.
THE COURT: All right.
MR. LAGEMAAT: I can say these are all printed off the same website. Many of them are the same email chains, just different times and dates. And I will refer to if it is from the same email chain that was in my friend's book, or whether it's a chain that was not included in his book.

CROSS-EXAMINATION BY MR. LAGEMAAT:

Q Ms. Capuano, if my voice trails off and you have problems hearing me just, please, point it out and I'll speak up again. I'll start out loud.

So we went through lots of evidence in the last two days, mostly in the form of emails, some blogs, some photos, everything, most things from the website, and I'll refer to it as "the website", you know I mean www.desireecapuano.com. You were asked at the end of the day how the content of that website made you feel, and you used the following terms to describe your feelings: incredibly sad, terrified, humiliated, disgusted, sick, concerned, furious, and fearful. Is that correct? You felt all those feelings?

A Over the course of the six years, yes.

Q Okay. You were asked in direct evidence to characterize the roughly 450 emails, and you said they were demanding to you, insulting, aggressive, mean and hostile in nature; is that correct?

A Yes, sir.

Q And was that insulting, aggressiveness, meanness, and hostility, all directed at you?

A Most times. There was some that was directed at Sage Capuano, as well.

Q Okay. So it was mostly directed at you, and some of it toward Sage Capuano.

A Correct.

Q Never towards Mr. Fox?

A There was some responses to his emails that could be characterized as such, yes.

Q Okay. And we're going to go through some of those emails. So turning to -- and I apologize, I don't have page numbers on here. I didn't want to alter the printouts of the website, so it's just the way it printed off the website. So turning to the first email in the chain, and that's called "On the topic of love", from Desiree Capuano to Patrick, on Sunday, January 26th, 2014.

So starting on January 21st, and this is about two-thirds of the way down the page, Patrick wrote an email to you. And would you agree that this email is a discussion of the meaning of love? And you can take -- take time to look at it. Would you summarize this email from him as this is a discussion of what love means, and he's taken

that from Wikipedia?
A Yes.
Q And you replied to that email, he sent it at 9:34 p.m., I understand there's a time difference, possibly, but you replied on January 24th. So that email sat there for three days and then you replied. Can you read your reply, which is just above his email? It's --
A Yes. [As read in]:

> I'm not bothering to read this. Not worth my time.

Q Why even reply? Why not just leave it at that? Why even reply?
A Well, I have to read emails that he sends me in case there's any information regarding custody of my son.
Q But you said you're not bothering to read it.
A Correct.
Q So why even bother replying? It sat there for three days. Why not just leave it. Okay. So then he replied to you not that long after [as read in]:

> So educating yourself, improving yourself and increasing your understanding of yourself is not worth your time. See my opinion of complacency.

Just above that you replied. Is that your reply?
A Yes.
Q And can you read that in?
A

> Bye.

Q What did you mean by "Bye"?
A It meant that this discussion was irrelevant.
Q Okay. So why even reply?
A This is not the only email I was receiving at the time. There were multiple emails from him.
Q I've seen all of the emails.
A Correct.
Q So going up in time, and this is the second comment from the top of this page, Friday, January 24th, Patrick wrote [as read in]:

> I don't have time for you right now. I'm busily constructing my scheme to slowly destroy you.

And above that is your reply. Is that what you replied? It starts with "Funny"?

A Yes.

Q So that is your reply.

A Yes.

Q Can you read that in?

A [As read in]:

> . . . I thought that was already well thought out.

Q And "Funny"?

A

> Funny, I thought that was . . .

Q So you --

A Yes.

Q So you found that he's constructing a scheme to slowly destroy you, you found that funny at that time?

A No.

Q But you said it was funny.

A It was sarcastic.

Q Sarcastic.

A And it was the -- the plan I thought was already playing out to destroy me, not that he still had to -- to construct it.

Q Turning to the next email, topic "My apparent manipulation of G." And I'll refer to him as "G." throughout. Today we all know who that means. And if you could go to the second page of this email, it seems here, starting after the first two paragraphs, it says on Sunday, March 9th, 2014, at 10:34 a.m., Patrick wrote [as read in]:

> Desiree. I wanted to make sure our text messages from last night was recorded permanently, so I've attached them herein.

Could -- could you look at those text messages and tell me if those are an accurate depiction of a text conversation you had with Mr. Fox at that time.

A Yes.
Q Okay. So let's start on Saturday, March 8th, the first one. Patrick wrote [as read in]:

> This is how civilized, dignified people teach their children to make their beds. This is G.'s bed here at our place. It's these little things that differentiate the cream from the chaff.

I'm assuming there was a picture of a bed. It seems he's referring to a bed. You replied. He replied, this is all within still 30 minutes. I'm down to the one, two, three, below the third text message, on Saturday, March 8th, 2014, at 10:21, Desiree Capuano wrote -- and what I want to point out here is you sent three text messages in a row. These are 10:23, 10:23, and 10:24. You weren't no longer replying to him, you're just sending text message, one after the other, three in a row; is that correct?
A Probably, yes,.
Q and can you read the very bottom text message from Desiree Capuano on March 8th at 10:27 p.m. Can you read that, please, out loud?
A [As read in]:

> All trashy prostitutes have satin sheets. Did you inherit that from your mom.

Q So you're inferring here, and insulting Mr. Fox, saying his mother's a trashy prostitute?
A Based off of the indication that he considers me white trash because he raised that way by his mother, it was my assumption that that was his opinion of her, so . . .
Q So because --
A Yes.
Q Sorry. Sorry to interrupt. Finish.
A No.
Q So because he calls you white trash, it's okay for you to call his mother a trashy prostitute?
A No, I just assumed that that's where he got that information from.
Q You assumed where that's where he got what information from?
A What white trash means.

Q From his mother.
A That's what he said. He refers to me as his mother and white trash, simultaneously, repeatedly.
Q But why call her a trashy prostitute?
A I did not call --
Q That's one step above white trash, isn't it, trashy prostitute.
A Because I was angry.
Q So these messages made you angry.
A Yes, of course, I was.
Q You weren't fearful at that time, were you, because if you were fearful, you're not going to call a person's mother a prostitute, are you?
A Not necessarily. I'm also trying to defend myself.
Q That's not defending yourself.
A Sure it is.
Q That's an offensive.
A After years of being insulted by somebody and trying to not respond, I was at --
Q Was his mother the --
A -- the point.
Q Was his --
MR. MYHRE: Sorry --
THE COURT: You have to let her respond, please.
MR. LAGEMAAT: I apologize.
Q Sorry, finish, Ms. Capuano.
A I was at a point where I wasn't going to just accept. I was going to give back. I was going to try to let him know that I wasn't going to be pushed around. And my goal was maybe if he realized that I wasn't scared, that he would stop. But it didn't mean I wasn't scared.
Q When was it you filed the complaint with the RCMP up here and there was no charges?
A I filed two. One, I believe, was in April, and then --
Q Of what year?
A 2015.
Q Correct.
A Yes.
Q And you said yesterday in direct evidence, that's when you decided to stand up, when they didn't follow through.
A No.
MR. MYHRE: I object to that, My Lady. I don't think

that's quite accurate.
MR. LAGEMAAT: Okay, I withdraw that comment.
Q Did -- was Mr. Fox's mother in this conversation to defend herself from your insults?
A No.
Q Okay. Moving on to the next email which is titled, "I'm flattered really". And this is a two-page email chain. And this starts -- sorry, one moment.
MR. LAGEMAAT: I apologize, My Lady, I'm just getting a book out of my box.
I'm now going to be referring to my friend's book of exhibits. Do you still have theirs? And what number is this exhibit?
THE CLERK: Exhibit 1.
MR. LAGEMAAT:
Q If we could turn to Tab 10 of the Crown's book of exhibits. And the second page of Tab 10, on Monday, April 28th, 2014, and we went through this yesterday, you sent what you call a cease and desist; is that correct?
A Yes.
Q And you said at the time that you sent this, because you felt fearful because Patrick had lots of information that could cause risk to you and your family.
A Yes.
Q Do you recall saying that? That was in reference to this email, which is why you sent the cease and desist. You also said in direct evidence yesterday that you -- and I believe you might have said it, and you don't respond to all of his emails; is that correct?
A Correct.
Q At the time you didn't respond to them all, and if you do, it's often brief.
A I try.
Q Yes. Have you ever initiated an email chain with Mr. Fox?
A I have.
Q You have. And I believe we're about to look at one. That would be "I'm flattered really", and if you could turn to the second page of this, is -- is this -- did you initiate this, is that why the subject --
A Yes, I did. Yes.
Q Yes. Okay. So -- okay, on the first page, and

this is your email that starts this chain.
A Yes.
Q And this chain was not in the Crown's book of exhibits; is that correct?
A Correct.
Q We didn't go through it yesterday. So starting at the bottom, on Tuesday, May 27th, 2014, at 5:57 p.m., Desiree Capuano wrote -- did you write that?
A Yes, I did.
Q Can you read that in, please.
A Sure, yes [as read in]:

> Oh, Patrick, or Richard, or Morgan, or whatever name you're going by this week, I think it has become clear to everyone with the amount of hours you've been researching me, collecting information about me, creating accounts for me, sending emails about me, hiring private detectives to follow me, pretending to be me, not to mention the endless hours you have worked and you put into creating and maintaining an entire website, that means that you are completely obsessed. Can't imagine how badly I must have broken your heart when we separated, 10 or 12 -- no, 13 years ago. The thing is, you just cannot seem to get over me. Honestly, I've never felt more important to anyone before. I mean, you must spend every waking moment consumed with me. I'm not sure how you have time to think about anything other than me, if you even do. I am flattered. I do not have -- I do have to let you know, though, at this point, you're really just coming across as a stalker ex-boyfriend, and though I really hate to hurt you more, I'm never getting back together with you. So you can reply to this, or send out more emails about me, put up more stuff on the shrine of a website, or, hell, create an app about me, because all of it just proves how much you are still infatuated and totally in love with me. Thank you so much for the ego boost. Looking forward to more.

Q Is there anywhere in the emails that we've either looked at or on the website where he says he's

infatuated with you?
A No.
Q What was the purpose of this email? It seems to me the purpose of this email was to insult him, degrade him?
A Ah, yes. There were -- after the cease and desist email that I sent, he sent two additional emails to my colleagues, the one to the 687 people, and then the other one was blind carbon copied to 1,200 people. So clearly the cease and desist didn't work. So demanding that he stop had no effect. So now I was going to try to insult him and make him see that this is ridiculous, and it needs to stop. And maybe that bravado would make him realize, or give him the impression that it wasn't affecting me, and if it wasn't affecting me, then there was no point for him to continue.
Q But you know Mr. Fox quite well. You engaged in all these email banter with him. Do you really think sending an insulting email to him or insulting his mother would make him stop at that time?
A I was willing to try anything.
Q Did it work?
A No.
Q So did you stop trying that?
A No.
Q Okay.
A But I also tried other avenues, also.
Q So we'll read his reply on Wednesday, May 28th, and he replied the next day [as read in]:

> Good morning. I can neither admit nor deny any of the claims made in your email. I can say, given that emotions are just labels, that simple people put on the physical sensations caused by the self-induced though typically subconscious due to conditioning, or ignorance, suppression of chemicals by the brain, they are highly improbable, your claims, I mean. Most sincerely, Patrick.

Did you reply to that on May 28th at 9:59 a.m.?
A Yes.
Q Can you read that in?
A Sure [as read in]:

I think you should probably go back to college and maybe take some courses on human psychology. Hate, bitterness, anger, resentment and --

Q Sorry -- sorry to interrupt, Ms. Capuano. I'm sorry, but there's one more down below, just above the one I just read in, May 28th.
A Oh [as read in]:

You can keep denying your feelings for me, but it's very clear. Honestly, it's kind of sweet.

Q So you found this all sweet?
A No.
Q But you said you found it sweet.
A Correct.
Q You were lying?
A I was being sarcastic.
Q Sarcastic. Do you think sarcastic would -- sarcasm would make him back off?
A With the number of the emails that I received every day, and the communication to my work colleagues and the website of, I was trying it.
Q Well, let's talk about you. You're receiving these emails and you're complaining about them, but you're replying.
A At this point, yes, I'm going to reply to everything.
Q And this is also one that you created, you started this topic, this chain; is that correct?
A As another attempt to try to get him to stop what he was doing, yes.
Q Well, this seems more -- I mean, this follows up closely on the heels of a cease and desist, and this seems more like you're provoking him at this point.
A Except that there were events that happened between the last one and this one to cause my email to him.
Q Okay. So he replied May 28th, and I'm not going to read it in. It's just another -- I call this banter between two, what I see as intelligent people, you know how to use language very well. And I call this banter. And then he replied on May 28th. And then you replied the next day,

Thursday, May 29th. Can you read that in, starting with "I think you should". Is that your reply?
A Yes.
Q Can you read that, please.
A [As read in]:

> I think you should probably go back to college and maybe take some courses on human psychology. Hate, bitterness, anger, resentment and desire to devote your life to my complete and utter distraction -- destruction, are in fact emotions and feelings. Obsession is also a form of emotion. So which chemicals are being secreted from your brain to cause you to have so much hatred and hostility toward me. If you truly were as detached and unemotional as you pretended to be, you would bother -- you wouldn't bother yourself with even thinking about me.

Q Do you really believe he was obsessed with you?
A Yes.
Q Wasn't most -- weren't most of these emails about G.?
A No.
Q No.
A Insofar as my inability to parent or be a good person, I suppose they could be.
Q Did he respond to that insult?
A It's not here, but I don't remember if he responded or not.
Q Well, what's the next email. Who's the next email from?
A It's from me.
Q And can you read that in, please.
A [As read in]:

> And by the way, you will never destroy me.

Q So it's gone from a back and forth banter to you sending again two in a row. So you didn't even wait for a reply and banter back and forth. In this case, you didn't get a response, or whatever, so you decided to send a second email.
A According to this. I would have to check my

records to see if he did respond.
Q Well, I'm going to suggest not, because if the responses are separated by any timeframe, the second email has a time stamp on it. In this case there's no time stamp on the second one. They're just the same date. That's my suggestion to you, that he did not respond, and yours is just further provoking him.
A I understand that that is your suggestion.
Q The next email, turning two pages over, is called "Re Telephone call". And I'm again going to turn your attention to my friend's book of exhibits. And the last email at Tab 10 -- sorry, the second-to-last email in Tab 10 is called "Telephone call". And we read this email in yesterday, or the day before in direct evidence. And this is an email from Patrick to you, and it's not very nice. But I'd like to point out that this chain -- this was sent on Wednesday, December, 17th, 2014, at 8:30 p.m. And if you look at the bottom of page 1 of my book, the defence book, "Telephone call", there is that email, but the Crown's book doesn't contain the rest of the thread. I've continued on in the thread. And on December 18th at 4:20 p.m., you replied to that email; is that correct?
A Yes.
Q And is that your reply?
A Yes.
Q Could you read that in, please.
A [As read in]:

> Patrick, you do not have my permission to post that or any other phone call to any other site, storage, or other location. Further, you do not have my permission to record me, use my voice, photo, or likeness in any way. As for the rest of your diatribe, stating a name does not make it reality. I know you believe that stating something with enough conviction and repetition, backed by falsified documents, changes reality, but that is not the case. I regularly call you all sorts of names. For example, when I called you an asshole, that does not constitute a name change. Will your next alias or stolen identity be Asshole Smith? Will you expect that since I now call

> you asshole in writing, that it is a form of formal acknowledgement. Just curious. I know you like to make up these rules as you go. So any response I consider to be factual at this point in time. As for the visitation, you have met my stated criteria, as such, per prior agreement, Gabriel will visit his father Richard. We have discussed that already, remember? Had you not dragged this out with theatrics, slander and baseless accusations, it would never have been an issue. Please just get to the point next time. Doris Day a.k.a. Desiree.

Q Okay, thank you. And then he replied on the same day, December 18th, and he says he was being sarcastic. And then at the top of this reply -- or the top of this chain, you again replied on the same day at 5:59 p.m., and is that your reply?
A Yes.
Q And could you read that in, please.
A [AS read in]:

> The first amendment doesn't protect me again. So nice try, smart guy.

Q Why is "smart" in quotations? And -- and read the -- read your signature at the bottom, what is that?
A "Cheers."
Q Okay. And why is "smart" in quotations?
A The person who's sending these emails is in Canada, claiming to be a United States citizen, sending an email to me regarding our son about a custody case in which is name is Richard, but stating that his name is Patrick, telling me that he has permission under the United States government to put my information on a website that's posted in Canada, and claiming that the first amendment right in the United States will protect him.
Q So "smart" was an attack on his intelligence, his intellect.
A It was.
Q Okay, thank you.
A Or at least how convoluted it made the situation.
Q But it was an attack on his intellect,

nevertheless, correct?
A It was.
Q Right. And I'm going to suggest to you again, you -- you had no fear of him at this time, did you?
A I did.
Q Yet you would continually insult him, his mother, his intellect.
A At this point the fear that I had was not physical. At this point the fear that I had was for the rest of my life, my sanity, my livelihood. None of these emails that I responded to or initiated started until after the website went up.
Q Thank you.
A You're welcome.
Q Next email in the chain is called -- or in the book is called "A little test". And this is a two-page chain. The second page is just the -- the footer of the email chain. First page he sends an email. It seems to be, as usual, insulting maybe your intelligence a little bit, or talking about G.'s intelligence, he's mature, and maybe criticizing your parenting. Would that be an accurate depiction of his email?
A Yes.
Q Could you read in -- is that your reply on Friday, January 16th, at 8:42 a.m.?
A Yes.
Q And 8:42 a.m., I'm assuming you would wake up and right away you would be replying?
A I often check my email.
Q Thank you. Could -- could you read that reply in, please.
A Can I read his first to put it in context.
Q Of course.
A Thank you. He wrote initially [as read in]:

> Hello, Desiree. Here's a little test for you to find out how much you believe -- how much you believe of the bullshit that comes out of your mouth. If you really believe that you love Gabriel, and he loves you, and that you're such a good parent, then do this. Sit Gabriel down and tell him that you respect his views and desires and that you know he's intelligent and mature, and that you believe he's capable of deciding for himself who he wants to live with and who he wants to raise

him, to teach him, to guide him and prepare him for life. Tell him that you'll respect his decision and you'll support it completely. Then when he makes his decision, actually keep your word and respect and support it. But we all, including you, know you'll never do that, because you have ostrich syndrome. By the way, I know about your manic depressive disorder. I'm not saying that as a veiled threat. Just mentioning so you don't have to keep thinking that you have to try and conceal it. Patrick.

Q And sorry to interrupt, Ms. Capuano, but you've read that in, and before you read the reply in, do you have manic depressive order, or did you at that time?
A No.
Q Why do you have a medical marihuana card?
A That's actually a medical reason. If I'm required by the court to say, then I will, but it is a medical issue.
MR. MYHRE: Perhaps my friend could ask a more specific question.
MR. LAGEMAAT:
Q Did you ever suffer from depression?
A No.
Q Are you sure?
A Yes.
Q Okay. Read in your reply on Friday, January 16th, at 8:42 a.m., please.
A [As read in]:

Janet, I don't have words for how stupid your tantrum sounds. You are the one who robbed Gabriel of his right to choose by relinquishing all parental rights just before he turned 14. If you will recall, 14 is the legal age the child can choose for themselves in California. You took that away from Gabriel to pursue some sort of juvenile crusade to destroy me. That one is on you. You can't put it back on me at this point. Way to put the thoughts and desires of Gabriel ahead of your own pettiness. Good job. Getting back to this false and

> delusional accusation of the disorder that I don’t have, these sorts of blind accusations stated as fact are the same reason I usually don't respond to your melodramatic stupidity. Since you are so keen on it, where is your evidence? Seriously, you need to grow up and stop filling every waking hour thinking about me. Creeper [phonetic].

Q Why do you call him Janet?
A Ah, he had used four or five different names by this point. So it was just --
Q Did he ever use --
A It was a slight.
Q Did he ever use Janet?
A No.
Q So --
A It was -- it was an insult.
Q Insulted his manhood, perhaps?
A Yep.
Q Okay, thank you.
A You're welcome.
Q You say in the second paragraph [as read in]:

> . . . these sorts of blind accusations stated as fact are the same reason I usually don't respond to your melodramatic stupidity.

But here you are responding to it.
A Usually.
Q So you usually didn't.
A I tried not to, yes, but there were some I got caught in.
Q So you would wake up in the morning, check your email, and in this case fire off a response; is that correct?
A At this point, yes.
Q Thank you.
A You're welcome.
Q Next is a slightly longer email chain and I'm going to ask that we paginate these 1 to 9. And these are single sided, so it will end up being nine pages, if we all have the same.
A Would you like me to number my own?
THE COURT: Madam Registrar, would you be able to do that in the original. I can show you where they start. This is "Re Loving home", is that the one?

MR. LAGEMAAT: Yes, My Lady, "Re Loving home and parental teaching and guidance".
THE COURT: Yes. So that would be page 1.
THE CLERK: Okay. And how far do they go?
THE COURT: To nine.
THE CLERK: Page 9.
MR. LAGEMAAT:

Q I'm going to -- starting on page 8 at the bottom, I'm going to refer to the Crown's book of exhibits here, and it's the first email at Tab 11. And it's the same content, but I'm referring you to -- because it printed differently in the Crown book, and it's easier to see that this -- this is where Mr. Fox is replying to an email written by Ms. Capuano, and he has -- he has indented her reply with arrows, or the program, the software has done that.

So I'm going to use the Crown's book just for the purpose of going through this part of the email. So the first email, Tab 11, "Your loving home" -- Tab 11 of the Crown's book, "Your loving home and parental teaching and guidance". And Mr. Fox says [as read in]:

> As always, I shall address each of your statements and point out as plainly as possible why/how it is wrong.

You said in direct evidence that you believe Gabriel was cc'd on this. Is that --

A Yes.
Q You didn't know, though, did you.
A I haven't checked my records.
Q Yes. So if you say you believe something, you --
A Oh, no, this one I did check, "Your loving home", I checked that one overnight and I did verify that he was on it.
Q The whole chain? Because this is a lengthy chain. This is a nine-page chain.
A I looked at the email thread, when I looked at it in my email, he was on it.
Q Okay. So --
A I don't know if he was taken off any specific threads.
Q Okay. But you were removing him, too, right, isn't that correct? Didn't you say --
A There was times, yes.

Q Okay. So this message, this email starts out, and correct me if I'm wrong, but your words have arrows to the left and they're indented slightly, so on January 11th at 12:54 p.m., Desiree Capuano wrote [as read in]:

> Ricky/Richard/Morgan/Patrick/Patricia/Susan whatever your chosen alias is today.

Do you recall writing that?

A Yes.

Q Okay. And Mr. Fox replies to that, and what he does, he goes through an email you've sent and puts in replies after everything he feels -- or he is replying to [as read in]:

> I don't get your intended implication here. How is my first name, whether assumed or legal, relevant to anything in my previous message, and in particular whether I am on schedule with my plan against you. An insult is much more effective when the intended recipient is able to infer the reference. Please clarify.

And then below that, beside an arrow is:

> Are you bored or something?

And he goes:

> Bored, no. Please be more specific.

Going down, and read, he says:

> I don't see how you could interpret such intentions as being misguided.

And that's about halfway down the page, and then there's four lines with arrows that I'm assuming are your writing, because that's how this email is compiled. Could you read "For someone", could you read that in, please?

A [As read in]:

> For someone who's so strongly espouses logic and intelligence, I would think that you

could have grasped that I'm not interested in you, especially when I directly told you that I'm not interested in you.

Q And then he says:

Whether or not you're interested in me is not relevant to my objectives.

Can you read your reply to that -- or, not your reply, but the part he was replying to, which is "I realize", and it's four lines with arrows.

A [As read in]:

I realize that I am amazing, but please expend some of that energy toward finding a man or woman, inanimate object, that is capable of coping with your delusional nature and providing some small measure of happiness.

Q Is this part of your new approach, still, insulting him?

A It's giving it back, yes. Yes. There were -- there two lengthy emails prior to my response, prior to me responding to him at all.

Q Let's turn to -- staying with the Crown's book, for the third page, these are double sided, so just flip over one page. And at the bottom here, "He once asked me", and we're going to go through this. I'm going to read this in. We already went through it yesterday. I'm going to ask you a couple of questions about it [as read in]:

He once asked me if I would shoot you.

He's referring to G., here, correct?

A Correct.

Q Because we went through that yesterday.

I told him that murder is illegal and immoral and could result in spending the rest of one's life in prison, and that the rest of my life in prison is not a risk I'm willing to take. But otherwise, no, I would have no qualms about it, and that is how much I despise you for the things you've done and

continue to do.

I don't have to read the entire thing in because we did read it yesterday. But going to the -- turning the page, the first full paragraph -- or at the very top of the page [as read in]:

> I am reasonable . . .

I apologize. Back to the bottom of the previous page:

> There is nothing illegal or threatening about wanting to harm someone, as long as you don't act on it. I am reasonable and rational enough to know the difference, and to refrain from engaging in such activity.

Would you -- would you agree with that? There's nothing -- there's nothing legal or -- illegal or threatening about wanting to harm somebody, is there?

MR. MYHRE: Objection. What's the relevance of that question?

MR. LAGEMAAT: The relevance is that this is an important, I would say, you entered it -- the Crown entered it yesterday as part of the element of the offence, the allegations, and I would like to get out of Ms. Capuano how this email made her feel.

THE COURT: That's a different question.

MR. LAGEMAAT: Okay.

Q Did you feel that he was telling you here that he was going to harm you?

A I did not feel here that he told me he was going to harm me. What I felt here is that he had the desire that harm come to me at that point. That coupled with purchasing and owning firearms, along with the website, massive mass of email, wording in the email, contacting my work, threats of putting billboards up, Social Security numbers, medical records, destroying my life, contacting anybody else, that all coupled together, along with the desire to cause me physical harm, that is what scared me.

Q But he's not saying there he's going to harm you, is he.

A In this --
Q That's the question I asked.
A -- particular paragraph, no, he does not say he's going to physically harm me right here.
Q Going back to the defence book, and we're at the bottom of page 8, is where -- that's the email that I just referred to in the Crown book of exhibits. Were -- were you feeling afraid after that email where he said those things that --
A Yes.
Q -- we just went through? Okay. So that was on January 11th. It doesn't say what time he wrote that. But on January 11th at 10:08 p.m., you responded. And you say you were afraid, could you please -- is that your response, "I'm still not sure"?
A [As read in]:

> I'm still not sure what your current fake ID supported by falsified documents happens to be, so I will address you as Sally. I would generally address your response if it had any merit or purpose other than to allow you to lash out like an impotent child that you've constantly proved yourself to be. However, considering you are regularly -- you regularly spout outright lies and subjective opinions as fact with no true supporting evidence, or basis in reality, and likely when you were drunk and/or high or lonely, I will simply show your thoughts the amount of consideration they deserve. Grow up and have a nice day.

Q There's one more line, Ms. Capuano.
A Oh, sorry:

> Regards of some sort, but again not affection. Don't misunderstand. Desiree.

Q So here you're calling him an impotent child? You're calling him Sally? You're saying he's likely drunk and/or high and lonely? Would you agree with me this is an attack on his manhood, his -- this is very insulting, isn't it?
A Yes.
Q Yet you're saying you were -- you were afraid of

him at this point?
A I'm not going to show him that I'm afraid of him.
Q I'm not talking about what you're going to show him. If you're afraid of somebody, are you going to provoke them?
A At this point I don't think it mattered what I did. I didn't feel that it mattered. He was going to do what he was going to do. But at least I was not just taking it lying down. I felt like I was getting beat up every day with the emails, and sometimes multiple times a day. I'm not just going to keep getting beat up. At some point you've got to fight back. You've got to hit back. Not just going to keep taking it. And, yes, even if you're afraid.
Q I suggest to you by getting beat up, and again I'll refer to -- I suggest these email chains are banter between two intelligent people who know how to use language very well to hurt each other, and maybe you felt you were getting beat up in the banter. You were losing; is that correct?
A Could be, sure. But these are a handful of emails out of hundreds that I've responded to, just a handful.
Q I agree. There's hundreds more that you've responded to.
A And not all of those were insulting.
Q Turning now to page 6 of 9, he has replied on page 7, he's replied and says he -- you're lying, he doesn't use drugs, he's not lonely. He says [as read in]:

> How about if you call me Vickie instead of -- Vickie better than Sally.

This is just further banter.
A Yes.
Q On -- he replied on Monday, January 12th. And then at the bottom of page 6 of 9, on January 12th, at 7:30 a.m. So again, I'm assuming you woke up and got on your email and fired off a reply to Mr. Fox, and could you read that in. Is that your reply where it starts with "Perry"?
A Yes.
Q Could you read that in, please, Ms. Capuano?
A Yes.
MR. MYHRE: Sorry My Lady, there was just -- there was

kind of a question there about when she woke up and responded, and then my friend moved on without --

MR. LAGEMAAT: Yes.

MR. MYHRE: -- getting an answer.

MR. LAGEMAAT:

Q Did you this morning wake up at 7:30 -- or, I'm not asking what time you woke up, but you woke up and got on your email relatively soon after waking up; is that correct?

A I get up at 6:00.

Q You get up at 6:00.

A I have coffee probably, and steel myself for his response.

Q Okay.

A And realized that I was going to have to respond again.

Q You never think to not in a day just wait and not look at this stuff --

A Oh, yeah.

Q -- if it bothers you?

A Oh, there were many times.

Q Right.

A But a lot of this really angered me.

Q Okay. So you're -- you're --

A This is a lot of anger in response.

Q -- you were angry about this banter, it made you angry; is that correct?

A All of the emails made me angry.

Q Okay. If you could read that in, starting -- and this is January 12th, 2015 at 7:30 a.m. Is this your response, starting with "Perry"?

A Yes.

Q If you could read it in, please, Ms. Capuano.

A [As read in]:

> Perry, I assume that's a possible next alias for you. Good morning, sunshine. Again, not a term of endearment. I would read the entire novel below, but when the first paragraph immediately began with "Fun facts, the diverse from reality," and I knew -- I know that it isn't worth my time. I never mentioned your face -- false alias, let alone stated it as a special name to us. You had a conversation about that during your interrogation for breaking the law and being

here illegally, that had nothing to do with me. I wonder, and so does your rabbi, by the way, if all of your angsty hatred even really relates to me at all. Facts and reality seem to be relatively few. It is quite troublesome. I also wonder do you fold your hands and cackle malevolently when you talk about destroying me. It seems a bit over the top. Much like all of these sad and pathetic emails you keep sending me. Also hello to the folks reading at home via BCC. Hopefully you all find Ricky Perry's tantrums as amusing and pathetic as I do.

Q Why are you calling him Perry here?
A It's just another name. So many names he'd come up with.
Q It seems you're coming up with the names, not him.
A Oh, that he could actually use. There were four of them up to this point.
Q But you've come up with way more than four; is that correct?
A Yes.
Q You said yesterday in direct evidence that you did contact -- who's Mr. Riess, Steve Riess?
A Steve Riess is his father.
Q And you've contacted Steve Riess?
A I've been in communication with Steve Riess.
Q And you -- and you've denied contacting his rabbi; is that correct?
A Yeah, absolutely. That was not true.
Q What is not true?
A The part where "Your rabbi", "I wonder, and so does your rabbi, by the way". I would have no way of knowing that.
Q So you're lying.
A Well, I didn't actually say I contacted his rabbi here. I just said, "I wonder, and so does your rabbi", that's all.
Q What did you mean by that?
A It was just an insult. Honestly, I wondered how he could claim to espouse a religion and how a rabbi would be okay with his behaviour and his actions. But that was just my own.
Q And here you say he has "angsty hatred" towards you, or your -- is that what you're saying here?
A Toward -- toward me?

Q Yes. But earlier on, a couple of emails back, you -- you told me you think he was obsessed, infatuated with you?
A Yes.
Q But now you're saying he has hatred for you.
A Hatred borders obsession, they're one and the same. The hatred of me and obsession are both there.
Q I don't believe that's what you were saying in your -- in your emails, and I --
A What do you believe I was saying?
THE COURT: Can you reframe the question without using the personal pronoun, please.
MR. LAGEMAAT: Okay. If I could have one moment to look back, and then I'll rephrase the question.
Q Didn't you -- didn't you agree, and you read in this, and I don't have to take you back to it, it's "I'm flattered really". You write in a response you made on May 28th, 2014 [as read in]:

> You can keep denying your feelings for me, but it's very clear, honestly it's kind of sweet.

Is it the --
A I did.
Q sorry, go ahead?
A I did say that.
Q Is it the hatred that you find kind of sweet?
A No, it was -- I was being sarcastic with the sweet there.
Q Okay.
A There's nothing sweet about this.
Q Thank you. I'm sorry, I have problems distinguishing what's sarcastic and what's not.
A I understand, and I'm sure he did, too.
Q And at the top of -- at the top of page 7, and you read this in:

> It seems a bit over the top, much like all of these sad and pathetic emails you keep sending me.

So you find these sad and pathetic; is that correct?
A There were many things that I felt these emails were. Sad and pathetic were part of them, yes.

But there were also other emotions involved.
Q But you're not saying that. You're saying they're sad and pathetic, and they made you angry, the previous one.
A In this particular email thread, no, I didn't say any other emotions to him.
Q So since your cease and desist request, you've -- you've gotten angry, you say they're sad and pathetic, and but you're not telling him ever, "I'm afraid of you, can you stop." Instead, you're engaging in this, what I say again is witty banter back and forth.
A I did tell him to cease and desist, that it was -- I was fearful.
Q But you didn't cease and desist.
A I did respond to some of those emails afterwards, yes.
Q Okay. Turning to page 5 of 9, and again there's a fairly lengthy email from him where he denies cackling and talks about his rabbi, asks you which one you talked to. And then that was at January 12th he wrote that. On January 13th at 10:33 a.m., and this is halfway down page 5 of 9, and here you call him Raymond. Is that your reply?
A Yes.
Q Could you read that in, please, Ms. Capuano.
A [As read in]:

> Again, your capacity for transference and random accusations is truly impressive. Go ahead and take that as a compliment, if you like, but not something that [indiscernible/ reading quickly] so let me be clear. Citing evidence with you is pointless, but let's go with some low-hanging fruit. It is pretty simple, but I'll go slow so that you can follow. Please try to pay attention. If you truly are Patrick, you lied about your identity with me, presented a false name on legal documents, including Gabriel's birth certificate. If Patrick is your fake identity, then you are being dishonest right now. That was some pretty basic logic backed by examples. Let me know if you need me to diagram in crayon for you. As you have repeatedly failed to provide evidence that you are not a member of a subhuman species

previously thought to be mythical, such as a Morlock, I do not feel like I am required to respond or read your tantrum further. What is it like being so wrong and self-assured at the same time. Does it feel blissful? Does it remind you of home, you know, the trailer park you grew up in?

Q Yesterday in direct evidence you -- you took great exception to that he continually called you trailer park trash; is that correct?
A Yes.
Q Did you grow up in a trailer park?
A No.
Q Did Mr. Fox grow up in a trailer park?
A Not as far as I know.
Q What -- what's this reference mean, the "trailer park that you grew up in"?
A It was giving back his own medicine. I had just been called white trash so many times, I just figured I'd throw it back.
Q Right. The second paragraph of this email that you call him Raymond, do you feel you're talking to him like a child, you're insulting him, "please try to pay attention", you offer to draw it out in crayon.
A He was trying to tell me he wasn't lying about anything, or that he was actually Patrick Fox from Florida. I was trying to show him how what he was saying was absurd.
Q I'm talking about your -- your language, Ms. Capuano, the way you reply to him. You're engaging him. You're provoking him. You're -- you're taking part in exactly what you're alleging he was doing, which is insulting, and you're taking part in it; is that correct?
A Perhaps. But I'm not saying "Fuck you, you fucking cunt, you fucking idiot, get a life." I -- yes, I am provoking him a little bit. But the insults, I felt, while they were insults, and maybe antagonistic, were nowhere to the level that I had been dealing with for years.
Q I suggest it's a difference in language. He might say "Fucking cunt", you insult his manhood, call him a woman's name, tell him you're going to draw diagrams in crayon. I -- I suggest it's difference in language, and again I'll say two

intelligent people who know how to use the language, hurting and cutting at each other. Is that an accurate depicting?

A It could be. But I also never put up a website about him or called his work.

Q He replied up above, top of page 5, talking about the *Patriot Act*. And at the bottom of his reply [as read in]:

> You were also incorrect about me growing up in a trailer park. I grew up in government housing, the projects, not a trailer park.

So he doesn't engage in insulting. He stands up for himself here and for his name change. And then turning over to page 4 of 9, January 13th, at 3:50 p.m. -- were you working at this time, Ms. Capuano?

A Yes.

MR. MYHRE: Sorry, My Lady.

MR. LAGEMAAT: Yes.

MR. MYHRE: My friend's characterizing the email himself and then moving on --

MR. LAGEMAAT: Okay.

MR. MYHRE: -- to another question. I think that has to be done in a question.

MR. LAGEMAAT: I agree, My Lady. I'll go through it in a bit more detail.

Q So would you agree he talks about the Patriot Act and how it's legal to change a name, and he tells you he has utility bills, pay stubs in his new name, and that's sufficient to make it a legal name.

A He tells me this, but I have not seen any proof. And again, we have a custody order regarding our common child under the name Richard Riess.

Q Well, what do you mean you haven't seen any proof? Have you not seen any proof of his name change?

A No. He's never showed me a name change document saying that he's legally changed his name. All he showed me was a birth certificate from Florida that says he's Patrick Fox. I've repeatedly asked him for a name change document; never provided that.

Q Is he legally obliged to provide it to you?

A No, but as far as the custody agreement, which also determines visitation for the common child,

he's -- he's Richard Riess.
Q That's not what we're talking about here --
A Correct.
Q -- Ms. Capuano. January 13th, and now we're at page 4, halfway down, 2015, at 3:50 p.m., and I'll -- I'll re -- I'll repeat my question. Were you working at this time, Ms. Capuano?
A Yes.
Q And I'm looking at the time of these emails, they're early in the morning and then between 3:00 and four o'clock. So was that your -- your work time, you would get home after 3:00; is that correct?
A Well, is January 13th of 2015 a Monday through a Friday?
Q I -- I don't know.
A I don't either.
Q You're correct. Would you reply to these while you were at work?
A I would try not to.
Q It was a Tuesday, January 13th.
A I would try not to. But I also worked from home quite a bit.
Q Okay. So in this email you called him Jose.
A Yes.
Q Correct? Where does that name come from?
A Just a name.
Q And I'll have -- is this your reply to his email?
A Yes.
Q Could you read it in, please.
A [As read in]:

> I know this is difficult for you, but please try to focus and pay attention here. Think really hard. Make that squinty face you make when that hamster is doing his best to move the wheel inside your head. You asked for an example of when you had been dishonest with me. The Patriot Act has absolutely nothing to do with the conversation. Further, it's not -- it is not true, and does not apply. I suppose that sort of logic is why you were thrown in prison by a federal judge for perjury. Perjury happens to be a noun. Perjury is defined as the offence of wilfully telling an untruth in a court after having taken an oath or affirmation. Translation,

lying. That is another example. I have now provided you with two examples that you requested. You are welcome. Please don't make me break out the crayon diagram as it only serves to further degrade you.

You know what people from the projects and people in trailer parks have in common? They are both, how do you put it, from the lower echelon of society, though the ones who grow up there just never seem to get out of the shadow. As a disclaimer to keep you from being confused now and in the future, when I do not respond to you in part or in full, means that you are so wrongly delusional that it isn't worth my time to respond. You'll just pull something delusional, like something you yourself are guilty of, or feeling guilty about from some orifice and present it as if it were true. Allow me to apply some Richard logic to this conversation. Do you know why you are spending this inordinate amount of time responding to me? Because Cthulhu is a mastermind in a conspiracy against you to force you to initiate pointless conversations with someone you obviously hold a high level of content and unrequited love for, also space aliens. See, I even tried in your persecution complex. Again, you are welcome.

Q Sorry, I'm going to go back to page 5, and this is just something I am curious about, and this is in your reply on January 13th, halfway through the page. And you read this in, is [as read in]:

> You have repeatedly failed to provide evidence that you are not a member of a subhuman species previously thought to be mythical, such as Morlock. I do not feel that I am required to respond or read your tantrum further.

Who's Morlock?

A I -- it was just a name. It's from a Sci-Fi movie.

Q It is an actual mythical creature?

A I suppose.
Q And you're saying here you don't feel you're required to respond or read his tantrum further, but you did respond, correct?
A I did.
Q And back to this one that you just read in, where you call him Jose, you're again, I am -- I -- it's my submission here, you're insulting him [as read in]:

> Make that squinty face you make when that hamster is doing his best to move the wheel inside your head.

Is that an insult?
A Sure, it could be taken as an insult. At this point I was -- I was trying -- having fun at his expense, but only because I was tired of the emails.
Q But, Ms. Capuano, you're tired of it, but you're engaging in it.
A Yes.
Q You're tired of losing at the banter is more correct, isn't it.
A No.
Q

> Please don't make me break out the crayon diagram, as it only serves to further degrade you.

What's -- what are you insulting there, his intellect?
A Well, we had indicated previously that I -- I could draw him a diagram in crayon if he was confused about what lying meant. So it was just an illustration that his response to that did not really clarify that he wasn't lying about anything at all.
Q Next paragraph:

> You know what people from the projects and people in trailer parks have in common. They are both, how did you put it, from the lower echelon of society. Though the ones who grow up there just never seem to get out of the shadow.

Are you saying he's trailer park material there?
A I suppose you could say that's mainly what I was implying there. Sure.
Q Who's, in the bottom paragraph, Cthulhu?
A Cthulhu is a made-up mythical god, that I believe, if I'm not mistaken, looks like an octopus.
Q Looks like a what?
A Octopus.
Q Octopus. And what's the reference to "space aliens"?
A It was a reference to the absurdity of a lot of the comments and beliefs that he had.
Q So this is language that perhaps maybe you and him might have understood between each other, but I'm now not understanding. Would that be accurate?
A I don't know if he understood it or not.
Q Okay. But it's insulting, correct?
A It -- it only served to illustrate the absurdity of the email threads --
Q That's what -- I apologize. Continue.
A No, that's --
Q I just want to point out right now, I'm getting a way different picture than I was yesterday, where you were reading emails and --
A Yes.
MR. MYHRE: Again, that's not a question. That's my friend's characterization.
MR. LAGEMAAT:
Q On Tuesday, January 13th, 2015, Patrick responded, and this is on page 3 of 9, halfway down, and then going over to page 2 of 9, at January 14th, 8:14 a.m., and January 14th was a Wednesday, so at 8:14 a.m. on Wednesday you respond -- and is this your response, you call him Gary here?
A Yes.
Q I'll have you read this one in, Ms. Capuano. It's the one beginning with "Gary" on the bottom of page 2.
A I know. I just want to make sure that I'm not going to read something out of context. Since you didn't read his response to what I wrote, and then my response to him was not read, I just want to make sure that that's not going to be pulled out of context.
Q Feel free.
A Thank you. [As read in]:

Gary, I'm glad that you've learned how Google and copy/paste work. That is precious and I would pat your head like the good boy that you are if you were here. A for effort. However, you have once again failed to read. F for comprehension. The alias is tied to the root of the issue, which is the legal status. Given that you were actually put in prison by someone whose job it is to interpret and enforce laws, you were in non-compliance. Not only were you wrong, as you are right now, but you were punished for it. Were you the catcher? Further, the request you made of me was to provide this specific example and evidence that you have been dishonest with me. State and other laws are not applicable and irrelevant to that discussion in Canada. Have you openly lied? The answer is plainly, yes. Your delusions and failure to comprehend complex thoughts aside, there is actually something relevant for us to discuss. Gabriel would like to attend a two-day school camp. The cost for this $110. If he does not attend, he will be made to sit in a class and perform whatever tasks are given by those who could not attend. Would you prefer the money go on his debit card or credit card.

In the absence of a valid response, I will infer consent for the credit card. Please don't feel embarrassed for too long because there is good news. You are not American. Whew. That must be a huge relief to you. I'll forward, though, the simple diagram for now. But if you are still as confused as you seem to be, I'll go ahead and provide it. You have most definitely achieved your goal with this thread if its purpose was to amuse me and instill a sense of pity for you, and all of those I have shared this with, the kind of pity generally shown to anger kittens.

All sniping aside, you really should get out in the world and do something that makes you happy, make a friend, get laid, whatever you

> need to do to relieve that stress and right your head again. That may be the first step to you being a better person, or person at all, as you have not provided evidence that you are not some form of subhuman, like a mole person. Desiree.

Q Would you agree that this email goes well beyond what would be a reply to his email, where he's citing United States statutes?
A Well, I state in here that obviously we're sniping back and forth.
Q Right. What did you mean at the beginning, you called him Gary, again where did that name come from?
A Maybe another name he'd used.
Q [As read in]:

> I'm glad that you have learned how Google and copy/paste work.

What did you mean by that?
A Well, he had Googled some information and copied and pasted it that was irrelevant to the conversation here.
Q But are you saying he didn't know how that worked before?
A I wouldn't know.
Q You were -- this was an insult; is that correct?
A Sure.
Q And again you're talking to him like a child, or your -- your language is like a child.

> That is precious and I would pat your head like the good boy that you are if you were here.

A Yes.
Q That's just child, talking to him like he's a child in language you would talk to a child with?
A Yes.
Q At the bottom of that paragraph:

> Not only were you wrong as you are right now, but you were punished for it. Were you the catcher?

A Yes.
Q What did you mean by that?
A That was an insult.
Q And turning to page 3 of 9, at the end of that email, the second from last paragraph:

> You most definitely achieve your goal with this thread if its purpose was to amuse me and instil a sense of pity for you and all those I have shared this with.

Who had you shared this with?
A I didn't share it with anybody.
Q So you were amused and felt pity for him as a result of this -- this chain; is that correct?
A There were aspects of this email thread that I did feel pity for him, and there were aspects of this email thread that some of the things that he came up with are amusing. But those were not the only emotions that I had throughout the course of this multiple-day, multiple-email long conversation.
Q Back to page 2 of 9, on Wednesday, January 14th, Patrick wrote, and he's -- would you agree he's talking about his name change, State of Arizona and California, and at the bottom [as read in]:

> If the day ever arrives that you're right about something that we're disputing, it will be a special day indeed.

Just -- would you agree this is just more banter back and forth. You guys are insulting each other?
A Yes.
Q Correct.
A Yes.
Q January -- and above that, January 15th, 2015, at 5:06 p.m., Desiree Capuano wrote -- and here you call him Denise.
A Yes.
Q That's -- where did that name come from?
A Just another name.
Q And could you read that email in please, Ms. Capuano.
A [As read in]:

> Thanks for playing. You are and were wrong,

> and you are trying to back all your way out of it now. I had thought that you were used to being wrong, but no . . .
>
> I thought you were used to being wrong by now . . .

It says "by no", but I meant "by now" [as read in]:

> . . . but what a sore loser you are being. Your not lying in open court must sure be why you were jailed for perjury. Yeah, makes total sense. Nice that you're subconsciously -- that you subconsciously feel so guilty about your lies that you continue to respond. That and your stalker-like obsessive devotion to me. Let me just save you. Please try to listen to me when I say that I am not and will never be interested in you, ever. I know you love talking to me, but unless you have some actual business pertaining to Gabriel, you should really go do something productive -- do something productive, more productive, perhaps something other than attempting to reinvent history and reality again. Desiree.

Q So the first paragraph you say "thanks for playing" and then you call him a "sore loser". I'm suggesting, Ms. Capuano, this was a game to you; is that correct?
A In almost all email threads leading up to this, I let Richard have the last word. In a lot of them he was the last one to respond, and I just gave up. This was -- this was one of the first ones where I wasn't going to let him have the last word. I didn't want him to have the last word. I wanted to be the strong one. I wanted to be the one that controlled the conversation. I -- so, yeah.
Q Well, Ms. Capuano, this is now January 15th, 2015.
A Yes.
Q The first email that I entered to you was January 26th, 2014. So this has been close to a year of this insulting banter going back and forth; is that correct?

A From 2014 to 2015, some of them were, yes. Not all of them, no.
Q Not all of them, but the ones I'm pointing out to you are; is that correct?
A Correct.
Q And -- and -- okay. January 15th, and this is back to page 1, he replies, and you can take your time to look at it. He's basically rebutting what you said and engaging in insulting and argument, and I'll read the last paragraph of his reply, which is on page 2 of 9 [as read in]:

> Now go ahead and scoff at the above paragraph and tell yourself you're fine. Remind yourself that you've been handling things just fine, and I'm just full of shit. Smiley face. Cheers. Chubby. Exclamation mark.

It would seem to me and you can -- did you feel he was inviting you to reply again, go ahead and scoff at the above paragraph?
A Sure.
Q Okay. And you did just that, didn't you. You replied, correct? And that's at the top of page 1, January 19th, at 1:35 a.m. you replied, Monday, 1:35 a.m., so that would be early Monday. Here you call him Bill. Where does that name come from?
A Same, just a name.
Q And could you read that email in, Ms. Capuano.
A [As read in]:

> Most of what you say is inconsistent with previous statements and actions. You are a habitual liar, but at least it is consistent. You have that going for you, I guess. That and mommy issues and an active transference, all your stalker'ish obsession with me. See. I guess one could say you have a lot going for you. I'm not having difficulty understanding anything, but thank you for checking. Do you happen to have documentation of this supposed overturned conviction? Do you happen to receive . . .
>
> Did you happen to receive a certificate of actual innocence? I'd be interested to see a

copy, though I'm sure it will be forged by you along with the rest of your documentation. Criminals and liars are criminals and liars. So you were provided with a birth certificate? Like when someone gets a number at a deli counter? Did you get some cold cuts and do a victory dance at the time this supposed birth certificate was provided? Was there a long line? Were you on meth at the time? Do you call ICE to notify them of your intent to enter illegally? If not, I'd assume it is simply because you have not yet been caught in violation. If you'd like to test that theory, please feel free to provide me with an itinerary at least two weeks in advance of your next intended illegal trip stateside.

Q The first paragraph you talk about his stalker'ish obsession with you.
A Mm-hmm. Yes.
Q If someone's stalking you, do you engage in banter with them?
A During this time of this email thread, Richard was not only trying to convince me that he was Patrick Fox. He was also trying to convince Gabriel, our son, that he was Patrick Fox. I was not going to let him try to continue that, and say that I was willing and I was wrong. It was my understanding that he was, and so, yeah.
Q You didn't answer my question. If someone's stalking you, is this the way you would talk to them and reply and get in -- into this email banter with?
A If it's a stalker that you do not have to have any communication or interaction with, then, no. But this particular stalker, I was under court order to communicate with, and and had to have interaction with. It had to happen for the sake of the child. So there was no choice with me not engaging in some level of communication. True, it could have been just regarding Gabriel, but I was pretty fed up.
Q How many of these emails we've gone through today were about Gabriel?
A Well, the ones that you --
Q I think we're going to get in --

A -- pulled out, were not.
Q We're going to -- we will be getting into some, but so far, none of these are anything that would need to be addressed under a court -- a Family Court order, are they.
A No. And so far we've only had three conversations.
Q And then you allege he was on meth, "Were you on meth at the time again?"
A I did say that.
Q That's an insult. You --
A I knew that he had a history with drugs.
Q Do you have a history with drugs?
A I had a history with marihuana, yes.
Q Nothing else?
A No.
Q You call him a liar; is that correct?
A Yes.
Q Do you recall in direct evidence yesterday saying, and I quote from my notes, "He generally doesn't lie"?
A That was out of context. He generally does not lie about what he intends to do to me. He does not lie about the threats that he makes against me.
Q Can you give an example of one?
A I believe that the threat to put up billboards in the Phoenix area is something that he would have done. I believe that him getting a Social Security number and distributing that is something that he would have done. I do not --
Q I asked for one, Ms. Capuano.
A -- [indiscernible/overlapping speakers]. Sorry.
Q Did he put up those billboards?
A He has not, not yet.
Q Moving on to the next chain of emails, and this one is titled -- this chain is titled, "Your talk with G." And again we've referred to this email chain partially yesterday in your direct evidence. And at the bottom of page 1, that email was read in yesterday. And I'll just remind you. "Desiree", this was January 26, 2015 [as read in]:

> I was wondering if you ever got around to having that talk with Gabriel, you know, the one where you tell him you respect what he wants and you believe he's intelligent . . .

So on and so forth. Do you recall your feelings when this email was read into evidence, in your direct evidence?
A Yes. Yes, it upset me.
Q Did you cry?
A Yes, I did.
Q Okay. And that was sent on January 26th. On January 27th, at 5:45 p.m., you replied, and this is halfway up page 1 of 2. And here you call him Paddy. Where -- where does that name come from?
A From Patrick.
Q So you're -- you're acknowledging here he's Patrick, you're calling him Paddy, correct?
A No. Just that that's the name he's chosen at the time.
Q He's never chosen Paddy.
A He chose Patrick.
Q Okay. January 27th, 2015, 5:45 p.m. Is this your reply where you call him Paddy?
A It is.
Q Could you read that in, please, Ms. Capuano?
A [As read in]:

> I can clearly see that maturity is your strong suit. Do you actually have something of merit to discuss, or is this just another one of your wailing tantrums you have while going through some form of narcotic opiate withdrawal. Honestly, if I gave any merit to any of your proposals or suggestions regarding myself or Gabriel, I can immediately have my head examined. I actually never said that. Maybe you should work on reading comprehension. What I said was that at 14, the courts were set to allow Gabriel to choose. Again, for the record, you robbed Gabriel of the right to choose by relinquishing all of your paternal rights in open court only a month before his birthday, all for what? To pursue some selfish vendetta against me? Or is the truth that you don't actually want Gabriel, and merely see him as a tool and weapon to try to manipulate against me.
>
> Admit it, Richard. The thought of having to

be an actual parent terrifies you. If his eye were such a concern, why did you not take him to the doctor while you had him. You noticed it first. Sad, very sad. As for the rest of your delusional rantings, it was clear you have some severe mommy issues, transference issues, and a sick fixation on me. It's obvious you miss me, but it isn't flattering, it's just very sad. You should move on with your life, find something that makes you happy and be a better person. It isn't healthy to be so filled with hate. And from the tone of this email alcohol and drugs, all of the time.

Q You say in here he has a -- due to his rantings, meaning the emails, the -- the multitude of emails, he has a sick fixation on you. Is that what you're saying here?
A Well, the emails in addition to the other things that he was doing at the time.
Q Isn't it correct you also have a fixation on him at this point?
A No, I'm just trying to get him to take the website down. Trying to insult him, trying to show him that -- that I can be just as belligerent as he can be. And -- and it's -- it's not -- there's no point to --
Q Explain --
A -- any of this.
Q Sorry. Explain again how you see insulting him, his manhood, his mother, his alleged drug use, his sanity, his -- his age, meaning talking to him like he's a child, how would that get him to take the website down, in your mind? I --
A Well, I know how I felt when he insulted me. And I know how I felt having to read his words, and I know that I didn't want to keep going, and I know that I didn't want to have to keep facing that. So I thought maybe if I presented the same thing to him, he wouldn't want to deal with it, either.
Q You didn't want to keep going, but you did keep going, didn't you.
A I didn't. Yeah. I know I didn't.
Q Pardon me?
A I didn't want to. But this was also the same time that my son finally came to me and he said he was

proud of me for finally responding, and for not laying down, and for giving it back. So --
Q I know -- sorry, finish.
A So in his eyes, I wasn't as guilty anymore.
Q Finally responding. I -- I say here you've been responding tat for tat with insults and low blows, and everything for over a year at this point. So what do you mean, finally responding?
A The majority of them I didn't respond to.
THE COURT: Mr. Lagemaat, we need to have a break at some suitable time.
MR. LAGEMAAT: This would be a good time, My Lady.
THE COURT: All right. Members of the jury, we'll take the afternoon break now.

(JURY OUT)

THE COURT: Ms. Capuano, when we take the break, you need to remember, please, that you are under cross-examination at this point, and that means, and this applies to all witnesses when they're under cross-examination, you should not discuss anything to do with the case with anyone.
A Yes, My Lady.
THE COURT: You can talk to people about other things, but they must be completely different from anything to do with any of the evidence in this case, please.
A Yes, My Lady.
THE COURT: Thank you.
A Of course.
THE COURT: Mr. Lagemaat, I'm going to ask you to try to avoid expressing personal opinion in the questions.
MR. LAGEMAAT: Yes, My Lady. I apologize.
THE COURT: Thank you.

(WITNESS STOOD DOWN)

(PROCEEDINGS ADJOURNED FOR AFTERNOON RECESS)
(PROCEEDINGS RECONVENED)

DESIREE CAPUANO, recalled.

THE SHERIFF: The jury, My Lady.

(JURY IN)

CROSS-EXAMINATION BY MR. LAGEMAAT, CONTINUING:

Q Moving on to the next chain of emails in the defence book is titled "Your belief in my motives". And this is a two-page chain, only two emails. On February 7th, 2015, Patrick sent you an email, and again he's insulting you, your college degree, tattoos, going on to say, who's a meth head. He in the first paragraph is -- talks about your alleged he's obsessed with you. And then in the third paragraph he goes back to that about you saying the infatuation and makes several remarks. I'll read the last paragraph of that email in, that's on page -- the second page [as read in]:

> By the way, I was right that around November you started having second thoughts about G. living with you, wasn't I. Good thing I was able to get you all worked up and spiteful so that you didn't discard him yet. Got to keep you hanging in there as long as possible.

Would you agree with the characterization of that email from Mr. Fox to you?

A What characterization?

Q Well, what I said, he's basically does some insulting --

A Oh, yes.

Q -- and talks about your allegations that he's infatuated. That was on February 7. On Sunday, February 8th, at 10:50 a.m., you replied, and here you call him Richard. And is that your reply, Ms. Capuano?

A Yes.

Q Could you read it in, please.

A [As read in]:

> As always every -- every email you have sent is utterly wrong and childish. Don't you have a life, better things to do? In your mind are you Pinky or the Brain? I assume Pinky, given the evident insanity and lack of intellect. Your capacity for lies and cruelty really is astonishing, especially where Gabriel is concerned. You honestly

> think Gabriel has better things to do with his life than read your venomous, classless, and basest tantrums. Grow up, seriously. I will consistently remove Gabriel from these email threads moving forward, as this, your obsession with me and deep psychosis is not his burden to bear. P.S. You mad bro. Ha ha.

Q What's it mean where you had "you mad bro" in capital letters. What do you mean by that?
A It was a reference to his continued thinking about my insinuation that this obsession had to do with emotional thinking.
Q Okay. Why do you call him Richard here instead of previously, I don't think you've called him a real name up until now, in the ones I have put to you.
A Which is only three total conversations. I call him Richard in the vast majority of the emails I sent him.
Q Correct. There's been many more than three names, though, would you agree, that you've used?
A Three conversations, not three names.
Q Yes. But would you agree there's been many more than three?
A In that one conversation alone there were many names, yes.
Q Every email he sent you is "utterly wrong and childish", and you say "every email you have sent", correct? And I'm sorry, I'm referring to your -- the first paragraph --
A I do say that.
Q [As read in]:

> As always, every email you have sent is utterly wrong and childish.

Is that what --
A Yes.
Q And so you're saying -- today do you agree that here you're saying that every email he has sent is wrong and childish?
A I say that here, yes.
Q Who's Pinky and the Brain?
A Cartoon in the '90s.
Q Why would you assume he's Pinky?
A Anybody that's seen the cartoon, there's a mouse

that thinks that he's smarter than everybody else and is consistently trying to take over the world. And his partner is a cat, who is not the brightest. It was an insinuation into his thinking that he's smarter than everybody and can control the whole world, when in fact that's not the situation.

Q I put to you, Ms. Capuano, that the last sentence of this email, "P.S. You mad bro. Ha ha ha." Isn't that provoking and taunting rather than just leaving it. You get your point across and say, Desiree. But instead your last sentence, is that provoking and taunting him to engage further banter?

A He -- you, you're correct, I did not compose every email perfectly. I did let my emotions run away with me at times.

Q So at 10:50 a.m. on a Sunday, this was your emotion, to provoke and taunt him in the last sentence of the email?

A Well, we did not read in his email, either. We summarized his, so, there was some anger.

Q You're angry here.

A Yes.

Q You weren't afraid, you were angry.

A Well, afraid every day of what my life was going to be. Afraid every day of what he was going to do. But he's communicating with me. I'm pretty sure at this point that he's not physically in the U.S. So physical harm at this point, no. But the fear of -- of my life, of everything going on, is always there.

Q So there was no --

A But, yes, there's anger.

Q Sorry. There was no fear of physical harm.

A At this -- in this -- at this -- on this day, no. I was also angry he was putting Gabriel on all of these emails.

Q And that's why you say "P.S. You mad bro. Ha ha ha." Instead of just ending it, Desiree, and getting your point across, and insult him a little bit and end it?

A No, I -- I could have.

Q Okay.

A But I didn't.

Q Moving onto the next email, which is called "Re Service process", and this is a very short email

chain. On Tuesday, February 24th, 2015, Patrick wrote [as read in]:

> Good morning, Desiree. The B.C. sheriff just stopped by to serve your papers. But unfortunately when I showed him my ID, which says Patrick, he pointed out that the service request was for Richard a.k.a. Patrick. Unfortunately, had it been the other way, Patrick a.k.a. Richard, he would have been able to serve me. Sorry. Cheers, Patrick.

And did you reply to that email on February 24th at 12:39 p.m.

A Yes, I did.

Q And is this your reply?

A Yes, it is.

Q Can you read that in.

A [As read in]:

> Exactly what I wanted you to do. You're such an idiot. Thank you very much.

That response is because he lied. He actually was properly served. He did do exactly what he was supposed to do. And he's an idiot for trying to tell me that he wasn't served.

Q That's not what you say here. You --

A No, it's not. But he -- he was served that day, and I -- I verified that before I responded to him.

Q But you say here that he did exactly what you wanted him to do, which was not accept service, because the names were wrong.

A He did accept service.

Q Did you know that -- but that's not what you're saying here.

A And I did know that when I sent this.

Q They why didn't you say "You're lying, you accepted service."

A Because he's lied about everything, and I've tried to call him out on it. It doesn't matter.

Q But I don't understand. You're saying --

A It's the simplest response that I can give him where he won't respond back.

Q But you're saying here, Ms. Capuano, that what he says he did here is exactly what you wanted him to

do, correct?
A And it was. He signed for the paperwork.
Q That's not what he's saying in the email, that he signed --
A Correct.
Q -- for the paperwork.
A But there's circumstances around that email. It was for an annulment, and he accepted the annulment paperwork and signed for it, and I verified that with the B.C. sheriffs.
Q So let me ask you, Ms. Capuano, what's the purpose of this reply, calling him an idiot, saying, "Thank you very much" and two exclamation marks. What's the purpose of that?
A Ah --
Q If he did what you wanted, sorry.
A To let him that I knew that he was lying.
Q And I suggest again to you, to provoke him and to engage in banter back and forth, which is what you're doing here.
A I understand that that's your perspective of it.
Q Turning to the next email in the chain. This chain is titled "Mail", and this was also in the Crown's book of exhibits. And it starts out on Thursday, April 9th, 2015, and this is on the second page. Patrick says [as read in]:

> Hello, Desiree. I am thinking perhaps you don't understand what the word alias means. Being that there is nowhere my address with the name Richard S., and being that Patrick is my name, not an alias, the only legal course of action in this case would be for me to return the package to the sender. It is, after all, illegal to open and intercept another person's mail, so I've returned the package unopened to the sender, you.

Did you get that package back?
A Yes.
Q Now turning to your reply, which is on the first page, halfway down on April 9th, 2015, at 2:17 P.M. And this is a Thursday at 2:17 p.m., Desiree Capuano wrote, and you call him Richard here. Is this your reply, Ms. Capuano?
A Yes.
Q And I'll read in the first sentence [as read in]:

> I enjoy our banter as much as the next person, so long as said person is going through a quadruple root canal without pain medication and multiple broken bones.

And that was read in yesterday. Can -- can you explain what that means?

A Uh, sarcasm. Because I would assume that most people would not enjoy a root canal with no pain medication while having broken bones.

Q Would those people go for a root canal without pain medication if they didn't need to?

A No.

Q And that's exactly what you're doing here, you're engaging in the banter and you don't need to.

A I do need to. I'm trying to get an annulment and somebody that keeps saying that they are not going to accept paperwork under the name that I am married to them under. I am trying to get him to follow a legal process so that I can get an annulment from him. So, yes, it's necessary. I need to communicate with him. I have to, and --

Q That's --

A -- and the only way to communicate, it always degrades into this. Every -- every time, every attempt, it always degrades.

Q That's April 9th, 2015 it might have been necessary to communicate with him, but was it necessary through all these messages we've gone through today which -- and I know you'll say -- you've said, pointed out, these aren't all the messages. But in these messages, was it necessary? Was any of this necessary?

A There are parts that in the ones that we've read so far, some of them. The previous one that we -- that we looked at, the banter back and forth that lasted multiple days, some of that was to get him to give up information, and he did. The longer I kept him talking in those email threads, the more information he gave me. The --

Q What information -- sorry.

A About communicating the shooting -- shooting with Gabriel. He indicated that. The fact that he told the detective that he wanted me to commit suicide. A lot of these -- these pieces of information are because I kept him talking. A lot

of this information about his plan for me, he wouldn't divulge otherwise. And then shortly after that was the email about trying to find some -- hire someone to have sex with me.

Q So you're telling me right now, and that you're able, you engaged in this insulting him, this mother, his manhood, to get information from him now. Whereas before, didn't you say it was to get him to take the website down? But now it's to get information.

A Well, obviously, yes, obvious to try to get him to take the website down. But I also need to know what he's planning, what he's thinking and what he's doing. And, no, not all of it was. Of course, not all of it was. Some of it was just banter. Some of it was just irritation, it was frustration and bravado, it was -- there was many reasons.

Q Did you ever wonder what would happen if you just stopped?

A I tried that.

Q For who long?

A 2011, 2012, 2013, into 2014, the majority of the communication that happened over the course of multiple years I would not respond to, or it was simple one word answers, or as minimal a response as I could. I tried that. It didn't work. He just kept escalating.

Q So in 2014, now, January 2014, which is where we start, this is where you've only just started insulting him, and -- and -- and it basically being --

A Bantering back.

Q Bantering back. You've only just --

A Yes.

Q -- started this here.

A Yes.

Q This -- the emails we have is where it started.

A Yes.

Q Or the emails I have is where that started. Okay.

A I had Gabriel, I had custody, I was not scared of losing my child. The website was up. I was frustrated. I was doing what I could. Yes.

Q Scared of losing your child.

A He kept taking me back to court.

Q Well, because he wanted to see him, isn't that correct?

A No. No, he had primary physical custody when we started out in 2011. I had visitation. He had --
Q I'm aware of that.
A -- he filed to have that revoked. He filed to have all my visitation revoked, and communication revoked, and --
Q But isn't that just --
A -- we went back and forth.
Q Yeah, and isn't that just Family Court. That's what happens in Family Court. You go in and a judge decides this is who has custody. This is who has access. This is how it's going to play out.
A And that was done initially, and then he kept trying to change it.
Q So for that reason you thought it was okay to insult him continually for -- we're into --
A No, not for that reason. Just that I was -- I was more confident. I was -- I was more secure in -- in my standing, and I -- again, I wasn't going to be pushed around.
Q And you definitely weren't afraid, were you?
A I was afraid. I was afraid what would happen if it just -- if I didn't do anything about it.
Q You were afraid of what would -- sorry?
A What would happen if I didn't do anything about it.
Q If you didn't do anything about what?
A About his emails that got sent --
Q So you were afraid --
A -- [indiscernible/overlapping speakers].
Q Sorry to interrupt. Finish.
A No, go ahead.
Q You were afraid of what would happen if you didn't engage in this banter and -- and also intellectual insulting of each other?
A No, that's not what I meant at all.
Q What did you mean?
A There are many reasons I responded to emails. Sometimes it was for venting. Sometimes it was because I was irritated or frustrated. 2014 was a different approach. It was a different tactic, because nothing had worked up until then. So, yes, I wanted to even the playing field a little bit with this. But the reason that I felt I was able to even the playing field is because I was not as scared of being pushed around. I thought

maybe if I was strong enough, I could stop him from doing more.
Q Would you say it was a game to show who was --
A No.
Q -- stronger and and who was better at insulting?
A Whatever would work.
Q So it was.
A It was not necessarily a game, no. It was a tactic.
Q You referred to it as a game in an earlier email.
A As a sarcasm, yes. None of this was a game. This is my life.
Q I -- I suggest it was your life, looking at the -- the times you were waking up or how early you were replying, 1:00 a.m., first thing in the morning, right after work. I -- I suggest your replying to these emails was your life.
A It was. He made it -- he made it his job to integrate his -- his insult into my life, every aspect of my life. He worked at it every day, and, yes, it worked. He was ingrained in my everyday life. Every single waking moment was spent trying to figure out how to get him to go away.
Q I'd -- I suggest he was ingrained in your mind, too, by the level of your replies. There's not much time between a lot of these replies, Ms. Capuano.
A Correct, but there were a lot of activities happening during those times.
Q Moving on to email chain titled "Something to consider". And this is a three-page email chain from May 2015. Do you recall, Ms. Capuano, when in the summer of 2015 G. went to Canada when you sent him on the airplane?
A I believe it was the end of May.
Q End of May. And turning to the third -- or the second page. And again, this is where -- starts on the first page, on the bottom, says [as read in]:

> Hello, Desiree. I was going through old emails, looking for particularly interesting ones to highlight on the website, and I came across this one. I'm going to suggest to you, please see my comments online.

He says at the bottom:

> I've highlighted the relevant statements to which I am responding.

And he's done here what he has done in previous emails, where he breaks your email down into paragraphs and responds, would you agree with that, responds to individual paragraphs with his own comments?

A Yes.

Q And this is a relatively long one. I'm going to ask you on the -- halfway down page 1 is your reply to that, and if you want to look through that email of his and determine if there's anything you would like read in, feel free, before we get into your reply. Because I know you like to look at the context of the email, of your message, I mean.

A Yes.

Q So just going up from that on the bottom of page 1, May 11th, 2015, and that was a Monday, at 10:48 a.m., Desiree Capuano wrote, and it starts with "To each their own". Is that your response, Ms. Capuano?

A Yes.

Q Could you read it in, please?

A [As read in]:

> To each their own. You're allowed to have your own opinion, but that's all it is, your opinion. Have a super awesome and wonderful day.

Q What was the purpose of that reply? You're -- you're not --

A It was bravado.

Q It's bravado.

A Try not to let him see that that affected me.

Q Because you're not engaging here. You're just -- it's just about you have to reply something, so you replied with some bravado; is that correct?

A Yes.

Q Okay. Moving up, he replies, "You seem to not", and this is on May 11th, 11:00 a.m. This is the next day -- or, no, there's a time change. So this -- 11:00 a.m. Western time, I would guess [as

read in]:

> You seem to not understand the difference between opinion and fact. It might be my opinion that you are a bad parent and terrible person, but the points which I have provided as the base of that opinion are all facts. And otherwise, everything else I've referenced are also facts, not opinions. It is impossible to rationally debate with a person who is incapable of distinguishing reality and who refuses to use the proper definitions of words.

Going up from there, May 11th, 2015, which was a Monday, at 11:00 a.m., or 11:03 a.m., Desiree Capuano wrote, and it starts with "Not worth". Could you read that in?

A [As read in]:

> Not worth a defence, little man.

Q Again, I ask you, Ms. Capuano, why didn't you just leave it. What is it -- this reply doesn't even address anything. Why not just leave it at that point?

A I wasn't going to continue to be insulted. And it's not -- it's not a tit for tat, but I'm not going to continue to be insulted by somebody who's obviously trying to hurt me.

Q And you had to throw in "little man"? Is that referring to his stature?

A Sure.

Q So you have no problems making fun of a person's stature if -- I -- I do see Mr. Fox is not a big man. You have no problems mocking his stature?

A I don't care how tall or short anybody is.

Q Well, you pointed it out, so obviously it does mean something to you. You've used it to insult him, correct?

A If you mean a little man, more than just stature. It's the need to put his sight on these things and the need to tear me down.

Q And he replies at 11:24 a.m. [as read in]:

> Desiree, which is exactly what you say when you have no choice but to realize you are

> wrong and your argument has no merit. Good enough for me. Patrick.

"Good enough for me." That's the end of it, he's saying, "Good enough for me." That was it, 11:24. At 11:30 a.m., Desiree Capuano wrote, and it starts with "Keep telling". Can you read that in, please.

A [As read in]:

> Keep telling yourself that.

Q And a smiley face.
A Mm-hmm.
Q That's a little bit provoking, right?
A A little bit. But any time I don't respond, Richard takes that as an admission that what he's saying is correct.
Q Which would --
A So my response to him is only to show him that I do not agree with what he's saying.
Q Because you didn't want him thinking:

> . . . which is exactly what you say when you have no choice but to realize you are wrong, and your argument has no merit.

You didn't want to leave him thinking that's right?

A I didn't want him --
Q That you had to be -- sorry.
A I didn't want him -- to leave him thinking that everything that he had wrote in response to this email that I sent him in 2013, I believed was correct.
Q But you've replied to every one of his emails with -- not a -- not a -- just telling him.
A It's not. It's an admission not agreeing with what he's saying. It's not true. So if I don't respond, he says that it's because I agree with him. And if I do respond, then it turns into an argument.
Q And then --
A It's Catch-22. So I respond.
Q And then at the top of the page, he replied [as read in]:

I shall.

A Correct.
Q And this is what you said earlier, tell me if I'm wrong here, you guys both want to make sure you get the last word in; is that correct?
A And he got the last word.
Q You can't speak -- sorry, I'll interrupt, but you can't speak for what he wants, but --
A Mm-mm.
Q -- it sure seems that way, and wouldn't you say that you, at least, want to get the last word in?
A Well, he got the last word in there, and I let him.
Q Moving on to -- and this is May 11th at 12:13 p.m., whereas you just said at May 11th at 11:41 a.m., you let him get the last word in?
A Oh, there's more?
Q Yeah. I'll say there's more.
A Sure.
Q Okay. So this is a three-page chain called "More of what I know", and at May 7th, 2015, at 1:07 p.m. So this is an older chain that was started back on May 7th, but you chose, when you say you let him get the last word in on that chain, you just chose to go to another chain, like, within minutes, within -- 11:30, so 43 minutes later, you let him have the last word on that chain, but you go to another email chain and engage him again; is that correct, Ms. Capuano? Or, sorry, 11:44 a.m. is when you replied in there, so 14 minutes later. If you go to the second email down on "More of what I know", May 11th, 2015, 11:44 a.m., Desiree Capuano wrote -- and we don't have to go over the contents, we're going to read that in a minute. But you just said, "I let him get the last word" on May 11th at 11:41 a.m., when he said, "I shall." But three minutes later, you replied on a different chain. So is that, you let him get the last word on one chain, but you switch over to another chain?
A There's multiple emails from him.
Q Okay. We'll start at the --
A All of these he has instigated.
Q We'll --
A He is starting the email conversations on all of them. This is not me reaching out to him. This

is me responding to him, in all -- in the majority of these.
Q Majority. But you're responding just as much as he is, I mean, it's one for one.
A In some of these threads.
Q Mm-hmm. What I was getting at, Ms. Capuano, was that you could not let -- let him get the last word. Maybe on that chain, but you just switched to another chain.
A He sent me multiple emails.
Q Does that seem obsessive to you? Going --
A That he sent me multiple emails? Yes.
Q Going from one chain to the other, putting a reply on this one, going to another chain, putting a reply?
A I'm just following the conversations he started.
Q It would seem you -- you had two conversations going on at the same time, if you look at that day.
A Yes. He started multiple conversations.
Q And this is -- this is from somebody who claims they're being harassed? I'm meaning you.
A Yes.
Q Okay, thank you. And going to page 3 of the chain we're on now, which is titled "More of what I know", and May 7th, 2015, 1:07 p.m., Patrick wrote [as read in]:

> I also know that you don't want to let G. visit with me because you know that when he visits we bond more, and that puts more distance emotionally between you and him. Yet you don't want to explicitly refuse to let him visit because you know that he will resent you for it.

And he goes on to -- to allege that you're trying to create a situation whereby you could say -- this is his allegation, by the way, whereby you can say it was -- there was no visitation because he couldn't visit. He's explained to him that -- this is basically all about visitation, and scheming, where he's alleging you're scheming. Would you say this is an accurate depiction of his email on May 7th?
A Yes.
Q Okay. And then he says, May 7th, 2015, this is a

Thursday, "By the way" [as read in]:

> Desiree. By the way, I know you don't deal well with reality, so I don't expect you to respond sincerely to these most recent messages. Patrick.

On May 7th, 2015, at 4:27 p.m., at the top of the page, you reply, and could you read that in, please, starts with "Oh, you".

A [As read in]:

> Oh, you little man. I don't fear you or Gabriel's opinion of me. I am not preventing visitation. Try as you might to get me to say no, I will not do it.

Q Again you call him a little man.
A Yes.
Q Correct? That seems to be a -- a recurring theme.
A Anybody who hides between the computer and tries to attack somebody in another country, to me is a little man.
Q You agreed earlier it was partially his stature.
A Partially.
Q Right. So it's insulting.
A Yes. But it's also my opinion.
Q And it -- it's in reply to him saying:

> By the way, I know you don't deal well with reality, so I don't expect you to respond sincerely to these most recent messages.

So him saying "I know you don't deal well with reality", you feel it gave you licence to attack his stature and call him a little man; is that correct?

A No, it was in response to both of those emails to mine, along with the fact that I already had a plane ticket for Gabriel, and was absolutely planning on putting him on a plane. So this was not necessary in any way.
Q More importantly in this message, you say "I don't fear you".
A I'm not going to tell him I'm scared. I'm not going to give him that satisfaction.
Q I suggest you weren't afraid of him.

A I know you suggest that.
Q I suggest that continually, given the tenor of your emails and insults to him, his mother, his stature, his manhood, I -- I suggest there's nothing here showing you're afraid of him, that --
A But I'm also not threatening to destroy his life. There might be some insults, but I am not threatening to bring him down, tear him down, destroy his life, ruin who he is, ruin who he's tried to be, who he wants to be, where he wants to go in his life, his future, his present, his friends, his associates. I'm not threatening his life. There might be insults, but there's no threats to him. There's only defence.
Q This is defence.
A It is defence. I did not initiate that conversation.
Q I'm talking about all of these, the tenor of these --
A I didn't initiate them.
Q My -- my comment to you that you're replying to was about the tenor of the email.
A I did not --
Q You're saying these are defensive.
A Yes. I did not start -- I did not start these conversations.
Q I'm talking about the tenor of the conversations, Ms. Capuano. You're saying these are defensive conversations on your part?
A I'm defending myself.
Q You can't speak for him, on your part.
A I'm defending myself. And, yes, there's insults going back and forth. There's also no threats from me.
Q Turning over to the second page of this chain, and again, this is an argument about visitation. And you, on May 11th, 2015, at 10:40 a.m., Desiree Capuano wrote, "Oh, don't you know", and can -- can you read that one in, please, Ms. Capuano?
A I'm sorry, which one?
Q Second page of this email chain, three-page chain, and it's May 11th, 2015 at 10:40 a.m., and that's a Monday at 10:40 a.m. "Oh, don't you know", it's -- it's less than halfway up the page, maybe a third of the way up from the bottom.
A Do I have the right page? I don't know if I'm on the right page.

Q So, okay. Start again at the beginning of "More of what I know".
A Oh. Okay.
Q And flip over to the second page of that chain, and about --
A Okay.
Q -- and about halfway down, Ms. Capuano, a little bit more than half, on May 11th, 2015, at 10:40 a.m., Desiree Capuano wrote, and it starts --
A Yes.
Q -- with "Oh, don't you know".
A [As read in]:

> Oh, don't you know I'm trying to play right into your plan of turning Gabriel against me by showing him how you never get annoyed, "Why is it that you don't just shut the -- shut up and fuck off," clearly, not annoyed.

Q And I understand that's a quote you've taken that he said to you, "Why don't" --
A Yes.
Q

> Why is it you don't just shut up and fuck off.

So you're scheming here, in a way, is that correct:

> . . . trying to play right into your plan of turning G. against me by showing him how you never get annoyed.

A No, not scheming.
Q How -- how were -- how were you going to show that he never gets annoyed to Gabriel from -- what do you mean by this?
A Richard's insinuation through this whole thing is that he's turning Gabriel against me by showing him what a horrible person I am, and how wonderful he is. And part of his approach is that nothing I do ever annoys him, nothing I do ever gets to him because he has no emotions, and therefore he's more logical, he's more intelligent, and therefore Gabriel responds better with him, and couldn't possibly develop a bond with me because I do have emotions.

So all I was showing here, or illustrating, is that by his -- the outbursts in some of these emails, he is -- he is annoyed, and annoying -- the annoyance is an emotion. So clearly I'm playing into his hands by him getting annoyed. I mean, that's -- obviously that plan is working.

Q You're trying to play right into his game, or --
A It's sarcasm.
Q -- into his plan. You're trying to play into it. So you're also --
A It's sarcasm.
Q -- you have a counter-plan; is that correct?
A It's sarcasm.
Q I disagree. I'm saying here you had a counter-plan and you're trying to play right into his plan; isn't that correct?
A No.
Q That's the way I read this. And you say it's sarcasm.
A Yes.
Q May 11th, 2015, moving up, 10:56 a.m., on the -- this is a Monday, Patrick wrote [as read in]:

> Desiree. Admittedly, yes, I'm quickly annoyed by stupidity. Patrick.

Moving up, May 11th, 2015, at 10:59 a.m., and I suggest to you this is -- this is very closely in the timeframe you're replying in the other email chain. And could you read that in, Ms. Capuano, it's --
A [As read in]:

> But you can't possibly be annoyed, Richard, annoyance is an emotion.

And there's dictionary references.
Q What's the point of putting a dictionary reference there?
A He told me once that I would be able to communicate with him better if I had a dictionary present and used it. So I was showing him that there are dictionary references to prove my point, as he requested that I do.
Q I don't see where he asks you in --
A Not in this message.
Q -- in the email below to prove your point.

A No.
Q I -- I -- I see here where he says he's quickly annoyed.
A Yes. But I'm also showing him that annoyance is an emotion.
Q Well, what's the -- what's the point of that? He says he's annoyed. Why -- why go further --
A Because he says --
Q -- and give him a dictionary reference of this is what annoyed means. What -- what's the purpose of that?
A This is a man who has no belief in emotions to the point that he's never said "I love you" to his son. He has never expressed love to his son, and instead, has taught his son that to express love, or to state that he loves somebody, is erroneous, because it can't possibly exist. So I'm just trying to get him to see that emotions are real, and he is capable of them. Maybe not love, but anger, annoyance, these are emotions.
Q So he does have emotions.
A In my belief, he does. He claims that he doesn't. But it's my understanding that he does.
Q But you feel pretty safe insulting him continuously throughout this, well, we're up to a year and a half just about period now where you're insulting him. You -- you feel pretty safe that he's not going to get overly angry, and he doesn't seem to. He just banters back and forth; is that correct?
A In words, yes. Yes.
Q Moving to page 1 of 3 at the bottom, and he responds [as read in]:

> Desiree. You're incorrect again. Annoyance is not an emotion, it is a mental state.

And he brings up a different definition of annoyance, and compares it to feeling. And then you reply, May 11th, 2015, 11:30, so seven minutes later, "So in this case, dictionary," could you read that in, please, Ms. Capuano?
A [As read in]:

> No, a dictionary provides the definitions of words. In some cases like feelings and emotions, there can be no definition, due to

the circular reference.

Oh, no, that's his.

Q Sorry, Ms. Capuano, the one down below, your -- your email, I apologize.

A Okay. [As read in]:

> So in this case, dictionary.com isn't good enough because it would make you wrong about something, right? I get it.

Q So you're saying here he's wrong and you're right, because dictionary.com.

A I'm saying is it doesn't matter what I say. It's not going to ever be right.

Q Does it matter what he says? Will he ever be right?

A He's always right, according to him.

Q What about according to you?

A No.

Q Right. And then again, May 11th, 11:39, nine minutes later, Patrick wrote [as read in]:

> No, a dictionary provides definitions of words. In some cases like feeling and emotion, there can be no definition due to the circular reference. So we have to look past the word and consider the concept, which the word attempts to embody. You're really making yourself look incredibly unintelligent here, considering you have a Bachelor's degree, albeit it a pseudo one, and I have a Grade 8. You're really impressing the world with your wit and intellect. Thank god we get to put these wonderful discussions on your website. Patrick.

And go up above, May 11th, 2015, 11:44 a.m. -- or, sorry -- yes, a.m., five minutes later, you reply, and "This is" -- "This has been fun, really". Can you read that in, Ms. Capuano?

A [As read in]:

> This has been fun, really. I understand you think you won your argument and you have proven once again to show how ignorant I am, and gloating about it, how the world is going

> to see me for the way I really am. You keep thinking that. The arrogance and ignorance will be your undoing. I'm a very patient person. Talk to you later.

Q I suggest to you, and I have a pretty good idea of what you're going to say, where you say --
MR. MYHRE: Objection.
MR. LAGEMAAT:
Q -- "This has been fun, really", I suggest --
MR. MYHRE: My Lady, my friend can't interject little opinion comments into his questions.
MR. LAGEMAAT: I withdraw that.
Q "This has been fun really". It would seem that -- did you in fact have fun during this particular email chain?
A No.
Q Then why would you take the time to cut and paste off dictionary.com, and put so much time into the definition of an emotion, it wasn't fun?
A Once again, I was no longer going to just accept what he said, with no responses, as an admission of acceptance of what he said was correct. Gabriel is on all of these emails. He's watching this. Up till now, he has seen primarily his father being the one to have these conversations. Now he --
Q Playing the game, and trying to win.
A I don't know if I'm trying to win. There's no prize. The prize is that he stops emailing me and takes the website down. That's not going to happen. There's no prize.
Q "I understand", and I'm reading in [as read in]:

> I understand you think you won your argument and you've proven once again to show how ignorant I am and are gloating about how the whole world is going to see me for the way I really am.

A That is how I took his message to me.
Q That he's gloating that he won this whole --
A Yes.
Q -- this whole discussion about --
A Emotions.
Q -- definitions of an emotion. You feel he won this here, or you feel -- no, sorry, you're saying

you think he feels that he won this argument at this point; is that correct?
A Yes.
Q And you don't like that, do you.
A It doesn't matter.
Q It didn't matter if he won any of these?
A It doesn't matter how I felt about it.
Q [As read in]:

> You keep thinking that. Your arrogance and ignorance will be your undoing. I'm a very patient person [smiley face]. Talk to you later [smiley face].

A Yes.
Q Why the smiley faces?
A Because I'm trying to let him see that it's not bothering me. I'm trying to show that it's not bothering me, that his words are not affecting me. Same reason I'm responding. Same reason I'm giving the insults back.
Q Wouldn't it -- had you ever thought of if you want him to think his words aren't bothering you, you could not respond, or say "Your words don't bother me," rather than engaging in the back and forth insulting and --
A I did that, and he put up a website.
Q This isn't about the website right now, Ms. Capuano. This is about --
A Responding to him.
Q -- what we're doing here.
A And I -- there -- for a long time I didn't respond to him, and his solution, or response to that was he put up a website. It doesn't matter whether I respond to him or not, he's going to continue to do what he does. So rather than not respond and get beat up, I'm going to respond.
Q So your response to him putting up a website is to insult his stature, his manhood, his mother, what -- whatever else, his intelligence --
A I was tired.
Q -- his maturity? That's your response.
A Well, I was tired.
Q Moving on to the next email in my book, and this is another -- this is called "Read the motivation for your behaviour". And we'll -- I'll refer to the Crown's book of exhibits here. Tab 13, at the

end of Tab 13, and if you flip six pages in from the back -- I apologize, I'll have to find this.

I apologize. It's in Tab -- yes, Tab 13, six pages in from the back, called the -- it's "The motivation for your behaviour", the same email chain. And in the Crown's book it starts with what my book has on page 2 of 3, which is "Desiree", and we read this when my friend read it in yesterday [as read in]:

> Desiree. The only reason you're being such a stupid cunt right now, well always really, is because you know that G. would rather be with me than you.

And this goes on, and this was read in yesterday. But what I'd like to point out now, Ms. Capuano, is how that chain continued on. And just above that May 7th, 2015, 4:29 p.m., you replied, and this is halfway up page 2 of three in this chain, of my book [as read in]:

> Oh my god, Richard! You nailed it.

And these are double exclamation marks. Is this your reply?

A Yes.

Q Can you read that in, Ms. Capuano?

A [As read in]:

> Oh my god, Richard! You nailed it!! I will never have to do any more introspection ever again. In case you didn't -- it didn't come across in email, that was sarcasm.

Q Again, I ask you, why even reply?

A Because my son is on this. As far as I know, my son is reading this, and he keeps telling my son that if I don't respond, that means I think he's right.

Q So you're talking to your son through your replies to Patrick; is --

A No.

Q -- that correct?

A No. But I'm standing up for myself.

Q How old was your son at this time?

A Uh, in May of 2015, he was 14 years old.

Q And which son are you referring to?
A Gabriel.
Q Did your other son also read the website?
A No.
Q So he was 14 years old, and you didn't have the ability to -- to -- if this was so damaging, you -- you didn't ever think, oh, I can keep him off the internet. He's 14.
A These are going to his personal email. I'm not going to not let him check his email. And email, he's communicating with his father through email, also. So I can't prohibit that. They're some of the terms of the custody agreement.
Q You never thought of going to court and getting the custody agreement altered because --
A I tried.
Q -- because of him reading these emails?
A I tried. The judge said no. It's the only reason I tried to cease communication through email, ever.
Q The only reason what?
A I have ever gone to court and requested to cease communication, is because of communication like this, but the judge said no.
Q Up above that, May 19th, 10:52 a.m., May 9th, that's -- so this is two days later, Patrick replies [as read in]:

> Desiree. I find it decided telling that your only response was a trite attempt at sarcasm. No attempt to disprove or even rebut of any of what I said. Tell me honestly that you disagree with anything I said below. Tell me that you seriously believe, given the choice, that G. would choose to remain with you.

So this is him asking you to keep it going, right, four days later -- we've already gone through that you were communicating on multiple email chains, but four days later he says, respond. Tell me that you seriously believe. So he's asking you to continue, and do you continue?
A Yes.
Q And at May 11th, 2015, at 10:49 a.m., and this is just above, Desiree Capuano wrote, "Richard. Everything you say", and could you read that in, Ms. Capuano?

A [As read in]:

> Everything you say is so far off the realm of reality, it doesn't bother a rebuttal. But you keep thinking you're far superior. I'm sure it makes you feel better about the world.

Q So you're saying here "doesn't bother a rebuttal", but that's a rebuttal, correct?
A Yes.
Q If it doesn't bother a rebuttal, why rebut?
A Same reasons I've already explained.
Q Okay. And "But you keep thinking you're far superior." Did that bother you that he might think he's far superior?
A I know he thinks he's far superior.
Q Well, you don't really know what he thinks.
A Well, he's told me more than enough times for me to certainly get that impression.
Q Turning over, Monday, May 11th, 11:02 a.m., Patrick writes, "Desiree", and this is at the bottom of the page 1 or 3 [as read in]:

> You're making broad generalizations again. You need to be specific if you expect the other party to consider your arguments. Do you know who argues in such generalizations? People who don't have an argument. People who realize they have no real rebuttal.

So he's giving you his rules of arguing here. And up above, May 11th, 2015, at 11:25 a.m. -- or, no, sorry, 11:03 a.m., so one minute later, you reply, and could you read that in, Ms. Capuano:

> You are . . .

A

> . . . just not worth it.

Q So you're saying he's just not worth the argument, but you're arguing.
A Again [indiscernible/overlapping speakers].
Q Again, because you thought it would get him to take the website down?
A No. Because I was not going to have him -- I was

not going to not answer and have him say that that's because I believed that what he said was correct. In his -- in his words to me in emails, and also to our son, which might be hearsay, but if I don't respond to his email, then he interprets that as me saying he is correct.

Q You've said that before, Ms. Capuano, and in this case what you be responding to him might be left thinking it's correct, his definition of arguing and his rules of arguing. You didn't want to leave him thinking that's correct; is that right?

A Correct. Yes.

Q And above, May 11th, 2015, 11:25 a.m., Patrick wrote, "Desiree", and this about a third of the way up the page [as read in]:

> Desiree. Which is exactly what you say when you have no choice but to realize you are wrong and your argument has no merit. Good enough for me. Patrick. P.S. And why do you keep responding? You're like the idiot woman that calls the guy to say she never wants to talk to him again.

A Mm-hmm.

Q And above that, your reply at 11:31 a.m., on the same day. Could you read it in, please.

A

> Because you're wrong.

Q So you just need to keep this going.

A He's wrong about me.

Q What, that your argument -- that your argument has no merit?

A No, the original message.

Q Okay. Moving up, and I'll finish on this one quickly. I note the time, My Lady. May 11th, 2015, 11:43 a.m., Patrick wrote [as read in]:

> Desiree. You say I'm wrong, yet I'm able to pick apart your counter-arguments and clearly show how each one is fallible. Patrick.

And then again, May 11th, 2015, two minutes later, 11:45 a.m., Desiree Capuano wrote, and if you could read that in, Ms. Capuano.

A

Nope. Signed, the "stupid fucking cunt".

Q And you've got that from him, that's --
A Yes.
Q -- in quotations. But you're playing along with it and throwing it back at him, correct?
A At this point, I'm so tired that all I'm trying to do is reply to him to show that I'm not accepting that what he's saying is true. But I'm just so tired that I'm not even writing any sentences.
Q So this is tiring for you, all this engaging in all these emails.
A Of course it is.
Q I mean, this one day --
A It's exhausting.
Q This one day, May 11th, there was a lot of emails going on. It was exhausting for you.
A Yes.
Q Yet you continued it.
A Yes.
Q And you engaged in the insulting.
A Well, previously.
Q And the banter.
A Yes.
Q And -- and I will say witty banter, you guys are defining terms that are quite complex, back and forth, is that correct, and arguing about each person's definition?
A Sure.
MR. LAGEMAAT: My Lady, I note the time. This would be a good time for me to stop.
THE COURT: All right. We'll stop for the day, members of the jury. We'll continue tomorrow at the usual time. Start at ten o'clock, please. Thank you.

(JURY OUT)

THE COURT: Ms. Capuano, I need to remind you of the thing I said to you before we took the break. The same applies overnight until you continue your evidence tomorrow. Because you're under cross-examination, you should be very careful, please, not to discuss anything to do with the case or the evidence with anyone.
A Yes. Yes, My Lady.
THE COURT: Because it can affect -- if you do, it can affect the weight that the jury gives to your

evidence.
A Yes.
THE COURT: Thank you. Is there anything we need to address before we adjourn for the day?
MR. MYHRE: I don't think so, My Lady.
MR. LAGEMAAT: No, My Lady.
THE COURT: All right, thank you. We'll adjourn.

(WITNESS STOOD DOWN)

(PROCEEDINGS ADJOURNED TO JUNE 15, 2017, AT 10:00 A.M.)

Transcriber: P. Neumann
Transcriber: S. Goossens

I hereby certify the foregoing to be a true and accurate transcript of the evidence recorded on a sound recording apparatus, transcribed to the best of my skill and ability.

P. Neumann
Court Transcriber

I hereby certify the foregoing to be a true and accurate transcript of the evidence recorded on a sound recording apparatus, transcribed to the best of my skill and ability.

S. Goossens
Court Transcriber