



July 23, 2019

VIA DELIVERY

Mr. Patrick H. Fox
C/O
N.F.T.C.
1451 Kingsway Avenue
Port Coquitlam, BC
V3C 1S2

Dear Mr. Fox:

Re: R. v. FOX, Patrick
Court file: 244069-5-BC
Next Court Appearance: Trial commencing August 12, 2019

I have conducted advance interviews of the following persons: Officer Obrist and Cst Potts.

Below appears a synopsis of the salient information from the interviews. The synopses are based on my recollection and notes. Errors or omissions, if any, regarding information they related are mine alone. The witnesses have not reviewed the synopses.

Cst Obrist on July 18, 2019 indicated that upon a review of the report he created, and conferring with colleagues informing him his activity with the accused, he in fact took the photograph and obtained the fingerprints appearing in his report; initially he could not recall those specific dealings with the accused as sometimes other Members will assist and do the print and photograph work. He refreshed his memory of his dealings with the accused, by reviewing an Agency video, depicting him interacting with the accused. He expects to recognize the accused if he were to see him again. He stated the building in which he dealt with the accused, is entirely on the USA side of the border and is approximately a football field away from the Canada/USA border, which is where the Peace Arch is located. He said that pedestrians can enter the USA by walking across the border and it is a frequent daily occurrence. There is signage indicating where they are to check in with authorities. His dealings with the accused were entirely face to face. The secondary office is one where a person might be dealt with for a variety of reasons. The primary area is where vehicles enter to deal with authorities. He indicated that he made his report when the events referred to in it were fresh in his mind; the

record is reliable and may be referred to in the future by his Agency and it is part of his Agency's record database.

Cst Potts on July 19, 2019 did not provide new information other than to confirm that he recalled the index offence investigation leading to the criminal harassment charge; and he interviewed the accused in relation to that investigation. He recalled the investigation number for the index offence investigation. He confirmed his only role regarding the probation breach investigation was to interview the accused.

Yours truly,

A handwritten signature in blue ink, appearing to read 'Bernie R. Wolfe', with a long horizontal stroke extending to the right.

Bernie R. Wolfe,
Crown Counsel
BC Prosecution Service



July 23, 2019

VIA HAND DELIVERY

Mr. Patrick H. Fox
C/O North Fraser Pretrial Centre,
1451 Kingsway Avenue,
Port Coquitlam, BC,
V3C 1S2

Dear: Mr. Fox

RE: *R. v. FOX, Patrick Henry*
Court File: 244069-BC-5
Trial Date: August 12-15, 2019
Courtroom: 304

I have your letter dated July 21, 2019 and received in my Office on July 23, 2019.

Regarding your claim that your alleged American Citizenship and alleged immigration status in Canada is relevant, Crown's position is that such alleged claims are not relevant to the charges as alleged on the above-noted Information.

The CBSA is a third party, and Crown is neither in control or possession of any relevant video footage that may or may not exist from that Agency.

Yours truly,

Bernie R. Wolfe
Crown Counsel



July 23, 2019

VIA HAND DELIVERY

Mr. Patrick H. Fox
C/O North Fraser Pretrial Centre,
1451 Kingsway Avenue,
Port Coquitlam, BC,
V3C 1S2

Dear: Mr. Fox

RE: **R. v. FOX, Patrick Henry**
Court File: **244069-BC-5**
Trial Date: **August 12-15, 2019**
Courtroom: **304**

In relation to the above captioned matter, please see enclosed the following documents, and related Document Notice under the Canada Evidence Act and Common Law:

1. A Certified True Copy the Oral Ruling re Application to Amend Probation Conditions, of the ACJ Holmes, dated March 14, 2019, Docket 27178-4, (4 pages).

Please note that prior Document Notice in relation to the Supreme Court Probation Orders, previously given dated May 14, 2019, referenced Section 30 of the *Canada Evidence Act* for the Probation Orders certified by the ACJ Holmes. **The relevant Section of the *Canada Evidence Act* should have been Section 23**, and Crown by this letter makes that correction to the Notice.

Kindly confirm receipt of the enclosed by signing the copy of the Notice and returning it to our office.

Yours truly,

Bernie R. Wolfe
Crown Counsel

IN THE PROVINCIAL COURT OF BRITISH COLUMBIA

HER MAJESTY THE QUEEN

AGAINST

PATRICK HENRY FOX

DOCUMENT NOTICE

TAKE NOTICE that Pursuant to the provisions of the *Criminal Code of Canada*, and the *Evidence Act Section 23* and amendments thereto, and the *Common Law*, Crown Counsel intends to introduce at your Trial, the following documents which may be more particularly described as follows:

1. A Certified True Copy of the Oral Ruling re Application to Amend Probation Conditions, of the ACJ Holmes, dated March 14, 2019, Docket 27178-4, (4 pages).

Dated this 26th **day of July 2019, at the City of Vancouver, Province of British Columbia.**



Bernie R. Wolfe,
Crown Counsel on behalf of the
Attorney General of British Columbia

Date

Notice is hereby acknowledged as received.

ORIGINAL

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation: *R. v. Fox*,
2019 BCSC 810

Date: 20190314
Docket: 27178-4
Registry: Vancouver

Regina

v.

Patrick Henry Fox

Ban on Publication: Inherent Jurisdiction

Before: The Honourable Associate Chief Justice H. Holmes

Oral Ruling re Application to Amend Probation Conditions

Counsel for the Crown:

M. Myhre

Appearing on his own behalf:

P. Fox

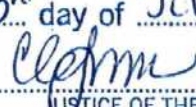
Place and Date of Hearing:

Vancouver, B.C.
March 14, 2019

Place and Date of Judgment:

Vancouver, B.C.
March 14, 2019

Certified a true copy according
to the records of the Supreme Court
at Vancouver, B.C.

This 23rd day of July 2019

JUSTICE OF THE PEACE

[1] **THE COURT:** Mr. Fox, you are applying once again, or continuing an application you have been making for some time – have a seat, you do not need to stand – to have your probation conditions varied to remove the term that requires you to remain in British Columbia, and to either remove or vary the term that prohibits you from going within a certain distance of the US border. You submit that those terms are not appropriate because they prevent you supporting yourself, and cast you into homelessness, because you claim you have no immigration status in Canada and are therefore unable to work.

[2] Your position that you have no status in Canada is a subject of serious contention.

[3] The facts on which you rely, and the different evidence or information on which the Crown relies, have been the subject of discussion in at least one previous appearance. They were further developed in this morning's hearing.

[4] I have said on a previous occasion that any doubt there may be about your immigration status, about whether you are a Canadian citizen, as the Crown contends, or a US citizen and not a Canadian citizen, as you contend, is a problem entirely of your own making. Even if one were to accept that there is no clear evidence about whether or not you are a Canadian citizen – and I do not view the evidence that way – we have your admission on numerous occasions, Mr. Fox, including in the recordings you have just played to the Court, that you applied for a Canadian passport under false pretenses, to use your language, and received and presumably used one.

[5] There is also the fact of your conviction by a court in Arizona, USA, in 2011, for offences of perjury and making a false claim of US citizenship. You have maintained for a considerable time that the convictions will eventually be set aside, when you are able to appeal them, but today Crown counsel gave me the decision of the District Court of August 4, 2011, declining to set aside those convictions on appeal. The District Court not only upheld your convictions, but also provided

considerable background information that again reinforces my view that your difficulties, if there is any ambiguity about your status, are much of your own making.

[6] Crown counsel provided information or evidence in the form of statements of counsel this morning, which provide yet further, and powerful, indication that you were born in Canada and have Canadian citizenship. I am not going to repeat that evidence. If there are any further proceedings on the point, I am referring to the evidence as outlined in Mr. Myhre's submission. I accept that evidence without hesitation. Mr. Myhre has conducted himself in an exemplary fashion in relation to these proceedings in extremely challenging circumstances over a long period of time.

[7] Your own evidence to support your claim that you are not a Canadian citizen is extremely weak. Today you played two recordings of telephone calls that, you suggest, confirm your position that you are not Canadian. However, it is abundantly clear from those recordings that in seeking out that form of evidence you have continued to manipulate, or to attempt to manipulate, institutions in the same way that, I conclude, you are now attempting to manipulate the Court. In the recordings you can be heard putting propositions to the people you were purporting to question as though those proposition were factually accurate, when there was and is serious reason to think that the propositions were untrue. You then presented the responses, which were necessarily based on those propositions, as confirming your position on the disputed facts that the telephone calls were ostensibly to clarify.

[8] I note also that the person with whom you spoke in the first call that you played seemed extremely puzzled when you told him that his institution had asked you to make the call. He appeared to put you on hold, in order for him to check out that possibility. It appeared from the recording that he found nothing to support your statement.

[9] In addition, there were things you said in those calls that are inconsistent with things you have said to this Court or to Crown counsel.

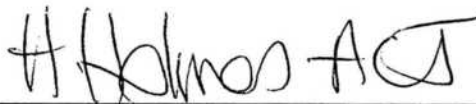
[10] On all the evidence, I find nothing reliable to support your contention that you have no status in Canada.

[11] But more fundamentally, you have put forward nothing to indicate that you have tried to support yourself by working and have not been successful in doing so. As I said earlier, your application for variation of the terms of your probation is based on your contention that the terms in question put you in a position of being unable to work because of what you say is your lack of status as a Canadian citizen.

[12] You are taking an entirely formalistic approach in this application. You are attempting to engage the Crown and the Court in an extensive examination of your citizenship status in circumstances that you, I conclude, have deliberately made as confusing as possible. The more basic question raised by your application is whether you can work or support yourself in British Columbia, and there is nothing to indicate that you cannot.

[13] I do not wish to speculate about why you are attempting to manipulate the courts and other institutions in the way I have described. It may be that this is a long-standing habit or approach. It is beyond the scope of this proceeding to make a determination on that point, but this application is coming to an end.

[14] The application is denied, and will go no further.

A handwritten signature in black ink, appearing to read 'H. Holmes A.C.J.', written in a cursive, flowing style.

The Honourable Associate Chief Justice H. Holmes



July 25, 2019

VIA HAND DELIVERY

Mr. Patrick H. Fox
C/O North Fraser Pretrial Centre,
1451 Kingsway Avenue,
Port Coquitlam, BC,
V3C 1S2

Dear: Mr. Fox

RE: *R. v. FOX, Patrick Henry*
Court File: 244069-BC-5
Trial Date: August 12-15, 2019
Courtroom: 304

In relation to the above captioned matter, please see enclosed the following document, and related Document Notice under the *Canada Evidence Act* and Common Law:

1. A Certified True Copy the Certificate of Conviction dated July 23, 2019, with exhibits: a Copy of the Supreme Court of British Columbia Indictment Registry Number 27178-2 and Warrant of Committal Upon Conviction 27178-2 (6 pages).

Kindly confirm receipt of the enclosed by signing the copy of the Notice and returning it to our office.

Yours truly,

Bernie R. Wolfe
Crown Counsel

IN THE PROVINCIAL COURT OF BRITISH COLUMBIA

HER MAJESTY THE QUEEN

AGAINST

PATRICK HENRY FOX

DOCUMENT NOTICE

TAKE NOTICE that Pursuant to the provisions of the *Criminal Code of Canada*, and the *Evidence Act Section 23* and amendments thereto, and the *Common Law*, Crown Counsel intends to introduce at your Trial, the following documents which may be more particularly described as follows:

1. A Certified True Copy the Certificate of Conviction dated July 23, 2019, with exhibits: a Copy of the Supreme Court of British Columbia Indictment Registry Number 27178-2 and Warrant of Committal Upon Conviction 27178-2 (6 pages).

Dated this 25th day of July 2019, at the City of Vancouver, Province of British Columbia.



Bernie R. Wolfe,
Crown Counsel on behalf of the Attorney
General of British Columbia

Date

Notice is hereby acknowledged as received.

Conviction

Form 35 (Section 570 and 806)

Canada: Province of British Columbia

Police Agency & File No.: 704:16-25379	Court File No.(s): 27178-2 VLC
	244069-2-KC Van Prov
DOB: 24-Nov-1973	Ban 546-5(1), 646(1) Inherent Jurisdiction
	Sec. No.

Be it remembered that on 10-Nov-2017 at Vancouver
Date City
Name of Accused Patrick Henry Fox D.O.B. 24-Nov-1973

hereinafter called the accused, was tried under Part ☒ XIX or ☐ XXVII of the *Criminal Code* on the charge that

OFFENCE DATE PLACE OFFENCE DESCRIPTION SECTION/ACT

See attached Indictment (exhibit A)

was convicted of the said offence and the following punishment was imposed upon him, namely,

☒ That the said accused be imprisoned in a place of detention in the Province of British Columbia for the term of Please see attached Warrant of Committal upon Conviction (exhibit B)

☐ That the said accused forfeit and pay the sum of _____ dollars to be applied according to law and also pay to _____ the sum of _____ dollars in respect of costs and in default of payment of the said sums ☐ forthwith or ☐ within _____, to be imprisoned in a place of detention in the Province of British Columbia for the term of _____ unless the said sums and the costs and charges of the committal and of conveying the accused to the said prison are sooner paid;

☐ That the said accused be imprisoned in a place of detention in the Province of British Columbia for the term of _____ and in addition forfeit and pay the sum of _____ dollars to be applied according to law and also pay to _____ the sum of _____ dollars in respect of costs and in default of payment of the said sums ☐ forthwith or ☐ within _____, to be imprisoned in a place of detention in the Province of British Columbia for the term of _____ (if sentence to be consecutive, state accordingly) unless the said sums and the costs and charges of the committal and of conveying the accused to the said prison are sooner paid.

Dated July 23, 2019
at Vancouver
British Columbia

H Holmes ACJ
Clerk of the Court
On behalf of Judge
a Justice of the Peace in and for the Province of British Columbia

Conviction

Condamnation

Formulaire 35 (Articles 570 et 806)

Canada: Province de la Colombie-Britannique

Service de police & n° de dossier : 704:16-25379	N° de dossier(s) du greffe : 27178-2 VLC
	244069-2-KC Van Prov
DDN : 24-Nov-1973	Interdit Art. n°

Sachez que le 10-Nov-2017 à Vancouver
Date Ville
Patrick Henry Fox 24-Nov-1973
Nom du (de la) prévenu(e) DDN
ci-après appelé(e) le(la) prévenu(e), a été jugé(e) aux termes de la partie ☐ XIX ou ☐ XXVII du *Code criminel* sur
l'inculpation d'avoir

DATE DE L'INFRACTION	LIEU	DESCRIPTION DE L'INFRACTION	ARTICLE/LOI
See attached Indictment			

a été déclaré(e) coupable de ladite infraction et que la peine suivante lui a été imposée, à savoir

☒ que ledit (ladite) prévenu(e) soit incarcéré(e) dans un lieu de détention dans la province de la Colombie-Britannique
pour la période de Please see attached Warrant of Committal upon Conviction ;
Période

☐ que ledit (ladite) prévenu(e) paie la somme de _____ dollars à appliquer selon la loi et paie également à
Somme
_____ la somme de _____
Nom Somme
dollars à l'égard des frais et qu'à défaut de paiement desdites sommes ☐ immédiatement ou ☐ dans le délai de
_____, il (elle) soit incarcéré(e) dans un lieu de détention dans la province de la Colombie-Britannique
Délai imparti
pour la période de _____ à moins que lesdites sommes et les frais et dépenses
Période
concernant le renvoi et le transport du (de la) prévenu(e) à ladite prison ne soient plus tôt payés;

☐ que ledit (ladite) prévenu(e) soit incarcéré(e) dans un lieu de détention dans la province de la Colombie-Britannique
pour la période de _____ ;
Période
que de plus, il (elle) paie la somme de _____ dollars à appliquer selon la loi et paie également à
Somme
_____ la somme de _____ dollars à l'égard des
Nom Somme
frais, et qu'à défaut de paiement desdites sommes ☐ immédiatement ou ☐ dans le délai de _____
Délai imparti
, il (elle) soit incarcéré(e) dans un lieu de détention dans la province de la Colombie-Britannique pour la période de

Période
(si la sentence doit être consécutive, l'indiquer en conséquence), à moins que lesdites sommes et les frais et dépenses concernant le renvoi et le transport du (de la) prévenu(e)
ne soient plus tôt payés.

Fait le _____

à Vancouver

Colombie-Britannique

--

Greffier du tribunal H Holmes, ACJ
Au nom du juge
ou juge de paix dans et pour la province de la Colombie-Britannique

Condamnation

IN THE SUPREME COURT OF BRITISH COLUMBIA
DANS LA COUR SUPRÊME DE LA COLOMBIE-BRITANNIQUE

CANADA,
PROVINCE OF BRITISH COLUMBIA/PROVINCE de la COLOMBIE-BRITANNIQUE,
CITY OF Vancouver /VILLE DE Vancouver.

HER MAJESTY THE QUEEN / SA MAJESTÉ LA REINE

AGAINST / CONTRE

PATRICK HENRY FOX

INDICTMENT / ACTE D'ACCUSATION

Patrick Henry FOX stands charged that / est inculpé de ce qui suit:

Count 1 / Chef 1

Between January 11, 2015 and May 27, 2016, inclusive, at or near Burnaby and Surrey, in the Province of British Columbia, did without lawful authority and knowing that another person was harassed or being reckless as to whether the other person was harassed, engage in conduct that caused that other person, Desiree Capuano, to reasonably fear for her safety or the safety of anyone known to her, contrary to Section 264 of the Criminal Code.



exhibit A to
certificate of
conviction of
P. H. Fox
Hobson AC

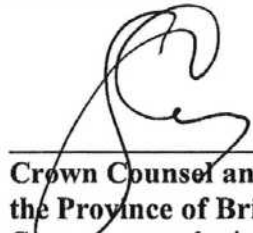
10/1
Count 2 / Chef 2

** May 17, 2016 **
Between May 18, 2016 and June 3, 2016, inclusive, at or near Burnaby, in the Province of British Columbia, being the holder of an authorization or a licence under which he may possess a prohibited firearm, restricted firearm or non-restricted firearm, prohibited weapon, prohibited device, or prohibited ammunition, did possess firearms, at a place indicated on the authorization or licence as being a place where he may not possess it, or at a place other than that indicated on the authorization or licence as being a place where he may possess it, or at a place other than that where it may be possessed under the Firearms Act, contrary to Section 93 (1) of the Criminal Code.

AND AGAINST THE PEACE OF OUR LADY THE QUEEN HER CROWN AND DIGNITY.
ET CONTRE LA PAIX DE NOTRE DAME LA REINE, SA COURONNE ET SA DIGNITÉ

DATED THIS / FAIT LE 14th day of / jour de March, 2017, at the City of
Vancouver / dans la Ville de Vancouver, Province of British Columbia / Province de la Colombie-Britannique.

INDICTMENT AMENDED PURSUANT TO
THE ORDER OF THE HONOURABLE
MADAM MR. JUSTICE/JUDGE H. HOLMES
MADE ON THE 19th DAY
OF June, 2017.
D.I.
COURT CLERK


Crown Counsel and Agent of the Attorney General for
the Province of British Columbia / Procureur de la
Couronne et substitut du Procureur général de la Province
de la Colombie-Britannique

*exhibit A
p 2 of 2
H. Holmes ACS*

**Warrant of Committal
Upon Conviction - Form 21**
Canada: Province of British Columbia

Police File No.
704:16-25379

Court File No.
6011:27178-2
VLC
(244069-2-KC) Van

IND

Proceeded: **By Indictment**
D.O.B.: November 24, 1973

Primary Enf. Agency:
Ban - See Attachment

To the **Peace Officers** in the Province of British Columbia and to the **Keeper of a Provincial Correctional Centre** (the "place of detention").

Whereas **Patrick Henry Fox** (the "offender") was convicted on **June 28, 2017** before **Supreme Court Judge H Holmes** on the following charge(s) and it was adjudged on **November 10, 2017** that the offender for his/her offences be committed to a place of detention in the Province of British Columbia for the term(s) as specified below:

See a total of 2 Charges on 1 Charges Attachment Page

Such sentences to run:

Jail sentence imposed for Count 1 and 2 is: 20.5 Months

The Jail Term that would have been imposed before credit granted on Count 1 is: 3 years.

The Jail Term that would have been imposed before credit granted on Count 2 is: 10 months which is to be served CONSECUTIVELY to Count 1.

Exhibit B
p. 1 of 2
H. Holmes AG

Accordingly, you are commanded, in Her Majesty's name, to arrest the offender if it is necessary to do so in order to take the offender into custody, and to convey him/her safely to a place of detention and deliver him/her to the keeper thereof. You, the **Keeper**, are commanded to receive the offender into custody in a place of detention and imprison him/her for the term prescribed above, and this is a sufficient warrant for so doing.

Dated / Fait le **November 10, 2017**

at / à **Vancouver**

British Columbia / Colombie-Britannique

H. Dhinjal Date: 2017.11.10
15:46:40 -08'00'

A Clerk of the Court on behalf of / Un greffier du tribunal au nom du The Honourable Mr./ Madam Justice / Monsieur/ Madame le(la) juge H Holmes of the Supreme Court / de la Cour suprême, in and for the Province of British Columbia / dans et pour la province de la Colombie-Britannique

Notes: See attached: ☐ Information(s) ☐ Probation Order ☐ Pre-Sentence Report
☒ Indictment(s) ☐ Conditional Sentence Order ☐ Medical/Psychiatric Documents
☒ Record of Proceedings
☐ Sentence imposed in offender's absence (warrant sent to police)
☒ Other: **Pursuant to Section 743.21 (1)- NO COMMUNICATION with Desiree CAPUANO, James PENDLETON or Sage CAPUANO.**

Warrant executed by:

Date:

**Warrant of Committal Upon Conviction -
Form 21/
Mandat de dépôt sur déclaration de
culpabilité - Formulaire 21**

Form / Formulaire 21 Canada: Province of British Columbia
Province de la Colombie-Britannique

Police File No./
Nu. de dossier de la police
704:16-25379

Court File No./
Nu. de dossier du greffe
6011:27178-2
VLC
(244069-2-KC) Van

Interdit -

Re/ Objet : Fox

D.O.B./ D.D.N. : November 24, 1973

**Charges Attachment/
Annexe des inculpations**

Count 1, between January 11, 2015 and May 27, 2016, at or near Burnaby BC, did commit an offence of criminal harassment, contrary to section 264 Criminal Code.

SENTENCE: Jail: [Jail Term that would have been imposed before Credit Granted: 3 Year(s); Actual Pre-Sentence Time in Custody: 17 Month(s); Credited Pre-Sentence Time in Custody: 25.5 Month(s)]; Victim Surcharge: \$200.00 Due Date: October 10, 2019; Prohibition, Firearms, Mandatory Lifetime; Probation Order 3 Year(s); DNA Order Secondary;

Count 2, between May 17, 2016 and June 3, 2016, at or near Burnaby BC, did commit an offence of Possess Firearm etc. where not allowed, contrary to section 93(1) Criminal Code.

SENTENCE: Prohibition, Firearms, Mandatory: Lifetime; DNA Order Secondary; Victim Surcharge: \$200.00 Due Date: October 10, 2019; Jail: [Jail Term that would have been imposed before Credit Granted: 10 Month(s); Actual Pre-Sentence Time in Custody: 17 Month(s); Credited Pre-Sentence Time in Custody: 25.5 Month(s)];

See a total of 2 Charges on 1 Charges Attachment Page/ Voyez 2 inculpations sur 1 page de l'Annexe des inculpations

Exhibit B
P2 of 2
Thomas ACJ

Mandat de dépôt (prison)/ Warrant of Committal (Jail)