

Patrick Foy
1451 Karpisevay Ave
Port Coquitlam, BC
V3C 1S2

August 30, 2019

Attn: Bernie Wolfe
Crown Counsel
222 Main Street
Vancouver, BC V6A 2S8

Re: R.v. Foy; Court File #: 244069-5-BC

Dear Mr. Wolfe:

It has now been over two weeks since the trial has been adjourned on August 15, 2019.

On August 15, 2019, I stated I intended to pursue various avenues for the purpose of obtaining physical evidence to support the testimony I intend to provide in this matter. And, I have since commenced those pursuits. I have been diligent to keep verifiable records of that which I will provide to court on October 8, 2019.

You also stated, on August 15, 2019, that you would

pursue certain, specific avenues, including:

- Requesting the RCMP follow up with CBSA regarding whether or not CBSA has any records relating to my interaction with them on March 15, 2019;
- Requesting somebody from CBSA testify regarding my interaction with them on March 15, 2019. In this respect it would be ideal if it could be one of the officers I actually interacted with;
- You stated that you would return the disclosure material to me because, as you put it, you "can't leave me in the dark".

May you please inform me of the status of these matters?

Thank you.

Sincerely,



Patrick Fox

Patrick Fox
1451 Kinsmen Ave
Port Coquitlam, BC
V3C 1S2

August 31, 2019

Attn: Bernie Wolfe
Proven Counsel
222 Main St
Vancouver, BC V6A 2S8

Re: R. v. Fox; Court File #: 244069-5-BC;
Disclosure laptop

Mr. Wolfe:

On August 30, 2019, a few hours after it had mailed the prior letter, dated August 30, 2019, to you it had received the disclosure laptop. Therefore, you may disregard that particular inquiry of that letter.

However, please note, the laptop it received on August 30, 2019, is configured not only with a hard drive password (which it already have), but also with a BIOS user password - which is required in order to boot the laptop. This additional password has

not been provided. Therefore, I am unable to boot the laptop. Therefore, I am unable to use the laptop. Therefore, I am unable to access the disclosure material.

May you please forward me the BIOS user password; or remove that password from the configuration?

Having two BIOS level passwords, ie the hard drive password (which also encrypts the entire hard drive, making it inaccessible from any other computer), and the user password, is redundant and does not make the laptop and it's contents any more secure than having just the hard drive password (which it already had). Both passwords prevent the system from booting until the correct password is entered. The hard drive password is sufficient - the user password adds nothing, it is redundant. Do you recall our discussion about incompetent IT people? This is a perfect example of my point of that discussion. Unless, of course, this is just another deliberate tactic to delay or discourage providing disclosure material.

Sincerely,



Patrick Fox



September 5, 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: October 8 and 10, 2019

I have your letter dated August 30, 2019 and received in my Office on September 4, 2019.

Regarding your claim that on August 15th 2019 I stated to you that I would request somebody from CBSA to testify "*...regarding my interaction with them on March 15, 2019. In this respect it would be ideal if it could be one of the officers I actually interacted with*":

Upon reading this, I was unable to recall making an offer that Crown would notify a witness on your behalf. Working to recall this, I listened to the DARS carefully regarding exchanges made after the evidence for that day concluded. I did not hear myself offering to notify or request a witness from CBSA, on your behalf. Perhaps you could provide some context for the claim. At the moment, I cannot recall how you came to that conclusion.

Nevertheless, I draw your attention to the related response from the RCMP and specifically the following excerpts:

"...and no CBSA officers could be located with respect to an interaction with Fox from March 15, 2019 at or near the CBSA building, police cannot provide information to Crown to assist in regards to this matter."

"Officer Peirera and Constable Brown spoke by telephone on August 21, 2019, regarding the email request, at which time Officer Pereira confirmed that (sic) were no CBSA records relating to Patrick Henry Fox from March 15, 2019, and had there been any she would have advised Burnaby RCMP during their initial contact."

"Officer Pereira replied to the email request, with a written response: CBSA does not have any record of dealing with Mr. Fox on March 15/19."

It is also clear from CBSA Officer Gill, that he had no interaction with you on the 15th of March 2019 at the Peach Arch Border Crossing.

Moreover, it is clear from the CBSA response that *"CBSA does not have any record of dealing with Mr. Fox on March 15/19. Furthermore, Mr. Fox could not be deported to the USA or denied entry into Canada due to (sic) he is a Canadian Citizen."*

No records exist related to that date which record a claimed interaction or identify any Member Officer who supposedly interacted with you. It is clear there is no reasonable basis to notify a CBSA Member for court.

The CBSA response also indicates *"...it is not uncommon for pedestrians wanting to cross into the U.S., at the Peace Arch border crossing, to seek assistance from CBSA officers regarding how and where to cross, as the border is a busy location. Further, these interactions are not considered inspections as the access to the CBSA building from Canada and departures are not restricted (whereas entry from the northbound U.S. side is i.e. pedestrians/vehicles seeking entry into Canada), and as such would not likely be documented"*.

The names of several CBSA Officers are identified in various email exchanges included with the latest disclosure to you. You, in court, on August 15, 2019 conveyed that you would be looking into the process for subpoenaing witnesses. If you wish to have a case conference or application related to subpoenas, before the trial judge please advise.

Yours truly,



Bernie R. Wolfe
Crown Counsel