

INFORMATION / DÉNONCIATION

CANADA:

PROVINCE OF BRITISH COLUMBIA
PROVINCE DE LA COLOMBIE-BRITANNIQUE

Court Identifier: 2040: PRA
Court File Number: 244069
Type Reference: B
Inf. Seq Number: 6
Agency File Number: 401:19-49074

DNA: ☐ SOR: ☐ K File: ☐

"By Indictment"

This is the information of / Les présentes constituent la dénonciation de **R Gill**, a / un(e) **Court Liaison Officer** (the "Informant" / le "Dénonciateur") of / de **Vancouver**, British Columbia / Colombie-Britannique.

The informant says that the informant has reasonable and probable grounds to believe and does believe that / Le dénonciateur déclare qu'il a des motifs raisonnables et probables et croit effectivement que

Count 1

Patrick Henry FOX, between March 7 and March 21, 2019, at or near Vancouver, in the Province of British Columbia, while bound by a probation order made by The Honourable Madame Justice Holmes in the Supreme Court of British Columbia on November 10, 2017, did without reasonable excuse fail to comply with such order by making publicly available the website, www.desicapuano.com, contrary to Section 733.1(1) of the Criminal Code.

Count 2

Patrick Henry FOX, between March 7 and March 21, 2019, at or near Vancouver, in the Province of British Columbia, while bound by a probation order made by The Honourable Madame Justice Holmes in the Supreme Court of British Columbia on November 10, 2017, did without reasonable excuse fail to comply with such order by accessing the internet or any computer or cellular network, contrary to Section 733.1(1) of the Criminal Code.

THE INFORMATION SWORN ON **DECEMBER 4, 2019** CONTAINS A TOTAL OF 2 COUNTS ON 1 PAGE.

SWORN / ^{DJ}~~AFFIRMED~~ BEFORE ME / ^{DJ}~~ASSERMENTÉ / AFFIRMÉ~~ DEVANT MOI
ON / CE 4TH DAY OF / JOUR DE **DECEMBER, 2019**
AT / À **VANCOUVER**
BRITISH COLUMBIA / COLOMBIE-BRITANNIQUE

D. Toy 2019.12.04 10:11:37
-08'00'

A JUSTICE OF THE PEACE IN AND FOR THE
PROVINCE OF BRITISH COLUMBIA /
UN JUGE DE PAIX DANS ET POUR LA
PROVINCE DE LA COLOMBIE-BRITANNIQUE

Other Signer

Wed Dec 4 2019 10:06:54

SIGNATURE OF INFORMANT /
SIGNATURE DU DÉNONCIATEUR

Patrick Henry FOX: Warrant
PROCESS / ACTE DE PROCÉDURE ISSUED

D. Toy 2019.12.04 10:12:03
-08'00'

A JUSTICE OF THE PEACE IN AND FOR THE
PROVINCE OF BRITISH COLUMBIA /
UN JUGE DE PAIX DANS ET POUR LA
PROVINCE DE LA COLOMBIE-BRITANNIQUE

Report to Crown Counsel
ATTACHMENT(S)

Police File Number: 401:19-49074

Court File Number: 2040:244069-6-B

NAME OF ACCUSED(S): Fox, Patrick Henry	
Attachment List:	
Are there any attachments for this report: Yes	
If yes, list all attachments that will accompany this report.	
Description	# of Pages
1 CPIC Information	
=====	
CAUTION: THIS RECORD MAY OR MAY NOT PERTAIN TO THE SUBJECT OF YOUR ENQUIRY. POSITIVE IDENTIFICATION CAN ONLY BE CONFIRMED THROUGH SUBMISSION OF FINGERPRINTS.	
=====	
FPS: 275788G >>> DNA ON KNOWN OFFENDER DATA BANK <<<	
FOX. PATRICK HENRY	
*CRIMINAL CONVICTIONS CONDITIONAL AND ABSOLUTE DISCHARGES *AND RELATED INFORMATION	
2017-11-10 VANCOUVER BC	(1) CRIMINAL HARASSMENT SEC 264 CC
	(1) PROBATION 3 YRS (17 MOS PRE-SENTENCE CUSTODY) & MANDATORY WEAPONS PROHIBITION SEC 109 CC
	(2) POSS OF A FIREARM AT UNAUTHORIZED PLACE SEC 93(1) CC
	(2) (17 MOS PRE-SENTENCE CUSTODY) & MANDATORY WEAPONS PROHIBITION SEC 109 CC
	(DCN11616810200410201105) (RCMP BURNABY MUN 2016-25379)
*END OF CONVICTIONS AND DISCHARGES	
=====	
CAUTION: THIS RECORD MAY OR MAY NOT PERTAIN TO THE SUBJECT OF YOUR ENQUIRY. POSITIVE IDENTIFICATION CAN ONLY BE CONFIRMED THROUGH SUBMISSION OF FINGERPRINTS.	
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Ministry of Attorney General

JUSTIN Conviction List

Accused: Fox, Patrick Henry

DOB: 24-NOV-1973

FPS Number: 275788G

CS #: 10582500

Alias: Riess, Ricky Steve; Riess, Richard

Filters Applied Exclude Youth: ☐ Include 524: ☐ Include 810: ☐ Include MVA: ☐ Include NCR: ☒
Include Non-Disclosure: ☐ Include Unknown Statutes: ☐

File Number	Charge	Offence Date	Disposition Date	Disposition Type	Sentence
27178-2 SRA Vancouver	(1) CCC 264- Criminal Harassment	11-JAN-2015	10-NOV-2017	Guilty	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) 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. ; Probation Order 3 Year(s); Prohibition, Firearms, Mandatory Lifetime
	(2) CCC 93 1- Possess Firearm etc. where not allowed	17-MAY-2016			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) 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. ; Prohibition, Firearms, Mandatory Lifetime
			06-FEB-2019		(1,2) Change to Court Order

This report may contain information regarding youth matters provided to you pursuant to Sections 124 and 125 of the *Youth Criminal Justice Act* (Canada). Disclosure of this information to other parties may be subject to Sections 119 and 123 of the *Youth Criminal Justice Act* (Canada).

This report does not contain information about any offences for which a pardon has been granted.

This report does not contain any information about orders or obligations under the *Sex Offender Information Registration Act*.

Report to Crown Counsel

NARRATIVES

Police File Number: 401:19-49074

Court File Number: 2040:244069-6-B

1 NAME OF ACCUSED(S): Fox, Patrick Henry

2 Synopsis:

3 Submission: 1

4 Received Date: 19 SEP 2019 12:09 PM

5 On March 15, 2019, VPD was requested by Burnaby RCMP to assume the
6 investigation on a possible breach of probation. Patrick FOX was previously
7 charged and convicted for criminal harassment against his ex-wife Desiree
8 CAPUANO. FOX has since been released after serving three years in custody
9 and is suspected to have created another "revenge" website, contrary to his
10 probation order. Crown Counsel Mark Myre received the information from
11 digital reported Estefania DURAN who then reported it to Burnaby RCMP.

12

13
14 Det. 2617 FONTANA of DVACH assigned as the lead investigator, new charges of
15 Breach of Probation X2, Disobeying a Court order contrary to S. 127 of the
16 C.C.C and 1 count of Criminal Harassment recommended.

17

18 Narrative:

19 Submission: 1

20 Received Date: 19 SEP 2019 12:09 PM

21 |.....

22 Subject: Narrative|

23 Please see investigative overview disclosed electronically.

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Report to Crown Counsel
STATEMENT(S)

Police File Number: 401:19-49074

Court File Number: 2040:244069-6-B

1			
2	NAME OF ACCUSED(S): Fox, Patrick Henry		
3			
4	Witness Name:		
5	Capuano, Desiree Y	☒ Victim	☐ Police Officer
6	Statement		
7	Submission: 1 Received Date: 19 SEP 2019 12:00 AM Subject: CAPUANO, DESIREE Please see electronic disclosure.		
8			
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Report to Crown Counsel
STATEMENT(S)

Police File Number: 401:19-49074

Court File Number: 2040:244069-6-B

Witness Name	
Duran, Estefania Y	☐ Victim ☐ Police Officer
Statement	
Submission: 1	
Received Date: 19 SEP 2019 12:00 AM	
.....	
Subject: DURAN, ESTEFANIA	
Please see electronic disclosure.	

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Report to Crown Counsel
STATEMENT(S)

Police File Number: 401:19-49074

Court File Number: 2040:244069-6-B

Witness Name:	
Elliott, Susan Y	☐ Victim ☐ Police Officer
Statement	
Submission: 1	
Received Date: 19 SEP 2019 12:00 AM	
.....	
Subject: ELLIOTT, SUSAN	
Please see electronic disclosure.	

Report to Crown Counsel
STATEMENT(S)

Police File Number: 401:19-49074

Court File Number: 2040:244069-6-B

Witness Name:	
Fontana, Jennifer J Y	☐ Victim ☒ Police Officer (PIN VA2671)
Statement	
Submission: 1 Received Date: 19 SEP 2019 12:00 AM Subject: Investigative Steps On March 18, 2019 Detective Constable 2671 FONTANA ("Det. FONTANA") was assigned to investigate VPD file 19-49074 by Sergeant 2179 WHEELER ("Sgt. WHEELER") who was notified by the VPD media unit of the file. This was a breach investigation involving SOC Patrick FOX ("FOX") and victim Desiree CAPUANO ("CAPUANO") and stems from Burnaby file 16-25379 which FOX was charged and convicted of Criminal Harassment for maintaining a revenge website about CAPUANO. On March 14, 2019, the Burnaby RCMP received a report from Mark Myhre (Crown Counsel) that he believed that Patrick Fox had breached his conditions which prevented him from posting and harassing his ex-wife, Desiree , in regards to a "revenge website." (www.Desicapuano.com). Myhre advised that he was notified of the website being reactivated by Estefania Duran, a digital reporter from News 1130. Duran was tipped off by an anonymous Twitter user, who Myhre believed to be Fox, attempting to gain exposure for his website again. The website contained private emails between Fox, Myhre, reporters, and details of current court proceedings, as well as a blog post that states "the website is back-and it's back with a motherfucking vengeance." (Dated 2019-03-12).\ On March 18, 2019 Det. FONTANA received information from the Burnaby RCMP that FOX had been staying at the Yukon Shelter located at 2088 Yukon St, Vancouver. Constable 2822 PRASAD attended the Yukon Shelter and spoke with staff who advised that FOX had been staying at the shelter from Feb 14, 2019 until March 16, 2019. On the evening of March 16, 2019 FOX packed his belongings and told staff he was moving to the United States. Staff had not seen FOX since. On March 19, 2019 Det. FONTANA contacted Homeland Security to ensure that FOX would not be able to enter into the United States. A query was conducted and Det. FONTANA was advised by Homeland Security that FOX had entered into the United States on March 15, 2019, via the Blaine, Washington entrance. After learning this information Det. FONTANA became concerned for the safety	

Report to Crown Counsel

STATEMENT(S)

Police File Number: 401:19-49074

Court File Number: 2040:244069-6-B

1 of CAPUANO and conducted the following steps:

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4 - Requested any information regarding the crossing of FOX at the Blaine
5 border crossing (was advised with no MOU in place with Homeland Security and
6 VPD information would likely not be shared - still awaiting an update)
7

8
9 - Contacted CBSA and completed lookout form to have FOX flagged should he
10 attempt to enter back into Canada

11 -CBSA file number is 1613-16-0530

12 -CBSA believes that FOX was not flagged due to his name change and that his
13 criminal record in the United States was under Richard REISS and the names
14 were never connected
15

16
17 - Contacted Desiree CAPUANO and advised her FOX had crossed the border

18 - Conducted safety planning with her

19 - CAPUANO stated she believes FOX will come to V1 and try to kill her

20 - CAPUANO attended the V1 Police Department and had a file created -

21 V1

22 - CAPUANO plans to attend the court house on March 20, 2019 and apply for a
23 protection order
24

25
26 - Contacted the V1 Police Department and requested a member attend in
27 person to discuss appropriate protection orders/DV resources available -was
28 advised by Det. SEYBOLD that they would do a BOLO for FOX to patrol
29 officers - still waiting for response about safety planning in person with
30 CAPUANO
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33 V1
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37 CAPUANO believes that FOX will try to make his way to Los Angeles and stay
38 with his friend Fleur de Liz MUNOZ "Liz". FOX has been found at MUNOZ's
39 residence in previous incidents when he has been deported back to Canada.
40 CAPUANO believes that MUNOZ has recently moved but the last known address
41 for her is V. Possible contact
42 numbers for MUNOZ are V1 According
43 to CAPUANO, MUNOZ has a lot of family in V1 and she has
44 always been willing to help FOX.
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47 At the time of this report the whereabouts of FOX is unknown as are his

Report to Crown Counsel
STATEMENT(S)

Police File Number: 401:19-49074

Court File Number: 2040:244069-6-B

1 intentions. Safety planning with CAPUANO will be ongoing until FOX is
2 located. File SUI.

10
11 Subject: FOX, PATRICK

12 FOX was interviewed while in custody at North Fraser Pretrial Centre for
13 unrelated breach charges. During this interview FOX admitted to creating the
14 new website www.desicapuano.com and uploading all of the content on the
15 website. FOX stated his goal was to be charged with criminal harassment and
16 bring the system into disrepute.

Report to Crown Counsel
STATEMENT(S)

Police File Number: 401:19-49074

Court File Number: 2040:244069-6-B

Witness Name:		
Georgetti, David Kenneth Y	☐ Victim	☐ Police Officer
Statement		
Submission: 1 Received Date: 19 SEP 2019 12:00 AM Subject: GEORGETTI, DAVID KENNETH Please see electronic disclosure.		

Report to Crown Counsel
STATEMENT(S)

Police File Number: 401:19-49074

Court File Number: 2040:244069-6-B

Witness Name:	
Macmahon, Martin Y	☐ Victim ☐ Police Officer
Statement	
Submission: 1	
Received Date: 19 SEP 2019 12:00 AM	
.....	
Subject: MACMAHON, MARTIN	
Please see electronic disclosure.	

Report to Crown Counsel
STATEMENT(S)

Police File Number: 401:19-49074

Court File Number: 2040:244069-6-B

Witness Name:		
Myhre, Mark Y	☐ Victim	☐ Police Officer
Statement		
Submission: 1 Received Date: 19 SEP 2019 12:00 AM Subject: MYHRE, MARK Please see electronic disclosure.		

Report to Crown Counsel
STATEMENT(S)

Police File Number: 401:19-49074

Court File Number: 2040:244069-6-B

Witness Name:	
Prasad, Kevin A Y	☐ Victim ☒ Police Officer (PIN VA2822)
Statement	
Submission: 1 Received Date: 19 SEP 2019 12:00 AM Subject: POSSIBLE BREACH OF PROBATION On March 15, 2019 at 0947hrs, VPD was requested by Burnaby RCMP to assume the investigation on a possible breach of probation. Patrick FOX was previously charged and convicted for criminal harassment against his ex-wife Desiree CAPUANO. FOX has since been released after serving time and is suspected to have created another "revenge" website, contrary to his probation order. Crown Counsel Mark Myre received the information from digital reported Estefania DURAN whe then reported it to Burnaby RCMP. File Routed to DVACH for consideration Cst. Kevin Prasad #2822 Vancouver Police Department District 4 Team 1	

Report to Crown Counsel
ATTACHMENT(S)

Police File Number: 401:19-49074

Court File Number: 2040:244069-6-B

2 BC DV Risk Summary	
BC DV BAIL COMMENTS and RISK SUMMARY	
=====	
SECTION A: POLICE RECOMMENDATIONS FOR BAIL	
=====	
A. POLICE ARE SEEKING DETENTION BASED ON (SELECT ALL THAT APPLY):	
☐ PRIMARY GROUND ☒ SECONDARY GROUND	
☒ TERTIARY GROUND ☐ NO DETENTION	
B. JUSTIFICATION FOR DETENTION OR RELEASE (PROVIDE BRIEF OVERVIEW OF PRIMARY, SECONDARY, OR TERTIARY GROUND):	
[FOX is a flight risk and has attempted to enter the United States on multiple occasions. The victim lives in the United States, her safety would be in jeopardy if FOX were released.]	
C. POLICE ARE SEEKING A NO CONTACT ORDER PURSUANT TO SECTIONS 515(12)CC OR 516(2)CC FOR AN ACCUSED WHO IS BEING REMANDED OR DETAINED. [YES]	
D. SUGGESTED CONDITIONS IF RELEASED:	
[Police respectfully request all FOX''s current probation conditions continue.]	
=====	
SECTION B: SUMMARY OF DOMESTIC VIOLENCE RISK FACTORS	
=====	
1. RELATIONSHIP HISTORY	
1.1 CURRENT STATUS OF THE RELATIONSHIP:	
IS THERE PAST, RECENT, OR PENDING SEPARATION IN THE RELATIONSHIP?	
[FOX and CAPUANO have been separated since 2003.]	
1.2 ESCALATION IN ABUSE:	
IS THERE ESCALATION IN THE FREQUENCY/INTENSITY OF VIOLENCE OR ABUSE TOWARDS THE COMPLAINANT, FAMILY MEMBERS, A PET, OR ANOTHER PERSON?	
[FOX appears to be extremely focused on CAPUANO and has stated his goal is to "ruin her."]	
1.3 CHILDREN EXPOSED:	
ARE THERE CHILDREN, UNDER 19 YEARS OF AGE, IN THE FAMILY WHO ARE LIVING IN THE HOME?	
IS THERE A CHILD ACCESS OR GUARDIANSHIP DISPUTE?	
WHO ARE THE PARENTS?	
PLEASE ENSURE CHILDREN AND PARENTS ARE ADDED AS ENTITIES	
NOTE: CONTACT THE MINISTRY OF CHILDREN AND FAMILY DEVELOPMENT	
[On 18 year old son who lives with CAPUANO.]	
1.4 THREATS:	
HAS THE SUSPECT EVER THREATENED TO KILL OR HARM THE COMPLAINANT, A FAMILY MEMBER, ANOTHER PERSON, CHILDREN, OR A PET?	
[FOX has stated that if it wasn''t illegal to kill CAPUANO that he would.]	
1.5 FORCED SEX:	
HAS THE SUSPECT EVER FORCED SEX ON THE COMPLAINANT?	
[Unknown]	

Report to Crown Counsel
ATTACHMENT(S)

Police File Number: 401:19-49074

Court File Number: 2040:244069-6-B

Description	# of Pages
1.6 STRANGLING, CHOKING, BITING: HAS THE SUSPECT EVER STRANGLED, CHOKED, OR BITTEN THE COMPLAINANT? [Unknown]	
1.7 STALKING: HAS THE SUSPECT DISPLAYED JEALOUS, OBSESSIVE/CONTROLLING BEHAVIOUR; STALKED OR HARASSED THE COMPLAINANT, OR A PREVIOUS INTIMATE PARTNER? IS THIS BEHAVIOUR PERSISTENT? IS THIS BEHAVIOUR ESCALATING? [Unknown]	
1.8 INFORMATION ON RELATIVE SOCIAL POWERLESSNESS: ARE ISOLATION/MARGINALIZATION FACTORS PRESENT (I.E. SOCIAL CONTACT MONITORED OR CONTROLLED, LANGUAGE BARRIER, DISABILITY, ADDICTION, POVERTY, PREGNANCY, LACK OF TRANSPORTATION, FINANCIAL DEPENDENCY, LITERACY, MENTAL ILLNESS, ELDERLY, ETC)? IS THE WOMAN INDIGENOUS, AN IMMIGRANT, OR REFUGEE? ARE SOCIAL/CULTURAL FACTORS PRESENT (I.E. CULTURE OF MALE PRIVILEGE OR ENTITLEMENT, UNWILLINGNESS TO REPORT OR SEEK HELP, FAMILY PRESSURES/SHAME, CULTURAL BELIEFS, RISKS/THREATS RELATED TO EXTENDED FAMILY OR COMMUNITY ETC)? [N/A]	
2. COMPLAINANT''S PERCEPTION OF RISK 2.1 COMPLAINANT''S PERCEPTION OF PERSONAL SAFETY: DOES THE COMPLAINANT BELIEVE THE SUSPECT WILL DISOBEY TERMS OF RELEASE? PARTICULARLY A NO CONTACT ORDER? [CAPUANO believes that FOX is determined to ruin her reputation and believes he no longer has a grasp on reality.]	
2.2 COMPLAINANT''S PERCEPTION OF FUTURE VIOLENCE: DOES THE COMPLAINANT FEAR FURTHER VIOLENCE IF THE SUSPECT IS RELEASED FROM CUSTODY? WHAT IS THE BASIS OF THE COMPLAINANT''S FEAR, AND WHAT ACCESS DOES THE OFFENDER HAVE TO THE COMPLAINANT? [CAPUANO believes that if FOX is able to gain entry into the United States that he will kill her. FOX has transported concealed firearms across the border in the past.]	
3. SUSPECT HISTORY 3.1 SUSPECT''S CRIMINAL VIOLENCE HISTORY: DOES THE SUSPECT HAVE A HISTORY OF THREATS, VIOLENCE, SEX ASSAULTS, AND/OR CRIMINAL HARASSMENT? ARE THERE GANG AFFILIATIONS? [FOX was convicted of criminal harassment and firarms offences in 2017 and was sentenced to 3 years, 10 months in jail.]	
3.2 PREVIOUS DOMESTIC VIOLENCE HISTORY: IS THERE A HISTORY OF STALKING, VIOLENCE, OR ABUSIVE BEHAVIOUR IN THE CURRENT OR A PREVIOUS RELATIONSHIP? IS THERE ANY HISTORY OF THREATS OR ACTUAL VIOLENCE OR ABUSIVE BEHAVIOUR AGAINST CHILDREN, OTHER FAMILY MEMBERS, FRIENDS, CO-WORKERS, OR FAMILY PETS? [unknown]	

Report to Crown Counsel
ATTACHMENT(S)

Police File Number: 401:19-49074

Court File Number: 2040:244069-6-B

3.3 COURT ORDERS: HAS THE SUSPECT EVER VIOLATED A COURT ORDER? IS THE SUSPECT PRESENTLY BOUND BY ANY COURT ORDER (INCLUDING A FAMILY LAW ACT ORDER)? IS THE SUSPECT IN A REVERSE ONUS SITUATION FOR BAIL? [yes, probation and court order.	]
3.4 ALCOHOL/DRUGS: DOES THE SUSPECT HAVE A HISTORY OF DRUG OR ALCOHOL ABUSE? [unknown	]
3.5 EMPLOYMENT INSTABILITY: IS THE SUSPECT UNEMPLOYED OR EXPERIENCING FINANCIAL PROBLEMS? HAVE THERE BEEN RECENT CHANGES IN EMPLOYMENT? [unemployed	]
3.6 MENTAL ILLNESS: DOES THE SUSPECT HAVE A HISTORY OF MENTAL ILLNESS (E.G. DEPRESSION OR PARANOIA ETC)? IS THE SUSPECT COMPLYING WITH MENTAL HEALTH CARE (E.G. TAKING THE MEDICATIONS PRESCRIBED)? NOTE: ALSO DOCUMENT IF THERE ARE ANY OTHER SERIOUS MEDICAL ISSUES INVOLVING ANY PARTY. [unknown	]
3.7 SUICIDAL IDEATION: HAS THE SUSPECT DISCUSSED, THREATENED, OR ATTEMPTED SUICIDE? IF YES, WHEN AND HOW? [unknown	]
4. ACCESS TO WEAPONS/FIREARMS 4.1 WEAPONS/FIREARMS (USED OR THREATENED) HAS THE SUSPECT USED OR THREATENED TO USE A FIREARM OR WEAPON AGAINST THE COMPLAINANT, FAMILY MEMBER, CHILDREN, OR ANIMAL? [FOX has accessed firearms in the past.	]
4.2 ACCESS TO WEAPONS/FIREARMS: DOES THE SUSPECT HAVE ACCESS TO WEAPONS/FIREARMS? [FOX has accessed firearms in the past.	]
5. ADDITIONAL COMMENTS INCLUDE ANY OTHER INFORMATION THAT MAY FURTHER JUSTIFY DETENTION OR RELEASE OF THE ACCUSED. [	]
Name: [BC DV Risk Summary] Version: [1.0] Start Date: [2013JUL22]	

Probation Order

(Prison)

Canada: Province of British Columbia

Ban - See Attachment

Police File No.
704:16-25379

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

IND

Primary Enf. Agency:

D.O.B.: November 24, 1973

Proceeded: By Indictment

☐ Interpreter present

Whereas on June 28, 2017 at Vancouver, British Columbia,

Patrick Henry Fox

(the "offender") was convicted or found guilty, as the case may be, upon the following charge(s) and on November 10, 2017 the Court adjudged that the offender be imprisoned in the Province of British Columbia as follows:

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; DNA Order Secondary; Probation Order 3 Year(s); Prohibition, Firearms, Mandatory Lifetime;

I have read or have had read to me and understand a total of 1 Charge

VARIED 6011: 27178-2 on FEBRUARY 6, 2019. See Variation Order dated February 6, 2019.

and in addition thereto, that the said offender comply with the conditions hereinafter prescribed:

Now, therefore, the said offender shall for the period stated above, from the date of expiration of imprisonment, comply with the following conditions, namely, that the said offender shall:

I have read or have had read to me and understand a total of 17 Conditions on 2 Conditions Attachment Pages

Dated / Fait le November 10, 2017 at / à Vancouver, British Columbia / Colombie-Britannique

I, the undersigned offender, acknowledge that I have received:

- a copy of the Probation Order
- an explanation of the substance of the sections dealing with changes to the Probation Order and failing to comply with the Probation Order (Sec 732.2(3) and (5), and Sec 733.1), and
- an explanation of the procedures for applying for changes to the Probation Order,

and that I understand the terms of this Probation Order and the explanations which I have received.

DECLINED TO SIGN

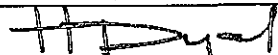
Offender / Contrevenant(e)
Address / Adresse :

203-3846 Sunset St
Burnaby, BC, Canada V5G 1T3

Phone Number / Numéro de téléphone :

Je, le(la) contrevenant(e) soussigné(e), reconnais que j'ai reçu :

- une copie de l'Ordonnance de probation
- une explication du contenu des articles ayant trait aux changements apportés à l'Ordonnance de probation et au défaut de se conformer à l'Ordonnance de probation (Art. 732.2(3) et (5), et Art 733.1), et
- une explication des procédés à suivre pour faire une demande de changements à l'Ordonnance de probation, et que je comprends les conditions de cette Ordonnance de probation et les explications que j'ai reçues.



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, in and for the Province of British Columbia / dans et pour la
province de la Colombie-Britannique

Probation (Prison)

**Ordonnance de probation
(prison)**

Canada: Province de la Colombie-Britannique

☐ Interprète présent
Interdit -

Nu. de dossier de la police Nu. de dossier du greffe
704:16-25379 6011:27178-2
VLC
(244069-2-KC) Van

IND

Org. prim. d'app. de la loi :

D.D.N. : November 24, 1973
Procédé : par mise en accusation

Attendu que le June 28, 2017 à Vancouver, Colombie-Britannique,

Patrick Henry Fox

(le(la) <<contrevenant(e)>>) a été condamné(e) ou reconnu(e) coupable, selon le cas, de l'(des) infraction(s) suivante(s) et le November 10, 2017 le tribunal a décidé que le(la) contrevenant(e) soit incarcéré(e) dans la province de la Colombie-Britannique comme suit :

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; DNA Order Secondary; Probation Order 3 Year(s); Prohibition, Firearms, Mandatory Lifetime;

J'ai lu ou j'ai m'a lu et je comprends 1 inculpation

et, de plus, que ledit (ladite) contrevenant(e) se conforme aux conditions prescrites suivantes :
Pour ces motifs, ledit (ladite) contrevenant(e) devra pour la période ci-dessus prescrite à compter de la date d'expiration de la sentence d'emprisonnement, se conformer aux conditions suivantes, notamment que ledit (ladite) contrevenant(e) devra :

J'ai lu ou j'ai m'a lu et je comprends 17 conditions sur 2 pages de l'Annexe des conditions

Probation (prison)

**Probation Order/
Ordonnance de probation**

(Prison/ prison)
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

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

Interdit -

Re/ Objet : Fox

**Conditions Attachment/
Annexe des conditions**

Condition 1: Keep the peace and be of good behaviour.

Condition 2: Appear before the Court when required to do so by the Court.

Condition 3: Notify the Court or the Probation Officer in advance of any change of name or address, and promptly notify the Court or the Probation Officer of any change of employment or occupation.

POR Condition 4: You must have no contact or communication, directly or indirectly, with Desiree Capuano, James Pendleton, or Sage Capuano, or any of their friends, relatives, employers, or co-workers. Except you may have contact with Gabriel Reiss.

Condition 5: You must report in person to a probation officer at 275 East Cordova ST., Vancouver, B.C., within 48 hours of your release from custody, and after that, you must report at least once every 4 days, in person, as directed by the probation officer.

Condition 6: You must attend, participate in and successfully complete any intake, assessment, counselling or program as directed by the probation officer, including but not limited to attendance at Forensic Psychiatric Services for assessment, counselling, or treatment, except that you should not be required to submit to any treatment or medication prescribed by the Psychiatric Services to which you do not consent. If you do not consent to the treatment or medication, you shall forthwith inform your probation officer as to why you do not consent.

Condition 7: When first reporting to the probation officer, you must inform him or her of your residential address and phone number. You must not change your residence or phone number without written permission from your probation officer given in advance.

Condition 8: You must provide your probation officer with the particulars of your employment including any self-employment. You must inform your probation officer within two business days of any change in your employment.

Condition 9: You must not leave British Columbia unless you have the written permission of the probation officer, and you must carry the permission when you are outside of the province. ~~and you must carry the permission when you are outside of the province.~~ HD

Condition 10: You must not be within 100 metres of the United States border.

Conditions continue on next Conditions Attachment Page/ Suite à la prochaine page de l'Annexe des conditions

**Probation Order/
Ordonnance de probation**

(Prison/ prison)
Canada: Province of British Columbia.
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D.O.B./ D.D.N. : November 24, 1973

Interdit -

Re/ Objet : Fox

**Conditions Attachment/
Annexe des conditions**

Conditions continued from previous Conditions Attachment Page/ Suite de la page précédente de l'Annexe des conditions

Condition 11: Immediately upon your release from custody, you must attend the Burnaby RCMP Detachment at 6355 Deer Lake Avenue. You must present a copy of this order to a peace officer there, and you must accompany a peace officer to the location of all travel documents in your possession, including any passport, Nexus card, travel visa, or enhanced driver's license. You must surrender all such items to the peace officer and thereafter not obtain any further travel documents.

Condition 12: You must not disseminate, distribute, publish or make publicly available in any manner whatsoever, directly or indirectly, information, statements, comments, videos, or photographs which refer to or depict, by name or description, Desiree Capuano, James Pendleton, Sage Capuano, or any of their friends, relatives, employers, or co-workers.

Condition 13: Within 24 hours of your release from custody you will take all necessary steps to ensure that any website, social media page, or other publication, which you have authored, created, maintained or contributed to, which contains any information, statements, comments, videos, pictures which refer to or depict, by name or description, Desiree Capuano, James Pendleton, or Sage Capuano, or any of their friends, relatives, employers, or co-workers, including the website published under the domain www.desireecapuano.com, is no longer accessible via the internet or by any other means.

Condition 14: You must not use the internet or any computer or cellular network except as required to fulfill condition 13, for the purpose of employment, or for sending personal emails.

Condition 15: Provide any email address you use, and a list of any email addresses you correspond with to your probation officer.

CFC Condition 16: You must not possess, either personally or through another person, any firearm, crossbow, prohibited weapon, restricted weapon, prohibited device, ammunition or explosive substance, anything that resembles a weapon or firearm, any weapon as defined in section 2 of the Criminal Code, or any related authorizations, licences or registration certificates.

CFC Condition 17: Immediately upon your release from custody, you must attend the Burnaby RCMP Detachment at 6355 Deer Lake Avenue, you must present a copy of this order to a peace officer there, and you must accompany a peace officer to the location in Canada of all firearms, crossbows, prohibited weapons, restricted weapons, prohibited devices, ammunition or explosive substances and all weapons, imitation weapons including imitation firearms possessed by you or through another person, and any related authorizations, licences, or registration certificates. You must surrender all such items to the peace officer. You are also to advise the peace officer of the location outside of Canada of any of the items described in this condition.

I have read or have had read to me and understand a total of 17 Conditions on 2 Conditions Attachment Pages/ J'ai lu ou j'ai m'a lu et je comprends 17 conditions sur 2 pages de l'Annexe des conditions

Probation (prison)/ Probation (Prison)

**Probation Order/
Ordonnance de probation**

(Prison/ prison)

Canada: Province of British Columbia

Province de la Colombie-Britannique

☒ Ban

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

Re/ Objet : Fox

**Related File/Ban Attachment/
Annexe de dossiers connexes/interdit**

Police File/ Dossier de la police	Court File/ Dossier du greffe	Proceeded/ Procédé	Ban/Interdit
704:16-25379	6011:27178-2	IND	Publication CCC 517(1) Publication CCC 486.5(1) Publication CCC 539(1) Inherent Jurisdiction Other
	VLC		
	(244069-2-KC) Van		

Probation (prison)/ Probation (Prison)

Important Information for a Person Placed on Probation

1. Changes to a Probation Order

Criminal Code Section 732.2(3)

You may apply to change or cancel a condition of your *Probation Order*, or reduce the time you will be on probation. Ask the Court Registry for an *Application to a Judge* form, to make this request.

The probation officer or the prosecutor may also ask to change or cancel a condition of your *Probation Order*, or to reduce the time you will be on probation.

You may have to appear in court, and the Court may issue a *Warrant* or *Summons* to make you appear.

If any changes are made, you will have to sign the changed *Probation Order* and you will receive a copy.

Criminal Code Section 732.2(5) and Section 730(4)

The prosecutor may ask to have you come back to court if you are convicted of another offence, including breach of probation, as long as:

- you have not appealed that conviction, or
- you are out of time to appeal it, or
- your appeal was dismissed, or
- you do not intend to appeal.

The Court may then:

- revoke a *Suspended Sentence* or a *Conditional Discharge* and give you a different sentence, or
- change the additional conditions, or
- extend your probation by up to one more year.

2. Failure to Comply with a Probation Order

Criminal Code Section 733.1

If you are on probation and fail to comply with the order, you can be charged with "breach of probation". If the Court finds you guilty of a breach of probation, you can be sentenced to:

- a jail term for up to four years, if the Crown proceeds by indictment, or
- a jail term for up to eighteen months, or a fine of up to \$5,000.00, or both if the Crown proceeds by summary conviction.

Your court appearance for a breach charge does not have to be where your *Probation Order* was made. You may appear in the court closest to where the offence happened, or where you were found, arrested, or in custody.

3. Changes to Personal Information

If you change your name or address, you must notify the Court or your probation officer of any change in advance. Any changes to other personal information, including your employment or occupation must be reported to the Court or your probation officer. To report any changes, you should ask the Court Registry or your probation officer for a *Notice of Change of Personal Information* form.

This is an information sheet. In the event of any conflict between this information and any Act(s) or law, the provisions of the Act(s) apply.

Renseignements importants à l'intention d'une personne mise en probation

1. Modification d'une ordonnance de probation

Article 732.2(3) du *Code criminel*

Vous pouvez faire une demande de modification ou d'annulation d'une condition de votre *ordonnance de probation* ou de réduction de la durée de votre mise en probation. Pour ce faire, demandez un formulaire de Demande à un juge au greffe de la cour.

L'agent de probation ou le(la) poursuivant(e) peut également demander de modifier ou d'annuler une condition de votre ordonnance de probation, ou de réduire la durée votre mise en probation.

Vous devrez peut-être comparaître devant un tribunal et le tribunal peut émettre un *mandat* ou une *somation* pour vous obliger à comparaître.

En cas de changement, vous devrez signer l'*ordonnance de probation* modifiée et vous en recevrez une copie.

Articles 732.2(5) et 730(4) du *Code criminel*

Le(la) poursuivant(e) peut demander votre comparution devant le tribunal si vous êtes déclaré(e) coupable d'une autre infraction, y compris un manquement aux conditions de la probation, pourvu que :

- vous n'avez pas interjeté appel de cette déclaration de culpabilité, ou
- le délai d'appel soit expiré, ou
- votre appel ait été rejeté, ou
- vous n'avez pas l'intention d'interjeter appel.

Le tribunal peut alors :

- révoquer une *condamnation* avec sursis ou une *libération conditionnelle* et vous infliger une peine différente, ou
- modifier les conditions supplémentaires, ou
- prolonger la durée de votre probation d'au plus un an.

2. Défaut de se conformer à une ordonnance de probation

Article 733.1 du *Code criminel*

Si vous avez été mis(e) en probation et que vous omettez de vous conformer à l'ordonnance, vous pouvez être inculpé(e) d'un manquement aux conditions de la probation. Si le tribunal vous reconnaît coupable d'un manquement aux conditions de la probation, vous pouvez être condamné(e) à :

- une peine d'emprisonnement d'au plus quatre ans, si la Couronne procède par mise en accusation, ou
- une peine d'emprisonnement d'au plus dix-huit mois, ou une amende d'au plus 5 000 \$, ou les deux, si la Couronne procède par déclaration sommaire de culpabilité.

Votre comparution devant le tribunal pour manquement aux conditions de l'ordonnance ne doit pas nécessairement se faire au lieu où l'ordonnance de probation a été rendue. Vous pouvez comparaître devant le tribunal le plus près du lieu où l'infraction a été commise, ou du lieu où vous avez été trouvé(e), arrêté(e) et mis(e) sous garde.

3. Changements de renseignements personnels

Si vous changez de nom ou d'adresse, vous devez en aviser le tribunal ou votre agent de probation à l'avance. Vous devez également informer le tribunal ou votre agent de probation de tout autre changement de renseignements personnels, y compris un changement d'emploi ou de métier ou profession. Afin de signaler un changement quelconque, vous devriez demander le formulaire *Avis de changement de renseignements personnels* au greffe de la cour ou à votre agent de probation.

La présente est une feuille de renseignements. En cas de conflit entre ces renseignements et une ou plusieurs lois, les dispositions de la (des) loi(s) s'appliquent.