

Report to Crown Counsel Disclosure

Accused: Patrick FOX



Vancouver Police Incident: 2019-49074

Disclosure Preparation Date: 2019-09-26

Lead Investigator: Det/Cst 2671 Jennifer FONTANA

Investigational Assistant: Denise VAN DEN BRUN

Investigative Overview VA19-49074

Criminal Harassment 264(1) of the Criminal Code of Canada

Failure to Comply with Probation Order contrary to S. 733.1(1) of the Criminal Code of Canada X2

Disobeying Order of Court Contrary to S.127 (1) of the Criminal Code of Canada

Accused: Patrick FOX 1973-11-24

Victim: Desiree CAPUANO 1980-10-01

Lead Investigator/Affiant: Det. 2671 Jennifer Fontana

Background

FOX and CAPUANO were involved in a romantic relationship for approximately two years, beginning in 2001 and ending in 2003. They have a nineteen year old son together, Gabriel RIESS ("RIESS"). At the time of their relationship FOX was known as Richard RIESS, however had his name legally changed to Patrick FOX in 2014. Throughout this document Richard RIESS will be referred to as FOX.

On June 8, 2016, FOX was charged with Criminal Harassment by the Burnaby RCMP after an investigation into hate website, V1 was conducted. The website was written in first person from the perspective of CAPUANO and was made with the purpose of posting defamatory and in most cases false information about CAPUANO. At the time the website was created CAPUANO and FOX were in the middle of a custody battle for their son RIESS. The website included the home phone number, address and location pinned map of CAPUANO and her current spouse James PENDLETON ("PENDLETON").

On November 10, 2017, FOX was convicted of Criminal Harassment contrary to section 264(1) of the Criminal Code of Canada and Possession of Firearms in a Place Other than Authorized contrary to section 93 of the Criminal Code of Canada. FOX was

sentenced to three years, ten months in jail and was credited 25 1/3 months for his time in custody at the pre-trial center.

As a result of the above conviction, FOX was bound by a probation order in effect until June 5, 2021, which included the following conditions:

- a) NO DIRECT\INDIRECT CONTACT\COMMUNICATION DESIREE OR SAGE CAPUANO, JAMES PENDLETON OR THEIR FRIENDS\RELATIVES\EMPLOYERS\CO-WORKERS EXCEPT YOU MAY HAVE CONTACT WITH GABRIEL RIESS
- b) NO GO WITHIN 100 METRES OF US BORDER
- c) NOT TO LEAVE BC EXCEPT WITH WRITTEN CONSENT & MUST BE CARRIED ON YOU
- d) MUST NOT USE THE INTERNET\ANY COMPUTER\CELLULAR NETWORK EXCEPT FOR WORK, SENDING PERSONAL EMAILS OR FOR CONDUCTING LEGAL RESEARCH
- e) NOT TO DIRECTLY OR INDIRECTLY DISSEMINATE DISTRIBUTE\PUBLISH OR MAKE PUBLICLY AVAILABLE INFORMATION\STATEMENTS\COMMENTS\VIDEOS\PHOTOS WHICH REFER\DEPICT BY NAME OR DESCRIPTION DESIREE OR SAGE CAPUANO, JAMES PENDLETON OR ANY OF THEIR FRIENDS\RELATIVES\EMPLOYERS\CO-WORKERS BUT DOES NOT APPLY TO FILING DOCUMENTS IN LEGAL PROCEEDINGS OR USE OF DOCUMENTS\INFO IN RELATION TO THOSE LEGAL PROCEEDING
- f) NO POSSESS, EITHER PERSONALLY OR THROUGH ANOTHER PERSON, ANY F-ARM, X-BOW, PROHIB WPN\DEVICE,RESTRICTED WPN,AMMO,EXPLOSIVE SUBSTANCE ANYTHING RESEMBLING WPN\F-ARM,ANY WPN PER SECTION 2 CC, ANY RELATED AUTHORIZATIONS\LICENCES\REGISTRATION CERTIFICATES
- g) BAN ON PUBLICATION 517(1), 486.5(1) & 539(1) CCC*CNO 27178-2

FOX was released from custody on December 30, 2018. On March 13, 2019 News 1130 reporter, Estefania DURAN ("DURAN") received a social media message which informed her that the website which was formerly known as V1 was back under a new name of V1. DURAN advised the 2016 prosecuting Crown Counsel, Mark MYHRE ("MYHRE") of the new site, who in turn notified the Burnaby RCMP and Vancouver Police Department.

Current Police Investigation

Due to the belief that FOX was staying at a shelter in Vancouver at the time of the new website's creation, Vancouver Police took on the investigation into the new website V1. On March 18, 2019, Detective Constable 2671 FONTANA ("Det. FONTANA") of the Domestic Violence and Criminal Harassment ("DVACH") Unit was assigned as the lead investigator.

On March 19, 2019, Det. FONTANA received information from Homeland Security that FOX had crossed the United States Border on March 15, 2019. No further information would be shared with Det. FONTANA V2.

. FONTANA contacted CBSA and completed the required look out request form to flag FOX should he attempt to cross the border back in to Canada.

Det. FONTANA spoke with FOX's probation officer who advised that FOX had reported as required on March 15, 2019 and that he was not due to report again until March 19, 2019.

Det. FONTANA advised CAPUANO that FOX had crossed the border four days previous and his whereabouts was unknown. CAPUANO stated that FOX was coming to kill her. Det. FONTANA enlisted the assistance of the V1 Police Department to safety plan with CAPUANO and assist her V1.

On March 20, 2019, Det. FONTANA received a phone call from Constable 76554 BROWN (Cst. BROWN") of the Burnaby RCMP High Risk Offender Unit ("HRO Unit")

advising that FOX had attempted to cross the border on March 15, 2019, however he was unsuccessful and had been held in custody since. Cst. BROWN advised that FOX had made an asylum claim at the border and would be held in custody until his refugee claim was investigated.

On April 4, 2019, Det. FONTANA spoke with Constable 176930 POTTS (“Cst. POTTS”) of the Burnaby RCMP Serious Crime Unit. Cst. POTTS advised that he had conducted the interview with FOX during the 2016 investigation and had been requested to conduct an in custody interview with FOX again. Cst. POTTS advised that FOX was being returned to Canada at approximately 11:00am and there were warrants for his arrest for breach of probation (leaving BC without permission, going within 100meters of the United States Border and failing to report).

On April 4, 2019, Det. FONTANA spoke with Cst. POTTS who advised that multiple devices had been located on FOX at the time of his arrest at the border. Det. FONTANA advised that the devices would be required for the criminal harassment investigation and they were seized.

With the devices, were pages of handwritten notes, they were titled “to do – website.” Another set of pages was titled “for Liz”. It appeared to be tasks that were required for running the website V1 Det. FONTANA requested the DVACH analyst conduct a direct comparison of the list to items on the website, results are still pending, however Det. FONTANA believes there may be items on the “to do” list that can be seen on the website.

Det. FONTANA believes “Liz” to be Liz MUNOZ, a female friend of FOX’s who lives in California. FOX has been deported from the United States on three separate occasions, each time he was located at MUNOZ’s residence. MUNOZ was also the recipient of the computer towers that contained the hidden firearms that resulted in firearms charges in 2017.

Search Warrant for Devices

On April 8, 2019, Constable 61381 HAWKINS ("Cst. HAWKINS") of the Burnaby RCMP attended the VPD building at 3585 Graveley Street to bring Detective Constable 2671 FONTANA ("Det. FONTANA") the electronic devices which had been located on FOX at the time of his arrest. Det. FONTANA was out of the building on another file when Cst. HAWKINS arrived, therefore Detective Constable 2982 LUDEMAN ("Det. LUDEMAN") took custody of the devices and secured them in SIS locker #26. At approximately 2:30pm Det. LUDEMAN turned the key to locker #26 over to Det. FONTANA.

On June 13, 2019, Detective Constable 2671 FONTANA attended the justice center with an information to obtain a search warrant for the electronic devices that were located on FOX at the time of his arrest as well as a production order for a phone call made by FOX to Liz MUNOZ "MUNOZ" while he was in custody.

The production order was granted by Judicial Justice CAMPBELL however the search warrant was denied due to the fact that the search details on the warrant face were not as detailed as the ones in the information to obtain.

On June 14, 2019, Det. FONTANA attended the justice center with a more detailed warrant face and was granted a search warrant for the devices by Judicial Justice CHELLAPPAN.

Letters from FOX

Det. FONTANA spoke with Crown counsel Susan ELIOTT("ELIOTT"), David GEORGETTI ("GEORGETTI") and Martin MACMAHON ("MACMAHON") regarding the hand written letters they had received from FOX while he was in custody (originals of all letters were obtained).

In the letter to GEORGETTI dated May 8, 2019, FOX provides his new contact info (NFPC address), and states that there is a new version of the website up and running, V1 [REDACTED] FOX advises he knows GEORGETTI is aware of the website as he has seen the IP address of GEORGETTI's law firm in the IP logs for the website. FOX states he has proof of CAPUANO's perjury and that the new website is "one million times more damaging" to CAPUANO's reputation. FOX also insists the GEORGETTI

request a contempt hearing. FOX ends the letter stating he looks forward to continuing their adversarial relationship and publishing his opinions of GEORGETTI's apparent competence. FOX then suggests that GEORGETTI sue him for defamation.

In the letter to ELLIOTT, dated May 5, 2019, FOX states that he is in custody at NFPC and unable to access any legal resources to litigate his appeal. FOX provides the new website name, V1 [REDACTED] and advises that it is now publicly accessible. FOX also advises that there is much more evidence to be posted on the website.

On June 13, 2019, Detective Constable 2671 FONTANA ("Det. FONTANA") was advised by Deputy Regional Crown V1 [REDACTED], that a reporter named Martin MACMAHON ("MACMAHON") had received a hand written letter from Patrick FOX ("FOX").

On June 14, 2019, Det. FONTANA contacted MACMAHON who provided the letter in question as well as a written statement. The letter, dated June 10, 2019, is not directed at MACMAHON specifically and appears to have been sent to the mailing address of News1130. Colleagues of MACMAHON opened the letter and asked him to look at it as he had covered FOX's trial in 2017.

MACMAHON believes the reason for the letter is that FOX wants news coverage of his new case. The letter is seven pages long and speaks about CAPUANO's perjury, collusion between crown counsel Mark MYHRE and defense Tony LAGEMAAT, claims he is a U.S. citizen and his probation conditions force him to violate the law as he is in Canada illegally.

The letter also states that the website is back up and running and no one is doing anything about it, FOX then provides the website address of V1 [REDACTED].

Production Order

On June 13, 2019, Det. FONTANA received a production order for the phone call placed on May 17, 2019, from the phone account of Patrick FOX to Liz MUNOZ ("MUNOZ"). During the call FOX and MUNOZ stated, in part, the following:

- MUNOZ received all four letters FOX sent
- MUNOZ has "the things" from the website FOX wanted

- MUNOZ didn't see any Facebook or tweets but saw 130 views
- FOX believes the news doesn't want to draw attention to the website because it proves what he's been saying
- FOX believes this whole thing is an opportunity to force authorities to do a DNA test, he will use it to prove his claims against homeland security
- FOX has written letters to crown, asking for disclosure
- Fox believes the most telling thing is that there is no new charges in relation to the website, only thing he's been charged with so far is leaving BC
- FOX demanded to be charged with criminal harassment
- FOX is pretty sure he knows what's going on but can't talk about it on the phone because he doesn't want to give authorities a heads up on it
- FOX believes Judge HOLMES made herself look like a "fucking retard"
- FOX believes if his appeal gets dismissed because I'm locked up – goes with my plan to show all the corruption
- FOX stated "The stuff I told you about in Tacoma is probably done by now – can't talk about it on here"
- FOX stated that LAGEMAAT and jurors have been interviewed and that LAGEMAAT admitted that he was acting in conjunction with MHYRE
- MUNOZ wanted to know if she sends "the stuff" if FOX would be able to get it?
- FOX told MUNOZ that he will be needing some of the recordings from the website – not sure how she can get them to him

There were no directions given to MUNOZ by FOX in relation to updating the website during the call. FOX and MUNOZ used generic terms such as "stuff" and "things" when discussing the

On June 14, 2019, Det. FONTANA sent GoDaddy a website removal request for V1 The website was removed on July 15, 2019 for the maximum amount of time without an American judicial authorization, ninety days.

On June 14, 2019 Det. FONTANA was granted a search warrant by Judicial Justice CHELLAPPAN for the devices which had been seized on FOX at the time of his arrest at the United States border. On June 27, 2019, Det. FONTANA was contacted by Detective Constable 1490 YINGLING (“Det. YINGLING”) of the Technological Crime Unit (“TCU”). Det. YINGLING advised Det. FONTANA that on June 19, 2019, while the TCU was executing the search warrant for FOX’s devices, they had located an SD card that had not been listed on the search warrant. When compiling the list of devices to be searched, Det. FONTANA had used the list of seized items provided by the RCMP officers who arrested FOX on March 4, 2019. The arresting officers would not have had knowledge of this SD card as it was located inside the cell phone. As a result Det. FONTANA requested an additional search warrant for the Sandisk Ultra 64GB SD card that was located inside the black Motorola Cell phone belonging to FOX. This search warrant was granted by Judicial Justice C. Roberts on August 1, 2019.

On June 24, 2019, Det. FONTANA received a hand written letter from FOX (dated June 6, 2019). The letter stated that FOX is responsible for the website and if the website constitutes criminal harassment then he should be charged with criminal harassment and breach.

Interview of FOX

On June 24, 2019 Det. FONTANA attended North Fraser Pretrial and conducted a voluntary interview with FOX. During this interview FOX stated, in part, the following:

- The website contains the proof of CAPUANO’s perjury and the collusion between MYHRE and LAGEMAAT
- If there was a new trial, CAPUANO would be cross-examined about the perjury and she would have no credibility
- It would be unlikely to get another criminal harassment conviction
- Raises the question of how could there be a criminal harassment conviction on the first trial and not the second if they are based on the same conduct and evidence, would call the system into disrepute

- There is also a problem if police don't charge him all the militant feminists who hate him so much for first website, already convicted him one so clearly it was criminal
- If police charge him with probation violations and not criminal harassment, then it looks like police aren't taking CAPUANO's claim seriously and more concerned with enforcing petty court orders than her safety
- Should be obvious at this point that one of his goals is to bring the system into disrepute
- There was no harassment in the first place
- LAGEMAAT and MYHRE colluded to keep most of the emails between himself and CAPUANO out of the trial
- Nobody confronted CAPUANO on her perjurious testimony
- Highlighted all CAPUANO's perjury in red on the website
- Hosting plan purchased with hosting provider
- The website is registered with google, Bing etc.
- Last time he googled the website it came up about 40th
- He published the website and all the information
- By publishing the website he violated the probation conditions, civil injunction
- If the website can be found to be criminal harassment then he would be guilty of that as well
- It was very time consuming making the html versions of the transcripts and making updates to website
- CAPUANO abandoned her child, he raised him by himself for 9 years, she took him away made false allegation that he had been hiding him from her for 9 years
- He got deported, lost custody of his son
- Hasn't had contact with his son since 2016
- Created new website because CAPUANO took his child away
- CAPUANO can shed a few tears and people ignore all the horrible stuff she has ever done

- Goal of the website is to make it publicly known the bad things that she has done and she can't hide behind the façade that she is a sweet, caring person
- The purpose of posting new content about his case is to expose all the corruption and misconduct that occurred
- To make it known that the only reason he was convicted was because of the collusion
- Wants to be charged with criminal harassment – CAPUANO would likely not testify because she knows there is proof of all the perjury she committed in the first trial
- His goal would be for her to be cross examined – she would have no credibility, he would be acquitted and he would show everyone “look this is your justice system”
- Hopefully be deported back to the United States
- IRCC and CBSA stated he is not Canadian
- Tried to remove condition about leaving BC before he went to the U.S. border
- Software engineer but can't work in Canada
- Can't go back to U.S. b/c homeland security will hold me until Canadian authorities issue a warrant and then bring me back to peace arch and give me back to the RCMP
- Documents that have been put on the website weren't obtained through disclosure process - obtained by other sources
- Don't want to comment on Liz MUNOZ assisting him with the website – she doesn't have the technological knowledge to do so
- There aren't any updates to the website happening while he is in custody but he will have a lot to out on there when he gets released

Interview of CAPUANO

On July 15, 2019, Det. FONTANA enlisted the assistance of Det. V1 and requested she conduct an audio/video interview of CAPUANO. Det. Fontana received a

copy of this interview on September 9, 2019. During the interview, CAPUANO stated, in part, the following:

- FOX doesn't know where she works, will disclose off camera
- Recordings of her last interview with police have been posted online on V1 [REDACTED]
- A co-worker found the website, a second co-worker explained to him the history between FOX and CAPUANO, that co-worker doesn't treat her the same now, he acts weird around her
- FOX was in jail from June 2016 until December 2018 – had zero contact with him during this time
- FOX was released Dec 30, 2018, was required to check in every 4 days with his probation officer, officers believed that it would take FOX, 6-10 days to CAPUANO's location , they should be able to find him if he had to check in every 4 days, would know if he didn't show up
- FOX tried to get deported to United States, it didn't work
- The real Patrick FOX worked in the facility that FOX did his jail time
- March 2019, went to court on a Friday, tried to get the probation conditions relaxed, knew at this time the website was back up and running
- Following Monday or Tuesday got a call from the VPD, FOX had crossed the border 4 days previously, 2 days later realized US authorities had FOX in custody, he had tried to cross the border but wasn't successful
- Very scary couple of days, we all just stayed home, I wouldn't go anywhere alone, we just waited to hear something or someone
- CAPUANO and her boyfriend took time off work when they thought FOX had crossed the border, drove kids to school and picked them up
- FOX has gone into explicit detail about shooting her, he doesn't have a firm grasp on reality
- Wants to show the world the "truth" about her
- Doesn't think he would ever walk up to her front door, I think he would follow her, watch her and shoot her from a car

- Think FOX has help in LA, has extended family there, they would give him rides, clothes, food, place to sleep
- The new website is the same as the old plus new material
 - o CAPUANO's victim impact statement
 - o Audio clips of CAPUANO's interviews
 - o Attorney info
 - o Info about crown counsel
 - o FOX's release letter from his previous company
 - o New blog posts
- Feels like there isn't much she can do about the new website
- It's a lot of work to get it taken down and it keeps getting put back up
- She can't have social media
- Needed to do a skype interview – can't because skype needs to access her phone and video
- Last time FOX got the email addresses of all her co-workers and emailed them court documents and links to the website - 650 employees
- FOX emailed the board of directors at her work and told them she smokes
- V1
- FOX accessed her LinkedIn and Facebook in 2014
- Tries not to make friends so she doesn't have to explain the whole situation
- FOX is a software programmer
- A couple months after she started dating James he had been added to the website
- Feels she can't have friends, can't have social media, even now while he's in jail because he'll find it all when he gets out
- If she ever had to get another job it would be incredibly difficult with the things that FOX has put on the internet
- Her current boss had googled her name before he hired her and found the website – hired her anyways
- 2015 -2017 had to work a contract job – through an employment agency

- Was offered a position with Pima community college – retracted their offer when they saw the website
- FOX tracks everyone from website, could tell people from Pima had been visiting the site, found out she was applying for a job and went there
- She tried not to let it affect her while he was in custody – went back to school, took care of the kids, was happy
- October 2018 knew his release was coming up, tried to focus on other things
- Got 2 new bosses, had to tell them what had happened
- She had to tell all of their neighbors so they were aware of situation
- Some days she couldn't go in to the office, was just too hard, couldn't focus,
- She knows what he's done, she knows what he can do but she doesn't know what he's capable of, that scares her
- She watches over her shoulder all the time
- She had a gut feeling he would do this again
- FOX isn't not logically thinking through things anymore, he's just acting, which scares her
- FOX's end goal is to hurt her
- FOX keeps trying to use the same argument against the same people
- Thinks that FOX now truly believes that he is not Richard REISS and he is in fact Patrick FOX who was born in Canada
- Anything that happens to FOX as a result of this new investigation he will blame on her
- FOX has not made any kind contact with her since he was released except for the new website
- She enjoyed living a "normal life" while FOX was in custody
- If FOX hadn't taken over these years of her life she would be so much further ahead

Charges Recommended

At the conclusion of this investigation Det. FONTANA believes that FOX is responsible for the creation of the hate website ^{V1} [REDACTED] Det. FONTANA also believes that while creating this website FOX has breached two of his probation conditions by using the internet and publishing information about CAPUANO. By publishing the court documents FOX has also breached a court order contrary to S.127 of the Criminal Code of Canada. As a result Detective Fontana is recommending a charge of Criminal Harassment contrary to Section 264(1) of the Criminal Code of Canada, two counts of Failure to Comply with Probation Order contrary to S. 733.1(1) of the Criminal Code of Canada and one count of Disobeying Order of Court Contrary to S.127(1) of the Criminal Code of Canada.

**VANCOUVER POLICE DEPARTMENT
GENERAL OCCURRENCE HARDCOPY**

GO# VA 2019-49074

CRIMINAL HARASSMENT

Narrative: CPIC INFORMATION - 3

Subject: **CPIC level I**

Author: **VA2671 FONTANA, JENNIFER**

Related date/time: **Thursday, 2019-Sep-19 09:58**

FPS: 275788G >>> DNA ON KNOWN OFFENDER DATA BANK <<<

FOX. PATRICK HENRY

*CRIMINAL CONVICTIONS CONDITIONAL AND ABSOLUTE DISCHARGES

*AND RELATED INFORMATION

2017-11-10 (1) CRIMINAL HARASSMENT (1) PROBATION 3 YRS (17 MOS
VANCOUVER BC SEC 264 CC PRE-SENTENCE CUSTODY) &
MANDATORY WEAPONS
PROHIBITION SEC 109 CC
(2) POSS OF A FIREARM AT (2) (17 MOS PRE-SENTENCE
UNAUTHORIZED PLACE CUSTODY) & MANDATORY
SEC 93(1) CC WEAPONS PROHIBITION SEC
109 CC
(DCN11616810200410201105)
(RCMP BURNABY MUN
2016-25379)

*END OF CONVICTIONS AND DISCHARGES

*** CONFIDENTIAL ***

CERTIFIED A TRUE COPY

JAN 30 2018

*A Justice of the Peace in and for
the Province of British Columbia*

Court File 244069
Vancouver Provincial Court Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

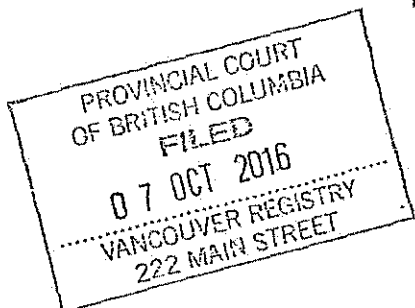
HER MAJESTY THE QUEEN

APPLICANT

v.

PATRICK FOX

RESPONDENT



ORDER

BEFORE THE HONOURABLE
JUSTICE BURGESS

)
)

FRIDAY, THE 7th DAY
OF OCTOBER, 2016

UPON THE APPLICATION of Mark Myhre on behalf of the Crown, and upon hearing Patrick Fox, the accused on his own behalf, **this Court hereby Orders:**

1. **THAT** the Accused, Mr. Fox, may use disclosure material provided to him by Crown Counsel in this matter (the "Disclosure") solely to make full answer and defence in this matter.

2. **THAT** the Accused shall not reproduce or disclose any Disclosure to anyone, other than his counsel in this matter if he is represented by counsel in this matter.

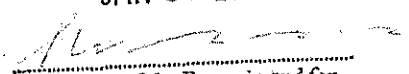
3. **THAT** no information *provided as part of the* ~~contained in any~~ Disclosure shall be published, broadcast or transmitted in any way, unless it is taken as evidence in court at the trial of the Accused before the jury.

4. **THAT** once this matter has been concluded by trial or otherwise dealt with according to law, the Accused shall immediately return to Crown Counsel all copies of the Disclosure.

5. **THAT** the Accused may be found in contempt of court if he breaches this Order, or uses the Disclosure for any purpose other than making full answer and defence in this matter.

CERTIFIED A TRUE COPY

JAN 30 2018


A Justice of the Peace in and for
the Province of British Columbia



The Honourable Judge Burgess

No.	Name	Date of Birth	Phone Number	Address	Audio/Video Interview	CW Page	Written Statement	Will Say
1	CAPUANO, Desiree	V1			Y	Y	N	Is the target of new hate website V1
2	DURAN, Estefania				N	Y	N	Was sent a link to the new website V1 advised Mark MYHRE.
3	ELLIOTT, Susan				N	Y	N	Received letter from FOX.
4	GEORGETTI, David				N	Y	N	Received letter from FOX, blurb about him has been added to the new website.
5	MACMAHON, Martin				N	Y	N	Received letter from FOX, not directly addressed to him, addressed to News1130.
6	MYHRE, Mark				N	Y	N	Was advised of new website by DURAN, reported it to Burnaby RCMP. Blurb about him on website.

Vancouver Police Department 2019-49074
DVACH Unit - Police Witness List

No.	Name	PIN	Rank	Police Organization	PW Page	Notes	Will Say
1	FONTANA, Jennifer	2671	Det/Cst	VPD	Y	Y	Lead investigator.
2	LUDEMAN, Eric	2982	Det/Cst	VPD	Y	Y	Obtained devices/notes belonging to FOX from Burnaby RCMP, turned them over to Det. FONTANA.
3	PRASAD, Kevin	2822	Cst	VPD	Y	N	Was assigned file through Patrol, DVACH took conduct of investigation.
4	PYPER, John	2102	Cst	VPD	Y	N	Provided guidance on Internet based investigations.

	VANCOUVER POLICE DEPARTMENT GENERAL OCCURRENCE HARDCOPY
	GO# VA 2019-49074 CRIMINAL HARASSMENT

Narrative: SYNOPSIS - 1

Subject: **RTCC Synopsis**

Author: **VA2671 FONTANA, JENNIFER**

Related date/time: **Thursday, 2019-Sep-19 09:23**

On March 15, 2019, 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 three years in custody 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 who then reported it to Burnaby RCMP.

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

*** CONFIDENTIAL ***

**VANCOUVER POLICE DEPARTMENT
GENERAL OCCURRENCE HARDCOPY**

GO# VA 2019-49074

CRIMINAL HARASSMENT

Narrative: OCCURRENCE REPORT - 1

Subject: Narrative

Author: VA2671 FONTANA, JENNIFER

Related date/time: Thursday, 2019-Sep-19 09:28

Please see investigative overview disclosed electronically.

*** CONFIDENTIAL ***

Narrative: CIVILIAN WILL SAY - 1

Subject: **CAPUANO, DESIREE**
Related Entity: **CAPUANO, DESIREE (VICTIM #1)**
Author: **VA2671 FONTANA, JENNIFER**
Related date/time: **Thursday, 2019-Sep-19 09:36**

ROLE:[Victim of Crime]

WILL SAY:
[Is the target of new hate website **V1**]

Cooperative: [Yes] Comments:[]
Interpreter: [No] Language:[]
Special Needs:[No] Comments:[]

Unavailable: From:[]/[]/[]to[]/[]/[]
Reason:[]

Narrative: CIVILIAN WILL SAY - 6

Subject: **DURAN, ESTEFANIA**
Related Entity: **DURAN, ESTEFANIA (WITNESS #1)**
Author: **VA2671 FONTANA, JENNIFER**
Related date/time: **Thursday, 2019-Sep-19 09:45**

ROLE:[General Witness]

WILL SAY:
[Was sent a link to the new website V1 advised Mark MYHRE.]

Cooperative: [Yes] Comments:[]
Interpreter: [No] Language:[]
Special Needs:[No] Comments:[]

Unavailable: From:[]/[]/[]to[]/[]/[]
Reason:[]

Narrative: CIVILIAN WILL SAY - 4

Subject: **ELLIOTT, SUSAN**
Related Entity: **ELLIOTT, SUSAN (WITNESS #5)**
Author: **VA2671 FONTANA, JENNIFER**
Related date/time: **Thursday, 2019-Sep-19 09:40**

ROLE:[General Witness]

WILL SAY:
[Received letter from FOX.]

Cooperative: [Yes] Comments:[]
Interpreter: [No] Language:[]
Special Needs:[No] Comments:[]

Unavailable: From:[]/[]/[]to[]/[]/[]
Reason:[]

Narrative: CIVILIAN WILL SAY - 3

Subject: **GEORGETTI, DAVID KENNETH**
Related Entity: **GEORGETTI, DAVID KENNETH (WITNESS #3)**
Author: **VA2671 FONTANA, JENNIFER**
Related date/time: **Thursday, 2019-Sep-19 09:38**

ROLE:[General Witness]

WILL SAY:
[Received letter from FOX, blurb about him has been added to the new website.]

Cooperative: [Yes] Comments:[]
Interpreter: [No] Language:[]
Special Needs:[No] Comments:[]

Unavailable: From:[]/[]/[]to[]/[]/[]
Reason:[]

Narrative: CIVILIAN WILL SAY - 2

Subject: **MACMAHON, MARTIN**
Related Entity: **MACMAHON, MARTIN (WITNESS #4)**
Author: **VA2671 FONTANA, JENNIFER**
Related date/time: **Thursday, 2019-Sep-19 09:37**

ROLE:[General Witness]

WILL SAY:
[Received letter from FOX, not directly addressed to him, addressed to News1130.]

Cooperative: [Yes] Comments:[]
Interpreter: [No] Language:[]
Special Needs:[No] Comments:[]

Unavailable: From:[]/[]/[]to[]/[]/[]
Reason:[]

VANCOUVER POLICE DEPARTMENT
GENERAL OCCURRENCE HARDCOPY

GO# VA 2019-49074

CRIMINAL HARASSMENT

Narrative: CIVILIAN WILL SAY - 5

Subject: MYHRE, MARK

Related Entity: MYHRE, MARK WILLIAM (WITNESS #2)

Author: VA2671 FONTANA, JENNIFER

Related date/time: Thursday, 2019-Sep-19 09:42

ROLE: [General Witness]

WILL SAY:

[Was advised of new website by DURAN, reported it to Burnaby RCMP. Blurb about him on website.]

Cooperative: [Yes] Comments: []
Interpreter: [No] Language: []
Special Needs: [No] Comments: []

Unavailable: From: []/[]/[] to []/[]/[]
Reason: []

*** CONFIDENTIAL ***

Page 6 of 6

**VANCOUVER POLICE DEPARTMENT
GENERAL OCCURRENCE HARDCOPY**

GO# VA 2019-49074

CRIMINAL HARASSMENT

Narrative: CIVILIAN STATEMENT - 1

Subject: **CAPUANO, DESIREE**

Related Entity: **CAPUANO, DESIREE (VICTIM #1)**

Author: **VA2671 FONTANA, JENNIFER**

Related date/time: **Thursday, 2019-Sep-19 09:37**

Please see electronic disclosure.

***** CONFIDENTIAL *****

	VANCOUVER POLICE DEPARTMENT
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	GENERAL OCCURRENCE HARDCOPY
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GO# VA 2019-49074	
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	CRIMINAL HARASSMENT
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Narrative: CIVILIAN STATEMENT - 6

Subject: **DURAN, ESTEFANIA**

Related Entity: **DURAN, ESTEFANIA (WITNESS #1)**

Author: **VA2671 FONTANA, JENNIFER**

Related date/time: **Thursday, 2019-Sep-19 09:46**

Please see electronic disclosure.

*** CONFIDENTIAL ***

VANCOUVER POLICE DEPARTMENT**GENERAL OCCURRENCE HARDCOPY**

GO# VA 2019-49074

CRIMINAL HARASSMENT

Narrative: CIVILIAN STATEMENT - 4Subject: **ELLIOTT, SUSAN**Related Entity: **ELLIOTT, SUSAN (WITNESS #5)**Author: **VA2671 FONTANA, JENNIFER**Related date/time: **Thursday, 2019-Sep-19 09:42**

Please see electronic disclosure.***** CONFIDENTIAL *****

	VANCOUVER POLICE DEPARTMENT
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	GENERAL OCCURRENCE HARDCOPY
--	------------------------------------

GO# VA 2019-49074	
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	CRIMINAL HARASSMENT
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Narrative: CIVILIAN STATEMENT - 3

Subject: **GEORGETTI, DAVID KENNETH**

Related Entity: **GEORGETTI, DAVID KENNETH (WITNESS #3)**

Author: **VA2671 FONTANA, JENNIFER**

Related date/time: **Thursday, 2019-Sep-19 09:39**

Please see electronic disclosure.

*** CONFIDENTIAL ***

**VANCOUVER POLICE DEPARTMENT
GENERAL OCCURRENCE HARDCOPY**

GO# VA 2019-49074

CRIMINAL HARASSMENT

Narrative: CIVILIAN STATEMENT - 2

Subject: **MACMAHON, MARTIN**

Related Entity: **MACMAHON, MARTIN (WITNESS #4)**

Author: **VA2671 FONTANA, JENNIFER**

Related date/time: **Thursday, 2019-Sep-19 09:38**

Please see electronic disclosure.

***** CONFIDENTIAL *****

Martin MacMahon (NEWS 1130 reporter) statement for Vancouver Police regarding letter sent to NEWS 1130. I will provide a statement as requested beyond this if needed and if you have any follow up questions you can reach me in the newsroom at V1 or on my cell phone at V1

Statement:

Our newsroom (NEWS 1130) has received a letter appearing to come from Patrick Fox – with a stamp indicating it was sent from the North Fraser Pretrial Centre. It's dated June 10, 2019 and is not addressed to a specific individual. Our newsroom received this letter on June 12, 2019 and our Managing Editor Bruce Claggett opened the envelope that afternoon, reviewing it briefly. Our news director Charmaine de Silva then reviewed the letter briefly on the morning of June 13, 2019 before asking me to look into it. The envelope was open at the point I received it that morning and contained a seven page letter.

I believe Fox sent this letter to us because he wants coverage/attention of his case and/or believes he is being unfairly treated by the criminal justice system.

This is a bullet point summary of Fox's letter. It's a story pitch broken down into nine subsections:

- 1) Website about ex-wife back online, claims authorities not doing anything about it
- 2) Claims Crown Counsel colluded with his defense lawyer to "suppress critical evidence" – suggests this happens "every day" in the Vancouver courts.
- 3) Claims ex-wife committed perjury at trial
- 4) Claims he is a U.S. Citizen and U.S. agreed to deport U.S. citizen to Canada
- 5) Claims his probation conditions force him to violate the law...again claims he's not Canadian and is "in the country illegally."
- 6) Claims court is refusing "Ricky Riess's parents offer to provide a DNA sample" – goes into more on him not being a Canadian citizen
- 7) Claims he lied on firearms licence application
- 8) Claims immigration/border authorities refuse to deport him despite him saying "IRCC acknowledges I have no status in Canada"
- 9) Claims probation order condemns him to "three years of being homeless" or forced to work illegally

Martin MacMahon relationship with Fox:

There is no personal relationship and this letter was not addressed to me directly. I have, however, covered his case in the past. I do not have a detailed history of the days in which I covered his case, but I was in court for his sentencing hearing on November 10, 2017. I filed multiple reports for radio and this web story:

V1

Martin MacMahon

NEWS 1130 Senior Reporter

V1

**VANCOUVER POLICE DEPARTMENT
GENERAL OCCURRENCE HARDCOPY**

GO# VA 2019-49074

CRIMINAL HARASSMENT

Narrative: CIVILIAN STATEMENT - 5

Subject: **MYHRE, MARK**

Related Entity: **MYHRE, MARK WILLIAM (WITNESS #2)**

Author: **VA2671 FONTANA, JENNIFER**

Related date/time: **Thursday, 2019-Sep-19 09:45**

Please see electronic disclosure.

*** CONFIDENTIAL ***

to do - Website:

- Blog Post: People who say "Why don't you just move on?"

- Compile list of each of DC's perjured statements.

- Compile list of each of DC's lies in our emails.
- include a link to the given email.

- Compile list of each of the times DC laughed and joked with RCMP in 2016-07-13 interview.

- Make HTML versions of all of the RCMP incident reports.

- Make HTML versions of all the family court docs.

- Publish recordings of sentencing hearings and probation hearings, and appeal hearings.

- Obtain & publish transcripts of 2002-02 family court hearings - showing the court prohibiting DC from traveling cross country with GR and DC telling the court she will move back to PHX.

TO DO - website:

- FOIA: Complete A-File
- FOIA: All records, reports relating to me, in custody of CBP, around time of 2016 arrest
- FOIA: All records, reports relating to me, in custody of CBP, relating to my arrest & interrogation on March 15, 2019.
- FOIA: All emails between CBP, ICE, CBSA, RCMP, relating to me, around time of May/June 2016.
- FOIA: All emails between CBP, ICE, CBSA, RCMP, relating to me, around time of March 15, 2019.
- FOIA: All reports/records in custody of ICE which are not included in my A-File (eg case notes)
- FOIA: All correspondence (including emails) between ICE and Canadian Consulate from 2007 to present, relating to me.

To Do - @desite:

Blog Post:

- DC saying "Why can't he just stop?"
- Why must if be the one to stop? Why can't SHE just stop? SHE initiated the attacks.

- Blog Post: Crown expressly refusing to disclose to me a copy of DC's 2016-07-13 RCMP interview.

- Show Crown/Mylari knew it would prove he should have known DC was lying.

- Publish recording of bail hearings with Hopkins.

- ~~Blog~~ Show how Hopkins sabotaged them.

- Call + record S. Ross. Ask him for DNA sample to prove perjury. Then publish that recording.

- Compile list of things DC lied about in the news but admitted to at the trial.

- Add commentary about photos of DC's home.

- Explain the reason they're included is to show how trashy she is (messy, sloppy home; cheap, unmatched furniture).

To Do - Website:

- Add commentary about pets - how poor, trading people always have pets they can't afford.
- Add commentary (maybe blog post) about DC testifying that she never published the photos of Sepe in his underwear to her Facebook profile.
- Add commentary / blog post about emails where DC accuses me of "violating GR of the right to choose who to live with a mere 2 months before his 14th birthday".
 - include link to CA statute.
 - Shows DC's delusional tendencies and refusal to accept the truth + reality.
- Add blog post on RCMP "uttering threats" report supposedly dated April 2015, which references the criminal harassment arrest which didn't occur until July 2015.
 - How could a report written in April refer to events that didn't occur until July?
- Add "alt" attributes to images because that's how Google indexes images.

(5)

To Do - @ Site:

- Verify the correctness/accuracy of the OCR of all of the scanned PDF files (esp from famLit).

Facility: North West Det. Ctr

V1

V1

To send:

- ✓
 - Copy of FL birth cert
 - BC DL
 - IRCC ATIP report
 - CBSA ATIP report
 - IRCC + CBSA recordings

✓ - Look up Ahmed's #:

- Setup my gmail.com + V1 [redacted] email
tablet.

~~Ahmed~~

V1

- Check ph for 112410@gmail.com ICE FOIA
- Meet return to Van - more evidence to collect.

For Liz - 2019-03-30:

** - Add editor @ ^{V1} [REDACTED] to Thunderbird
on HP laptop

- And patrick @ ^{V1} [REDACTED]

* - Check phfox1124 (or pf1124?) @ gmail.com.

- Looking for mails re: DHS FOIA requests.

** - Was she able to print the E-Fox page from
the ~~D~~ website?

** - Try printing the previously requested docs from
my laptop

** - Need to setup the printer - should be able
to detect it automatically.

** - Log into WP Admin of website - check for
new comments.

- Send email to Gweth Breard, Natalie Clancy,
Laura Kane, Keith Fraser
with link to E-Fox page.

✓

Can use the Rogers Card for other stuff (e.g. Hareyan),
not just paying bills.

**

- Check if Lapemant + Georgetti ^{are} still profiled on the
VanCity Reference and Vertikal websites.

**

- Check number of Facebook "Likes" and Twitter
"tweets" on home page and K. Fox page.

For Liz - 2019-03-21:

To Print:

✓ (**) - PDF files in IRCC directory - ATIP request + travel docs/applications

✓ (**) - PDF file in CBSA directory (ATIP request)

✓ (**) - R.v. Fox page of website

✓ (**) - 4 email thread PDFs between CBP, ICE, CBSA and RCMP (on R.v. Fox page).

✓ (**) - BC Driver's Licence (Documents/misc/identif...)

✓ (**) - FL Birth Cert (Documents/misc/identif...)

Email:

- In Thunderbird - Add account:

editor@v1

- then change security/encryption from STARTLS to TLS

✓ - Check patrickhfox@gmail.com

~~Workspace:~~

~~- Connect to cloud in separate terminal window (first term win).~~

~~- In second term win cd to workspace/web.~~

~~- Then enter:~~

~~rsync -av --delete /home/patrickfox/
cloud~~

- Transfer funds from Rogers MC to commissary acct. \$400?

- Submit FOIA request on ICE website, have results sent to my gmail account. + CBP

✓ (FF) - First + last day of Passover 2019.
Start at sunset on: Apr 19
End at sunset on: Apr 27

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

MAY 10 2019

May 8, 2019

Attn: David Georgetti
Vertlieb & Co

V1

Re: Capuano v. Fox; status updates

Mr. Georgetti:

I am writing, in part, to inform you of my current contact information - though, I am certain you're already aware. Nevertheless, for the time being, I can be contacted at the above address, which is North Fraser Pretrial Center.

And the other reason I'm writing is to inform you that a new version of the Desiree Capuano website is online (and has been since mid March). Of course, I KNOW you're already aware of this because I've seen IP addresses belonging to Vertlieb in the access

logs. The URL of the new site is V1. You will notice there is a new section entitled "R. v. Fox", containing a huge amount of proof that Capuano committed extensive perjury at the trial; that Lapreault and Myhre knew and did nothing about it; that Lapreault and Myhre colluded extensively to suppress critical evidence; et cetera. I believe, though I could be wrong, that there's even a little blurb about you on there.

So, given that this new website is a million times more damaging to Capuano's, Clancy's, and Brend's reputations, I absolutely MUST insist you request a contempt hearing.

I thank you for your time and I look forward to continuing our adversarial relationship, and publishing my opinions of you and your apparent competence. Perhaps you should sue me for defamation!

Sincerely,



Patrick Fox.

P.S. May you please return a copy of this letter for my records? NFPC is refusing to provide photocopies.

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

June 10, 2019

Attn: News 1130

V1



Re: Suggestions for stories

Dear Sir/Miss:

I am writing to suggest some subjects for news stories which I believe your viewers/listeners/readers would be very interested in. These all relate, directly or indirectly, to the stories you had previously provided coverage of, namely me, the website I created about my ex wife (Dessire Capuano), and the criminal prosecution for criminal harassment stemming from that website.

1. The website is back online and no one is doing anything about it^{V1}.

As you know, a new version of the website went online and became publicly accessible around March 12, 2019. This new website has a bunch of new information and media (evidence, proof) which is very, very more damaging to Capuano's reputation. So, if the original website - for which I was convicted of criminal harassment and sent to prison for 2 1/2 years - was so harmful to that poor, helpless, innocent, Miss Capuano then this new website must be much more so, right?

Yet not a single law enforcement agency, probation officer, prosecutor, or court is doing a simple thing to try to get the new website shut down!!! In fact, the Burnaby RCMP refused to have anything to do with it and passed it off to the Vancouver Police. The Vancouver PD then asked the Burnaby RCMP to interview me about it. Hell, they aren't even charging me with violating probation for putting the website back up. They violated my probation for leaving BC and actually brought me back here from the US for that - but not a single mention of the new website. Very interesting, huh?

Of course we all know WHY nobody's doing anything about the new website (eg the prof Capuano committed a heape amount of perjury; the collusion between Myhre and Capuano; Justice Holmes blatantly ignoring all the evidence in my favor and completely failing to mention ANY of it in any of her judgments; Holmes and Myhre ludicrously inserting documents and recordings from IRCC declaring I'm not a Canadian citizen are not sufficient to convince them I'm not a Canadian citizen) but your audience doesn't need to know any of that, right? All you need to do is continue to only report a fraction of the story and get the feminists all worked up.

2. Crown Counsel (Mark Myhre) colluded with the defense counsel (Tony Capuano), who was forced on me by the court, to suppress critical evidence and offer perjurious testimony.

I can't bother going into details here - it's all on the R.v. Fox section of the website, in particular, in the affidavit in support of my claims of ineffective assistance.

I'm pretty sure once this becomes publicly known

public confidence in the justice system is going to plummet, I have been looking into other cases where there has been similar collusion. I'm finding it happens every day in the Vancouver courts. I intend to expose EVERY case I find it in.

3. Coquans committed over 81 verified instances of perjury at the trial and lied extensively to the news media.

Again, it's all on the website and in the affidavit.

4. The US deported a US citizen to Canada and the Canadian government allowed someone who is not a Canadian citizen to be deported here.

5. The court (Justice Holmes) imposes probation conditions which force me to violate the law (by remaining in Canada) and refuses to remove them even when IBCC admits I'm not Canadian and am in the country illegally.

6. Crown and court refuse to take Ricky Riess's parents offer to provide a DNA sample to prove whether I am the person who was born Ricky Riess in Sudbury, ON, even though that would conclusively resolve the question of whether or not I'm a Canadian citizen.

I have been demanding such a DNA test be done since DHS first arrested/detained me and accused me of being Ricky Riess from Ontario in 2007. I was deported to Canada based on that allegation.

Whether or not I am a ~~the~~ Canadian citizen is critical to my current charges because if I'm not then the conditions prohibiting me from ~~remaining~~ leaving BC (and Canada), and from being within 100 meters of the US border are invalid and unenforceable. Therefore, my right to make full answer and defense requires that such evidence of my citizenship be made available.

Of course, the court and the Crown know the DNA test is going to make a lot of people and agencies (in both Canada and the US) look very bad.

7. The RCMP issued me a firearms license (PAL), even though I lied on the application and have no status in Canada (am, essentially, an illegal alien).

8. IRCC and CBSA refuse to deport me, or to even ask me to leave Canada, even though IRCC acknowledges I have no status in Canada and am inadmissible due to having been convicted of criminal harassment.

This is most likely because they screwed up by allowing me to be deported here in the first place.

9. So, I'm not allowed to leave BC (and the Crown and Court have already proven they WILL bring me back here if I try to leave), but I'm not allowed to work in Canada and I don't qualify for any government assistance (see docs from Ministry of Social Development on R v Fox section of website).

The probation order is, very literally, condemning me to 3 years of being homeless and panhandling for survival. Either that or work illegally, thereby

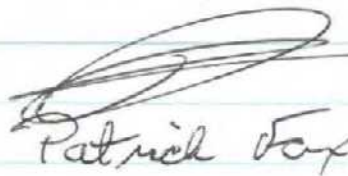
breaking the beer and coming back to jail.

So, I think all of those would make excellent and entertaining stories. And either way, it's all going to get published eventually - if not by you then by some one else, or by me.

You can convince yourself that my little website doesn't matter because no one goes to it. But then, it only takes one person to see it and start a social media wave.

Well, if you have any questions let me know.

Cheers,



Patrick Fox

P.S. I was going to rewrite this so it's more legible, but I just don't care enough. If you have any trouble reading any of it let me know.

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

May 5, 2019

Attn: Susanne Elliott
BC Prosecution Service

V1

Re: R. v. Fox; Status update

Dear Miss Elliott:

Please be advised, I am currently in custody at the North Fraser Probation Center. And, my circumstances are, therefore, essentially as they were when I was in custody at Fraser Regional Correctional Center prior to December 30, 2018 - namely, that I am completely unable to access ANY legal resources to litigate my appeal (and of course, I am still unable to cover the cost of \$2125 for the photocopies of the transcripts).

So, in other words, I anticipate you will be seeking to have the appeal dismissed for failure to prosecute. As

I'm sure you're well aware, a new website has been made publicly accessible ^{V1} [redacted] and contains, among many, many other things, my affidavit regarding the collusion; Capuano's perjury; Capuano's and Myhre's complicity in that perjury; et cetera; and most importantly, all of the evidence to support my claims. There's a lot more evidence still to be posted to the site (it's very time consuming) - but for the time being, I'm sure what's there will be sufficient for my immediate purposes.

If there are any upcoming appearances scheduled in the appeal may you please arrange a spring order for me to appear by video? Thanks.

Sincerely,



Patrick Fox

Patrick Fox
1451 Kinsseey Ave
Port Courtenay, BC
V3C 1S2

June 6, 2019

Attn: Detective Jennifer Fontana
Vancouver Police Dept.
V1 [REDACTED]

Re: Investigation into Patrick Fox,
V1 [REDACTED] website

Dear Det. Fontana:

I have been informed by Kirsty Brown of the
Burnaby RCMP that you are in charge of the
investigation into the website hosted at V1 [REDACTED]

V1 [REDACTED]

I assume by now you've reviewed the website and,
in particular, the "R. v. Fox" section of it. And,
I further assume you have reviewed the affidavit
in support of my claims of ineffective assistance of
counsel; as well as the HTML versions of the transcripts

wherein I've highlighted many of Capuano's perjured statements and explained where the proof is (especially right on the very website) that her sworn statements were false (and that Tony Capuano and Mark Myhr knew she was lying).

And, having reviewed all of that, I am guessing you have come to the only reasonable conclusion - that there is absolutely no way we'll be able to have another criminal harassment trial which will depend on Capuano's testimony. Obviously, I'm going to make sure she's cross-examined on every one of those instances of perjury.

Obviously, with the proof of Capuano's excessive perjury and blatant manipulation of the jury at the first trial, she will have absolutely no credibility at another trial. In other words, I think we all know there is absolutely no way of getting a conviction on another criminal harassment charge (this is, of course, why the Burnaby RCMP dumped the case on you).

On the other hand, how do you and the Crown explain NOT pressing another criminal harassment charge to the many angry feminists and Canadian news media who adamantly refuse to accept that Capuano is simply an evil person? Particularly,

since by publishing the new website I have engaged in exactly the same conduct which Justice Heather Holmes declared formed much of the basis of the guilty verdict in 2017 (at the first criminal harassment trial). I mean, if the website constituted criminal harassment at that point then it must certainly still constitute criminal harassment now! Right?

I suppose the VPD and the Crown could simply admit that Copcans lied extensively; that Lepumatt and Myhre colluded extensively to suppress critical evidence, and to offer perjured testimony; and that Justice Holmes repeatedly and blatantly refused to acknowledge or consider any evidence in my favor. I mean, the proof of all of that is on the website any way; it's all publicly accessible; there's no point in denying it any more.

So, any way, in closing, I respectfully request you charge me with criminal harassment and with violating probation by publishing the new website. Alternatively, I would like to request you declare publicly that such charges will not be forthcoming. Either way, I would certainly appreciate the return of my property (phone, tablet, et cetera), at your convenience.

I thank you for your time and assistance in these matters and I look forward to hearing from you soon.

Sincerely,

A handwritten signature in dark ink, appearing to be 'Patrick Fox', with a long horizontal line extending to the right.

Patrick Fox

P.S. I apologize if this letter comes across as sarcastic or antagonizing. That is not my intention. I am merely attempting to communicate regarding the status of the investigation.

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

July 14, 2019

Attn: Detective Jennifer Fontana
Vancouver Police Department

V1

Re: Follow up regarding Gabriel Riis

Dear Det. Fontana:

When we spoke, here at NFPC, a few weeks back it had asked you if you could kindly let me know how my son, Gabriel Riis, is doing - considering I've had no contact with him since May 26, 2016. My ex-wife, Gabriel's mother, had calls from the jail blocked in July 2016, and I'm quite certain she has not allowed Gabriel to receive any letters I had sent him.

You told me, at that time, that you would inquire as to Gabriel's well being and you would let me know.

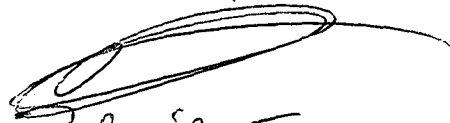
I wonder if you might inform me whether you have had the opportunity to speak with Gabriel yet and, if so, whether you can let me know how he is doing?

Gabriel is 18 years old now, so you would not require Capuano's consent to speak with him.

I thank you for your time and assistance in this matter.

And finally, I apologize for my demeanour when we spoke at NFPC - as you can imagine, my dealings with Canadian law enforcement (namely the RCMP) and the Canadian justice system have made me at least a little apprehensive. It's not personal, by any means.

Sincerely,



Patrick Fox

**VANCOUVER POLICE DEPARTMENT
GENERAL OCCURRENCE HARDCOPY**

GO# VA 2019-49074

CRIMINAL HARASSMENT

Narrative: POLICE WILL SAY - 1

Subject: **Det. 2671 FONTANA**

Author: **VA2671 FONTANA, JENNIFER**

Related date/time: **Thursday, 2019-Sep-19 09:48**

ROLE:[Lead Investigator]

WILL SAY:

[Lead investigator.]

*** CONFIDENTIAL ***

Page 1 of 4

VANCOUVER POLICE DEPARTMENT
NARRATIVE TEXT HARDCOPY

GO# VA 2019-49074

Narrative: **POLICE WILL SAY - 4**

Det. 2982 LUDEMAN

Author: **VA2982 LUDEMAN, ERIC**

Related date: **Wednesday, 2019-Sep-25 at: 10:30**

Related event: **GO VA 201949074**

ROLE:[Other Police Witness]

WILL SAY:

[Obtained devices/notes belonging to FOX from Burnaby RCMP, turned them over to Det. FONTANA.]

***** END OF HARDCOPY *****

**VANCOUVER POLICE DEPARTMENT
GENERAL OCCURRENCE HARDCOPY**

GO# VA 2019-49074

CRIMINAL HARASSMENT

Narrative: POLICE WILL SAY - 2

Subject: **Cst. 2822 PRASAD**

Author: **VA2822 PRASAD, KEVIN**

Related date/time: **Thursday, 2019-Sep-19 09:49**

ROLE:[Other Police Witness]

WILL SAY:

[Was assigned file through patrol, DVACH took conduct of investigation.]

*** CONFIDENTIAL ***

Page 3 of 4

**VANCOUVER POLICE DEPARTMENT
GENERAL OCCURRENCE HARDCOPY**

GO# VA 2019-49074

CRIMINAL HARASSMENT

Narrative: POLICE WILL SAY - 3

Subject: **Det. 2102 PYPER**

Author: **VA2102 PYPER, JOHN**

Related date/time: **Thursday, 2019-Sep-19 09:51**

ROLE:[Other Police Witness]

WILL SAY:

[Provided guidance on Internet based investigations.

]

**VANCOUVER POLICE DEPARTMENT
GENERAL OCCURRENCE HARDCOPY**

GO# VA 2019-49074

CRIMINAL HARASSMENT

Narrative: POLICE STATEMENT - 2

Subject: **Investigative Steps**

Author: **VA2671 FONTANA, JENNIFER**

Related date/time: **Tuesday, 2019-Mar-19 12:01**

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." (V1 [REDACTED]) 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 of CAPUANO and conducted the following steps:

- Requested any information regarding the crossing of FOX at the Blaine border crossing (V2 [REDACTED])

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

(V2 [REDACTED])

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

*** CONFIDENTIAL ***

**VANCOUVER POLICE DEPARTMENT
GENERAL OCCURRENCE HARDCOPY**

GO# VA 2019-49074

CRIMINAL HARASSMENT

- Conducted safety planning with her
 - CAPUANO stated she believes FOX will come to V1 and try to kill her
 - CAPUANO attended the V1 and had a file created - V1
 - CAPUANO plans to attend the court house on March 20, 2019 and apply for a protection order
- Contacted the V1 and requested a member attend in person to discuss appropriate protection orders/DV resources available -was advised by Det. V1 that they would do a V1 for FOX to patrol officers V1

V1

CAPUANO believes that FOX will try to make his way to Los Angeles and stay with his friend Fleur de Liz MUNOZ "Liz". FOX has been found at MUNOZ's residence in previous incidents when he has been deported back to Canada. CAPUANO believes that MUNOZ has recently moved but the last known address for her is V1 V1. Possible contact numbers for MUNOZ are V1 or V1. According to CAPUANO, MUNOZ has a lot of family in the Los Angeles area and she has always been willing to help FOX.

At the time of this report the whereabouts of FOX is unknown as are his intentions. Safety planning with CAPUANO will be ongoing until FOX is located. File SUI.

*** CONFIDENTIAL ***



Investigative Log Notes
Detective Constable 2671 Fontana
Vancouver Police Department
Special Investigation Section

File #
19-49074

DATE	TIME	Details
2019/03/18	0730	Assigned as lead investigator by Sgt. WHEELER
V2		
	1130	Called Vancouver probation – FOX is assigned to Abeed BHIMJI who does not work on Mondays – will touch base tomorrow
	1139	Spoke with Lookout Shelter staff who advised that clients have access to two computers – have to sign up to use them but if there is no wait list there is no time limit – lobby closed from 11pm-7am everyday – no access to computers during this time
	1220	Cst. PRASAD attended lookout shelter to inquire if FOX was staying there – they advised he had been there every night from Feb 14-March 16 but had left with most of his belongings on March 16 th and told staff he was moving to the United States – FOC left his medication at the shelter Shelter advised they would call should he return
	1321	Spoke with Sgt. WHEELER who spoke with original investigator from Burnaby – he no longer works in Burnaby but passed info onto current members in Burnaby – believe Burnaby should take conduct of file due to previous investigation, extent of background etc.
	1530	Attempted to speak with homeland security to ensure FOX won't be able to cross border, 3 different numbers provided by 3 different agencies – unable to get a hold of anyone who could provide that info – will attempt in the morning
2019/03/19	0847	Spoke with homeland security – advised that FOX crossed the border at the Blaine crossing on March 15, 2019 @ 2100 (unsure if that was Eastern or Pacific time) Used BCDL 6261564 V2
	0900	Advised CBSA that FOX had crossed into the United States – completed the required look out request form to place a flag on FOX at the Canadian border should he try to return to Canada
	1021	V2
	1022	Spoke with Desiree CAPUANO and advised her FOX had crossed the border – she stated “oh my god, he's coming to kill me” Conducted safety planning with CAPUANO CAPUANO believes that FOX will hide at his friend Liz MUNOZ's house – he has been arrested there each time he has been deported
V1		
	1338	Unable to get a phone call through to the V1 after multiple attempts (says out of order?) sent an email to all 3 listed detectives on the PD website
	1352	Received an email back from Det. V1 of the V1 which made mention of protection orders available to CAPUANO as well as they would do a V1 to patrol for FOX V2
	1508	Spoke with CAPUANO to suggest the protection order – she advised that she has already made a report with the police and her file number was V1 She planned on attending the court house the next morning and applying for a protection order



Investigative Log Notes
Detective Constable 2671 Fontana
Vancouver Police Department
Special Investigation Section

File #
19-49074

March 20, 2019	1025	Spoke with Det. V1 who advised that CAPUANO V1 V1 US attorney's office may be able to extend FOX's conditions In order for protection order to take effect, FOX needs to be served with it first Will call of police contact is made with FOX
	1127	Received a call from Det. Kristy BROWN of the Surrey HRO – advised that FOX had attempted to cross in to the U.S. at the Blaine crossing however was not granted access, he was detained and made a refugee claim Is currently being held in Tacoma until his refugee claim can be investigated (will take months) Surrey will be writing warrants for FOX's arrest based on his breaching his conditions (no go to border, leave BC w/o permission) and FOX's PO will be writing a warrant for his fail to report It is unlikely that FOX will be successful in his refugee claim, if he is not permitted to stay in the U.S. he will be returned to Canada and picked up on his outstanding warrants. There has been no activity on FOX's website since he has been in custody
March 27, 2019	0758	Spoke with Det. V1 of the V1 and advised V1 that FOX did not make entry into the United States and was being held in Tacoma while his refugee claim is investigated V2
	1405	V2 V2
	1015	Spoke with Cst. Jason POTTS of Burnaby Serious Crime Unit – he advised that he was the original interviewer that FOX confessed to in 2016, he has been asked to interview FOX again when he is arrested at the boarder today – POTTS advised that he would warn FOX that he was being investigated for breach out of Vancouver in relation to the new website V1 and he would ask question specifically pertaining to the website POTTS will provide VPD with a copy of the interview as well as a transcript

Note: Unless otherwise indicted, these notes were made on the same date as stated.



Investigative Log Notes
Detective Constable 2671 Fontana
Vancouver Police Department
Special Investigation Section

File #
19-49074

	1339	Delivered disc with data to front desk of 2 nd floor crown office as V1 not available
V2		
V2		
April 6, 2019	1100	Reviewed report re: arrest and interview of FOX – established that devices had been seized incident to lawful arrest – are in custody of RCMP Confirmed that FOX was in custody – remanded until April 10 th 2019
	1440	Spoke with Cst. WATERMAN of Burnaby RCMP detachment exhibits – could not confirm where the devices were located or if they had been tinned – advised members who were responsible for property would be on duty April 8, 2019
	1511	Spoke with Cpl. POTTS of Burnaby Serious Crimes Unit – he conducted interview of FOX – was wasn't involved in arrest of FOX so could not speak to where devices were located or whether they had been tinned or not but stated it is common practice of their members to place electronic devices inside nylon bags which are frequency blocking (equivalent to tinning)
April 8, 2019	0920	Message left for Kristi Brown returning her call that was missed on April 5, 2019
April 9, 2019	0948	Spoke with Cst. HAWKINS of Surrey RCMP – he will deliver electronic devices today
	1430	Obtained key to SIS locker #26 from Det. LUDEMAN – Det. LUDEMAN took possession of devices on my behalf from Cst. HAWKINS of the Burnaby RCMP who seized devices incident to lawful arrest on April 5, 2019 Unable to meet with Cst. HAWKINS due to conducting in custody suspect interview for VPD 19-65619
V2		
V2		
		Will conduct breach investigation based on hand written notes located on FOX at time of arrest that correlate to documents posted on the website V1 V1
	1440	V2
April 11, 2019	1000	Spoke with SCC – info requested will be with SCBC
	1020	Spoke with SCBC admin – will look into any FOI application made by FOX and how to obtain it – will call back with info
April 15, 2019	0830	Spoke with SCBC admin – advised that the crown counsel will have the disclosure letter which will contain the conditions prohibiting FOX from disseminating the information obtained regarding the court proceedings.
	1040	Emailed crown counsel requesting the disclosure letter for FOX
V2		
May 14, 2019	0800	Spoke with the Cyber crime unit about go daddy and domains by proxy and how to go about getting a P.O for client info, Det. PYPER will provide a paragraph for the ITO which details the relationship between go daddy the V1 website and domains by proxy
	1302	Sent email to domains by proxy to confirm that a Canadian Production order will meet their requirements for compliance when serving them to produce registrant info



Investigative Log Notes
Detective Constable 2671 Fontana
Vancouver Police Department
Special Investigation Section

File #
19-49074

V2		
May 21, 2019	0600	V2
V2		
	1100	Requested DVACH analyst look at V1 for any new posts, blogs, info etc – no updates located
	1114	Assistance requested from Dan SKANLAN via email re: appropriate authorization – came back undeliverable and phone number not in service
	1130	V2
	1420	Email sent to domains by proxy requesting info on how to preserve client info while obtaining a judicial authorization
May 22, 2019	1314	Obtained letter from Susan ELIOTT that was sent to her by FOX
	1330	Tagged letter at the property office – 2010 Glen Dr.
May 23, 2019	0730	Spoke w/ Cst. PYPER of Cyber Crime Unit – he advised that in order to obtain IP logs you would have to be an administrator of the website
	0800	Spoke with records office at NFPC – he advised computer inside North Fraser do not have internet – no capability to look at IP logs of a website
	0855	Requested call logs for FOX from North Fraser – only one call on May 17 th Requested a search of MUNOZ's numbers for any outgoing calls – only call from FOX on May 17 th
	1030	Obtained original letter from FOX to GEORGETTI where he speaks about IP logs and states he looks forward to posting more about GEORGETTI on the website
	1245	Preservation demand sent to North Fraser for phone call of FOX
	1300	Preservation demand sent to Domains by Proxy for registrant info
June 3, 2019	0800	Received mail from Burnaby RCMP that contained the original letter sent to them from FOX inquiring about his devices and requesting them back if possible
June 13, 2019	1300	Receive production order for north fraser calls and sealing order
	1350	Production order served to North fraser
	1430	Spoke with Cst. PYPER about having website removed – V2
June 14, 2019	1105	Email sent to potential new witness, Martin MacMahon a reported who received a letter from FOX advising that police haven't taken website down or charged him for breach
	1257	Website removal request sent via email
	1300	Spoke with Sgt. WATKINS of DFU – submitted devices on Tuesday June 18 th , 2019 (if warrant approved)
June 19, 2019	0750	Devices turned into Tech crime for execution of warrant by PC 2908 ROBINSON
June 24, 2019	0600	Received hand written letter from FOX dated June 6 th , in letter FOX states that he is running the website and if the website constitutes criminal harassment then he should be charged with criminal harassment and breach

[illegible]

**VANCOUVER POLICE DEPARTMENT
GENERAL OCCURRENCE HARDCOPY**

GO# VA 2019-49074

CRIMINAL HARASSMENT

Narrative: POLICE STATEMENT - 3

Subject: **FOX, PATRICK**

Related Entity: **FOX, PATRICK HENRY (CHARGED #1)**

Author: **VA2671 FONTANA, JENNIFER**

Related date/time: **Thursday, 2019-Sep-19 09:28**

FOX was interviewed while in custody at North Fraser Pretrial Centre for unrelated breach charges. During this interview FOX admitted to creating the new website ^{V1} [REDACTED] and uploading all of the content on the website. FOX stated his goal was to be charged with criminal harassment and bring the system into disrepute.

*** CONFIDENTIAL ***



Task Action Report
Special Investigation Section – Electronic File Management

Task #: 001	Action #:	File #: 19-49074		
Assigned by: Det. Fontana		Assigned to: Det. Fontana		
Assigned Date: 2019/04/08	BF Date: _____		Completion Date: 2019/09/19	
Entities:				
SURNAME	Given	DOB	PRIME:	CW:
			Yes ☐ No ☐	Yes ☒ No ☐
Task: Obtain Search warrant for Fox's electronic devices.				
Results: On April 8, 2019, Constable 61381 HAWKINS ("Cst. HAWKINS") of the Burnaby RCMP attended the VPD building at 3585 Graveley Street to bring Detective Constable 2671 FONTANA ("Det. FONTANA") the electronic devices which had been located on FOX at the time of his arrest. Det. FOTNANA was out of the building on another file when Cst. HAWKINS arrived, therefore Detective Constable 2982 LUDEMAN ("Det. LUDEMAN") took custody of the devices and secured them in SIS locker #26. At approximately 2:30pm Det. LUDEMAN turned the key to locker #26 over to Det. FONTANA. On June 13, 2019, Detective Constable 2671 FONTANA attended the justice center with an information to obtain a search warrant for the electronic devices that were located on FOX at the time of his arrest as well as a production order for a phone call made by FOX to Liz MUNOZ "MUNOZ" while he was in custody. The production order was granted by Judicial Justice CAMPBELL however the search warrant was denied due to the fact that the search details on the warrant face were not as detailed as the ones in the information to obtain. On June 14, 2019, Det. FONTANA attended the justice center with a more detailed warrant face and was granted a search warrant for the devices by Judicial Justice CHELLAPPAN.				



Task Action Report

Special Investigation Section – Electronic File Management

Attachments:

T001_20190404_5-2_Devices_FOX_FONTANA
T001_20190408_NOTES_LUDEMAN
T001_20190614_SO_Devices_FONTANA
T001_20190614_WRNT_Devices_FOX_FONTANA

Suggested Follow ups:



Task Action Report
Special Investigation Section – Electronic File Management

Task #: 003	Action #:	File #: 19-49074		
Assigned by: Det. Fontana		Assigned to: Det. Fontana		
Assigned Date: —	BF Date: —	Completion Date: 2019/09/19		
Entities:				
SURNAME	Given	DOB	PRIME:	CW:
FOX	Patrick		Yes ☐ No ☐	Yes ☒ No ☐
Task: Investigate breach of court order and breach of probation.				
Results: Detective Constable 2671 FONTANA (“Det. Fontana”) was assigned as the lead investigator for VPD file 19-49074, a criminal harassment investigation. The accused, Patrick FOX (“FOX”) is currently bound by a probation order and Det. FONTANA found through the course of this investigation that FOX has breached two of his conditions by creating the new website V1 FOX has breach his no internet condition as well as his condition not to publish any information pertaining to CAPUANO. FOX is also bound by a separate court order prohibiting him from publishing any documents pertaining to their 2016/2017 trial which he received through disclosure as FOX self-represented. Many documents from the trial including emails, audio recordings and transcripts have been added to the new website. Det. FONTANA has requested the DVACH analyst conduct a direct comparison between the “to do” lists and documents that are on the website as Det. FONTANA believes certain items that are crossed off as if they have been completed may be found on the website. Results of this request are still pending. Det. FONTANA is requesting two breach of probation charges and one breach of court order charge, in addition to the new criminal harassment charge.				

Save the completed TAR and all scanned attachments to the inbox in a folder named for the Task #
T<number>-DATE-Document-Member



Task Action Report
Special Investigation Section – Electronic File Management

Attachments:

T003_20180130_Disclosure-Order_FOX_FONTANA
T003_20190404_Website-Notes-1_FOX_FONTANA
T003_20190404_Website-Notes-2_FOX_FONTANA

Suggested Follow ups:



Task Action Report
Special Investigation Section – Electronic File Management

Task #: 004	Action #:	File #: 19-49074		
Assigned by: Det. Fontana		Assigned to: Det. Fontana		
Assigned Date: 2019/06/03	BF Date: _____		Completion Date: 2019/06/25	
Entities:				
SURNAME	Given	DOB	PRIME:	CW:
FOX	Patrick	1973-11-24	Yes ☐ No ☐	Yes ☒ No ☐
Task: Obtain Production order for phone call from FOX to MUNOZ.				
Results: On June 13, 2019, Detective Constable 2671 FONTANA ("Det. FONTANA") was granted a production order by Judicial Justice A. CAMPBELL for the recording of a phone call placed from the inmate account of Patrick FOX ("FOX") at North Fraser Pretrial Center, 1451 Kingsway Ave, to phone number 310-701-1814 belonging to Liz MUNOZ ("MUNOZ") on May 17, 2019. On June 24, 2019 Det. FONTANA attended North Fraser Pretrial Center and obtained the recording of the phone call. On June 25, 2019, Detective Fontana listened to the recording. Det. FONTANA has met FOX in person and is confident after listening to the recording of the call that the male voice belongs to FOX. The following is a summary of the phone call which lasted 13mins 23 seconds: • FOX advised MUNOZ the main reason he was calling was to ensure receipt of letters he's been sending • FOX stated he had sent MUNOZ 4 letters • MUNOZ confirmed that she had received all 4 letters • MUNOZ advised FOX that she has the printouts from the website he had requested from her [this was on the "to do" list that was seized off of FOX at the time of the arrest]				

Save the completed TAR and all scanned attachments to the inbox in a folder named for the Task #
T<number>-DATE-Document-Member



Task Action Report
Special Investigation Section – Electronic File Management

- MUNOZ advised FOX that the website had 430 views – no Facebook or Twitter activity
- MUNOZ stated she has saved some of the news articles about FOX
- FOX stated that the media is trying to stay away from the story
- FOX stated he highly doubts police will proceed with breaches
- FOX told MUNOZ that “this whole thing” is a way for him to force the DNA test-DNA test will prove his claims against Homeland Security
- FOX stated he wrote letter to crown asking for disclosure, he intends to ask the court to pursue his DNA test
- FOX advised MUNOZ that he hasn’t been charged for the new website yet
- FOX told MUNOZ that we will demand to be charged with criminal harassment – “who else could have put the website up?”
- IRCC, Social Development – documents requested that will assist proving he is not a Canadian citizen
- FOX advised that when I puts the recordings from his last hearing it will make the judge “look like a fucking retard”
- FOX told MUNOZ that he can’t say too much but LAGEMAAT and the jurors have been interviewed, LAGEMAAT admitted that he was working in conjunction with MYHRE

There were no directions given to MUNOZ in relation to updating the website during the call. FOX and MUNOZ used generic terms such as “stuff” and “things” when discussing the website.

Attachments:

T004_20190523_Preservation-Demand_NFPC_FONTANA
T004_20190613_PO_NFPC_FONTANA
T004_20190613_SO_NFPC_FONTANA
DVD

Suggested Follow ups:



VANCOUVER POLICE DEPARTMENT

Date: June 14, 2019
To: GoDaddy.com, GoDaddy Inc.
From: Detective 2671 Jennifer Fontana
Subject: Website Removal Request

To Whom it may Concern,

I am writing this letter to advise you of a website you are hosting that violates your terms of service. I am a detective with Vancouver Police Department and there is an ongoing police investigation into the website **V1**. This website contains malicious content and promotes hate against an individual, Desiree Capuano. The site is defamatory in nature and provides the home address, phone number, email, photographs and physical description of the victim, jeopardizing her safety.

I am requesting that the website be removed immediately. Based on the rules of conduct that are listed in the legal section of your website I believe **V1** violates the following highlighted sections:

5. GENERAL RULES OF CONDUCT

iii. You will not use this Site or the Services in a manner (as determined by GoDaddy in its sole and absolute discretion) that:

- **Is illegal, or promotes or encourages illegal activity;**
- Promotes, encourages or engages in child pornography or the exploitation of children;
- **Promotes, encourages or engages in terrorism, violence against people, animals, or property;**
- Promotes, encourages or engages in any spam or other unsolicited bulk email, or computer or network hacking or cracking;
- Violates the Ryan Haight Online Pharmacy Consumer Protection Act of 2008 or similar legislation, or promotes, encourages or engages in the sale or distribution of prescription medication without a valid prescription;
- Violates the Fight Online Sex Trafficking Act of 2017 or similar legislation, or promotes or facilitates prostitution and/or sex trafficking;
- Infringes on the intellectual property rights of another User or any other person or entity;

- Violates the privacy or publicity rights of another User or any other person or entity, or breaches any duty of confidentiality that you owe to another User or any other person or entity;
- Interferes with the operation of this Site or the Services found at this Site;
- Contains or installs any viruses, worms, bugs, Trojan horses or other code, files or programs designed to, or capable of, disrupting, damaging or limiting the functionality of any software or hardware; or
- Contains false or deceptive language, or unsubstantiated or comparative claims, regarding GoDaddy or GoDaddy's Services.

Without limiting any of the rights set forth elsewhere in this Agreement, GoDaddy expressly reserves the right to deny, cancel, terminate, suspend, or limit future access to this Site or any Services (including but not limited to the right to cancel or transfer any domain name registration) to any User (i) whose Account or Services were previously terminated or suspended, whether due to breach of this or any other Agreement or any GoDaddy policy, or (ii) who otherwise engages or has engaged in inappropriate or unlawful activity while utilizing the Site or Services (as determined by GoDaddy in its sole and absolute discretion).

GoDaddy generally does not pre-screen User Content (whether posted to a website hosted by GoDaddy or posted to this Site). However, GoDaddy reserves the right (but undertakes no duty) to do so and decide whether any item of User Content is appropriate and/or complies with this Agreement. GoDaddy may remove any item of User Content (whether posted to a website hosted by GoDaddy or posted to this Site) and/or terminate a User's access to this Site or the Services found at this Site for posting or publishing any material in violation of this Agreement, or for otherwise violating this Agreement (as determined by GoDaddy in its sole and absolute discretion), at any time and without prior notice. GoDaddy may also terminate a User's access to this Site or the Services found at this Site if GoDaddy has reason to believe the User is a repeat offender. If GoDaddy terminates your access to this Site or the Services found at this Site, GoDaddy may, in its sole and absolute discretion, remove and destroy any data and files stored by you on its servers.

PROFESSIONAL WEB SERVICES AGREEMENT

Last Revised: May 17, 2019

SEO Services. We reserve the right and sole discretion to determine whether the content and keywords of a site are illegal, prohibited, or otherwise not appropriate, and to cancel your Services. The promotion of the following is not allowed and includes, but is not limited to, the following:

Counterfeit Goods: We do not allow the promotion of counterfeit goods as they mimic the brand features of the product in an attempt to pass themselves off as a genuine product of the brand owner.

Dishonest Behavior: We do not allow for the promotion of products or services whose purpose is to enable users to mislead or deceive.

Online/Offline Gambling: We do not allow the promotion of offline or online gambling or the instruction of gambling.

Capitalizing on sensitive events: We do not allow the promotion of content that may be deemed as capitalizing on or lacking reasonable sensitivity towards a natural disaster, conflict, death, or other tragic event.

Hatred & Intolerance: We do not allow the promotion of content that incites or endorses hatred against others. Content that inappropriately discriminates against a person or group or that seeks to intimidate, exploit, or humiliate others.

Shocking content: We do not allow the promotion of content containing violent language, gruesome or disgusting imagery, or accounts of physical trauma. Content containing gratuitous portrayals of bodily fluids or waste.

Promotions containing obscene or profane language or content that are likely to shock or scare.

Threatened or extinct species: We do not allow the promotion of content that may be interpreted as trading in or selling products derived from threatened or extinct species.

You agree that we reserve the right to remove your website temporarily or permanently from our servers if you are in violation of this Service Agreement and/or there are activities that threaten the stability of our network. You acknowledge and agree that all websites associated with your hosting account may be removed if one website is in violation of this Service Agreement.

In 2016 the website V1 [REDACTED] was at the center of a Criminal Harassment investigation in which the accused, Patrick Fox, was convicted. The website V1 [REDACTED] is the same website previously mentioned but with more information and slander added. I have also highlighted sections that mention GoDaddy's right to remove websites or terminate customer accounts. I believe there are an abundance of terms in your service agreement that are not only violated but give you the authority to remove the website.

Should you have any questions or concerns please feel free to contact me. Thank you for your assistance with this matter.

A handwritten signature in blue ink, appearing to read 'Jennifer Fontana', with the number '2671' written below it.

Detective/Constable Jennifer Fontana #2671
Domestic Violence and Criminal Harassment Unit
Vancouver Police Department

V1 [REDACTED]
[REDACTED]
[REDACTED]

From: V1
Sent: Monday, July 15, 2019 2:09 PM
To: FONTANA, Jennifer
Subject: Update [Incident ID: 39418381] - VPD file 19-49074



24/7 Support: V1

Information regarding your request

Our support staff has responded to your request, details of which are described below:

Discussion Notes

Support Staff Response

Dear DC Fontana,

We have suspended the services for this website FOR 90 DAYS according to your request. If the customer inquires about the reason for suspension or to pursue re-activation, they will be notified that they need to resolve the situation with you. Please let us know by reply to this message if this has taken place and you wish us to re-activate the domain / website before the temporary period specified.

Please note: If you wish to follow up with a request for customer / subscriber information, please contact

V1 If you do obtain a court order for permanent action against this site, please send it to

V1

Also, the file number is sufficient information for "investigative steps", apologies that the response is not clear about that.

Thank you,

Law Enforcement Request Team
Digital Crimes Unit
GoDaddy.com

Customer Inquiry

Notice: This email is from an external sender. To Whom it may concern, I am writing this email to request that the website V1 be suspended for the maximum allowed time without a court order – 90 days. I am a Detective with the Vancouver Police Department and am currently investigating a Criminal Harassment file. This website is being used as the means of harassment against the victim, Desiree Capuano. As the file is still under investigation I am unable to release information regarding the investigative steps that have been taken as I feel it would compromise the integrity of the investigation. The website is being used to post malicious content and promotes hate against Ms. Capuano. Content of the website includes Ms. Capuano's home address, phone number, email address, physical description and photos. This poses a significant safety concern. I have attached a letter that requests the removal of the website, I have been notified by the legal department of GoDaddy that the removal of the website is not possible without a court order, therefore I am requesting the website be suspended. Please feel free to contact me should you have any questions or concerns. Thank you in advance for your cooperation. Detective/Constable Jennifer Fontana #2671 Domestic Violence and Criminal Harassment Unit Vancouver Police Department V1

NOTICE:

CONFIDENTIAL COMMUNICATION - This transmission may contain confidential or privileged communications, and the sender does not waive any related rights and obligations. If you are not the intended recipient and have received this in error, you must immediately destroy it. Unauthorized copying or distribution of any information herein is strictly prohibited and may constitute a criminal offence, a breach of Provincial or Federal privacy laws, or may otherwise result in legal sanctions. We ask that you notify the Vancouver Police Department immediately of any transmission received in error, by reply email to the sender.

Thanks,
Customer Service

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85260 USA. All rights reserved.

2724880447



Task Action Report
Special Investigation Section – Electronic File Management

Task #: 005	Action #:	File #: 19-49074		
Assigned by: Det. Fontana		Assigned to: Det. Fontana		
Assigned Date: 2019/06/13	BF Date: _____		Completion Date: 2019/09/18	
Entities:				
SURNAME	Given	DOB	PRIME:	CW:
			Yes ☐ No ☐	Yes ☒ No ☐
Task: Have V1 [REDACTED] removed from the internet.				
Results: On June 14, 2019 Detective Constable 2671 FONTANA ("Det. FONTANA") sent GoDaddy (the host of V1 [REDACTED]) a letter requesting the removal of the website as it was currently a part of a criminal harassment investigation and posed a risk to the victim Desiree CAPUANO ("CAPUANO") and her family. Det. FONTANA received a reply that a statement would be required of Det. FONTANA in order to have the website suspended however without an American court order the website would not be removed. Det. FONTANA provided the requested statement and was advised on July 15, 2019, that the website would be removed for the maximum allowed length of 90 days.				
Attachments: T005_20190614_Website-Removal-Request_GoDaddy_FONTANA T005_20190715_COR_Email-Removal-Confirmation_GoDaddy_FONTANA				
Suggested Follow ups:				

Save the completed TAR and all scanned attachments to the inbox in a folder named for the Task #
T<number>-DATE-Document-Member



Task Action Report
Special Investigation Section – Electronic File Management

Task #: 006	Action #:	File #: 19-49074		
Assigned by: Det. Fontana		Assigned to: Det. Fontana		
Assigned Date: 2019/06/13	BF Date: _____		Completion Date: 2019/06/24	
Entities:				
SURNAME	Given	DOB	PRIME:	CW:
FOX	Patrick		Yes ☐ No ☐	Yes ☒ No ☐
Task: Interview accused Patrick FOX.				
Results: On June 24, 2019, Detective Constable 2671 FONTANA (“Det. FONTANA”) and Detective Constable 2187 CHRISTIAN (“Det. CHRISTIAN”) attended North Fraser Pretrial Center to conduct a voluntary interview with Patrick FOX. FOX consented to the interview and declined to speak with legal counsel. During the interview FOX stated, in part, the following: • The website contains the proof of CAPUANO’s perjury and the collusion between MYHRE and LAGEMAAT • If there was a new trial, CAPUANO would be cross-examined about the perjury and she would have no credibility • It would be unlikely to get another criminal harassment conviction • Raises the question of how could there be a criminal harassment conviction on the first trial and not the second if they are based on the same conduct and evidence, would call the system into disrepute • There is also a problem if police don’t charge him all the militant feminists who hate him so much for first website, already convicted him one so clearly it was criminal • If police charge him with probation violations and not criminal harassment, then it looks like police aren’t taking CAPUANO’s claim seriously and more concerned with enforcing petty court orders than her safety • Should be obvious at this point that one of his goals is to bring the system into disrepute • There was no harassment in the first place • LAGEMAAT and MYHRE colluded to keep most of the emails between himself and CAPUANO out of the trial				

Save the completed TAR and all scanned attachments to the inbox in a folder named for the Task #
T<number>-DATE-Document-Member



Task Action Report

Special Investigation Section – Electronic File Management

- Nobody confronted CAPUANO on her perjurious testimony
- Highlighted all CAPUANO's perjury in red on the website
- Hosting plan purchased with hosting provider
- The website is registered with google, Bing etc.
- Last time he googled the website it came up about 40th
- He published the website and all the information
- By publishing the website he violated the probation conditions, civil injunction
- If the website can be found to be criminal harassment then he would be guilty of that as well
- It was very time consuming making the html versions of the transcripts and making updates to website
- CAPUANO abandoned her child, he raised him by himself for 9 years, she took him away made false allegation that he had been hiding him from her for 9 years
- He got deported, lost custody of his son
- Hasn't had contact with his son since 2016
- Created new website because CAPUANO took his child away
- CAPUANO can shed a few tears and people ignore all the horrible stuff she has ever done
- Goal of the website is to make it publicly known the bad things that she has done and she can't hide behind the façade that she is a sweet, caring person
- The purpose of posting new content about his case is to expose all the corruption and misconduct that occurred
- To make it known that the only reason he was convicted was because of the collusion
- Wants to be charged with criminal harassment – CAPUANO would likely not testify because she knows there is proof of all the perjury she committed in the first trial
- His goal would be for her to be cross examined – she would have no credibility, he would be acquitted and he would show everyone "look this is your justice system"
- Hopefully be deported back to the United States
- IRCC and CBSA stated he is not Canadian
- Tried to remove condition about leaving BC before he went to the U.S. border
- Software engineer but can't work in Canada
- Can't go back to U.S. b/c homeland security will hold me until Canadian authorities issue a warrant and then bring me back to peace arch and give me back to the RCMP
- Documents that have been put on the website weren't obtained through disclosure process - obtained by other sources
- Don't want to comment on Liz MUNOZ assisting him with the website – she doesn't have the technological knowledge to do so
- There aren't any updates to the website happening while he is in custody but he will have a lot to out on there when he gets released

Save the completed TAR and all scanned attachments to the inbox in a folder named for the Task #
T<number>-DATE-Documents-Member



Task Action Report
Special Investigation Section – Electronic File Management

Attachments: T006_20190624_Interview-Plan_FOX_FONTANA DVD
Suggested Follow ups:

Save the completed TAR and all scanned attachments to the inbox in a folder named for the Task #
T<number>-DATE-Document-Member



Task Action Report
Special Investigation Section – Electronic File Management

Task #: 007	Action #:	File #: 19-49074		
Assigned by: Det. Fontana		Assigned to: Det. Fontana		
Assigned Date: 2019/05/31	BF Date: _____		Completion Date: 2019/09/25	
Entities:				
SURNAME	Given	DOB	PRIME:	CW:
			Yes ☐ No ☐	Yes ☒ No ☐
Task: Extend 5.2				
Results: On May 31, 2019, Detective Constable 2671 FONTANA ("Det. FONTANA") was advised by the VPD property office that the 5.2 for 19-49074 would be expiring on July 4, 2019. On June 24, 2019 Det. FONTANA attended North Fraser Pretrial Center and spoke with Patrick FOX ("FOX") who consented to an extension until September 24, 2019. Det. FONTANA attended the court registry at 222 Main Street on June 25, 2019 and registered the extension. On September 19, 2019, Det. FONTANA was advised by Deputy Regional Crown V1 that another extension would be required. On September 19, 2019, Detective Constable 2341 HOLLAND attended North Fraser Pretrial Center and obtained an extension by consent from FOX that expires on December 18, 2019. Det. FONTANA attended the court registry at 222 Main Street on September 23, 2019 and registered the extension.				
Attachments: T007_20190625_5-2-Extension_FOX_FONTANA T007_20190923_5-2-Extension_FOX_FONTANA				
Suggested Follow ups:				



Task Action Report
Special Investigation Section – Electronic File Management

Task #: 008	Action #:	File #: 19-49074		
Assigned by: Det. Fontana		Assigned to: Det. Fontana		
	BF Date: _____	Completion Date: 2019/09/15		
Entities:				
SURNAME	Given	DOB	PRIME:	CW:
GEORGETTI	David		Yes ☐ No ☐	Yes ☒ No ☐
Results: On May 22, 2019, Detective Constable 2671 FONTANA ("Det. FONTANA") was advised by Mark MYHRE ("MYHRE") that one of Desiree CAPUANO's lawyers had received a hand written letter from Patrick FOX ("FOX"). In the letter to GEORGETTI dated May 8, 2019, FOX provides his new contact info (NFPC address), and states that there is a new version of the website up and running, V1 FOX advises he knows GEORGETTI is aware of the website as he has seen the IP address of GEORGETTI's law firm in the IP logs for the website. FOX states he has proof of CAPUANO's perjury and that the new website is "one million times more damaging" to CAPUANO's reputation. FOX also insists the GEORGETTI request a contempt hearing. FOX ends the letter stating he looks forward to continuing their adversarial relationship and publishing his opinions of GEORGETTI's "apparent competence". FOX then suggests that GEORGETTI sue him for defamation.				
Attachments: T008_20190508_COR_Letter_FOX_GEORGETTI				
Suggested Follow ups:				



Task Action Report
Special Investigation Section – Electronic File Management

Task #: 009	Action #:	File #: 19-49074		
Assigned by: Det. Fontana		Assigned to: Det. Fontana		
Assigned Date: 2019/06/14	BF Date: _____		Completion Date: 2019/09/19	
Entities:				
SURNAME	Given	DOB	PRIME:	CW:
			Yes ☐ No ☐	Yes ☒ No ☐
Task: Obtain statement from Martin MACMAHON regarding letter sent to news 1130 by FOX.				
Results: On June 13, 2019, Detective Constable 2671 FONTANA ("Det. FONTANA") was advised by Deputy Regional Crown V1 that a reporter named Martin MACMAHON ("MACMAHON") had received a hand written letter from Patrick FOX ("FOX"). On June 14, 2019, Det. FONTANA contacted MACMAHON who provided the letter in question as well as a written statement. The letter, dated June 10, 2019, is not directed at MACMAHON specifically and appears to have been sent to the mailing address of News1130. Colleagues of MACMAHON opened the letter and asked him to look at it as he had covered FOX's trial in 2017. MACMAHON believes the reason for the letter is that FOX wants news coverage of his new case. The letter is seven pages long and speaks about CAPUANO's perjury, collusion between crown counsel Mark MYHRE and defense Tony LAGEMAAT, claims he is a U.S. citizen and his probation conditions force him to violate the law as he is in Canada illegally. The letter also states that the website is back up and running and no one is doing anything about it, FOX then provides the website address of V1 .				
Attachments: T009_20190610_COR_Letter_FOX_News-1130 T009_20190614_STMT_Written_MACMAHON_FONTANA				

Save the completed TAR and all scanned attachments to the inbox in a folder named for the Task #
T<number>-DATE-Document-Member



Task Action Report
Special Investigation Section – Electronic File Management

Task #: 011	Action #:	File #: 19-49074		
Assigned by: Det. Fontana		Assigned to: Det. Fontana		
Assigned Date: —	BF Date: —		Completion Date: 2019/09/19	
Entities:				
SURNAME	Given	DOB	PRIME:	CW:
ELLIOTT	Susan		Yes ☐ No ☐	Yes ☒ No ☐
Task: Obtain letter from FOX to ELLIOTT				
Results: On May 14, 2019, Detective Constable 2671 FONTANA was advised by Crown counsel Susan ELLIOTT (“ELLIOTT”) that she had received a hand written letter from Patrick FOX. In the letter to ELLIOTT, dated May 5, 2019, FOX states that he is in custody at NFPC and unable to access any legal resources to litigate his appeal. FOX provides the new website name, V1 [REDACTED] and advises that it is now publicly accessible. FOX also advises that there is much more evidence to be posted on the website.				
Attachments: T010_20190505_COR_Letter_FOX_ELLIOTT				
Suggested Follow ups:				

Save the completed TAR and all scanned attachments to the inbox in a folder named for the Task #
T<number>-DATE-Document-Member



Task Action Report
Special Investigation Section – Electronic File Management

Task #: 011	Action #:	File #: 19-49074		
Assigned by: Det. Fontana		Assigned to: Det. Fontana		
Assigned Date: —	BF Date: —	Completion Date: 2019/09/18		
Entities:				
SURNAME	Given	DOB	PRIME:	CW:
CAPUANO	Desiree		Yes ☐ No ☐	Yes ☒ No ☐
Task: Interview victim Desiree CAPUANO				
Results: **When Patrick FOX lived in the United States his name was Richard RIESS, he legally changed his name in Canada to Patrick FOX. Throughout this document the accused will be referred to as FOX. On July 16, 2019 10:28am, Detective V1 V1 ("Det. V1 of the V1 conducted an audio/video recorded interview of Desiree CAPUANO ("CAPUANO") in regards to VPD file number 19-49074. During the interview, CAPUANO stated, in part, the following: • ow where she works, will disclose off camera • Recordings of her last interview with police have been posted online on V1 • A co-worker found the website, a second co-worker explained to him the history between FOX and CAPUANO, that co-worker doesn't treat her the same now, he acts weird around her • FOX was in jail from June 2016 until December 2018 – had zero contact with him during this time				

Save the completed TAR and all scanned attachments to the inbox in a folder named for the Task #
T<number>-DATE-Document-Member



Task Action Report

Special Investigation Section – Electronic File Management

- FOX was released Dec 30, 2018, was required to check in every 4 days with his probation officer, officers believed that it would take FOX, 6-10 days to CAPUANO's location , they should be able to find him if he had to check in every 4 days, would know if he didn't show up
- FOX tried to get deported to United States, it didn't work
- The real Patrick FOX worked in the facility that FOX did his jail time
- March 2019, went to court on a Friday, tried to get the probation conditions relaxed, knew at this time the website was back up and running
- Following Monday or Tuesday got a call from the VPD, FOX had crossed the border 4 days previously, 2 days later realized US authorities had FOX in custody, he had tried to cross the border but wasn't successful
- Very scary couple of days, we all just stayed home, I wouldn't go anywhere alone, we just waited to hear something or someone
- CAPUANO and her boyfriend took time off work when they thought FOX had crossed the border, drove kids to school and picked them up
- FOX has gone into explicit detail about shooting her, he doesn't have a firm grasp on reality
- Wants to show the world the "truth" about her
- Doesn't think he would ever walk up to her front door, I think he would follow her, watch her and shoot her from a car
- Think FOX has help in LA, has extended family there, they would give him rides, clothes, food, place to sleep
- The new website is the same as the old plus new material
 - o CAPUANO's victim impact statement
 - o Audio clips of CAPUANO's interviews
 - o Attorney info
 - o Info about crown counsel
 - o FOX's release letter from his previous company
 - o New blog posts

Save the completed TAR and all scanned attachments to the inbox in a folder named for the Task #
T<number>-DATE-Document-Member



Task Action Report

Special Investigation Section – Electronic File Management

- Feels like there isn't much she can do about the new website
- It's a lot of work to get it taken down and it keeps getting put back up
- She can't have social media
- Needed to do a skype interview – can't because skype needs to access her phone and video
- Last time FOX got the email addresses of all her co-workers and emailed them court documents and links to the website - 650 employees
- FOX emailed the board of directors at her work and told them she smokes
- V1 [REDACTED]
- FOX accessed her LinkedIn and Facebook in 2014
- Tries not to make friends so she doesn't have to explain the whole situation
- FOX is a software programmer
- A couple months after she started dating James he had been added to the website
- Feels she can't have friends, can't have social media, even now while he's in jail because he'll find it all when he gets out
- If she ever had to get another job it would be incredibly difficult with the things that FOX has put on the internet
- V1 [REDACTED]
[REDACTED]
- 2015 -2017 had to work a contract job – through an employment agency
- Was offered a position with V1 [REDACTED] – retracted their offer when they saw the website
- FOX tracks everyone from website, could tell people from V1 [REDACTED] had been visiting the site, found out she was applying for a job and went there
- She tried not to let it affect her while he was in custody – went back to school, took care of the kids, was happy
- October 2018 knew his release was coming up, tried to focus on other things
- Got 2 new bosses, had to tell them what had happened
- She had to tell all of their neighbors so they were aware of situation



Task Action Report
Special Investigation Section – Electronic File Management

- Some days she couldn't go in to the office, was just too hard, couldn't focus,
- She knows what he's done, she knows what he can do but she doesn't know what he's capable of, that scares her
- She watches over her shoulder all the time
- She had a gut feeling he would do this again
- FOX isn't not logically thinking through things anymore, he's just acting, which scares her
- FOX's end goal is to hurt her
- FOX keeps trying to use the same argument against the same people
- Thinks that FOX now truly believes that he is not Richard REISS and he is in fact Patrick FOX who was born in Canada
- Anything that happens to FOX as a result of this new investigation he will blame on her
- FOX has not made any kind contact with her since he was released except for the new website
- She enjoyed living a "normal life" while FOX was in custody
- If FOX hadn't taken over these years of her life she would be so much further ahead

Attachments:

DVD

Suggested Follow ups:



Task Action Report
Special Investigation Section – Electronic File Management

Task #: 012	Action #:	File #: 19-49074		
Assigned by: Det. Fontana		Assigned to: Det. Fontana		
Assigned Date: 2019/06/27	BF Date: _____		Completion Date: 2019/08/01	
Entities:				
SURNAME	Given	DOB	PRIME:	CW:
			Yes ☐ No ☐	Yes ☒ No ☐
Task: Obtain search warrant for additional SD card located during execution of initial search warrant on devices.				
Results: On June 27, 2019, Detective Constable 2671 FONTANA ("Det. FONTANA") was contacted by Detective Constable 1490 YINGLING ("Det. YINGLING") of the Technological Crime Unit ("TCU"). Det. YINGLING advised Det. FONTANA that on June 19, 2019, while the TCU was executing the search warrant which had been obtained on June 14, 2019, for FOX's devices, they had located an SD card that had not been listed on the search warrant. When compiling the list of devices to be searched, Det. FONTANA had used the list of seized items provided by the RCMP officers who arrested FOX on March 4, 2019. The arresting officers would not have had knowledge of this SD card as it was located inside the cell phone. As a result Det. FONTANA requested an additional search warrant for the Sandisk Ultra 64GB SD card that was located inside the black Motorola Cell phone belonging to FOX. This search warrant was granted by Judicial Justice C. Roberts on August 1, 2019.				



Task Action Report
Special Investigation Section – Electronic File Management

Attachments:

T012_20190801_WRNT_SD-Card_FONTANA
T012_20190901_SO_SD-Card_FONTANA

Suggested Follow ups:



Task Action Report
Special Investigation Section – Electronic File Management

Task #: 013	Action #:	File #: 19-49074		
Assigned by:		Assigned to:		
Assigned Date: 2019/09/19	BF Date: _____		Completion Date: 2019/09/19	
Entities:				
SURNAME	Given	DOB	PRIME:	CW:
			Yes ☐ No ☐	Yes ☒ No ☐
Task: Capture letters sent from FOX to Det. FONTANA				
Results: Detective Constable 2671 FONTANA has received two hand written letters from FOX during the course of this investigation. The first letter dated June 6, 2019 pertains to the devices that were seized as FOX is requesting to have them returned. The second letter which is dated July 14, 2019, is following up on a request made by FOX during his interview as to how his son was doing. FOX confirmed that he had sent the June 6, 2019 letter during the interview with Det. FONTANA and all the hand written letters that have been received by multiple people in this file are written in the same handwriting with the same and same style. Det. FONTANA believes all the letters received in this file are from FOX himself. Det. FONTANA has yet to reply to FOX's letters however intends to do so.				
Attachments: T013_20190606_COR_Letter_FOX_FONTANA T013_20190714_COR_Letter_FOX_FONTANA				
Suggested Follow ups:				

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VPD.CA

Eric LUDEMAN

Detective 2982

Special Investigation Section

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Fax: (604) 257-3704

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MAILING ADDRESS 3585 GRAVELEY STREET, VANCOUVER, B.C. V5K 5J5

VANCOUVER POLICE DEPARTMENT | Beyond the Call

46

2019/04/08 MONDAY

- 1112 MEET W/ BURNABY RCMP MEMBER @ FRONT COUNTER
TYLER HAWKINS #61381
TURNS OVER THE FOLLOWING
SMALL SEALED PLASTIC BAG. Ø WRITING OR EXHIBIT #
ON BAG LABEL AREA. BAG CONTAINS 2 X SD CARD
ADAPTORS (ie Ø CARD W/ DATA. JUST THE ADAPTOR),
4 GB SD CARD X 1, 64 GB USB BLK/PURPLE X 1,
Y 1 X USB CORD BLACK
OTHER PLASTIC BAG LARGER. CONTAINED 2 X MYCAR
ENVELOPES (SILVER BAGS). ONE ENVELOPE LARGER
AS PER CST. HAWKINS LARGER BAG CONTAINS "CENOV0"
TABLET Y SMALLER BAG CONTAINS MOTOROLLA BRAND
CELL PHONE
- 1124 AIN EXHIBITS TURNED OVER TO ME. NOTE PLASTIC BAGS
(EVIDENCE BAGS) NOT SEALED
- 1132 SECURE AIN EXHIBITS IN SCU EXHIBIT ROOM LOCKER #026
- 1135 KEY #26 TO MY PERSONAL DESK DRAWER
- 1140 MEET W/ CST. HAWKINS AGAIN. HAS ANOTHER EXHIBIT
TURNS OVER THE FOLLOWING
LARGE ~~SEALED~~ UNSEALED PLASTIC BAG
4 X SHEETS LOOSE LINED PAPER W/ BLUE PEN WRITING
1 X SHEET RIPPED W/ TYPED (PRINT WORDS ONE SIDE Y
BLUE PEN WRITING OTHER SIDE
1 X SHEET BLANK/WHITE COMPUTER PAPER BLUE PEN WRITING
1 X PAD OF PAPER LINED SOME PAGES W/ BLUE PEN WRITING
- 1146 AIN PAPER EXHIBIT TURNED OVER TO ME
- 1154 SECURE AIN EXHIBIT IN SCU EXHIBIT ROOM LOCKER #026



VPD.CA

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Detective 2982

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VANCOUVER POLICE DEPARTMENT | Beyond the Call

47

1156 KEY #26 TO MY PERSONAL DESK DRAWER

1157 NOTES STARTING @ 1112 HRS RELATED TO VPD FILE #19-49074

DET. FONTANA ASKED ME EARLIER IN DAY TO ASSIST W/

MEETING BURNABY RCMP @ FRONT COUNTER TO TAKE CUSTODY

OF EXHIBITS & SECURE IN TEMP LOCKER ON HER BEHALF AS

SHE IS BUSY W/ SUSPECT INTERVIEW

1430 TURN OVER KEY #26 TO DET. FONTANA

/ / / / / / / / /

cu

	VANCOUVER POLICE DEPARTMENT
--	------------------------------------

	GENERAL OCCURRENCE HARDCOPY
--	------------------------------------

GO# VA 2019-49074	
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	CRIMINAL HARASSMENT
--	---------------------

Narrative: POLICE STATEMENT - 1

Subject: **FILE ASSUMED AND IN PROGRESS**

Author: **VA2822 PRASAD, KEVIN**

Related date/time: **Friday, 2019-Mar-15 15:29**

PC PRASAD took control of this file and is in the process of investigating it.
File SUI.

*** CONFIDENTIAL ***

**VANCOUVER POLICE DEPARTMENT
GENERAL OCCURRENCE HARDCOPY**

GO# VA 2019-49074

CRIMINAL HARASSMENT

Narrative: POLICE STATEMENT - 4

Subject: **POSSIBLE BREACH OF PROBATION**

Author: **VA2822 PRASAD, KEVIN**

Related date/time: **Monday, 2019-Mar-18 07:32**

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

*** CONFIDENTIAL ***

SEALING ORDER FOR RECORDS PERTAINING TO A

POLICE CASE / FILE NO.
VA19-49074

- | | |
|---|---|
| ☒ Search Warrant | ☐ Telewarrant |
| ☐ Production Order | ☐ Preservation Order |
| ☐ Warrant or Authorization to Enter Dwelling-House | |
| ☐ Authorization to Omit Announcement Before Entry | |

Canada: Province of British Columbia
Pursuant to Section 487.3 of the *Criminal Code*

Upon the ex parte application made this day by Constable Jennifer Fontana
a peace officer of the Vancouver Police Department for an order to prohibit access to and the
disclosure of all records relating to a

- | |
|--|
| ☒ Search Warrant |
| ☐ Production Order made pursuant to s. _____ <i>Criminal Code</i> |
| ☐ Warrant to Enter Dwelling-House |
| ☐ Authorization to Enter Dwelling-House |
| ☐ Authorization to Omit Announcement Before Entry |
| ☐ Preservation Order |

CERTIFIED TRUE COPY

JUN 14 2019

nee
Clerk of the Court

~~sworn~~ or affirmed on date 14-Jun-2019

And upon reading the Affidavit of Constable Jennifer Fontana

~~sworn~~ affirmed and filed in support of the application to prohibit access to and disclosure of those records;

IT IS ORDERED THAT all records in the custody or control of a Justice relating to the above-mentioned Warrant/
~~Production Order/Authorization(s)/preservation order~~ not be accessed and disclosed to any interested party or member of
the public until further order of the court.

IT IS FURTHER ORDERED that all records relating to the above-mentioned Warrant/~~Production Order/Authorization(s)/~~
~~preservation order~~ and the material filed in support of this application be placed in a sealed packet and kept in a secure place
within the Court Registry
at 222 Main Street, Vancouver
British Columbia until further order of the court.

IT IS FURTHER ORDERED that any party may apply to the Justice or Judge who made the order or
a Judge of the court to set aside or vary this order, on three (3) clear days notice being given to the
Attorney General of British Columbia, Crown Counsel, or an agent for the Attorney General of Canada at
222 Main Street, Vancouver

British Columbia.

Dated date 14-Jun-2019

at city Burnaby

British Columbia

[Signature]
A Judge, Judicial Justice or Justice of the Peace in and for the Province of British Columbia

WARRANT TO SEARCH

CERTIFIED TRUE COPY

CANADA: Province of British Columbia

- ☒ Pursuant to Section 487 of the *Criminal Code* – Form 5
☐ Pursuant to Section 21 of the *Offence Act of British Columbia* – Form 3
☐ Pursuant to Section 107 of the *Environmental Management Act*

JUN 14 2019

de
Clerk of the Court

☐ To the Peace Officers in the Province of British Columbia

☐ To _____, an appointed or designated public officer
(Name of Public Officer)

Whereas it appears on the oath/affirmation of Constable Jennifer Fontana
Police Officer (Name), of 3585 Graveley Street, Vancouver
(Occupation) (Address)

in the Province of British Columbia, that there are reasonable grounds for believing that an offence has been committed, namely,

OFFENCE DATE	PLACE	DESCRIPTION	SECTION / ACT
On or about March 12, 2019	Vancouver, BC	Criminal Harassment	264(1) Criminal Code of Canada
On or about March 12, 2019	Vancouver, BC	Failure to comply with Probation order	733.1(1) Criminal Code of Canada

and recovery of the following things, namely,

- 1) user account information
- 2) communication records to determine ownership, use and evidence of the named offences, including, but not limited to, emails, email addresses, text messaging (including but not limited to SMS, Snapchat, WhatsApp, Facebook Messenger),
- 3) call logs
- 4) contact lists
- 5) video, audio and photographs
- 6) electronic copies of legal documents uploaded to **V1**

will afford evidence with respect to the commission of the above offence, and that the things or some part of them are in

Black Motorola cellphone, black Lenovo tablet, Lexar USB, Sandisk micro SD card, Nano SIM card

(Premises)

at Special Investigation Section locker 26 at 3585 Graveley Street Vancouver

(Street)

(City or Municipality)

in the Province of British Columbia (the "premises")

and receptacles

This is, therefore, to authorize and require you to enter the said premises between the hours of

2:45 p.m. on 14-Jun-2019 to 6:00 p.m. on 21-Jun-2019
(Time) (Date) (Time) (Date)

and to search for the things and to bring them before me or some other justice, or submit a report in writing in respect of anything seized.

Dated 14-Jun-19 at Burnaby British Columbia.

Information to obtain the warrant to search is filed at:

Court Registry: Vancouver

Address: 222 Main Street

Name: _____

[Signature]
Justice of the Peace in and for the Province of British Columbia/

SEALING ORDER FOR RECORDS PERTAINING TO A

- | | |
|---|---|
| ☒ Search Warrant | ☐ Telewarrant |
| ☐ Production Order | ☐ Preservation Order |
| ☐ Warrant or Authorization to Enter Dwelling-House | |
| ☐ Authorization to Omit Announcement Before Entry | |

Canada: Province of British Columbia
Pursuant to Section 487.3 of the *Criminal Code*

POLICE CASE / FILE NO.
19-49074

CERTIFIED TRUE COPY

AUG 01 2019
RVM

Justice of the Peace

Upon the ex parte application made this day by Constable Jennifer Fontana
a peace officer of _____ for an order to prohibit access to and the
disclosure of all records relating to a

- | |
|--|
| ☒ Search Warrant |
| ☐ Production Order made pursuant to s. _____ <i>Criminal Code</i> |
| ☐ Warrant to Enter Dwelling-House |
| ☐ Authorization to Enter Dwelling-House |
| ☐ Authorization to Omit Announcement Before Entry |
| ☐ Preservation Order |

sworn or affirmed on date 01-Aug-2019

And upon reading the Affidavit of Constable Jennifer Fontana
sworn/affirmed and filed in support of the application to prohibit access to and disclosure of those records;

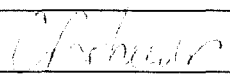
IT IS ORDERED THAT all records in the custody or control of a Justice relating to the above-mentioned Warrant/
Production Order/Authorization(s)/preservation order not be accessed and disclosed to any interested party or member of
the public until further order of court.

IT IS FURTHER ORDERED that all records relating to the above-mentioned Warrant/Production Order/Authorization(s)/
preservation order and the material filed in support of this application be placed in a sealed packet and kept in a secure place
within the Court Registry
at 222 Main Street, Vancouver,
British Columbia until further order of court.

IT IS FURTHER ORDERED that any party may apply to the Justice or Judge who made the order or
a Judge of the court to set aside or vary this order, on three (3) clear days notice being given to the
Attorney General of British Columbia, Crown Counsel, or an agent for the Attorney General of Canada at
222 Main Street, Vancouver,

British Columbia.

Dated date 01-Aug-2019
at city Burnaby
British Columbia


A Judge, Judicial Justice or Justice of the Peace in and for the Province of British Columbia

C. Roberts
Judicial Justice

WARRANT TO SEARCH

CANADA: Province of British Columbia

- ☒ Pursuant to Section 487 of the *Criminal Code* – Form 5
☐ Pursuant to Section 21 of the *Offence Act of British Columbia* – Form 3
☐ Pursuant to Section 107 of the *Environmental Management Act*

CERTIFIED TRUE COPY

AUG 01 2019

R. M.

Justice of the Peace

☐ To the Peace Officers in the Province of British Columbia

☐ To _____, an appointed or designated public officer

(Name of Public Officer)

Whereas it appears on the oath/affirmation of Constable Jennifer Fontana,

(Name)

Police Officer

(Address)

of 3585 Graveley Street, Vancouver

in the Province of British Columbia, that there are reasonable grounds for believing that an offence has been committed, namely,

OFFENCE DATE	PLACE	DESCRIPTION	SECTION / ACT
On or about March 12, 2019	Vancouver, BC	Criminal Harassment	264(1) Criminal Code of Canada
On or about March 12, 2019	Vancouver, BC	Failure to comply with Probation order	733.1(1) Criminal Code of Canada

and recovery of the following things, namely,

- 1) user account information
- 2) communication records to determine ownership, use and evidence of the named offences, including, but not limited to, emails, email addresses, text messaging (including but not limited to SMS, Snapchat, WhatsApp, Facebook Messenger),
- 3) call logs
- 4) contact lists
- 5) video, audio and photographs
- 6) electronic copies of legal documents uploaded to V1

will afford evidence with respect to the commission of the above offence, and that the things or some part of them are in
Sandisk Ultra 64GB SD card

(Premises)

at 3585 Graveley Street, VPD Technological Crime Unit

(Street)

Vancouver

(City or Municipality)

in the Province of British Columbia (the "premises")

This is, therefore, to authorize and require you to enter the said premises between the hours of

2:00 pm (4-3) .m, on 1-Aug-2019 to 6:00 pm .m, on 9-Aug-2019

(Time)

(Date)

(Time)

(Date)

and to search for the things and to bring them before me or some other justice, or submit a report in writing in respect of anything seized.

Dated 1-Aug-19 at Burnaby British Columbia.

Information to obtain the warrant to search is filed at:

Court Registry: Vancouver

Address: 442 Union Street, Vancouver, BC

Name: C. Roberts

Judicial Justice

Justice of the Peace in and for the Province of British Columbia/

**REPORT TO A JUSTICE (FOLLOWING SEIZURE
OF PROPERTY AND/OR WARRANT TO SEARCH) – FORM 5.2**
CANADA: PROVINCE OF BRITISH COLUMBIA

△ FOX, Patrick 1973-11-24

POLICE CASE / FILE NO.

VA19-49074

☐ Submitted by FAX

TO: A Justice of the Peace in and for the Province of British Columbia.

OR: In the case of a Telewarrant issued pursuant to section 487.1 of the *Criminal Code*, to the Clerk of the Court for the territorial division in which the warrant was intended for execution.

I, J. FONTANA a peace officer of the City of Vancouver, British Columbia:

1. COMPLETE SECTION 1 IF A WARRANT TO SEARCH HAS BEEN ISSUED

In respect of a Warrant to Search being issued pursuant to Section _____ of the _____ (FEDERAL STATUTE)
on _____, by _____ (NAME OF JUSTICE OF THE PEACE OR JUDGE)
☐ (a) have not executed the warrant for the following reason(s):

☐ (b) have searched _____ situated at _____
(PREMISES / VEHICLE / PERSON), British Columbia, on _____ at _____ hours, and have seized
the things noted hereunder/attached. (DATE)
☐ (c) and have seized, pursuant to section 489 of the *Criminal Code*, additional things other than those specified in the warrant, as
set out on lines _____ of this report and/or attachment,
and where the warrant was issued pursuant to S. 487.1 of the *Criminal Code*, I believe those things have been
obtained/used in the commission of an offence because
(REASONS)

2. COMPLETE SECTION 2 IF NO WARRANT HAS BEEN ISSUED

☒ have acted in the execution of duties under the Criminal Code of Canada, and have seized the things noted
hereunder and/or attached from Patrick Fox (FEDERAL STATUTE)
situated at _____ (LOCATION / PREMISES / VEHICLE / PERSON) Province of British Columbia,
on _____ at _____ hours.

3. COMPLETE SECTION 3 OR ATTACH EXHIBIT REPORT ☐

DISPOSITION

LINE NUMBER	PROPERTY DESCRIPTION	STATE A OR B (SEE BELOW)*	STATE LOCATION WHERE DETAINED OR NAME OF PERSON RETURNED TO
1	Black Lenovo Tablet	B	SIS exhibit locker #26
2	Black Motorola cell phone	B	SIS exhibit locker #26
3	Lexar USB	B	SIS exhibit locker #26

Page 1 of _____ pages. Continued on Page 2 ☐ (use PCR 094)

- * A - it was returned to the person lawfully entitled to its possession, in which case the receipt therefore shall be attached hereto;
B - it is being detained to be dealt with according to law - state the location and manner in which, or where applicable, the person
by whom, it is being detained.

Dated April 4, 2019,
at Vancouver British Columbia.

Jeffrey 2671
SIGNATURE OF PEACE OFFICER

APPLICATION FOR DETENTION

I, J. Fontana
a Police Officer hereby
advise the Justice of the Peace that the detention of the thing(s) set out on lines
numbered 1-6
in the Report to a Justice herein is/are required for the purposes of an investigation
or a preliminary inquiry, trial or other proceeding and apply for the detention of the
aforesaid things pursuant to s.490(1)(b) of the *Criminal Code*.

Dated April 4, 2019,
at Vancouver British Columbia.

Report to Crown Counsel - Version 1

DETENTION ORDER FOR THINGS SEIZED

Upon application of _____
and having been satisfied that the detention of the thing(s) seized is required
for the purposes of any investigation or a preliminary inquiry, trial or other
proceeding, it is hereby ordered that pursuant to Section 490(1) (b) of the
Criminal Code the articles set out in the Report to a Justice be detained for
a period of three months from the date of seizure, unless an application for
an order of further detention is made, or proceedings are instituted in which
the thing(s) detained may be required. It is also ordered that the article(s) be
entrusted to the custody of the applicant or his/her designate.

Dated _____,
at _____ British Columbia.

B - It is being detained to be dealt with according to law – state the location and manner in which, or where applicable, the person by whom it is being detained.

ORDERS RELATING TO REPORT TO A JUSTICE

CANADA: BRITISH COLUMBIA

POLICE CASE / FILE NO.

19-440741

☐ Submitted by FAX

DETENTION ORDER FOR THINGS SEIZED

Upon application of _____, and having been satisfied that the detention of the thing(s) seized is required for the purposes of any investigation or preliminary inquiry, trial or other proceeding, **it is hereby ordered** that pursuant to Section 490(1) (b) of the *Criminal Code of Canada* or Section 24(2)(a) of the *Offence Act of British Columbia* the articles set out in the Report to a Justice which were seized on _____ pursuant to a Search Warrant (or otherwise in the execution of a peace officer's duties) be detained for a period of three months, unless an application for an order of further detention is made, or for another time period as provided by Provincial Statute, or proceedings are instituted in which the thing(s) detained may be required. It is also ordered that the article(s) be entrusted to the custody of the applicant or his/her designate.

CERTIFIED A TRUE COPY

JUN 25 2019

Dated _____

at _____

British Columbia

*A Justice of the Peace in and for
the Province of British Columbia*

Justice of the Peace in and for the Province of British Columbia

ORDER FOR FURTHER DETENTION OF THINGS SEIZED

Pursuant to Section 490(2)(a) of the *Criminal Code of Canada* or Section 24(5) of the *Offence Act of British Columbia*, and having regard to the nature of the investigation, a further detention of the articles set out in the Report to a Justice which were seized on April 4, 2019 is ordered for a period of ** until September 24, 2019.

by consent of Patrick Fok.

Dated June 25, 2019

at Vancouver

British Columbia

[Signature]
Judge / Justice of the Peace in and for the Province of British Columbia

** The cumulative period of detention shall not exceed one year from the day of the seizure or a claimants application is decided.

ORDER OF FORFEITURE OF THINGS SEIZED

Upon the application of _____, it is hereby **ordered** that the following listed articles which were seized pursuant to a Search Warrant (or otherwise in the execution of a peace officer's duties) be forfeited to Her Majesty. These things are set out on lines _____ of the Report to a Justice.

Dated _____

at _____

British Columbia

[Signature]
Judge / Justice of the Peace in and for the Province of British Columbia

ORDER FOR RETURN OF THINGS SEIZED

Upon the application of _____, it is hereby **ordered** that the following articles which were seized pursuant to a Search Warrant (or otherwise in the execution of a peace officer's duties) be returned to _____. These things are set out on lines _____ of the Report to a Justice.

Dated _____

at _____

British Columbia

[Signature]
Judge / Justice of the Peace in and for the Province of British Columbia



VPD 154B (14)

NOTICE OF APPLICATION FOR HEARING TO ORDER THE FURTHER DETENTION OF THINGS SEIZED

CITY OF VANCOUVER
PROVINCE OF BRITISH COLUMBIA
CANADA

CERTIFIED A TRUE COPY

JUN 25 2019

TO: Patrick Fox
NFA - Currently residing at North Fraser Pretrial
Center
1451 Kingsway Ave, Port Coquitlam

*A Justice of the Peace in and for
the Province of British Columbia*

PLEASE TAKE NOTICE THAT, an application pursuant to Section 490 of the *Criminal Code of Canada* or Section 24 of the *Offence Act* will be made before a Justice of the Peace, at the office of the Justice of the Peace, at Provincial Courthouse of British Columbia, 2nd floor, 222 Main Street, Vancouver, British Columbia, on:

DATE:	Jul 2, 2019
TIME:	10:00 a.m. 2 nd floor

Date shall be set Monday to Thursday and must be set no later than 1 week before expiry of Detention Order on original Form 5.2

This application will be for an:

- ☒ Order to Further Detention of the Things Seized as per Section 490(2)(a) of the *Criminal Code of Canada* or Section 24 of the *Offence Act*, all of which was described in a Form 5.2 Report to a Justice (see below):
- ☐ Order to Further Detention of the Things Seized as per Section 490(9.1) of the *Criminal Code of Canada* or Section 24 of the *Offence Act*, all of which was described in a Form 5.2 Report to a Justice (see below):

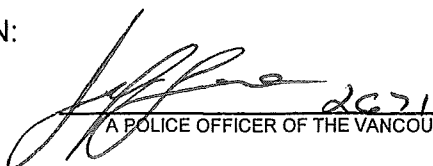
PROPERTY SEIZED ON:	April 4, 2019
PROPERTY SEIZED FROM:	Patrick FOX

AND FURTHER TAKE NOTICE THAT, if you wish to dispute the granting of an Order for Further Detention of Things Seized, you, or your agent or counsel should appear at the above mentioned date and time to be heard before a Justice.

DATED at Vancouver, British Columbia this 24 day of June, 2019.

PRINT NAME/PIN/WORK LOCATION:

SIGNATURE:


A POLICE OFFICER OF THE VANCOUVER POLICE DEPARTMENT

1 copy shall be served to the person being notified and 1 copy shall be retained by the police officer

REPORT TO JUSTICE #:	5.2 #
VPD INCIDENT #:	19-49074

OF PROPERTY AND/OR WARRANT TO SEARCH) - FORM 5.2
CANADA: PROVINCE OF BRITISH COLUMBIA

POLICE CASE / FILE NO.
VAL 19-49074

☐ Submitted by FAX

TO: A Justice of the Peace in and for the Province of British Columbia.

OR: In the case of a Telewarrant issued pursuant to section 487.1 of the *Criminal Code*, to the Clerk of the Court for the territorial division in which the warrant was intended for execution.

I, J. FONTANA a peace officer of the City of Vancouver, British Columbia:

1. COMPLETE SECTION 1 IF A WARRANT TO SEARCH HAS BEEN ISSUED

PROVINCIAL COURT

In respect of a Warrant to Search being issued pursuant to Section _____ of the OF BRITISH COLUMBIA (FEDERAL STATUTE)
on _____, by _____ (NAME OF JUSTICE OF THE PEACE OR JUDGE) MAY 06 2019
☐ (a) have not executed the warrant for the following reason(s):
☐ (b) have searched _____ (PREMISES / VEHICLE / PERSON) situated at _____, British Columbia, on _____ at _____ hours, and have seized the things noted hereunder/attached. (DATE)
☐ (c) and have seized, pursuant to section 489 of the *Criminal Code*, additional things other than those specified in the warrant, as set out on lines _____ of this report and/or attachment, and where the warrant was issued pursuant to S. 487.1 of the *Criminal Code*, I believe those things have been obtained/used in the commission of an offence because _____ (GROUNDS)

FILED
VANCOUVER REGISTRY
222 Main Street

2. COMPLETE SECTION 2 IF NO WARRANT HAS BEEN ISSUED

☒ have acted in the execution of duties under the Criminal Code of Canada (FEDERAL STATUTE), and have seized the things noted hereunder and/or attached from Patrick Fox (LOCATION / PREMISES / VEHICLE / PERSON)
situated at Vancouver Province of British Columbia,
on April 4, 2019 at 1210 hours.

3. COMPLETE SECTION 3 OR ATTACH EXHIBIT REPORT ☐

DISPOSITION

LINE NUMBER	PROPERTY DESCRIPTION	STATE A OR B (SEE BELOW)*	STATE LOCATION WHERE DETAINED OR NAME OF PERSON RETURNED TO
1	Black Lenovo Tablet	B	SIS exhibit locker #26
2	Black Motorola cell phone	B	SIS exhibit locker #26
3	Lexar USB	B	SIS exhibit locker #26

Page 1 of 2 pages. Continued on Page 2 ☒ (use PCR 094)

- * A - it was returned to the person lawfully entitled to its possession, in which case the receipt therefore shall be attached hereto;
B - it is being detained to be dealt with according to law - state the location and manner in which, or where applicable, the person by whom, it is being detained.

Dated April 4, 2019,
at Vancouver British Columbia.

APPLICATION FOR DETENTION

I, J. Fontana,
a Police Officer hereby
advise the Justice of the Peace that the detention of the thing(s) set out on lines
numbered 1-6

in the Report to a Justice herein is/are required for the purposes of an investigation
or a preliminary inquiry, trial or other proceeding and apply for the detention of the
aforesaid things pursuant to s.490(1)(b) of the *Criminal Code*.

Dated April 4, 2019,
at Vancouver British Columbia.

DETENTION ORDER FOR THINGS SEIZED

Upon application of a peace officer,
and having been satisfied that the detention of the thing(s) seized is required
for the purposes of any investigation or a preliminary inquiry, trial or other
proceeding, it is hereby ordered that pursuant to Section 490(1) (b) of the
Criminal Code the articles set out in the Report to a Justice be detained for
a period of three months from the date of seizure, unless an application for
a order of further detention is made, or proceedings are instituted in which
the thing(s) detained may be required. It is also ordered that the article(s) be
entrusted to the custody of the applicant or his/her designate.

Dated May 6 2019,
at Vancouver British Columbia.

ATTACHMENT TO REPORT TO A JUSTICE

VA 19-49074

(PAGE 2 OF 2)

CANADA: Province of British Columbia

[illegible]

Dated April 4, 2019
at Vancouver
British Columbia.

Spencer 2021
Signature of Peace Officer

- * A - It was returned to the person lawfully entitled to its possession, in which case the receipt therefore shall be attached hereto:
B - It is being detained to be dealt with according to law – state the location and manner in which, or where applicable, the person by whom it is being detained.

June 24, 2019

I, Patrick Fox, consent to have the following items that are currently in custody of the Vancouver Police Department, stay in custody of the Vancouver Police Department until September 24, 2019:

- 1) Black Motorola cellphone
- 2) Black Lenovo Tablet
- 3) Lexar USB
- 4) Sandisk micro SD card
- 5) Nano SIM card
- 6) Handwritten notes

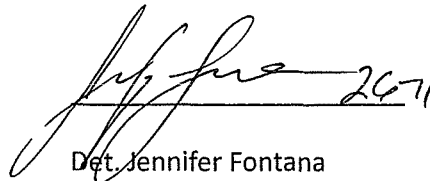
CERTIFIED A TRUE COPY

JUN 25 2019

*A Justice of the Peace in and for
the Province of British Columbia*



Patrick Fox



Det. Jennifer Fontana



VANCOUVER POLICE DEPARTMENT
SUPPORT SERVICES DIVISION
PROPERTY OFFICE

Date: May 31st, 2019

To: INSPECTOR I/C DVACH 2 Team
Member: 2671

From: Heather Lloyd, Clerk III
Property Office – Vehicle Impounds (2010 Glen) **V1**

Subject: ***REQUEST FOR FURTHER DETENTION OF PROPERTY SEIZED***

INC #49074 ACC:

The 90-day detention period will expire on: 190704.

The seizing member shall obtain an Order for the Further Detention of Things Seized, or indicate release of property to lawful owner. (See Intranet Form 5.2 Section for Details) **Attend with completed package to the JPs Office for signature.**

TO OBTAIN AN ORDER FOR THE FURTHER DETENTION OF SEIZED PROPERTY:

The Property Office has attached a copy of the existing Form 5.2.

If the property is to be further detained it is necessary for the following process/documents to be completed:

The Investigating Member is to:

GIVE NOTICE: Serve original copy of **Notice of Application for Hearing** (VPD 154) on individual who is lawful possessor and retain one copy of the Notice.

AFFIDAVIT: Complete **Affidavit of Service** (VPD 155) to confirm service or give specific examples (date/time of attempts) that service was attempted. A detailed reason for unsuccessful service is required.

HEARING: Complete **Order for Further Detention of Things Seized - Affidavit** (PCR 095)
Ensure specific details of reasons for further detention are included on a VPD Supplemental Report

Ensure that the returnable date for the hearing is at least five days before detention order expires (90 day expiry date as noted above) for returnable time of: 10:00 a.m., Monday – Thursday.

**ATTEND THE JP.S OFFICE WITH YOUR COMPLETED PACKAGE (NOTICE OF APPLICATION, AFFIDAVIT OF SERVICE, AND AFFIDAVIT FOR FURTHER DETENTION)
RETAIN ORIGINAL DOCUMENTS FOR EVIDENCE AT ANY HEARINGS.**

At conclusion of Hearing for Further Detention, members will supply the Property Office with a copy of the order indicating the further detention period.

REPORT OF A JUSTICE (FOLLOWING SEIZURE
OF PROPERTY AND/OR WARRANT TO SEARCH) - FORM 5.2
CANADA: PROVINCE OF BRITISH COLUMBIA

TO: A Justice of the Peace in and for the Province of British Columbia.

OR: In the case of a Telewarrant issued pursuant to section 487.1 of the *Criminal Code*, to the Clerk of the Court for the territorial division in which the warrant was intended for execution.

I, J. FONTANA a peace officer of the City of Vancouver, British Columbia:

FOX Patrick 1973-11-24

POLICE CASE / FILE NO.

VA19-49074

☐ Submitted by FAX

1. COMPLETE SECTION 1 IF A WARRANT TO SEARCH HAS BEEN ISSUED

In respect of a Warrant to Search being issued pursuant to Section _____ of the _____ (FEDERAL STATUTE)
on _____, by _____ (NAME OF JUSTICE OF THE PEACE OR JUDGE)
☐ (a) have not executed the warrant for the following reason(s):

☐ (b) have searched _____ situated at _____
(PREMISES / VEHICLE / PERSON), British Columbia, on _____ at _____ hours, and have seized
the things noted hereunder/attached. (DATE)
☐ (c) and have seized, pursuant to section 489 of the *Criminal Code*, additional things other than those specified in the warrant, as
set out on lines _____ of this report and/or attachment,
and where the warrant was issued pursuant to S. 487.1 of the *Criminal Code*, I believe those things have been
obtained/used in the commission of an offence because
(GROUNDS)

2. COMPLETE SECTION 2 IF NO WARRANT HAS BEEN ISSUED

☒ have acted in the execution of duties under the Criminal Code of Canada, and have seized the things noted
(FEDERAL STATUTE)
hereunder and/or attached from Patrick Fox
(LOCATION / PREMISES / VEHICLE / PERSON)
situated at Vancouver Province of British Columbia,
on April 4, 2019 at 1210 hours.

3. COMPLETE SECTION 3 OR ATTACH EXHIBIT REPORT ☐

DISPOSITION

LINE NUMBER	PROPERTY DESCRIPTION	STATE A OR B (SEE BELOW)*	STATE LOCATION WHERE DETAINED OR NAME OF PERSON RETURNED TO
1	Black Lenovo Tablet	B	SIS exhibit locker # 26
2	Black Motorola cell phone	B	SIS exhibit locker # 26
3	Lexar USB	B	SIS exhibit locker # 26

Page 1 of 2 pages. Continued on Page 2 ☒ (use PCR 094)

- * A - it was returned to the person lawfully entitled to its possession, in which case the receipt therefore shall be attached hereto;
B - it is being detained to be dealt with according to law - state the location and manner in which, or where applicable, the person
by whom, it is being detained.

Dated April 4, 2019
at Vancouver British Columbia.

SIGNATURE OF PEACE OFFICER

APPLICATION FOR DETENTION

I, J. Fontana
a Police Officer hereby
advise the Justice of the Peace that the detention of the thing(s) set out on lines
numbered 1-6
in the Report to a Justice herein is/are required for the purposes of an investigation
or a preliminary inquiry, trial or other proceeding and apply for the detention of the
aforesaid things pursuant to s.490(1)(b) of the *Criminal Code*.

Dated April 4, 2019
at Vancouver British Columbia.

Signature of Applicant

DETENTION ORDER FOR THINGS SEIZED

Upon application of _____
and having been satisfied that the detention of the thing(s) seized is required
for the purposes of any investigation or a preliminary inquiry, trial or other
proceeding, it is hereby ordered that pursuant to Section 490(1) (b) of the
Criminal Code the articles set out in the Report to a Justice be detained for
a period of three months from the date of seizure, unless an application for
a order of further detention is made, or proceedings are instituted in which
the thing(s) detained may be required. It is also ordered that the article(s) be
entrusted to the custody of the applicant or his/her designate.

Dated _____
at _____ British Columbia.

Report to Crown Counsel - Version 1

Page 7 of 8

Justice of the Peace in and for the Province of British Columbia

NA 1-1071

CANADA: Province of British Columbia

[illegible]

Dated Aug 14 1971
at Vancouver
British Columbia.

Signature of Peace Officer

- * A - It was returned to the person lawfully entitled to its possession, in which case the receipt therefore shall be attached hereto:
B - It is being detained to be dealt with according to law – state the location and manner in which, or where applicable, the person by whom it is being detained.

ORDERS RELATING TO REPORT TO A JUSTICE

CANADA: BRITISH COLUMBIA

POLICE CASE / FILE NO.

19-49074

☐ Submitted by FAX

2nd extension x.

DETENTION ORDER FOR THINGS SEIZED

Upon application of _____, and having been satisfied that the detention of the thing(s) seized is required for the purposes of any investigation or preliminary inquiry, trial or other proceeding, **it is hereby ordered** that pursuant to Section 490(1) (b) of the *Criminal Code of Canada* or Section 24(2)(a) of the *Offence Act of British Columbia* the articles set out in the Report to a Justice which were seized on _____ pursuant to a Search Warrant (or otherwise in the execution of a peace officer's duties) be detained for a period of three months, unless an application for an order of further detention is made, or for another time period as provided by Provincial Statute, or proceedings are instituted in which the thing(s) detained may be required. It is also ordered that the article(s) be entrusted to the custody of the applicant or his/her designate.

Dated _____

at _____

British Columbia

Justice of the Peace in and for the Province of British Columbia

ORDER FOR FURTHER DETENTION OF THINGS SEIZED

Pursuant to Section 490(2)(a) of the *Criminal Code of Canada* or Section 24(5) of the *Offence Act of British Columbia*, and having regard to the nature of the investigation, a further detention of the articles set out in the Report to a Justice which were seized on April 04, 2014 is ordered for a period of ** December 18, 2014.

* consented to until

Dated September 23, 2014

at Vancouver

British Columbia

Yvonne Balogh
Judge / Justice of the Peace in and for the Province of British Columbia

** The cumulative period of detention shall not exceed one year from the day of the seizure or a claimants application is decided.

ORDER OF FORFEITURE OF THINGS SEIZED

Upon the application of _____, it is hereby **ordered** that the following listed articles which were seized pursuant to a Search Warrant (or otherwise in the execution of a peace officer's duties) be forfeited to Her Majesty. These things are set out on lines _____ of the Report to a Justice.

Dated _____

at _____

British Columbia

Judge / Justice of the Peace in and for the Province of British Columbia

ORDER FOR RETURN OF THINGS SEIZED

Upon the application of _____, it is hereby **ordered** that the following articles which were seized pursuant to a Search Warrant (or otherwise in the execution of a peace officer's duties) be returned to _____. These things are set out on lines _____ of the Report to a Justice.

Dated _____

at _____

British Columbia

Judge / Justice of the Peace in and for the Province of British Columbia



VPD 154B (14)

NOTICE OF APPLICATION FOR HEARING TO ORDER THE FURTHER DETENTION OF THINGS SEIZED

CITY OF VANCOUVER
PROVINCE OF BRITISH COLUMBIA
CANADA

TO: PATRICK FOX
NFA - Currently in custody North Fraser Prison
1451 KINGSWAY AVE, Port Coquitlam

PLEASE TAKE NOTICE THAT, an application pursuant to Section 490 of the *Criminal Code of Canada* or Section 24 of the *Offence Act* will be made before a Justice of the Peace, at the office of the Justice of the Peace, at Provincial Courthouse of British Columbia, 2nd floor, 222 Main Street, Vancouver, British Columbia, on:

DATE:	3 clear days <u>SEPT 25 2019</u>
TIME:	10:00 a.m. 2 nd floor

Date shall be set Monday to Thursday and must be set no later than 1 week before expiry of Detention Order on original Form 5.2

This application will be for an:

- ☐ Order to Further Detention of the Things Seized as per Section 490(2)(a) of the *Criminal Code of Canada* or Section 24 of the *Offence Act*, all of which was described in a Form 5.2 Report to a Justice (see below):
- ☒ Order to Further Detention of the Things Seized as per Section 490(9.1) of the *Criminal Code of Canada* or Section 24 of the *Offence Act*, all of which was described in a Form 5.2 Report to a Justice (see below):

PROPERTY SEIZED ON:	<u>APRIL 4, 2019</u>
PROPERTY SEIZED FROM:	<u>PATRICK FOX</u>

AND FURTHER TAKE NOTICE THAT, if you wish to dispute the granting of an Order for Further Detention of Things Seized, you, or your agent or counsel should appear at the above mentioned date and time to be heard before a Justice.

DATED at Vancouver, British Columbia this 19 day of SEPT 2019.

PRINT NAME/PIN/WORK LOCATION: ROBERT HOLLAND 2341 DVACH 3585 CRAVELEY VANCOUVER

SIGNATURE:

R. Holland 2341
A POLICE OFFICER OF THE VANCOUVER POLICE DEPARTMENT

1 copy shall be served to the person being notified and 1 copy shall be retained by the police officer

REPORT TO JUSTICE #:	5.2 #
VPD INCIDENT #:	<u>19-49874</u>



VPD 155(09)

AFFIDAVIT OF SERVICE

CITY OF VANCOUVER)
PROVINCE OF BRITISH COLUMBIA, CANADA)

I, ROBERT HOLLAND, a Peace Officer of the Province of British Columbia make oath and say:

A.) THAT, I did on the 19 day of SEPTEMBER, 2019 personally serve,
PATRICK FOX, with a true copy of the attached Notice
Possessor of the seized property

of Application for Hearing by delivering it to him/her at:

NORTH FRASER PRE TRIAL, 1451 KINGSWAY AVE, COQUITLAM
Address of Possessor of the seized property

B.) THAT, I did on the _____ day of _____, _____ attempt to serve,
_____, with a true copy of the attached Notice
Possessor of the seized property

of Application for Hearing by delivering it to him/her at:

Address of Possessor of the seized property

And

Detailed Reasons for not being able to serve including: number of attempts, evasion, moved, persons advised/spoken to, etc.

SWORN before me on this _____ day of _____, _____ at the City of Vancouver,
British Columbia.

--	--

OF PROPERTY AND/OR WARRANT TO SEARCH) - FORM 5.2

CANADA: PROVINCE OF BRITISH COLUMBIA

VAL 19-49074

☐ Submitted by FAX

TO: A Justice of the Peace in and for the Province of British Columbia.

OR: In the case of a Telewarrant issued pursuant to section 487.1 of the *Criminal Code*, to the Clerk of the Court for the territorial division in which the warrant was intended for execution.

I, J. FONTANA a peace officer of the City of Vancouver, British Columbia:

1. COMPLETE SECTION 1 IF A WARRANT TO SEARCH HAS BEEN ISSUED

PROVINCIAL COURT

In respect of a Warrant to Search being issued pursuant to Section _____ of the OF BRITISH COLUMBIA (FEDERAL STATUTE)

on _____, by _____ (NAME OF JUSTICE OF THE PEACE OR JUDGE)

MAY 06 2019

☐ (a) have not executed the warrant for the following reason(s):

☐ (b) have searched _____ (PREMISES / VEHICLE / PERSON) situated at _____, British Columbia, on _____ at _____ hours, and have seized the things noted hereunder/attached. (DATE)

☐ (c) and have seized, pursuant to section 489 of the *Criminal Code*, additional things other than those specified in the warrant, as set out on lines _____ of this report and/or attachment, and where the warrant was issued pursuant to S. 487.1 of the *Criminal Code*, I believe those things have been obtained/used in the commission of an offence because _____ (REASONS)

2. COMPLETE SECTION 2 IF NO WARRANT HAS BEEN ISSUED

☒ have acted in the execution of duties under the Criminal Code of Canada (FEDERAL STATUTE), and have seized the things noted hereunder and/or attached from Patrick Fox (LOCATION / PREMISES / VEHICLE / PERSON) situated at Vancouver Province of British Columbia, on April 4, 2019 at 1210 hours.

3. COMPLETE SECTION 3 OR ATTACH EXHIBIT REPORT ☐

DISPOSITION

LINE NUMBER	PROPERTY DESCRIPTION	STATE A OR B (SEE BELOW)*	STATE LOCATION WHERE DETAINED OR NAME OF PERSON RETURNED TO
1	Black Lenovo Tablet	B	sis exhibit locker #26
2	Black Motorola cell phone	B	sis exhibit locker #26
3	Lexar USB	B	sis exhibit locker #26

Page 1 of 2 pages. Continued on Page 2 ☒ (use PCR 094)

* A - it was returned to the person lawfully entitled to its possession, in which case the receipt therefore shall be attached hereto;
B - it is being detained to be dealt with according to law - state the location and manner in which, or where applicable, the person by whom, it is being detained.

Dated April 4, 2019,
at Vancouver British Columbia.

APPLICATION FOR DETENTION

I, J. Fontana
a Police Officer hereby advise the Justice of the Peace that the detention of the thing(s) set out on lines numbered 1-6 in the Report to a Justice herein is/are required for the purposes of an investigation or a preliminary inquiry, trial or other proceeding and apply for the detention of the aforesaid things pursuant to s.490(1)(b) of the *Criminal Code*.

Dated April 4, 2019,
at Vancouver British Columbia.

DETENTION ORDER FOR THINGS SEIZED

Upon application of a peace officer and having been satisfied that the detention of the thing(s) seized is required for the purposes of any investigation or a preliminary inquiry, trial or other proceeding, it is hereby ordered that pursuant to Section 490(1) (b) of the *Criminal Code* the articles set out in the Report to a Justice be detained for a period of three months from the date of seizure, unless an application for an order of further detention is made, or proceedings are instituted in which the thing(s) detained may be required. It is also ordered that the article(s) be entrusted to the custody of the applicant or his/her designate.

Dated May 6 2019,
at Vancouver British Columbia.

Signature of Applicant

Report to Crown Counsel - Version Justice of the Peace in and for the Province of British Columbia 8

(PAGE 2 OF 2)

VA 19-49074



[Signature] 2071
Signature of Peace Officer

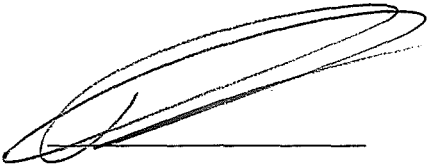
- Report to Crown Counsel - Version 1

1-JUSTICE OF THE PEACE 2-PEACE OFFICER 3-PEACE OFFICER 4-CROWN COUNSEL

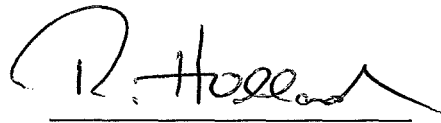
September 19, 2019

I, Patrick FOX, consent to have the following items that are currently in custody of the Vancouver Police Department, stay in custody of the Vancouver Police Department until December 18, 2019.

- 1) Black Motorola cellphone
- 2) Black Lenovo Tablet
- 3) Lexar USB
- 4) Sandisk micro SD card
- 5) Nano SIM card
- 6) Handwritten notes



Patrick FOX



Det. Robert HOLLAND

4:35 pm
SEPTEMBER 19 2019
NORTH FRASER PK TRAIL

**REPORT TO A JUSTICE (FOLLOWING SEIZURE
OF PROPERTY AND/OR WARRANT TO SEARCH) – FORM 5.2**
CANADA: PROVINCE OF BRITISH COLUMBIA

TO: A Justice of the Peace in and for the Province of British Columbia.

OR: In the case of a Telewarrant issued pursuant to section 487.1 of the *Criminal Code*, to the Clerk of the Court for the territorial division in which the warrant was intended for execution.

I, J. FONTANA a peace officer of the City of Vancouver, British Columbia:

Δ FOX, Patrick 1973-11-24

POLICE CASE / FILE NO.

VAL 9-49074

☐ Submitted by FAX

1. COMPLETE SECTION 1 IF A WARRANT TO SEARCH HAS BEEN ISSUED

In respect of a Warrant to Search being issued pursuant to Section _____ of the _____ (FEDERAL STATUTE)

on _____, by _____ (NAME OF JUSTICE OF THE PEACE OR JUDGE)

☐ (a) have not executed the warrant for the following reason(s):

☐ (b) have searched _____ (PREMISES / VEHICLE / PERSON) situated at _____, British Columbia, on _____ at _____ hours, and have seized the things noted hereunder/attached. (DATE)

☐ (c) and have seized, pursuant to section 489 of the *Criminal Code*, additional things other than those specified in the warrant, as set out on lines _____ of this report and/or attachment, and where the warrant was issued pursuant to S. 487.1 of the *Criminal Code*, I believe those things have been obtained/used in the commission of an offence because _____ (REASONS)

2. COMPLETE SECTION 2 IF NO WARRANT HAS BEEN ISSUED

☒ have acted in the execution of duties under the Criminal Code of Canada (FEDERAL STATUTE), and have seized the things noted hereunder and/or attached from Patrick Fox (LOCATION / PREMISES / VEHICLE / PERSON) situated at _____ Province of British Columbia, on _____ at _____ hours.

3. COMPLETE SECTION 3 OR ATTACH EXHIBIT REPORT ☐

DISPOSITION

LINE NUMBER	PROPERTY DESCRIPTION	STATE A OR B (SEE BELOW)*	STATE LOCATION WHERE DETAINED OR NAME OF PERSON RETURNED TO
1	Black Lenovo Tablet	B	SIS exhibit locker #26
2	Black Motorola cell phone	B	SIS exhibit locker #26
3	Lexar USB	B	SIS exhibit locker #26

Page 1 of _____ pages. Continued on Page 2 ☐ (use PCR 094)

- * A - it was returned to the person lawfully entitled to its possession, in which case the receipt therefore shall be attached hereto;
B - it is being detained to be dealt with according to law - state the location and manner in which, or where applicable, the person by whom, it is being detained.

Dated April 4, 2019
at Vancouver British Columbia.

SIGNATURE OF PEACE OFFICER

APPLICATION FOR DETENTION

I, J. Fontana
a Police Officer hereby advise the Justice of the Peace that the detention of the thing(s) set out on lines numbered 1-6 in the Report to a Justice herein is/are required for the purposes of an investigation or a preliminary inquiry, trial or other proceeding and apply for the detention of the aforesaid things pursuant to s.490(1)(b) of the *Criminal Code*.

Dated April 4, 2019
at Vancouver British Columbia.

DETENTION ORDER FOR THINGS SEIZED

Upon application of _____ and having been satisfied that the detention of the thing(s) seized is required for the purposes of any investigation or a preliminary inquiry, trial or other proceeding, it is hereby ordered that pursuant to Section 490(1) (b) of the *Criminal Code* the articles set out in the Report to a Justice be detained for a period of three months from the date of seizure, unless an application for a order of further detention is made, or proceedings are instituted in which the thing(s) detained may be required. It is also ordered that the article(s) be entrusted to the custody of the applicant or his/her designate.

Dated _____ Report to Crown Court Version 1
at _____ Page 7 of 8
British Columbia.

* A - It was returned to the person lawfully entitled to its possession, in which case the receipt therefore shall be attached hereto:
B - It is being detained to be dealt with according to law – state the location and manner in which, or where applicable, the person by whom it is being detained.

Canada, Province of British Columbia

PRESERVATION DEMAND

Section 487.012(1) of the Criminal Code

To Her Majesty the Queen as represented by the Ministry of Public Safety and Solicitor General Corrections Branch and any employee, servant or agent:

Because I have reasonable grounds to suspect that the computer data specified below is in your possession or control and that that computer data will assist in the investigation of an offence that has been or will be committed under **S. 264(1) and S. 733.1** of the Criminal Code of Canada. You are required to preserve the following computer data that is in your possession or control when you receive this demand until June 13, 2019 unless, before that date, this demand is revoked or a document that contains that data is obtained under a warrant or an order:

1. The audio recordings of Patrick FOX DOB: 1973-11-24 institutional phone calls between April 4, 2019 and May 23, 2019.

This demand is subject to the following conditions:

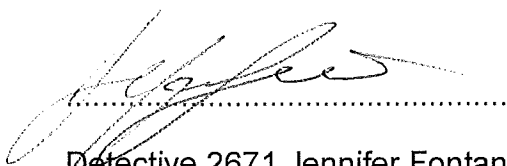
If you contravene this demand without lawful excuse, you may be subject to a fine.

You are required to destroy the computer data that would not be retained in the ordinary course of business, and any document that is prepared for the purpose of preserving the computer data, in accordance with section 487.0194 of the Criminal Code. If you contravene that provision without lawful excuse, you may be subject to a fine, to imprisonment or to both.

You are prohibited from disclosing the existence of this demand.

Dated the 23rd day of May,

2019, at Vancouver, British Columbia



.....

Detective 2671 Jennifer Fontana

Production Order

Canada: Province of British Columbia

FORM 5.005

Pursuant to Section 487.014(3) of the *Criminal Code* of Canada

JUN 13 2019

Clerk of the Court

To Her Majesty the Queen as represented by the Ministry of Public Safety and Solicitor of,
 Address 1451 Kingsway Avenue, Port Coquitlam - General, Corrections Branch

Whereas I am satisfied by information on oath of Constable Jennifer Fontana
 a ☒ peace officer ☐ public officer of Police Officer of
 Name of organization/address Vancouver Police Department, 3585 Graveley Street, Vancouver in the Province of British Columbia,
 that there are reasonable grounds to believe that an offence has been or will be committed under

(specify the provision of the *Criminal Code* or other Act of Parliament)

DESCRIPTION

SECTION/ACT

Criminal Harassment
 Failure to comply with Probation order

264(1) Criminal Code of Canada
 733.1(1) Criminal Code of Canada

And that Specify the document or data audio recordings/documents of phone calls originating from the North Fraser Pretrial Center
t 1451 Kingsway Avenue, Port Coquitlam, placed to phone number 310-701-1814

is in your possession or control and will afford evidence respecting the commission of the offence;

Therefore, you are ordered to audio recordings / documents of

☒ produce a document that is a copy of Specify the document
documentary evidence of phone calls originating from North Fraser Pretrial Center placed to number 310-701-1814
 that is in your possession or control when you receive this order

☒ (and/or) prepare and produce a document containing Specify the data
audio recordings of phone calls originating from North Fraser Pretrial Center placed to number 310-701-1814
 that is in your possession or control when you receive this order.

The document must be produced to Name of peace officer or public officer Det. Jennifer Fontana
 within Time 30 days at Place 3585 Graveley Street, Vancouver
 in Form DVD

This order is subject to the following conditions:

You have the right to apply to revoke or vary this order.
 If you contravene this order without lawful excuse, you may be subject to a fine, to imprisonment or to both.

Dated Date Jun 13, 2019

at City Burnaby
British Columbia

Signature of justice or judge

A. Campbell
Judicial Justice

Name

Application for Production Order is filed at:

Court Registry: Vancouver Address: 222 Main Street, Vancouver

NOTE: See Important Information regarding Production Orders on Reverse

IMPORTANT INFORMATION RELATING TO PRESERVATION ORDERS (s. 487.013) and PRODUCTION ORDERS (s. 487.014 to s. 487.018)

Effect of Orders made under s. 487.013 to 487.018

Section 487.019(2) *Criminal Code* provides that:

The order has effect throughout Canada, and for greater certainty, no endorsement is needed for the order to be effective in a territorial division that is not the one in which the order is made.

Application to Revoke or Vary an Order Prohibiting Disclosure

Section 487.0191(4) *Criminal Code* provides that:

A peace officer or a public officer or a person, financial institution or entity that is subject to an order made under subsection (1) may apply in writing to the justice or judge who made the order – or to a judge in the judicial district where the order was made – to revoke or vary the order.

Application for Review of Production Order

Section 487.0193(1) *Criminal Code* provides that:

Before they are required by an order made under any sections 487.014 to 487.018 to produce a document, a person, financial institution or entity may apply in writing to the justice or judge who made the order – or to a judge in the judicial district where the order was made – to revoke or vary the order.

Application to the Court

Applications to the court must be made in writing and filed at the Court Registry indicated on the front of this order.

The application may be made within 30 days after the day on which the order is made. Notice of your intention to apply to review the order must be given to the peace officer or public officer named in the order.

Self-Incrimination

Section 487.0196 *Criminal Code* provides that:

No one is excused from complying with an order made under any of sections 487.014 to 487.018 on the ground that the document that they are required to produce may tend to incriminate them or subject them to a proceeding or penalty. However, no document that an individual is required to prepare may be used or received in evidence against them in a criminal proceeding that is subsequently instituted against them, other than a prosecution for an offence under section 132, 136 or 137.

Offences

Section 487.0198 – Preservation or Production Order

A person, financial institution or entity that contravenes an order made under any of section 487.013 to 487.018 without lawful excuse is guilty of an offence punishable on summary conviction and is liable to a fine of not more than \$250,000 or to imprisonment for a term of not more than six months, or to both.

Section 487.0199 – Destruction of Preserved Data

A person who contravenes section 487.0194 without lawful excuse is guilty of an offence punishable on summary conviction.

SEALING ORDER FOR RECORDS PERTAINING TO A

- | | |
|---|---|
| ☒ Search Warrant | ☐ Telewarrant |
| ☒ Production Order | ☐ Preservation Order |
| ☐ Warrant or Authorization to Enter Dwelling-House | |
| ☐ Authorization to Omit Announcement Before Entry | |

CERTIFIED TRUE COPY

Canada: Province of British Columbia
Pursuant to Section 487.3 of the *Criminal Code*

JUN 13 2019

Upon the ex parte application made this day by Constable Jennifer Fontana Clerk of the Court
a peace officer of the Vancouver Police Department for an order to prohibit access to and the

disclosure of all records relating to a

SW DENIED -
☒ Search Warrant

- | |
|--|
| ☒ Production Order made pursuant to s. <u>487.014</u> <i>Criminal Code</i> |
| ☐ Warrant to Enter Dwelling-House |
| ☐ Authorization to Enter Dwelling-House |
| ☐ Authorization to Omit Announcement Before Entry |
| ☐ Preservation Order |

sworn or affirmed on date 13-Jun-2019

And upon reading the Affidavit of Constable Jennifer Fontana

sworn or affirmed and filed in support of the application to prohibit access to and disclosure of those records;

IT IS ORDERED THAT all records in the custody or control of a Justice relating to the above-mentioned ~~Warrant~~
~~Production Order/Authorization(s)/preservation order~~ not be accessed and disclosed to any interested party or member of
the public until further order of the court.

IT IS FURTHER ORDERED that all records relating to the above-mentioned ~~Warrant/Production Order/Authorization(s)/~~
~~preservation order~~ and the material filed in support of this application be placed in a sealed packet and kept in a secure place
within the Court Registry
at 222 Main Street, Vancouver,

British Columbia until further order of the court.

IT IS FURTHER ORDERED that any party may apply to the Justice or Judge who made the order or
a Judge of the court to set aside or vary this order, on three (3) clear days notice being given to the
Attorney General of British Columbia, Crown Counsel, or an agent for the Attorney General of Canada at
222 Main Street, Vancouver,

British Columbia.

Dated 13-Jun-2019
at Burnaby
British Columbia

A. Campbell
Judicial Justice
A Judge, Judicial Justice or Justice of the Peace in and for the Province of British Columbia

