



Notice of Appeal or Application for Leave to Appeal

CA 47391

(Where appellant not represented by a solicitor)
VANCOUVER

APR 15 2021

COURT OF APPEAL

REGISTERED

THE REGISTRAR:

Lower Court Registry Number 244069-7-B

Lower Court Registry Location Vancouver

Name of appellant: Patrick Henry Fox

Place of trial: Vancouver

Name of court: Provincial Court

Name of judge: G. Rideout

Was this a jury trial? No

Offence(s) of which convicted: Breach of probation (CC section 733.1)

Plea at trial: Not guilty

Sentence imposed: 16.5 months jail and one year probation

Date of conviction: 2020-11-26

Date of imposition of sentence: 2021-04-12

Name and address of place at which appellant is in custody: NFPC,
1451 Kinsmenway Ave, Port Coquitlam, BC,
V3C 1S2

Or if not in custody, appellant's address: _____

If in custody, address other than institution: NA

I, the above named appellant, hereby give you notice that I desire to appeal to the Court of Appeal against my conviction and sentence on the grounds set out on this notice.

I desire to present my case and argument whether it be for leave to appeal or by way of appeal where leave is not necessary,

~~(a) in writing~~

(b) in person

If a new trial is ordered and you have a right to trial by jury, do you wish trial by jury?

Yes

Dated this 12th day of April, 20 21.
[1st, etc.] [month] [year]

[Signed] 

Appellant

Notes

1. (a) If your appeal against conviction involves a question of law alone, you have a right of appeal.
(b) If your appeal against conviction is upon any other ground than a question of law, then you have no right of appeal unless leave to appeal is first granted. Your Notice of Appeal includes an application for leave to appeal where leave is necessary.
(c) You have no right to appeal against sentence unless leave to appeal is first granted by the Court of Appeal or a justice. Your Notice of Appeal includes an application for leave to appeal.
2. Further take notice that if you appeal from sentence the Court of Appeal may increase your sentence.
3. (a) If your appeal is against conviction or sentence alone, or against both conviction and sentence, this notice must be filed within 30 days of the date of imposition of the sentence.
(b) If this notice is filed beyond this time, then you must apply for an extension of time by completing Form 7 [Notice of Application for Extension of Time to Appeal].

Grounds of Appeal

These must be filled in before notice is sent to the Registrar. The appellant must here set out the grounds or reasons he or she alleges why his or her conviction should be quashed or his or her sentence reduced. If one of the grounds set out is "misdirection" by the judge, particulars of the alleged misdirection must be set out in this notice.

[Use additional separate sheet if necessary]

1. Crown refused to disclose it's witness list prior to trial. I was not provided notice of which witnesses Crown intended to call.
2. Crown refused to provide me notice of it's

intention to call VPD Detective Kyle Dent who was the Crown's sole witness. I had no notice of this witness until he was actually called to testify, after the trial had begun.

3. Crown refused to provide the disclosure material until three days prior to the trial.

4. The verdict was not supported by the evidence. By the Crown and the court's own admission, at trial, the Crown failed to establish that I had any ownership or control over the website upon and following my release from custody on 2020-08-³⁰~~29~~.

Nevertheless, the judge found me guilty.

5. Crown refused to provide me access to the disclosure material so I could prepare sentencing submissions.

6. The court refused to order the Crown to provide me access to the disclosure material so I could prepare sentencing submissions.

7. The court refused to grant my request for an adjournment so I could prepare sentencing submissions, thereby forcing me to proceed with sentencing completely unprepared, even though the cause of the delays were completely, 100% due to the Crown's refusal to provide me the disclosure material.

8. Prior to the sentencing hearing, the Crown stated he was only seeking a sentence of imprisonment - NOT a probation order. Then, at the sentencing hearing, with absolutely no prior notice, Crown argued for a sentence of imprisonment AND a one year probation order. I was completely unprepared for the Crown's change in sentencing position, yet the judge refused an adjournment to give me an opportunity to prepare responsive submissions.

9. The sentence of 16.5 months and one year of probation is excessive, considering the ~~fact~~ circumstances.

10. Such further grounds as I may advise and this Honorable Court may permit.