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COURT OF APPEAL

ON APPEAL FROM THE PROVINCIAL COURT OF BRITISH COLUMBIA, FROM THE
JUDGMENT OF THE HONOURABLE JUDGE RIDEOUT, PRONOUNCED ON THE
26TH DAY OF NOVEMBER 2020

REGINA

RESPONDENT

v.

PATRICK HENRY FOX

APPELLANT

AFFIDAVIT #1 OF PATRICK HENRY FOX
RE: DISCLOSURE MATERIAL

Applicant/Appellant

PATRICK HENRY FOX

IN PERSON

c/o Belkin House
555 Homer Street
Vancouver, BC
V6B 1K8
Email: patrickhfox@gmail.com

Counsel for the Respondent:

DAVID LAYTON, Q.C.

COUNSEL

B.C. Prosecution Service
Criminal Appeals and Special Prosecutions
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COURT OF APPEAL

REGINA

RESPONDENT

v.

PATRICK HENRY FOX

APPELLANT

**AFFIDAVIT #1 OF PATRICK HENTRY FOX RE:
DISCLOSURE MATERIAL**

I, Patrick Henry Fox, presently incarcerated at Fraser Regional Correctional Centre (FRCC) in the City of Maple Ridge in the Province of British Columbia, solemnly affirm and say as follows:

1. I am the appellant and personally know about the matters referred to in this Affidavit, except where they are based on information and belief, in which case I believe them to be true.
2. I have been in custody since May 2016, excluding three brief periods totaling three and a half months (2.5 months in December 2018 - March 2019; 4 weeks in August - September 2020; 5 days in August 2021). All of that time has been spent at North Fraser Pretrial Centre (NFPC) and Fraser Regional Correctional Centre (FRCC), except for about five weeks which was spent in US DHS custody in the US.
3. At both NFPC and FRCC I have absolutely no access to searchable case law and no access to educational material on Canadian law from which to educate and

inform myself in litigating an appeal. At FRCC I have no access to case law at all.

4. From the time of my arrest on 2020-09-17 through the start of the trial on 2020-11-26, I had made multiple requests to Crown Counsel Chris Johnson, both in written correspondence and on the record in open court, to be provided with the disclosure material and, in particular, with the audio/video recordings of my interview by Det. Dent. Crown did not respond to any of my correspondence.
5. At the bail hearing on 2020-09-17 Crown Counsel Chris Johnson made a number of false claims against me. Before proceeding with the bail hearing I wanted to obtain proof that Crown's claims were false and that he knew they were false, so I adjourned the bail hearing with the understanding that once I received such proof I would ask Crown to put it back on the calendar. In or around later October 2020 I obtained the evidence I required to prove Crown had lied at the previous bail hearing, so I wrote to Chris Johnson requesting he schedule a bail hearing. Johnson did not schedule a bail hearing and did not respond to my letter.
6. Attached as Exhibit A to this affidavit is a copy of the "Disclosure Letter", dated 2020-11-23, from Crown Counsel to myself, showing itemized lists of the material disclosed and the respective dates of disclosure.
7. On 2020-10-15 I received the "initial disclosure" consisting of the items described in Exhibit A. This consisted of 17 pages of material. Three pages of that contained the police narrative regarding my arrest and the current charges. The remaining 14 pages did not pertain to the current charges.
9. On 2020-11-23, in the late afternoon or evening, I received further disclosure, consisting of the items described in Exhibit A. This consisted of 107 pages and 2 hours and 29 minutes of audio/video recordings.
10. All of the disclosure material which was provided and which was relevant to the

Crown's case and to my defense, including the audio/video recording of my interview by Det. Dent, was contained in the disclosure package provided to me on 2020-11-23.

11. A transcript of my interview by Det. Dent was not provided or made available to me until December 2021, for the purpose of preparing this appeal.
12. The first time Crown made any mention to me or in my presence, of any witnesses they intended to call at trial was on the morning of the trial.
13. There were 53 people whose names appeared in RTCCv1. Of that, at least 10 were VPD staff associated with the investigation or explicitly stated as being "civilian witnesses". And 38 of those 53 were justice system participants.
14. Due to Crown refusing to notify me of any witnesses they intended to call I reasonably believed they did not intend to call any witnesses at trial.
15. Prior to trial, I knew there were no statements I had made to Det. Dent which, when taken in context, established that I had any involvement in the website during the period of probation. For that reason, I believed it was reasonable for Crown to not intend to call Det. Dent as a witness.
16. Prior to trial, I knew that Crown would not be able to have the recording of my interview with Dent entered unless Dent testified to its authenticity and correctness. And since Crown refused to notify me of their intention to call Dent, I believe it was reasonable for me to presume Crown did not intend to rely on the interview with Dent.
17. Due to Crown's ongoing refusal to notify me of any witnesses they intended to call; their refusal to provide me any disclosure material other than the "initial disclosure packet"; their refusal to schedule a bail hearing for me; and their refusal to respond

to any of my correspondence; I reasonably presumed Crown's intention was to withdraw or stay the charges prior to or at the start of the trial.

18. Due to my reasonable presumption that Crown was not going to rely on the interview with Dent, I did not focus my attention on the interview during the two days in which the disclosure material was in my possession.
19. Given my repeated requests for disclosure and attempts to communicate with Crown from the time of my arrest (2020-09-17) through the time of trial (2020-11-26), I believe I made reasonable, diligent, good faith efforts to pursue and obtain the disclosure material timely so that I could be ready for the trial as scheduled.
20. On 2020-11-27, the day after the trial, the facility staff at NFPC took possession of the disclosure material from me, for it to be returned to Crown Counsel. The officer informed me Crown had contacted the jail and asked them to obtain the disclosure hard drive from me immediately.
21. On or about 2020-11-27 I mailed a letter to Crown Counsel at 222 Main Street, not to Chris Johnson specifically, informing them I still required certain parts of the disclosure material in order to prepare for sentencing and I requested they return the disclosure to me. Crown Counsel did not respond.
22. Attached as Exhibit B to this affidavit is a copy of the letter, dated 2020-11-27, which I mailed to Crown Counsel requesting the return of the disclosure material to assist me in preparing for sentencing.
23. Attached as Exhibit C to this affidavit are the transcript excerpts of Det. Dent's testimony regarding my statements when he interviewed me, coupled with the transcript excerpts and locations in the audio/video recording of those statements in the interview.

24. Attached as Exhibit D to this affidavit are additional, pertinent transcript excerpts and the corresponding locations in the audio/video recording of those excerpts, from Det. Dent's interview of my.
25. After being taken back from me on 2020-11-27, the disclosure material was not provided to me or made available to me again until December 2021 for the purpose of preparing this appeal.
26. On 2020-10-05 I left a message by telephone, for Chris Johnson, requesting to cancel the bail hearing until after I am arraigned and have obtained the evidence I was waiting on.
27. According to the information contained on page 4 of the Report to Crown Counsel, the report was prepared on 2020-09-17, and I have found no artifacts within the RTCC which were dated after 2020-09-17.
28. In late October or early November 2020 I left a voice message with Mr. Johnson's office informing him I have received the evidence I have been waiting for, and requesting he schedule my bail hearing, and a pretrial conference to address the outstanding disclosure issues. Mr. Johnson did not respond to or act on those requests.

Patrick Fox, 2020-04-07
Signature of Appellant

Exhibits

- A - Crown's Disclosure Letter, dated 2020-11-23, showing itemized lists of material disclosed and respective dates of disclosure/
- B - My letter to Crown Counsel, dated 2020-11-27, requesting access to the disclosure material for the purpose of preparing for sentencing.
- C - Transcript excerpts of Det. Dent's testimony regarding my statements when he interviewed me, coupled with the transcript excerpts and locations in the audio/video recording of those statements in the interview.
- D - Transcript excerpts and the corresponding locations in the audio/video recording of those excerpts, from Det. Dent's interview of me.

Exhibit A – Crown's Disclosure Letter,
dated 2020-11-23



November 23, 2020

PARTICULARS IN THE MATTER OF

REGINA v. FOX, Patrick

COURT FILE NO. 244069-7B

APPEARANCE/TRIAL DATE: October 20, 2020

TO: THE ACCUSED PERSON AND HIS/HER LEGAL COUNSEL

As of November 23, 2020 to NFPC via courier – kg

- ✓ RTCC V1 (107 pgs);
- ✓ Multimedia:
 - Arrest of Accused;
 - Interview with Accused.

Initial Disclosure October 15, 2020 via courier to NFPC– kg

- ✓ Information #244069-7B (1 pg);
- ✓ Criminal Record (2 pgs);
- ✓ Conviction List (2 pgs);
- ✓ Booking Report (1 pg);
- ✓ Probation Order dated June 12, 2020 (1 pg);
- ✓ Probation Order dated August 19, 2020 (2 pgs);
- ✓ McNeil Report (1 pg);
- ✓ Narrative (3 pgs);
- ✓ HOLLAND, Robert VA2341 – RCC Statement (2 pgs);
- ✓ ROBERTS, Nicole VA2685 – RCC Statement (2 pgs).

Please find attached a copy of the Crown's particulars in relation to the charges.

TO THE ACCUSED

TAKE NOTICE THAT this disclosure material is provided to you for the sole purpose of assisting you to make full answer and defence in this prosecution. You must not use the material for any other purpose or for any other case.

1. The material may contain private or confidential information. You must keep it secure and not copy it or provide to any other person, other than your legal counsel, without the prior written permission of Crown Counsel.
2. The conditions set out above also apply to any further or additional disclosure material provided to you in relation to this prosecution.
3. If you are unable or unwilling to comply with these conditions, please immediately return the material to Crown Counsel.
4. If it is your intention to apply to exclude evidence under the section 24(2) of The Canadian Charter of Rights and Freedoms, you must give the Crown timely notice of the evidence you intend to rely on to support your application as well as the specifics of your argument and any remedy you seek.

TO THE ACCUSED AND DEFENCE COUNSEL

TAKE NOTICE THAT the Crown intends to produce the documents and records contained in this disclosure material, and any related testimony, at the trial or preliminary inquiry, pursuant to the *Canada Evidence Act*, *BC Evidence Act*, *Controlled Drugs or Substances Act* or the *Criminal Code*.

TO DEFENCE COUNSEL

TAKE NOTICE THAT this disclosure material is provided to you for the sole purpose of assisting the accused to make full answer and defence in this prosecution and not for any other purpose or any other case and also on the following conditions:

- a) You must keep the material in a secure fashion.
- b) You may permit access to the material or copy it for the use of the accused or persons acting under your supervision (for example, articling students, associate counsel, paralegals) in the preparation and presentation of the defence but only on the condition that they not copy it or provide access to it by anyone else.
- c) You must not copy or provide access to the material to any person or counsel who is not acting under your supervision. Notwithstanding the foregoing, you may copy the material and use it in conducting the defence (for example, in cross-examining a witness, providing material to the court, or providing witnesses with copies of their own statements).

- d) You may permit access to the material or copy it for the use of any expert retained to assist in the preparation and conduct of the defence but only on the condition that they not copy it or provide access to it by anyone else.
- e) You must not permit access to the material by or copy it for any person other than those referred to in conditions 2, 3, and 4, above, without the prior written consent of the Crown or a court order.
- f) If you are unable or unwilling to comply with any of these conditions, please immediately return this disclosure material to Crown Counsel.

VANCOUVER CROWN COUNSEL OFFICE

Enclosures

Exhibit B – Letter from Patrick Fox to
Crown Counsel, dated 2020-11-27

Patrick Fox

1451 Kipsley Ave
Port Coquitlam, BC
V3C 1S2

2020-11-27

Attn: Crown Counsel
202 Main St, #204
Vancouver, BC V6A 2S8

Re: R. v. Fox;
Court File 204069-7-3;
Disclosure material

Dear Sir/Ms:

I respectfully request to be provided a copy of all of the disclosure material in the referenced matter. It was provided to me on 2020-11-23 - a mere three days before the trial - and it was taken back from me today.

Although the trial may be over, I'm still going to require access to the disclosure for the purpose of preparing for sentencing and, of course, for the appeal.

If you are unwilling to provide the disclosure material I

request you please schedule a hearing at the earliest
opportunity so I may present the matter to the court.

Thank you.

Sincerely,



Patrick Fox

Exhibit C – Transcript excerpts of Det. Dent's testimony

Dent Testimony Re: My Statements

In the following document, each section begins with the relevant excerpts of Det. Dent's testimony at the trial. That is followed by the corresponding excerpts from the interview of me by Det. Dent on 2020-09-17. Then, finally, where applicable, further comments and/or explanation regarding the preceding excerpts.

In the case of the interview excerpts, the time codes to the right of the transcript locations are the start/end times of the corresponding segment in the video recording files of the interview. That is crucial because sarcasm and joking is often much more obvious in the video than in the transcript.

- **TR p11115-22**

[Crown] And during the interview, at the beginning portion of the interview did you advise Mr. Fox it was going to be recorded?

[Dent] Yes.

[Crown] And did Mr. Fox have a response to that?

[Dent] Yes. He said it is important to have good quality audio and video for him to put on the website later.

Interview

- **TR p2123 - p317 / 0:08:25 - 0:08:55**

[Fox] Um, the recorder, though...

[Dent] Yeah.

[Fox] ...I guess you should probably have it in this area because the sound doesn't travel very well through the Plexiglas.

[Dent] Sure.

[Fox] I'm assuming you're recording.

[Dent] Not only here.

[Fox] 'Kay.

[Dent] But there, the room as you can see those little things there are...

[Fox] Mm-hmm.

[Dent] ...the, uh, microphones or recorders...

[Fox] Sure

[Dent] ...that will record everything. This is just backup. Um, we are on a city budget, and so sometimes the equipment doesn't work as it should be. ⁽¹⁾

[Fox] It's important to have good quality audio and video, though, for me to put onto the website. ⁽²⁾

[Dent] Uh, fair enough. There you go. Uh, so, I guess you know why we're here.

1. Was Dent being sarcastic? Was he joking? If I understood it as such then I was just following his lead with the sarcasm.

2. After I say this I give a cynical, sarcastic smirk.

Throughout the discussion I am entirely indifferent in my tone and demeanor.

Given the context of my statement it should be clear I was being sarcastic. I seem to be mocking the police for their pathetic attempts to trick me into saying something incriminating.

- **TR p11133-41**

[Dent] ...His response was he did not admit to posting anything, but it has been updated by somebody.

...[p11136]

[Crown] So his -- his version, I take it, was that he denied that he updated the website and obviously we're talking subsequent to August the 19th of this year; is that correct?

[Dent] Yes.

Interview

- **TR p411-2 / 0:10:01 - 0:10:10**

[Fox] Of course, by saying that, I'm neither admitting nor denying that I had anything to do with putting it on there. I'm simply stating it IS there.

[My gestures and tone convey condescension and sarcasm.]

- **TR p4127 - p515 / 0:10:56 - 0:11:23**

[Fox] The page is incomplete at this point, but you'll see at the top in... highlighted in yellow, it says that ⁽¹⁾ "I posted it incomplete because"... 'I' not being me, 'I' being the person who posted it... Again, I'm neither admitting nor denying that I posted it.

[Fox] ...it states on there that it's been posted incomplete because the person expects that they're gonna be arrested at any moment, or that they can be arrested at any moment.

1. In the discussion of the page being incomplete, I was reciting what the message said at the top of the page. The message was written in the first-person, which is why I said "I posted it..." I then clarified that "I" was referring to the person who wrote the message, not me. I did not inadvertently refer to myself then try to backtrack and change it as Dent claimed.

- **TR p1211-5**

[Dent] ...That response is [as read in]:

The reason it hasn't been taken down is because it exposes misconduct and corruption that happens in the criminal justice --

- **TR p12121-29**

[Dent] ...[As read in]:

The reason it hasn't been taken down is because it exposes misconduct and corruption that happens in the criminal justice system every day, expose corruption and misconduct of jackasses like Mark Myhre and Tony Lagemaat and it exposes a misconduct of evil, horrible cunt of an ex-wife.

Interview

- **TR p713-22 / 0:13:10 - 0:13:59**

[Dent] ...is there a reason why you haven't taken it down?

[Fox] Yes. Well, wait, wait, no, no. I can't say that there's a reason I haven't taken it down. I can say that there is a reason it *hasn't* been taken down...because it is exposing corruption and misconduct that goes on every day in the local justice system. It exposes the corruption and misconduct of jackasses like Mark Myhre and Tony Lagemaat, and of course it exposes the misconduct of that horrible cunt of an ex-wife of mine. Oh, sorry. Maybe was a little too abrasive. ⁽¹⁾ Um, that horrible person of, uh, my ex-wife.

[Dent] I'll tell ya right now. I spent four years walkin' the beat in the Downtown Eastside...There's virtually nothing that you could say to me that is...

[Fox] Oh, not for you. For the recording.

[Dent] ...going to offend me. Yeah. Well...

[Fox] This is going to be played in court. Um, obviously when the trial comes... ⁽²⁾

[Dent] ...well...

[Fox] ...this is gonna be evidence. ⁽²⁾

-
1. When I said "...that horrible cunt of an ex-wife of mine", "maybe that was a little too abrasive", and "that horrible person", my tone and manner show I am being sarcastic - there is no anger or hostility, if anything I am part indifferent, part jovial.
 2. My comment about it being for the court shows my indifference to the entire process.
My comment about it being for the court also shows that I realize and am aware that the video recording of the interview is going to be admitted as evidence at the trial. And therefore, I'm likely being very deliberate in my words and actions. Chances are there were no inadvertent slip-ups on my part.

- **TR p12l10-16**

[Dent] ...He was ordered to take down the website and he believes the website itself is not illegal.

[Crown] ...So just on that portion of the interview would it be fair to say that Mr. Fox acknowledged that he'd been ordered to take down the website, but he had a belief that it was not illegal?

[Dent] Yes.

Interview

- **TR p6l12 - p7l6 / 0:12:22 - 0:13:20**

[Fox] You find all the, um, the murder videos and the child porn and all that? ⁽²⁾

[Dent] Uh, I didn't have a lot of time to go through everything.

[Fox] I'm kidding. There's nothing illegal on the website.

[Dent] Um, oh, well, that's good. Just the website itself.

[Fox] The website itself is not legal.

[Dent] No, huh?

[Fox] No. Um, I was ordered to take it down as a condition of probation

[Dent] Yeah.

[Fox] Doesn't mean there's anything illegal about the website.

[Dent] Yeah.

[Fox] And the criminal harassment that I was convicted of based in part on the website...

[Dent] Yes.

[Fox] ...they're now refusing to prosecute me, adamantly refusing to prosecute me for...

[Dent] Yeah.

[Fox] ...that again because I published all of the proof of the corruption that happened at the first trial.

[Dent] Yeah.

[Fox] So, there's nothing illegal about the website.

[Dent] Okay.

[Fox] If there was, they would prosecute me.

[Dent] Fair enough. I'm not saying that the, sorry, let me rephrase. The, the website, you're right, isn't illegal. ⁽¹⁾ Um, but is there a reason why you haven't taken it down?

-
1. Even Dent acknowledged the website is not illegal.
 2. The fact that the subject matter of the discussion stemmed from my joking comment about the murder videos and child porn shows that I was still not taking the interview seriously.

- **TR p12132-37**

[Crown] ...did Mr. Fox say anything about the police action or lack of action?

[Dent] Yes. Your Honour, Mr. Fox stated that he was waiting to be arrested by the police and I quote, "Surprised it took this long," end quote.

Interview

- **TR p916 - p1014 / 0:15:34 - 0:16:39**

[Dent] So, uh, that's, that's good to know. But I am aware of their policy that they usually, there's a time limit.

[Fox] 30 days.

[Dent] Yeah.

[Fox] But I've heard rumours. I haven't verified it with the staff...

[Dent] Yeah.

[Fox] ...but, uh, I've heard rumours that because of COVID-19...

[Dent] Yeah.

[Fox] ...they've been extending people.

[Dent] Oh.

[Fox] But anyway, if they don't extend me, then my 30 days runs out in two days, so... ⁽¹⁾

[Dent] Okay, and any...

[Fox] ...your timing is impeccable. ⁽¹⁾

[Dent] ...any plans on goin' anywhere, or have you been lookin' at anywhere else to stay?

[Fox] Yeah. North Fraser. ⁽²⁾

[Dent] Oh.

[Fox] I've been waiting for you guys to come and arrest me. ⁽³⁾ I mean, I said to the judge, I'm not taking down the website. ⁽⁴⁾

[Dent] Yeah.

[Fox] An-, I'm kinda surprised it took this long. ⁽⁵⁾

[Dent] I just got to the section. ⁽⁶⁾

[Fox] I think it's because if it were not for those recent, um, changes about Mark Myhre...

[Dent] Yeah.

[Fox] ...um, then probably nobody would've done anything, but I suspect that Mark Myhre probably threw a hissy fit because he's a little pansy bitch and went, oh, he's saying these mean things about me. ⁽⁷⁾ Take this off.

Get him in jail or something. Sorry. I haven't had a coffee yet.

[Dent] Preach...

[Fox] I'm not the most eloquent right now.

- **TR p2811-12 / 0:37:18 - 0:37:55**

[Dent] As you said, you've been waiting for the police to arrest you.

[Fox] Oh yeah. I mean, I was getting kinda nervous 'caus my 30 days at Belkin was running out and I was thinking, well, fuck, what am I gonna do... ⁽⁸⁾

[Dent] I've gotta go find a place.
[Fox] ...after I leave the Belkin? ⁽⁸⁾
[Dent] Yeah, well, on, on one hand, I'm happy we could help. ⁽⁹⁾ Um, I don't know how the court process is gonna go from here. I don't know if you're goin' back to North Fraser. If you're g-, just gonna be given paperwork. I don't know. Uh...
[Fox] Well, hopefully I'm gonna go back to North Fraser and then the trial's probably gonna be set probably about six or eight months down the road. ⁽¹⁰⁾
[Dent] You're very optimistic.
[Fox] Really? Mm. Just experience. ⁽¹⁰⁾

-
1. I am very clearly being sarcastic - as though when my time at the Belkin runs out I would have nowhere to go so they're doing me a favor by ensuring I'll have room and board at NFPC.
 2. Obvious sarcasm. After I say it I chuckle.
 3. This is an exaggeration. Obviously, I've not been sitting around waiting for them to come and arrest me.
 4. This is actually a false admission. I never said to Judge Phillips that I'm not taking down the website. The transcript of the 2020-08-19 trial and sentencing shows that all I said was "there is absolutely no way the website is going to come down on my release from custody" (TR p53l33-35) and "regardless of what the decision is on that, the website is not going to come down. It's not going to go away" (TR p53l42-44). I did not say that I would not take down the website, or that I would have any involvement in the website not coming down, only that it would not come down. It was a statement of fact, having nothing to do with my intentions and/or actions.
 5. The surrounding conversation shows extensive sarcasm, so it should have been obvious that my comment about being surprised it took so long was also sarcasm.
 6. Dent laughed as he said this. I don't know why.
 7. Here I am very blatantly mocking and taunting Mark Myhre. Obviously more sarcasm.
 8. I'm obviously being sarcastic again - as if having to leave the Belkin is going to be some crisis I would never be able to deal with.
 9. And Dent's comment shows that he realizes I'm being sarcastic. Dent laughs. I give an animated 2 thumbs up gesture.
 10. My comments here show that I expect and accept that I am going to be in custody for at least the next six months. And my demeanor shows a complete indifference to it.

- **TR p12144-47**

[Dent] So during the interview Mr. Fox made a statement where he stated he saw the City of Vancouver, RCMP and Province of British Columbia, their IP addresses in the access logs for the website.

- **TR p13118-21**

[Crown] ...did Mr. Fox indicate that he had access to the -- what you've described as access logs for the website? Just reading that sentence.

[Dent] Yeah. Reading that sentence, yes.

- **TR p13126-31**

[Crown] And just to be clear, he did indicate to you, I gather -- that he had seen those access logs for the website?

[Dent] Yes.

- **TR p19141 - p2012**

[Fox] With respect to the access logs that you had mentioned earlier, I had stated that I had seen certain IP addresses within the access logs?

[Dent] That's correct.

[Fox] Are those access logs publicly accessible? And I'm not speaking generally are they, but specifically for that website. Have they been made publicly accessible so that anybody can access them?

[Dent] I don't have that information.

Interview

- **TR p17122 - p18113 / 0:25:04 - 0:25:52**

[Fox] I know. I saw the access logs.

[Dent] Yeah. Right?

[Fox] A lot of activity from the Province of British Columbia and the City of Vancouver. I assume the City of Vancouver was the VPD and I assume that the Province of British Columbia is probably Crown Counsel.

[Dent] (Unintelligible) I'm not gonna argue.

[Fox] There was also, a couple weeks ago, a lot of activity from Shared Services Canada, and I assume that that's the RCMP.

[Dent] From who?

[Fox] Shared Services Canada. All the government, uh, they, they set up their internal network in this...

[Dent] Yeah.

[Fox] ...ass backward way or back assward (phonetic)? But, um...

[Dent] Ass backward.

[Fox] ...so that they have a proxy server set up in Ottawa and...

[Dent] Yeah.

[Fox] ...even though an RCMP office or, uh, federal offices out here, all the packets go through this proxy server in Ottawa.

[Dent] Yeah.

[Fox] So, it shows up in the access logs as, uh, 198.212 or something.

[Dent] Yeah.

[Fox] The IP address.

[Dent] And that's for the Government of Canada.

[Fox] Federal Government, yeah.

There is nothing in the discussion of the access logs about how I had access to them or if they were publicly accessible.

- **TR p13132 - p14130**

[Crown] And then next, in the course of this interview Mr. Fox indicated to you what he wanted and by that I take it he was saying what he wanted by posting this website; have I got that right?

[Dent] He -- what he stated was the purpose of the website. I had asked him what it would take for the website to be taken down.

[Crown] All right. And his answer was what?

[Dent] What he wants is the government to admit everything on his website is true and overturn all his convictions, and for his ex-wife to get throat cancer and die a slow, miserable death.

...[p13144 - p1416]

If I may, he went on to say no one --

...[p1418-15]

Yes. He went on to say no one is going to take down anything from the website --

...[p14118-20]

Unless the Provincial Government admits publicly that he didn't commit criminal harassment, overturn his conviction for criminal harassment -- and admit everything on his website is true. I would also like to say, Your Honour, that the statements that I'm providing right now are not direct quotations.

[Court] Just the gist of what's --

[Dent] That is correct.

Interview

- **TR p18114 - p19126 / 0:25:51 - 0:27:58**

[Dent] Okay. Um, so, h-, let's say hypothetically speaking... ⁽¹⁾

[Fox] Everything is hypothetical. ⁽²⁾

[Dent] ...of course everything's hypothetical.

[Fox] Otherwise I'd be admitting stuff. ⁽²⁾

[Dent] Uh, what would it take for the website to be taken down? I'm just curious.

[Fox] For the BC government, maybe, uh, David Eby himself, um to admit to all the corruption and the collusion t-, basically to admit that everything that I'm claiming in my affidavit ⁽⁴⁾ on the website is true and to overturn my conviction for criminal harassment, and then obviously any other convictions that stem from that would have to be overturned. ⁽³⁾ And for my ex-wife to get throat cancer and die a slow miserable death. The last part is negotiable. ⁽⁵⁾ But the other stuff, um, I'm not willing to take down any of, or nobody is going to take ⁽⁶⁾ down any of the proof of any of the corruption that has occurred in my cases or any of the many other...

[Dent] Mm.

[Fox] ...cases that you guys keep introducing me to by locking me up in North Fraser and putting me with a bunch of other people who have had similar experiences. Um, and so none of that's going to come down um,

unless the provincial government acknowledges publicly that uh, I didn't actually commit criminal harassment and that Mark Myhre and Bernie Wolfe are evil, miserable pricks. ⁽⁷⁾

[Dent] What do you think the odds of that happening are?

[Fox] I'd say probably about five per cent. ⁽⁸⁾

[Dent] More of a percentage than I would ever give.

[Fox] Mm.

[Dent] Getting a politician to ever admit wrong.

[Fox] Oh, no, no. The politician won't be admitting wrong. He'll be admitting that people below him, people so far below him that... ⁽⁹⁾

[Dent] Yeah.

[Fox] ...he couldn't possibly have known anything about it. ⁽⁹⁾

[Dent] Naturally.

[Fox] Mm. That they were wrong. Um, whether they admit it or not.

[Dent] Yeah.

[Fox] The proof is there. More proof is coming. I mean...

[Dent] Yeah.

[Fox] ...there's still a lot more stuff that needs to be put on the website.

[Dent] Yeah. Like what?

[Fox] Mm, can't answer that. Not n-, sorry. I can answer that.

[Dent] Yeah.

[Fox] I'm no going to answer that.

[Dent] Okay, well, like I said... ⁽¹⁰⁾

[Fox] Mm-hmm.

[Dent] ...speaking the hypothetical here... ⁽¹⁰⁾

[Fox] Yeah, yeah.

[Dent] ...um, this is just stuff about that may be posted, not saying that you're gonna post it, ⁽¹¹⁾ but it may be posted.

[Fox] Mm-hmm.

-
1. Dent himself explicitly declared that the conversation which is to follow is only hypothetical. And I agreed to go along with that. Given that the entire conversation is hypothetical, nothing within it can be taken literally or seriously.
 2. As I am saying this I am picking at something on my hand. It is plainly obvious I am uninterested and indifferent to the conversation.
 3. Contrary to Dent's testimony, I did not state I wanted the government to overturn all of my convictions (TR p13|41-42; p14|4), only the criminal harassment conviction - then, since the probation order from that conviction would be invalidated, all of the convictions which stemmed from that would, necessarily, have to be overturned.
 4. Contrary to Dent's testimony, I did not state I wanted the government to admit everything on the website is true (TR p13|40-41; p14|2-4; p14|25), I said I wanted the government to admit everything in my affidavit is true.
 5. After saying I want my ex-wife to get throat cancer I smirk. And saying it is negotiable makes it obvious I'm being sarcastic - it would be impossible for either me or for the government to have any control or influence over my ex-wife getting

throat cancer.

6. My expression and gestures when I correct myself and say "nobody is going to..." make it obvious I am being sarcastic and am annoyed by the stupidity and futility of the entire interview process.
7. My request that the government admit that Mark Myhre and Bernie Wolfe are evil, miserable pricks is obviously sarcasm, and that I ended the preceding rant with it show that the rant was not serious.
8. The fact that I would believe there is only a 5% chance of the government doing what I claim I want them to do further shows I must not be serious.
9. My expression, tone, and gestures when saying this make it plainly obvious I am being sarcastic.
10. And again, at the end of the discussion, Dent reiterates that we're speaking hypothetically. To which I agree.
11. Dent acknowledges and emphasizes that we're speaking about stuff that may end up on the website though not necessarily by me.

It is plainly obvious in the video recording that my statements from 0:26:03 - 0:27:08 (p18|19-32 of the interview transcript) were prepared and rehearsed.

In his testimony, Dent repeatedly stated "...his website..." (TR p13|41; p14|25), but those are his words alone. I never, in our discussions, referred to it as "my website", only as "the website".

- **TR p14136-40**

[Crown] And did you ask him, in the context of this, whether he would ever take the website down?...⁽⁶⁾

[Dent] Yeah.⁽⁶⁾ I have a note in here, he will never in his life take the website -- take down the website.

- **TR p2315-8**

[Crown] But can you tell the court what he said about taking down the website?

[Dent] Again, he will never in his life take down the website.

Interview

- **TR p24128 - p25111 / 0:33:44 - 0:34:18**

[Dent] Right? So, the reason why I printed this out...

[Fox] Mm-hmm.

[Dent] ...is you basically said in court⁽¹⁾ and you have the transcripts...

[Fox] Mm-hmm.

[Dent] ...uh, you're not gonna take down the website.⁽¹⁾

[Fox] That is correct.^(1,2)

[Dent] Right?

[Fox] And I will never, ever⁽³⁾ in my life, as long as I am a I- well, that's...

[Dent] Yeah.

[Fox] ...redundant, as long as I'm alive, I will never take down that website. Now, that's not saying the website won't come down because of some other means.

[Dent] Yeah.

[Fox] I mean, maybe some US court will actually issue an order...⁽⁴⁾

[Dent] Yeah.

[Fox] ...to take it down, but, uh, that's extremely unlikely because that would be a gross, uh, First Amendment violation.

- **TR p29125-27 / 0:39:57 - 0:40:03**

[Dent] Yeah. You're never gonna take down the website.

[Fox] No, and I'm saying all is for the benefit of the judge who's gonna be watching this in a few months when it goes to trial.

- **TR p46127 - p4712 / (video 2) 0:04:00 - 0:04:21**

[Dent] So, uh, again, last opportunity, is there anything else that you would like to, to have a conversation with me about, uh, regarding the website other than the fact that you will absolutely never take it down. I think you've made that abundantly clear.⁽⁵⁾

[Fox] Yes, I have made that abundantly clear. Yes.

[Dent] Okay.

[Fox] Um, nah, I don't think that there's anything further. Um...

[Dent] Okay

-
1. But, in fact, I did not say in court that I would not take down the website. I only said the website would not come down. See footnote #4 of Item 5 for further information.
 2. This is a false admission.
 3. I make an overly dramatic gesture and emphasis when saying this. Showing that I'm putting on an act - for dramatic effect.
 4. My tone and gestures are sarcastic when stating this.
 5. During this I am making exaggerated, mocking gestures of being in deep thought. This shows, again, I am not taking the interview seriously.
 6. Dent did not ask me whether I would take down the website, as Crown asked and Dent claimed. The discussion stemmed from a statement Dent falsely said I made in court which I didn't actually make (I never said in court (in the matter of 244069-6-B) that I would not take down the website, I said the website would not come down). This is very significant because one is a statement about my intended conduct, regardless of what will happen with the website; the other is a statement of what will happen with the website, regardless of my intended conduct.

And, of course, if I don't own or control the website then I cannot, legally, take it down and I don't have the physical capability (the user name/password) to take it down. The statement that I will never take down the website is meaningless since I don't own the website. The reason I will never take it down is it's not mine to take down.

- **TR p14144-46**

[Dent] ...Mr. Fox provided great detail on multiple different techniques in order to remove the ability of the website being online anymore.

Interview

- **TR p3217 - p3312 / 0:46:26 - 0:47:21**

[Dent] Can you, like and this is just me not being very technical, technologically savvy.

[Fox] Mm-hmm.

[Dent] Is it possible to take down a website and put it back up I-, uh flawlessly?

[Fox] First of all, what does take down mean?

[Dent] Yeah.

[Fox] It's a vague term. It's not a technical term. So telling somebody to...

[Dent] Yeah.

[Fox] ...take down a website...

[Dent] Yeah.

[Fox] ...is gibberish. It means nothing.

[Dent] Yeah.

[Fox] Um, I would assume they mean take it offline. Make it no longer publicly accessible.

[Dent] Yes.

[Fox] I mean, you can make it no longer publicly accessible by simply going into the htaccess access file and, um...

[Dent] Yeah.

[Fox] ...putting a restricted access so that a person needs to put in a user name and a password to log into it.

[Dent] Yeah.

[Fox] That would accomplish taking it down. Or you could change the DNS entries and then just go and switch them back later.

[Dent] Yeah.

[Fox] Or you could just, um, rename the document root directly so that, uh, the web server, um, is looking in a different empty directory, in which case just a blank page will come up.

[Dent] Yeah.

[Fox] So any of those things could be done to accomplish taking it down.

I strongly disagree with the statement that I provided "great detail". I just briefly listed a few quick, easy ways to make a website's content no longer publicly accessible. There is not enough information provided such that a novice would be able to perform the task.

- **TR p1512-6**

[Dent] ...Mr. Fox stated in the course of the interview that he is a software engineer, and I got the very distinct impression that he is incredibly intelligent when it comes to the mechanics of anything computer related.

Interview

- **TR p3313-27 / 0:47:21 - 0:48:23**

[Dent] You were in computers before, weren't you?

[Fox] I'm a software engineer.

[Dent] Where'd you work?

[Fox] Uh, I worked at VTech, um for a while until the CBC story ran.

[Dent] Yeah.

[Fox] Uh, before that I worked with a Chinese mobile game company that has an office here in Vancouver called IGG. I was working on their server...

[Dent] Yeah.

[Fox] ...uh, server components. It's not on the, on the game part.

[Dent] N-, on the, the game area stuff or anything.

[Fox] Right. Before that, I worked at Electronic Arts, and then before that, I was in the US. And in...

[Dent] EA? W-, at the office here in the Lower Mainland at EA, or...

[Fox] ...yeah, Burnaby.

[Dent] ...okay. It's a big company.

[Fox] Yeah. I did, sorry, I was going to make a comment about my opinion of the position there, but I don't want to speak poorly about a past employer or client...

[Dent] Right.

[Fox] ...particularly if it's something that's being recorded and is eventually gonna be on the website.

[Dent] I get it. Um...

[Fox] EA was a great place to work. I as very happy there. ⁽¹⁾

[Dent] ...hey, I just like their sport games. Um, okay, so, you, you know a lot about computers. It's safe to say that.

[Fox] Indeed.

1. I am being extremely sarcastic here. Dent laughed openly at it. I smiled. There is nothing significant or of particular interest in this discussion. My comment about EA being a great place to work and being happy there shows that I was still not taking the interview seriously.

- **TR p15113-19**

[Crown] Did Mr. Fox reference additional content for the website?

[Dent] He did. There's a note here, there's a lot more content that needs to be added and it's going to go up. It's very time-consuming and -- and I quote, "I haven't been the most productive," end quote.

Interview

- **TR p41124 - p43131 / 0:58:04 - (video 2) 0:00:47** ⁽¹⁰⁾

[Dent] ...Uh, all right. Is there anything else that you think we need to know about the website? Let's just go with that because again, that's why we're here. ⁽¹⁾

[Fox] Yeah. About the website.

[Dent] Right? The breach for the website.

[Fox] Um, well, let's see. I can say that there is a lot more content still, uh, that needs to be put on. It's very time-consuming, though you know? ⁽²⁾

[Dent] Yeah.

[Fox] And since I'm broke and destitute and homeless, the people that, you know, share cigarettes with me, I gotta kiss their ass and if they wanna walk over to 7- Eleven and, you know, give me a couple cigarettes well, hey, I gotta go along. ⁽³⁾

[Dent] Yeah.

[Fox] So, I've not been the most productive, but, uh, there's a lot more content, ⁽⁴⁾ um, and it's going to go up and locking me up in jail is not gonna stop anything. It's not gonna change anything I mean, all they're doing is they're, by doing all of this...

[Dent] Yeah.

[Fox] ...they're showing more and more of a consistent pattern.

[Dent] Yeah. What's that pattern?

[Fox] Um, that they're doing nothing about protecting Capuano... ⁽⁵⁾

[Dent] Yeah.

[Fox] ...yet they're prosecuting me for the website for breaching probation conditions, which means that... ⁽⁵⁾

[Dent] Yeah.

[Fox] ...they're more concerned with enforcing their stupid ridiculous orders... ⁽⁵⁾

[Dent] Yeah.

[Fox] ...than they are with protecting supposed victims that they sent me to prison for three years for, so they... ⁽⁵⁾

[Dent] Yeah.

[Fox] ...can't now say oh, no, no, we don't believe her because then they would be admitting that they sent me to prison incorrectly. ⁽⁵⁾ Um, shit, what was I saying? I forgot. Sorry (unintelligible).

[Dent] Oh, you were confessing to absolutely everything about (unintelligible) the website and... ⁽⁶⁾

[Fox] Oh, I thought so, I thought so. Okay. Let me tell you where I put the bodies of the children. ⁽⁶⁾

[Dent] Oh, yeah, obviously. It's always about kids. Um, no, honestly, what you were, my, my last question to you was, uh, is there anything else that I need to know about the website.

[Fox] Oh, yes, yes, okay...

[Dent] Yeah.

[Fox] ...and I was saying that, yes, there's still a lot more content, um...

[Dent] Yeah.

[Fox] ...that is going to be published.

[Dent] Yeah.

[Fox] Um, uh, yeah, and, you see...

[Dent] Yeah.

[Fox] ...well, sorry, I have to think of a way that I could word things that can't be interpreted as saying that I personally did any of this stuff. ⁽⁷⁾

[Dent] Mm-hmm.

[Fox] I mean, everybody, of course, is going to believe I did this stuff. Um, but, still...

[Dent] We've been pretty honest with each other...

[Fox] ...mm-hmm.

[Dent] ...and let's, again, call a spade a spade.

[Fox] It's got nothing to do with you.

[Dent] We can go around...

[Fox] It's got to do with the recordings and the going to jail...

[Dent] ...no, we can go around...

[Fox] ...or in, in court.

[Dent] ...we, yeah, we can, we can go around the bush as much as we want, but let, let's, again, be honest with each other here.

[Fox] Mm-hmm.

[Dent] We know you're the one posting these things because you're signing your name at the bottom of them. ⁽⁸⁾

[Fox] Mm. Wait, so, are you saying that if I put that post on there...

[Dent] Yeah.

[Fox] ...and I had signed someone else's name...

[Dent] Yeah

[Fox] ...that would mean someone else did it?

[Dent] Obviously. ⁽⁹⁾

[Fox] Oh, thought so. Um...

- **TR p1915-19 / 0:27:08 - 0:27:46**

[Dent] Getting a politician to ever admit wrong

[Fox] Oh, no, no. The politician won't be admitting wrong. He'll be admitting that people below him, people so far below him that...

[Dent] Yeah.

[Fox] ...he couldn't possibly have known anything about it.

[Dent] Naturally.

[Fox] Mm. That they were wrong. Um, whether they admit it or not.
 [Dent] Yeah.
 [Fox] The proof is there. More proof is coming. I mean...
 [Dent] Yeah.
 [Fox] ...there's still a lot more stuff that needs to be put on the website.
 [Dent] Yeah. Like what?
 [Fox] Mm, can't answer that. Not n-, sorry. I can answer that.
 [Dent] Yeah.
 [Fox] I'm no going to answer that.

- **TR p4515-6 / (video 2) 0:01:57 - 0:02:04**

[Fox] Anyway. Um, so, yes, uh, what you should be aware of is that there's a lot more content.

-
1. During this I am making exaggerated, mocking gestures of deep contemplation, which shows even at this point, toward the end of the interview I still do not take it seriously.
 2. I am making animated gestures and my tone is sarcastic and satirical.
 3. While saying this I am being animated in my gestures and I am very obviously sarcastic and mocking.
 4. My tone and demeanor make it plainly obvious I am mocking Dent. Did he think that if he asks me such an open ended question I'm going to ramble off a bunch of self-incriminations?
 5. Here, I am mocking the Crown/BCPS for repeatedly pointing themselves into a corner in their prosecutions of me, and for being too arrogant and self-righteous to admit their misconduct, even though with each subsequent prosecution they're just digging themselves into a deeper pit.
 6. Obviously, both Dent and I are joking here.
 7. This shows that I was being very deliberate in how I was phrasing my responses so the police and the Crown could not misrepresent them or use them out of context.
 8. Dent openly laughs as he says this, but his manner seems smug and condescending. I suspect he actually does believe I wrote the article then signed my name to it, inadvertently confessing to it.
 9. Dent laughs as he says this. Though why he laughed is unclear to me.
 10. No indication is provided, in the discussion starting at TR p41124/0:58:04, regarding the nature of the additional information to be published. However, in the earlier discussion, starting at TR p1915/0:27:08, it is suggested the new material is related to the corruption in the local justice system.
 I did not state anywhere that I am the one posting or publishing any of the material onto the website. I only allude to having some involvement in the overall process. And since the material in question does not pertain to Capuano then that doesn't violate any of the probation orders.

- **TR p15122-25**

[Crown] And then the next line after that, if you could share that with the court, please?

[Dent] Locking him up in jail isn't going to stop or change anything.

Interview

- **TR p4215-10 / 0:58:39 - 0:59:01**

[Fox] So, I've not been the most productive, but, uh, there's a lot more content, um, and it's going to go up and locking me up in jail is not gonna stop anything. It's not gonna change anything. I mean, all they're doing is they're, by doing all of this...

[Dent] Yeah.

It is entirely reasonable that since I no longer own the website and no longer have any control over the website then locking ME up over the website isn't going to have ANY effect on the website. If the Crown and/or the court want something done in relation to the website they should be dealing with whoever is running the website.

- **TR p17143 - p1812**

[Dent] In our conversation you would make statements to the effect of I have more information to put on and then stop yourself and correct yourself saying something to the effect of and by I, referring to yourself -- I mean somebody.

Interview

- **TR p4127 - p515 / 0:10:56 - 0:11:23**

[Fox] The page is incomplete at this point, but you'll see at the top in... highlighted in yellow, it says that ⁽¹⁾ "I posted it incomplete because"... 'I' not being me, 'I' being the person who posted it...Again, I'm neither admitting nor denying tha I posted it.

- **TR p713-6 / 0:13:10 - 0:13:20**

[Dent] ...Um, but is there a reason why you ⁽²⁾ haven't taken it down?

[Fox] Yes. Well, wait, wait, no, no. I can't say that there's a reason I haven't taken it down. I can say that there is a reason it *hasn't* been taken down.

- **TR p18118-26 / 0:26:00 - 0:26:45**

[Dent] Uh, what would it take for the website to be taken down? I'm just curious.

[Fox] For the BC government, maybe, uh, David Eby himself, um to admit to all the corruption and the collusion t-, basically to admit that everything that I'm claiming in my affidavit on the website is true and to overturn my conviction for criminal harassment, and then obviously any other convictions that stem from that would have to be overturned. And for my ex-wife to get throat cancer and die a slow miserable death. The last part is negotiable. But the other stuff, um, I'm not willing to take down any of, or nobody is going to take down any of the proof ⁽³⁾ of any of the corruption that has occurred in my cases or any of the many other...

- **TR p20118-22 / 0:28:57 - 0:29:18**

[Dent] ...Okay. Um, I guess, I'm sure you've seen this very, uh, in-depth, this is your ⁽⁴⁾ letter to David Eby.

[Fox] Yeah. Wonderful. Wait, wait, wait, wait. Um, I'm neither admitting nor denying that I actually posted that on there.

[Dent] Okay.

- **TR p21117 - p2218 / 0:30:18 - 0:30:49**

[Dent] ...you know, I am gonna actually say that...

[Fox] It's okay.

[Dent] ...no, I'm pretty sure you, you posted this 'cause you signed it. Sincerely, Patrick Fox. ⁽⁵⁾

[Fox] Well, let me ask you this question.

[Dent] Yeah.

[Fox] Let's say, for example, hypothetically...

[Dent] Yeah.
[Fox] ...let's say if, um, Desiree was maintaining this website.
[Dent] Okay.
[Fox] Just for the purposes of making my life difficult because of course everybody's going to assume it's me.
[Dent] Yeah.
[Fox] Then she's not gonna sign it Desiree Capuano.
[Dent] No.
[Fox] She's gonna sign it, Patrick Fox.
[Dent] Yeah.
[Fox] Um, or let's say I had written that out on paper.
[Dent] Yeah.
[Fox] And then give it t-, to somebody else.
[Dent] Okay.
[Fox] And then they posted it...
[Dent] Yeah.
[Fox] ...on there.

- **TR p31|21-24 / 0:45:55 - 0:46:05**

[Dent] ...So, like I said, I'm, I'm not gonna lie to you. You're arrested today because the website's still up 'cause **you**⁽⁶⁾ haven't taken it down right?
[Fox] Mm-hmm.
[Dent] Um...

- **TR p35|25 - p36|1 / 0:50:20 - 0:50:41**

[Dent] Yeah. And **you**⁽⁷⁾, and **you've**⁽⁷⁾ grabbed the transcripts from the court and **you've**⁽⁷⁾ posted it there so that everybody can see that she's defrauding the system.
[Fox] I neither admit nor deny how I obtained the transcripts or if I was the one that put the transcripts on there.
[Dent] Yeah.
[Fox] Um, but...
[Dent] But...
[Fox] ...I will say that the transcripts are on the website.
[Dent] ...yeah.

- **TR p43|23-31 / (video 2) 0:00:32 - 0:00:46**⁽¹⁰⁾

[Dent] We know you're the one posting these things **because you're signing your name at the bottom of them.**⁽⁸⁾
[Fox] Mm. Wait, so, are yo saying that if I put that post on there...
[Dent] Yeah.
[Fox] ...and I had signed someone else's name...
[Dent] Yeah
[Fox] ...that would mean someone else did it?
[Dent] **Obviously.**⁽⁹⁾

[Fox] Oh, thought so. Um...

- **TR p4411 - p4512 / (video 2) 0:00:48 - 0:01:57**

[Dent] But come on, like I d-, uh, uh, on one hand, I understand why you're saying I'm not confirming nor denying, but I think we can be pretty honest...

[Fox] ...for court purposes.

[Dent] ...for, for court purposes, but I think we can be pretty honest with each other about that. You're posting these things right? ⁽¹¹⁾ The, the breach isn't the posting, right? Or at least not right now, the breach isn't you posting things on the website. The breach is the website still being there, that we have arrested you for today.

[Fox] Yes, but um...

[Dent] Yeah.

[Fox] ...there's the other probation order...

[Dent] Yeah.

[Fox] ...the three-year one that doesn't expire until December 2021.

[Dent] Yeah.

[Fox] That one prohibits me from publishing, disseminating, et cetera, et cetera.

[Dent] Yeah.

[Fox] Any information about, uh, Capuano or any of her friends or family, et cetera

[Dent] Yeah.

[Fox] So, if I were to...

[Dent] But you're ⁽¹²⁾ posting things now about the court system.

[Fox] ...um, but she may or may not be mentioned in any given post. I mean, I can't, is her name mentioned in that post? I don't know.

[Dent] I think, no, I think you ⁽¹³⁾ were more just a g-, well, maybe about the original file.

[Fox] If it wasn't, mm...

[Dent] But you...

[Fox] ...yeah.

[Dent] ...no, this is just a vent ab-, to David Eby about the fact that the government and the court system and that, the IRCC (unintelligible). ⁽¹⁴⁾

[Fox] Their refusal to prosecute me...

[Dent] Yeah.

[Fox] ...is essentially...

[Dent] Yeah.

[Fox] ...an admission that what I'm saying is true.

[Dent] Yeah

[Fox] I mean, that's the point.

[Dent] Yeah.

-
1. In the discussion of the page being incomplete, I was reciting what the message said at the top of the page. The message was written in the first-person, which is

why I said "I posted it...". I then clarified that "I" was referring to the person who wrote the message, not me. I did not inadvertently refer to myself then try to backtrack and change it as Dent claimed.

2. Here, Dent is trying to imply ownership or control over the website by me. I was about to respond why I believe the website has not been taken down by the parties that are running it, then realized I should first address Dent's false implication.
3. This entire statement was made within the context of the hypothetical scenario posed by Dent at TR p1814-17, therefore, the entire statement is also hypothetical, assuming, strictly for the sake of argument, I had ownership and control of the website.

I am very animated with my expression and gestures when I correct myself and say "...or nobody is going to..." showing how annoyed and frustrated I am that I have to be so careful about each individual word I use, due to my past experience with the police and the prosecutors looking for every opportunity to distort and misrepresent what I say.

4. This is Dent, again, trying to impose ownership upon me through implication. And again, I began to respond until I realize what he had done and I had stop and first address his false premise.
5. Dent laughs as he says this. I suspect that Dent actually believes I wrote and posted the "Dear David Eby" article and that out of sheer stupidity I signed my own name to it. However, Dent had already acknowledged the article was written and posted on 2020-08-19, while I was in the courtroom and holding cells and had no access to a phone, the internet, or anyone other than the Crown Counsel Chris Johnson, the Sheriffs, and the staff at NFPC.
6. Here Dent is again trying to imply I have ownership or control over the website. And, as a point of fact, the probation order did not require ME to take down the website. It only required me to take the necessary actions which would result in the website being taken down - whether by me or by anyone else in the world.
7. Again, it is Dent who is claiming an association between me and the website. It is not me claiming an association then catching myself and backtracking.
8. Dent laughs as he says this. See also, note 5, above.
9. Dent laughs as he says this.
10. My tone and manner throughout this exchange is extremely sarcastic and condescending.
11. Again, Dent is declaring that I am the person posting the content to the website - not me.
12. Again, Dent tries to force an association between me and the website.
13. And again Dent is implying an association between me and the website.
14. I display an exaggerated appearance of shock about what Dent is saying. It should be apparent from the preceding notes that contrary to Dent's testimony, the common, recurring theme throughout the interview was not me inadvertently admitting to some involvement in the website then catching myself and trying to backtrack. It was Dent repeatedly trying to trick me into admitting some type of involvement by repeatedly implying or even outright stating such.

- **TR p2014-32**

[Fox] The -- well, okay. Did I at any point state to you that I did not take down the website between August 20 -- 20th and 22nd?

...[p2017-8]

[Fox] Oh. Did I state to the detective in our interaction -- in our interview that I did not take down the website between August 20th and 22nd, during the period that's relevant to the probation order, the forty-eight hours after my release?

[Dent] Your Honour, the only notation I have in relation -- remotely to that question is I have noted down here, again, on the second page down about threequarters of the way down. If you had taken down the website within forty-eight hours and then put it back up you would have complied.

[Fox] Sorry, you're saying that's a statement that I had made? ⁽¹⁾

[Dent] Yes.

[Fox] If I had taken it down and put it right back up I would have complied? ⁽¹⁾

[Dent] Yes. That's the statement that you made during the interview, yes.

[Fox] Okay. But that's not really stating that I didn't take it down?

[Dent] Again, I don't have that information.

Interview

- **TR p20125 - p2114 / 0:29:20 - 0:29:43**

[Fox] Um, the probation cond-, well, the probation condition that you're arresting me on doesn't actually prohibit me from putting any further content on the website.

[Dent] Correct.

[Fox] The only condition was that I take it down.

[Dent] Yes.

[Fox] If I take it down and then somebody else puts it right back up, or even I put it right back up...

[Dent] Yeah.

[Fox] ...24 hours later...

[Dent] Mm hmm.

[Fox] ...I've still complied with that condition. So, these...

[Dent] Hey, I'm not gonna argue.

- **TR p31129 - p3216 / 0:46:12 - 0:46:26**

[Fox] However, like I said...

[Dent] Yeah.

[Fox] ...um, if I had taken it down within 48 hours...

[Dent] Yeah.

[Fox] ...and then put it right back up, I would've complied with the condition.

[Dent] Yeah

[Fox] Because there was no condition that...

[Dent] Yeah.

[Fox] ...prohibited me from putting it right back up. It just said you must take it down within 48 hours.

-
1. It is clear from my reaction in the trial transcript that I had no recollection of making that statement in the interview.

Exhibit D – Transcript excerpts from Det.
Dent's interview of Patrick Fox

Dent Interview Segments/Excerpts

Re: Dear David Eby Article

- **TR p2418-21 / 0:32:55 - 0:33:29**

- [Dent] Meh (phonetic) I'm, the only, like I read this. Obviously I printed it out. I read it.
- [Fox] Yeah. Notice the date on it?
- [Dent] Of course I noticed the date on it. ⁽¹⁾ August 19th, 2020, 1:53 pm.
- [Fox] And when did the probation, the current probation order that you're (unintelligible).
- [Dent] You have 48 hours to take down the website. This is before that 48 hours. I'm well aware. ⁽²⁾
- [Fox] That is before the probation began.
- [Dent] Yeah.
- [Fox] Therefore, it's, uh, it's, that post has nothing to do with the probation.
- [Dent] I know. ⁽³⁾
- [Fox] Okay.
- [Dent] Uh, sorry, I said from the get go, like you posting this isn't what you've been arrested for.
- [Fox] Okay, all right, yeah, yeah.

- **TR p27117-32 / 0:36:50 - 0:37:19**

- [Fox] So, anyway that blog post or that...
- [Dent] Mm-hmm.
- [Fox] ...that, is that a, yeah, that's a blog post. Yeah.
- [Dent] Yeah, yeah. Do you wanna see it?
- [Fox] So, no, no, I'm, I'm familiar with that. I've seen it. ⁽⁴⁾
- [Dent] Y-, you've seen it. ⁽⁵⁾
- [Fox] Um, so that blog post is there.
- [Dent] Yeah.
- [Fox] And, uh, it's got nothing to do with this current charge, so...
- [Dent] Yeah, no, you're right. I, I, I've said that from the get go.
- [Fox] Yeah, yeah.
- [Dent] Um, but like I said, when, when you're given conditions...
- [Fox] Mm-Hmm.
- [Dent] ...to do something and you basically tell the judge you're not going to do something.
- [Fox] Mm-hmm.

1. Dent sounds very sarcastic or condescending when he says this. Possibly laughing.

2. Again, Dent sounds exasperated when he says this. Possibly laughing.
3. Dent sounds exasperated and frustrated, though he also sounds like he is laughing.
4. I chuckle after I say this.
5. Dent laughs openly when he says this.

Dent Interview Segments/Excerpts

Re: Irrelevance of the Interview

- **TR p22l31 - p23l22 / 0:31:31 - 0:32:22**

[Fox] ...So...I'm not going to admit or deny anything that could be used in any other cases, either.

...

Anyway, it's not gonna matter because my experience has been, um, I'm gonna be found guilty of everything anyway. You take, for example, the thing that I just had the trial for on August 19th.

...

Uh, the probation, violating the probation condition of putting the website back online.

...

Um, the Crown and Det. Fontana both admitted...at the trial they have no knowledge of when the website was put back online...So, I asked them well, did it happen before or after probation began? And they said, we don't know...So, my submission was, well, it happened before I was released from Fraser. Before the probation began. They conduct occurred outside the period of probation. It can't possibly be a probation violation...Yeah, and I was found guilty.

Dent Interview Segments/Excerpts

- **TR p15122-27 / 0:22:52 - 0:23:03**

[Fox] All right. So, we've built a rapport.

[Dent] Yes, uh, honestly, no, like...

[Fox] So, now I put my gun down and now I'll tell you everything that you wanna know.

[Dent] ...No (unintelligible).

[Fox] I'm being sarcastic.

[Dent] Obviously. You're, you and I have very similar sarcasm ⁽¹⁾ there, uh, ...

-
1. By Dent's own admission, we have very similar sarcasm, which means he should have easily known when I was being sarcastic. And that being the case, that means that when he testified about my statements, at the trial, and he presented them as being serious and sincere, he was deliberately misleading the court.

Dent Interview Segments/Excerpts

- **TR p30118-19 / 0:41:34 - 0:41:51**

[While I was left alone in the interview room, I lean in to the digital recorder Dent left on the table and whisper]

[Fox] Bad stuff, bad stuff, bad stuff. I'm saying incriminating stuff. Ohhh, I'm saying stuff that you can use against me right now ⁽¹⁾ (chuckles). ⁽²⁾

- **TR p3112-13 / 0:45:10 - 0:45:26**

[Fox] While you were out, I said a bunch of bad things and incriminating things into the, uh, microphone.

[Dent] Oh, did you?

[Fox] Yes, yes.

[Dent] I'm sure-

[Fox] Fabulous. ⁽³⁾

[Dent] Yeah. So, I can wrap this up...

[Fox] You'll see (unintelligible).

[Dent] ...we're done. ⁽⁴⁾

[Fox] Oh, you'll see when you play it back. ⁽⁴⁾

[Dent] Uh, am I gonna laugh later?

[Fox] Probably.

-
1. I am very obviously being extremely sarcastic here. This, possibly more than anything else in the interview, proves that I have not taken ANY of it seriously, at all, and that I am completely indifferent to the charge and to going back to jail.
 2. After I say this, I sit back up, chuckle, and shake my head condescendingly.
 3. I nod and give a thumbs up sign.
 4. Both Dent and I laugh openly.

Dent Interview Segments/Excerpts

- TR p4112-7 / 0:57:03 - 0:57:15

[Dent] Okay. Um, and if you had money, would you hire a private detective?

[Fox] I'd buy crack and sit in the back alley and do that. ⁽¹⁾

[Dent] No, you're not a drug addict at all.

[Fox] I know. I'm (unintelligible).

[Dent] Again, I spent years around drug addicts. You are not that at all.

[Fox] We have to keep this light, you know. ⁽²⁾

-
1. While I say this I lean forward and mime the gestures of a crack addict eagerly smoking a crack pipe. I smile sarcastically.
 2. I make a rolling gesture with my hands. I smile. Dent laughs openly.
- By this point it is now almost at the end of the interview and I am still making jokes, being sarcastic, and not taking any of it seriously.

Dent Interview Segments/Excerpts

- **TR p29113 - p3011 / 0:39:22 - 0:40:19**

[Fox] ...It's really they [the BCPS] want me to take the website down because it makes them look bad.

[Dent] Yeah.

[Fox] And they can kiss my motherfucking ass and this is gonna be played in court in a few months when the trial goes on, and the judge can watch when I'm saying this, I just don't give a flying fuck. They can lock me up for the rest of my life. I don't care. My life is over. It's ruined. I haven't had contact with my son since 2016. I'm exiled from the only place I wanna live. um, I'm stuck in this god forsaken shit hole of a country, no offense but... ⁽¹⁾

[Dent] None taken.

[Fox] ...run by feminists and angry militants and such. So, I don't care. I don't give a flying fuck. ⁽¹⁾

[Dent] Yeah. You're never gonna take down the website.

[Fox] No, and I'm saying all this for the benefit of the judge who's gonna be watching this in a few months when it goes to trial.

[Dent] Okay.

[Fox] And I'm saying it to the-, for the benefit of the Crown, wo they call go, "oh, this is horrible. Oh, look at this man. He has no respect for the system. He's just got contempt for the system." ⁽³⁾ Fuck off. ⁽⁴⁾ I'm looking at the camera when I say that. Not you. ⁽²⁾

[Dent] I know.

-
1. (entire paragraph) My tone and manner is very sarcastic and, at times, very animated while I'm saying this. My gestures show I am being sarcastic and that I am not at all angry.
 2. (entire paragraph) I am extremely sarcastic and animated while saying this. But there is no anger or hostility in my tone or manner.
 3. I say this in a mocking, satirical impersonation of stuffy, self-righteous, smug prosecutors.
 4. As I say this I make an exaggerated, unrealistic masturbating gesture.

Dent Interview Segments/Excerpts

- **TR p36113-22 / 0:51:09 - 0:51:32**

[Dent] Do you think she's smart enough to run this website?

[Fox] ...oh, she's a twit. She's one of those people that just watches CNN all day and repeats what she hears other sm-, smart sounding people say ⁽¹⁾ and she goes "look, I'm smart, I can repeat stuff." ⁽²⁾ Uh, she's an idiot. ⁽³⁾

[Dent] So, she likes, she's, she...

[Fox] I thought she was smart at first, but...

[Dent] ...one of those posters that, you know, gets a quote from one source that says they researched it.

[Fox] ...yeah, yeah, yeah, yeah.

[Dent] Oh, I hate those (unintelligible).

-
1. I make a mocking, rolling gesture with my hands.
 2. I do a mocking impersonation of Capuano, throwing my hands up satirically.
 3. I give an exaggerated, dismissive wave of my hand.

Dent Interview Segments/Excerpts

- **TR p40113-22 / 0:56:11 - 0:56:40**

[Fox] No, I don't qualify for social assistance. While I was out previously, the probation officer told me to apply for social assistance. I said I'm not, I'm not eligible. He said, well, apply anyway because him and the prosecutor have their heads so far up their asses ⁽¹⁾ that they look in the computer and it says that I'm a Canadian citizen, so they go, "well, it says here that he's a Canadian citizen." ⁽²⁾

[Dent] Yeah.

[Fox] "I mean the fact that he's got a US birth certificate and the fact that IRCC documents say he was born in the US, that's irrelevant. Out computer says he's a Canadian citizen." ⁽²⁾

[Dent] Yeah.

-
1. I make a mocking gesture of cramming their heads up their asses.
 2. I make very animated gestures and expressions of shock and confusion while imitating the probation officers and prosecutors.

Dent Interview Segments/Excerpts

- **TR p47127 - p4811 / (video 2) 0:06:24 - 0:06:42**

[Dent] Um, so, the audio video in here are gonna be shut off, but so that there aren't gonna be any claims of inducement or anything along those lines, I'm gonna be leaving that on. ⁽¹⁾

[Fox] Oh. ⁽²⁾

[Dent] Uh...

[Fox] I was gonna say, is this where you guys come in and beat the crap outta me?

[Dent] ...No. No, no, no. We, we've evolved since, you know, the...

- **TR p6112-14 / 0:12:22 - 0:12:33**

[Fox] You find all the, um, murder videos and the child porn and all that? ⁽³⁾

[Dent] Uh, I didn't have a lot of time to go through everything.

[Fox] I'm kidding. ⁽³⁾

- **TR p317-10 / 0:08:57 - 0:09:02**

[Dent] ...Uh, so, I guess you know why we're here.

[Fox] No, no idea.

[Dent] No.

[Fox] I'm being sarcastic.

1. I make an exaggerated and satirical gesture and expression of shock.

2. Dent laughs.

3. My gestures and expressions are very animated.