

244069-7-B
Vancouver Registry

In the Provincial Court of British Columbia
(BEFORE THE HONOURABLE JUDGE DHILLON)

Vancouver, B.C.
October 5, 2020

REGINA

v.

PATRICK HENRY FOX

PROCEEDINGS
(Adjournment)

Crown Counsel:

C.S. Johnson, Q.C.

Appearing on his own behalf
appearing by videoconference:

P. Fox

Proceedings

1 Vancouver, B.C.
2 October 5, 2020
3
4 (VIDEOCONFERENCE COMMENCES)
5 (ACCUSED IN REMOTE LOCATION)
6
7 CNSL C. JOHNSON: Chris Johnson, Your Honour, appearing
8 for the Provincial Crown on one file. It's I
9 believe number nine, Patrick Fox, and he's
10 appearing by video.
11 THE COURT: Yes, thank you.
12 THE CLERK: And, Your Honour, I don't have
13 [indiscernible/not near microphone].
14 CNSL C. JOHNSON: So, the matter was adjourned to
15 today's date to determine whether Mr. Fox is ready
16 to fix a date for a bail hearing --
17 THE COURT: All right.
18 CNSL C. JOHNSON: -- because we anticipate it'll take
19 more than 20 minutes.
20 THE COURT: Is Mr. Fox available?
21 THE CLERK: Yes.
22 THE COURT: And what about the file? Madam Clerk says
23 she needs the file to --
24 CNSL C. JOHNSON: I think -- I did canvass with Madam
25 Clerk. If it's being put to another date, then
26 she can catch up.
27 THE COURT: All right. Sir, what is your name?
28 THE ACCUSED: Patrick Fox.
29 THE COURT: Mr. Fox, I'm going to allow counsel to
30 introduce themselves for the record.
31 CNSL C. JOHNSON: Chris Johnson, Your Honour,
32 J-o-h-n-s-o-n. I'm appearing on behalf of the
33 Provincial Crown on this matter.
34 So, Mr. Fox, you'll recall on the last
35 occasion it was adjourned to today so that you
36 could advise whether you're ready to fix a date
37 for a bail hearing.
38 THE ACCUSED: Um -- fix the date for a bail hearing?
39 Interesting. Well, I had received some of the
40 material I was waiting for last week, but the
41 jail, as you can see, they rejected it, so I had
42 to have them sent again and it hasn't arrived yet.
43 With respect to setting a date for a bail
44 hearing, I'm hoping to -- well, I don't want to
45 waste the court's time in doing it too soon, but
46 at the same time I don't want it to drag on for
47 too long. I don't know -- say a week, two weeks,

Proceedings

1 but I think I'd prefer to appear in person if I'm
2 going to be making submissions.

3 CNSL C. JOHNSON: Are you wanting to actually fix a
4 date in a -- when you say a week or two weeks, do
5 you want us -- do you want me to arrange an actual
6 date? Because my estimate is your bail hearing
7 will take about half an hour to 45 minutes.

8 THE COURT: Yes.

9 CNSL C. JOHNSON: But I don't -- sorry, Mr. Fox, the
10 materials that you're waiting for, are they in --
11 with respect to a bail hearing or something else?

12 THE ACCUSED: They're respect to the bail hearing. I'm
13 assuming you're going to bring up the same
14 ridiculous arguments that you brought up at that
15 first bail hearing on September 17th, like the
16 nonsense about the firearms and all that
17 silliness.

18 THE COURT: All right. Mr. Fox, you know, you have an
19 editorial opinion. Why don't you keep that to
20 yourself?

21 THE ACCUSED: Sure.

22 THE COURT: And just -- I take it that, Mr. Johnson,
23 you're going to rely on the same facts and
24 principles?

25 CNSL C. JOHNSON: Yes. Mr. Fox, when you first
26 appeared before a justice of the peace on Friday,
27 I set out a summary of what I intend to say at a
28 bail hearing and I still intend to do that.

29 THE COURT: All right. So, let's get back to the
30 scheduling issue. Do you wish to come back in a
31 week's time to indicate whether you're ready to
32 fix a date or do you want to have your hearing go
33 a week from -- in about a week? What is it that
34 you're asking for?

35 THE ACCUSED: Well, let's fix the date right now and
36 let's fix it for anywhere from a week to two weeks
37 from now.

38 THE COURT: All right. So, then why don't we put on
39 the court's list for -- within a week to two weeks
40 down the road?

41 What I'm going to say to you, Mr. Fox, I
42 think we're trying to limit transport into
43 courthouses while we're in a pandemic. If this
44 matter is only going to take about an hour, I
45 would highly recommend that you attend by video;
46 otherwise transporting, waiting all day to get
47 into a courtroom, and then doing your submissions

Proceedings

1 could really make it quite unwieldy and probably
2 not the healthiest choice. What's your view on
3 that?

4 THE ACCUSED: It's extremely difficult to make
5 submissions and take notes in these little closets
6 that they provide for videoconference rooms. As
7 for the amount of time it would take to be
8 transported to [indiscernible] holding cells, I'm
9 fine with all of that. I'd rather be able to make
10 better submissions and arguments in person and be
11 able to take notes.

12 CNSL C. JOHNSON: Your Honour, that -- it's come to my
13 attention just this morning, actually, that there
14 are two cases of COVID-19 at North Fraser Pretrial
15 and I think the transportation may be an issue.

16 THE COURT: All right. So, what I would recommend is
17 this, is I am going to put you down for video.
18 I'll ask that you be given the facility to have
19 paper and pen. I can hear you perfectly clearly.
20 You're very lucid and as long as -- and as long as
21 we follow the protocols -- look, I mean, I've got
22 a mask on. If you're in a courtroom, you're going
23 to be masked and, you know, it's just -- I'm going
24 to direct for now, unless something occurs where
25 the judge can't follow you or understand you that
26 you appear by video on a date that we're going to
27 put forward in the future.

28 Mr. Johnson, what's your calendar like within
29 the next two weeks?

30 CNSL C. JOHNSON: I'm just looking at next week, Your
31 Honour. I'm available on Friday, October the
32 16th, or I'm also available the following Monday,
33 October 19th, if either of those would be --

34 THE COURT: Mondays are typically very busy for bail
35 and --

36 CNSL C. JOHNSON: Yes.

37 THE COURT: -- contested bail. So --

38 CNSL C. JOHNSON: I'm also available Tuesday, then,
39 October 20th, Your Honour.

40 THE COURT: All right. Why don't we fix the date
41 October 20th?

42 THE ACCUSED: Okay, but I would like to point out the
43 dates that he's selecting are not a week to two
44 weeks from now. The dates he's selecting are two
45 weeks from now.

46 THE COURT: That's true. Two weeks down the road
47 because we've got a short week with the holiday

Proceedings

1 Monday next week. So, are you okay with that?
2 THE ACCUSED: I don't really have a choice, do I?
3 THE COURT: Well, it makes it easier for us to make
4 sure that we actually have a day where we can
5 schedule your matter and have you appear. Mind
6 you, it should be by video. Is there anything we
7 can do to facilitate that you have writing
8 materials, etc., available to you?
9 THE ACCUSED: Well, it's not so much the writing
10 materials. It's just it's very difficult to take
11 notes on my lap. So, I need a chair --
12 THE COURT: I understand that.
13 THE ACCUSED: There's no table or a desk or --
14 THE COURT: Right. I'm going to ask, please, that -- I
15 don't know whether you're able to talk to
16 Corrections that he be provided an opportunity to
17 be able to write in front of the video camera. I
18 can see how difficult that would be to sit there
19 and to have to write on your lap, or given a
20 writing table of some kind.
21 CNSL C. JOHNSON: Yes.
22 THE COURT: I don't know if I could pass that on to
23 assist you. I'm hoping that's the case.
24 THE ACCUSED: Sure.
25 THE COURT: I'll ask the sheriffs also to communicate
26 that so that you actually have the ability to look
27 at the monitor, to hear from counsel and hear
28 directions from the judge and to take notes. It's
29 very important that we facilitate that for you,
30 but for now you're going to come back. You'll be
31 initially appearing in Courtroom 101 in the
32 morning at 9:30 with the plan that it be moved out
33 to a dedicated room for purposes of a contested
34 bail hearing on October 20th. Thank you.
35 CNSL C. JOHNSON: Thank you, Your Honour.
36 THE ACCUSED: There is one other issue that I want to
37 bring up that's becoming a little bit messy at
38 this point. I've still not arraigned or even
39 informed of what the charges are against me. I've
40 been in custody for almost three weeks now and
41 none of this has been provided to me. Can we do
42 something about that, can we set a date at least
43 so that can be arranged so we can move forward
44 with this?
45 THE COURT: Yes, I think you should ask for that to be
46 considered at the conclusion of your bail hearing.
47 THE ACCUSED: Right.

Proceedings

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2 THE COURT: And arraignment would be required you to be
3 ready to plead and to determine your mode of trial
4 if that's an issue, as well as whether you'll be
5 representing yourself or whether you'll have a
6 lawyer represent you. What's your plan?
7 THE ACCUSED: Yes. I'm ready for all that.
8 THE COURT: Okay.
9 THE ACCUSED: I'm going to plead not guilty and I'm
10 going to have a trial and I'm going to represent
11 myself.
12 THE COURT: Oh, well, let's put that on the list to be
13 done on the 20th.
14 CNSL C. JOHNSON: At the same time?
15 THE COURT: Yes, everything to be done because he
16 clearly is ready to proceed in that way and you've
17 got a heads up now. So, you can think about the
18 witnesses in the Crown case and all of that sort
19 of stuff.
20 CNSL C. JOHNSON: Thank you.
21 THE COURT: All right, then. Thank you very much, sir.
22 THE ACCUSED: One more thing?
23 THE COURT: Yes.
24 THE ACCUSED: Just [indiscernible] provide me some
25 disclosure material because you guys don't even
26 have any evidence that I even still own the
27 website.
28 CNSL C. JOHNSON: I will provide you with some
29 disclosure material, yes.
30 THE ACCUSED: Thank you.
31 THE COURT: Thank you. October 20th, 9:30, 101. Thank
32 you, Mr. Johnson.
33 CNSL C. JOHNSON: Thank you, Your Honour.
34
35 (PROCEEDINGS ADJOURNED TO OCTOBER 20, 2020,
36 AT 9:30 A.M.)
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38 Transcriber: S. Houde
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of the evidence recorded on a sound
recording apparatus, transcribed to
the best of my skill and ability.



S. Houde
Court Transcriber