

244069-7-B
Vancouver Registry

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

Vancouver, B.C.
October 20, 2020

REGINA

v.

PATRICK HENRY FOX

PROCEEDINGS
(Plea, Election)

Crown Counsel:

C.S. Johnson, Q.C.

Appearing on his own behalf
appearing by videoconference:

P. Fox

Proceedings

1 Vancouver, B.C.
2 October 20, 2020
3
4 (VIDEOCONFERENCE COMMENCES)
5 (ACCUSED IN REMOTE LOCATION)
6
7 CNSL C. JOHNSON: Calling number six, then, Your
8 Honour, Patrick Fox.
9 THE COURT: And you are Patrick Fox?
10 THE ACCUSED: Yes, I am. Thank you.
11 CNSL C. JOHNSON: Chris Johnson, Your Honour, appearing
12 on this matter. Mr. Fox has been adjourned on a
13 few occasions that he can determine when it is
14 that he wants to seek his release.
15 So, Mr. Fox, do you have any further
16 information about that?
17 THE ACCUSED: Mr. Johnson, have you received the
18 messages I've been leaving with your firm?
19 CNSL C. JOHNSON: No, I have not received a message
20 from you.
21 THE ACCUSED: On October 5th I left a message with
22 whoever answers the phone, the receptionist or the
23 secretary, informing you that I wanted to cancel
24 the bail proceedings until after I'm arraigned.
25 The next day I called to make sure that you had
26 received the message because I [indiscernible/
27 videoconference] leave you a voicemail about it.
28 She said, "Oh, the voicemail's not set up".
29 So, I asked her if she can confirm that you
30 received the message. She said, "Yes, he
31 definitely received the message and he said that
32 he would see what he could do about rescheduling
33 these". So, then I called again last week to
34 confirm what the status was because there's been
35 no change, and she confirmed again that you had
36 received the messages.
37 CNSL C. JOHNSON: Right. Thanks for your reminder. I
38 actually do now recall that I received a message
39 indicating that you wanted to have your
40 arraignment before your bail hearing.
41 THE ACCUSED: Yes.
42 CNSL C. JOHNSON: So, I apologize if anybody
43 misunderstood what I was saying.
44 THE COURT: And is Crown ready to arraign?
45 CNSL C. JOHNSON: Yes.
46 THE COURT: All right. Mr. Fox, are you ready to
47 arraign the matter?

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1 THE ACCUSED: Yes.
2 THE COURT: All right. Is that something we can do
3 right now or should we put it over?
4 CNSL C. JOHNSON: I'm not sure whether this is a
5 mandatory pretrial conference or -- I think it is
6 and that's a bit complicated because Mr. Fox
7 appears on his own, but I think that is a
8 mandatory requirement.
9 THE COURT: Yes. So, the first step, then, is to set
10 up a pretrial conference obviously with Mr. Fox
11 appearing by video. It will have to be done in a
12 courtroom. So, I don't know, Mr. Johnson, if you
13 want to confer with the case managers and find a
14 date and then we can get Mr. Fox back and put the
15 date of the pretrial on the record.
16 CNSL C. JOHNSON: I can do that.
17 Mr. Fox, I can do that this morning or you
18 could adjourn for a day or two and I could get
19 that information between now and then.
20 THE ACCUSED: Let me make sure I'm clear on this. So,
21 are we now saying that you want to have a pretrial
22 conference before the arraignment?
23 CNSL C. JOHNSON: Okay. So, just if I might. Because
24 of the current pandemic, the court has directed
25 that all matters of this nature have what's called
26 a pretrial conference before you're able to fix a
27 date. And so, you and I are required to attend at
28 a pretrial conference so the judge can ensure the
29 timing of it and whether the matter could be dealt
30 with in some other way, that type of thing. So,
31 that's the first step which we should be able to
32 do relatively quickly.
33 THE COURT: Yes.
34 THE ACCUSED: Fascinating.
35 THE COURT: So, did you wish to see if Mr. Johnson
36 could set that date today and come back today to
37 put it on the record, or did you want to come back
38 in a couple of days, Mr. Fox? What would you
39 prefer?
40 THE ACCUSED: I would like to do this as soon as
41 possible so I can get the arraignment done.
42 THE COURT: All right. Are you able to do that today?
43 CNSL C. JOHNSON: I can. I'm just going to see if Mr.
44 Sheriff is able to keep him in the room because I
45 think I could probably --
46 THE COURT: All right.
47 CNSL C. JOHNSON: If we stood down Mr. Fox, are you

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1 able to keep him there for about 10 minutes?
2 THE SHERIFF: Yes.
3 CNSL C. JOHNSON: Yes? Thank you.
4 THE ACCUSED: What -- what -- actually, instead of
5 keeping me here for 10 minutes, could we let me go
6 back to the housing unit and then we can come back
7 maybe later this afternoon or something?
8 CNSL C. JOHNSON: I'm not here this afternoon,
9 unfortunately.
10 THE ACCUSED: Wonderful.
11 THE COURT: All right.
12 THE ACCUSED: It's just that if I'm still here in this
13 room at 11:15, I'm stuck here until 1:30.
14 CNSL C. JOHNSON: I'll be back in under 10 minutes,
15 Mr. Fox.
16 THE COURT: All right. We'll stand the matter down.
17 CNSL C. JOHNSON: Thank you.
18 THE ACCUSED: Thank you.
19
20 (WITNESS STOOD DOWN)
21
22 (VIDEOCONFERENCE CONCLUDES)
23
24 (OTHER MATTERS SPOKEN TO)
25
26 CNSL C. JOHNSON: I could recall Mr. Fox if that's
27 convenient to the court.
28
29 (VIDEOCONFERENCE COMMENCES)
30 (ACCUSED IN REMOTE LOCATION)
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32 CNSL C. JOHNSON: Mr. Fox, can you hear us?
33 THE ACCUSED: Yes.
34 CNSL C. JOHNSON: Your Honour, I did attend at the
35 judicial case managers and they -- Mr. Fox had
36 previously indicated a day and a half would be
37 sufficient, and so we've scheduled the matter for
38 November 26th and 27th. So, that's the full day
39 of the 26th and the afternoon of the 27th.
40 THE ACCUSED: This is for what?
41 CNSL C. JOHNSON: For your trial.
42 THE ACCUSED: Okay.
43 CNSL C. JOHNSON: And, Mr. Fox, you've been mailed the
44 particulars. I don't know whether you've received
45 them yet.
46 THE ACCUSED: I was only mailed a very brief narrative
47 and --

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1 CNSL C. JOHNSON: Yes.
2 THE ACCUSED: -- and a couple of statements related to
3 the arrest. There's no actual evidence or
4 disclosure.
5 CNSL C. JOHNSON: Right. I think what you received was
6 the initial package and there's an electronic
7 package which I'm in the process of arranging to
8 be disclosed to you on a laptop.
9 THE COURT: And so, has somebody dispensed with the
10 requirement for a pretrial conference?
11 CNSL C. JOHNSON: Yes. Apparently the pretrial
12 conference rule does not apply when it's a self-
13 represented person.
14 THE COURT: I see. All right. So, you're going
15 directly to trial, then, Mr. Fox. The first day,
16 November 26th, and continuing for a half day on
17 November 27th.
18 THE ACCUSED: Wonderful. So, can I assume, then,
19 there's not going to be an arraignment and I'm now
20 formally charged and the *Jordan* clock and
21 everything has begun --
22 CNSL C. JOHNSON: The *Jordan* --
23 THE ACCUSED: -- that formality is done?
24 CNSL C. JOHNSON: The *Jordan* clock, I believe,
25 commenced when you first appeared in court.
26 THE ACCUSED: Okay, great.
27 CNSL C. JOHNSON: And you have not yet been arraigned.
28 We could do that.
29 THE COURT: Yes. So, Mr. Fox, Crown is proceeding by
30 indictment, and how do you elect?
31 THE ACCUSED: How do I elect?
32 THE COURT: Yes. Trial by a Provincial Court judge or
33 by a Supreme Court judge?
34 THE ACCUSED: It has to be provincial. You have
35 absolute jurisdiction because this is a probation
36 violation.
37 CNSL C. JOHNSON: That's very good, Mr. Fox.
38 THE COURT: Yes. And there are two counts that you are
39 charged with.
40 THE ACCUSED: Yeah.
41 THE COURT: And how do you plead on those two counts?
42 THE ACCUSED: Not guilty on both.
43 THE COURT: All right.
44 CNSL C. JOHNSON: Thank you. And so, Mr. Fox, the last
45 question I have for you is would you like to
46 appear by video or in person? And as you know,
47 the court is encouraging people to appear by

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1 video, but it's ultimately your choice.
2 THE ACCUSED: For the trial I definitely want to be
3 there in person, and I also request that you
4 schedule a pretrial conference because there are a
5 number of outstanding issues that we'll need to
6 address.
7 CNSL C. JOHNSON: Well, if those issues arise, then I
8 will do that, but as of right now I'm not aware of
9 any of those issues. So, I think what we should
10 do is fix the trial date and if you have issues
11 you want to raise, you can contact me.
12 THE ACCUSED: I will contact you, then.
13 THE COURT: All right. So, to the 26th at 9 o'clock,
14 Court 304, for trial.
15 CNSL C. JOHNSON: Thank you.
16 THE ACCUSED: And that will be in person?
17 THE COURT: Yes.
18 THE ACCUSED: Okay, great.
19 CNSL C. JOHNSON: Thank you. Thank you, Your Honour.

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21 (PROCEEDINGS ADJOURNED TO NOVEMBER 26, 2020,
22 AT 9 A.M.)
23

24 Transcriber: S. Houde
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S. Houde
Court Transcriber