



CA47391

COURT OF APPEAL

REX

RESPONDENT

PATRICK HENRY FOX

APPELLANT

ORDER OF A JUSTICE

BEFORE THE HONOURABLE) THURSDAY, THE 25TH DAY
MR. JUSTICE HARRIS) OF MAY, 2023
IN CHAMBERS)

THE NOTICE OF APPEAL OR APPLICATION FOR LEAVE TO APPEAL of the appellant from the sentence imposed by Judge Rideout, a judge of the Provincial Court of British Columbia, at Vancouver, on April 12, 2021, to a sentence of 16.5 months' jail (before 10.5 months' credit for pre-sentence custody) and one year of probation, on the count set out in the attached warrant of committal, coming on for hearing today; AND ON HEARING David Layton, K.C., counsel for the respondent, no one appearing for the appellant; AND ON READING the Notice of Abandonment filed May 9, 2023, a copy of which is attached; AND ON JUDGMENT BEING PRONOUNCED ON THIS DATE

IT IS ORDERED that the appellant's application for leave to appeal from sentence is dismissed as abandoned.

APPROVED AS TO FORM:

David Layton, K.C.
Counsel for the Respondent

ENTERED

JUN 07 2023

VANCOUVER REGISTRY

VOL. 372 FOL. 85
A Justice of the Court of Appeal



**Warrant of Committal
Upon Conviction - Form 21**
Canada: Province of British Columbia

Police File No.
401:20-164388

Court File No.
2040:244069-7-B

IND

Proceeded: **By Indictment**
D.O.B.: November 24, 1973

Primary Enf. Agency:
Ban - none

To the **Peace Officers** in the Province of British Columbia and to the **Keeper** of a **Provincial Correctional Centre** (the "place of detention").

Whereas **Patrick Henry Fox** (the "offender") was convicted on **November 26, 2020** before **Provincial Court Judge G Rideout** on the following charge(s) and it was adjudged on **April 12, 2021** that the offender for his/her offences be committed to a place of detention in the Province of British Columbia for the term(s) as specified below:

Count 1, between August 19, 2020 and September 16, 2020, at or near Vancouver BC, did commit an offence of Failure to comply with probation order, contrary to section 733.1(1) Criminal Code.

SENTENCE: Jail: 6 Month(s) [Jail Term that would have been imposed before Credit Granted: 16 Month(s) 15 Day(s) ; Credited Pre-Sentence Time in Custody: 10 Month(s) 15 Day(s) ; ; Victim Surcharge Exempt; Probation Order: 1 Year(s);

See a total of 1 Charge

Accordingly, you are commanded, in Her Majesty's name, to arrest the offender if it is necessary to do so in order to take the offender into custody, and to convey him/her safely to a place of detention and deliver him/her to the keeper thereof. You, the **Keeper**, are commanded to receive the offender into custody in a place of detention and imprison him/her for the term prescribed above, and this is a sufficient warrant for so doing.

Dated / Fait le **April 12, 2021**
at / à **Vancouver**

British Columbia / Colombie-Britannique

V. Lee-Young 2021.04.12 12:40:37
-07'00'

A Clerk of the Court on behalf of / Un greffier du tribunal au nom du
Judge / Juge G Rideout of the Provincial Court / de la cour provinciale, in
and for the Province of British Columbia / dans et pour la province de la
Colombie-Britannique

Notes: See attached: ☐ Information(s) ☒ Probation Order ☐ Pre-Sentence Report
☐ Indictment(s) ☐ Conditional Sentence Order ☐ Medical/Psychiatric Documents
☐ Record of Proceedings
☐ Sentence imposed in offender's absence (warrant sent to police)
☐ Other:

Warrant executed by:

Date:

Mandat de dépôt sur déclaration de culpabilité - Formulaire 21

Canada: Province de la Colombie-Britannique

Nu. de dossier de la police Nu. de dossier du greffe
401:20-164388 2040:244069-7-B

IND

Procédé : par mise en accusation

Org. prim. d'app. de la loi :
Ban - none.

D.D.N. : November 24, 1973

Aux agents de la paix de la province de la Colombie-Britannique et au gardien d'un Centre correctionnel provincial (le <<lieu de détention>>).

Attendu que **Patrick Henry Fox** (le/la <<contrevenant(e)>>) a été déclaré coupable le **November 26, 2020** devant le juge **G Rideout** de l'(des) inculpation(s) suivante(s) et que le **April 12, 2021** il a été décidé que le/la contrevenant(e) doit **incarcéré(e)** pour son (ses) infraction(s) dans un lieu de détention dans la province de la Colombie-Britannique pour la(les) période(s) indiquée(s) ci-après :

Count 1, between August 19, 2020 and September 16, 2020, at or near Vancouver BC, did commit an offence of Failure to comply with probation order, contrary to section 733.1(1) Criminal Code.

SENTENCE: Jail: 6 Month(s) [Jail Term that would have been imposed before Credit Granted: 16 Month(s) 15 Day(s) ; Credited Pre-Sentence Time in Custody: 10 Month(s) 15 Day(s) ;]; Victim Surcharge Exempt; Probation Order: 1 Year(s);

Voyez 1 inculpation

En conséquence, il vous est ordonné, au nom de Sa Majesté, d'arrêter le/la contrevenant(e), si cela est nécessaire pour l'amener en détention, et de le/la conduire sûrement au lieu de détention et de l'y remettre au gardien dudit lieu de détention. Il vous est ordonné, à vous le gardien, de recevoir le/la contrevenant(e) et de l'incarcérer dans le lieu de détention pour la durée de la peine prescrite ci-dessus. Les présentes sont, pour ce faire, un mandat suffisant.

Notes: Voir annexe:			
☐ Acte(s) d'accusation	☒ Ordonnance de probation	☐ Rapport présentiel	
☐ Dénonciation(s)	☐ Ordonnance de condamnation avec sursis	☐ Documents médicaux/psychiatriques	
☐ Procès-verbal			
☐ Peine prononcée en l'absence du (de la) contrevenant(e) (mandat envoyé à la police)			
☐ Autres:			

Mandat exécuté par:

Fait le:

PCR 024

Form 21

Jail

04/2011

sa12:14-12.04.2021

File, Sheriff

Page 2 of 2

Mandat de dépôt (prison)

VANCOUVER
MAY 09 2023
COURT OF APPEAL
REGISTRY

Form 11
[Paragraph 14 (1) (a)]
COURT OF APPEAL

NOTICE OF ABANDONMENT OF APPEAL

Court of Appeal
File Number: CA47391

REX

Respondent

vs.

PATRICK HENRY FOX

Appellant

I hereby give notice that I, Patrick Fox, abandon this appeal for:

- ☐ Conviction appeal
☒ Sentence appeal
☐ Other (Specify nature of appeal)

Dated at Port Coquitlam, British Columbia,
this 3 day of May, 2023.

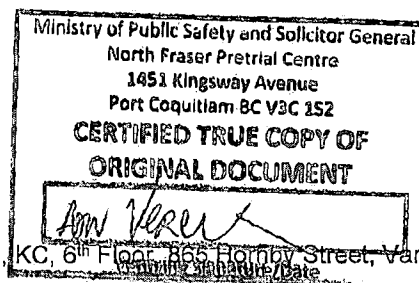
This notice was signed in
the presence of:

[Signature]
(Signature of appellant or solicitor)

Patrick Fox
(Print name of appellant or solicitor)

Where signed by the appellant,
this notice was signed
in the presence of:

[Signature]
Witness
Ann Verceles
(Print name of witness)



To the Respondent, c/o David Layton, KC, 6th Floor, 865 Hornby Street, Vancouver, V6Z 2G3
To the Registrar

VANCOUVER
MAY 25 2023
COURT OF APPEAL
REGISTRY

CA47391

COURT OF APPEAL

REX

RESPONDENT

v.

PATRICK HENRY FOX

APPELLANT

ORDER

David Layton, K.C.
BC Prosecution Service
Criminal Appeals & Special Prosecutions
6th Floor, 865 Hornby Street
Vancouver, B.C. V6Z 2G3
Phone: (604) 660-0717
Fax: (604) 660-1133