



October 14, 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

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

**INFORMATION BY TELECOMMUNICATION THAT PRODUCES
A WRITING/DÉNONCIATION PAR TÉLÉCOMMUNICATION QUI
REND LA COMMUNICATION SOUS FORME ÉCRITE**

CANADA:
PROVINCE OF BRITISH COLUMBIA
PROVINCE DE LA COLOMBIE-BRITANNIQUE

Court Identifier: 2040 - P - R - A		
Court File Number: 244069		
Type Reference: B		
Info. Seq. Number: 7		
Agency File Number: 401:20-164388		
DNA: ☐	K File: ☐	SOR: ☐

Pursuant to Section 508.1(2) of the *Criminal Code* and/or Section 13.1 of the *Offence Act* (British Columbia)/
Suivant le paragraphe 508.1(2) du *Code criminel* et/ou l'article 13.1 de l'*Offence Act* (Colombie-Britannique)

"BY INDICTMENT"

In the Provincial Court of British Columbia/Dans le tribunal provincial de la Colombie-Britannique.

This is the information of / Les présentes constituent la dénonciation de SEP 2022 MCD Peace Officer
(the "informant" / le "dénounceur") of / de Vancouver, British Columbia submitted before a justice by telecommunication that
produces a writing / transmise à un juge de paix, par télécommunication qui rend la communication sous forme écrite.

The Informant says that he/she has reasonable and probable grounds to believe and does believe that: / Le(la)
dénounceur(trice) déclare qu'il(elle) a des motifs raisonnables et probables de croire et croit effectivement que:

Count 1

Patrick Henry FOX, between the 19th day of August, 2020, and the 16th day of September, 2020, at or near Vancouver, in the
Province of British Columbia, while bound by a probation order made by The Honourable Judge N. Phillips on the 19th day of
August, 2020, did without reasonable excuse fail to comply with such order by not complying with one of the conditions which
directed him to remove the web site www.desicapuano.com in breach of that order, contrary to Section 733.1(1) of the Criminal
Code.

Count 2

Patrick Henry FOX, between the 19th day of August, 2020 and the 16th day of September, 2020, at or near Vancouver, in the
Province of British Columbia, while bound by a probation order made by The Honourable Madame Justice Holmes on the 10th day
of November, 2017, did without reasonable excuse fail to comply with such order: Within 24 hours of your release from custody you
will take all necessary steps to ensure that any website, social media page or other publication, which you have authored, created,
maintained or contributed to, which contains any information, statements, comments, videos, pictures which refer to or depict, by
name or description, Desiree Capuano, James Pendleton or [S.], or any of their friends, relatives, employers or co-workers,
including the website published under the domain www.desireecapuano.com, is no longer accessible via the internet or by any
other means., contrary to Section 733.1(1) of the Criminal Code.

Pursuant to Section 508.1(2) of the *Criminal Code* and / or
Section 13.1 of the *Offence Act* (British Columbia) the Informant states
that all matters contained in this information are true to my knowledge
and belief.

Suivant le paragraphe 508.1(2) du *Code criminel* et / ou l'article 13.1
de l'*Offence Act* (Colombie-Britannique), le dénonciateur(trice) déclare
qu'il/elle croit vrais, au meilleur de sa connaissance, les
renseignements contenus dans la dénonciation.

Dated/Fait le SEP 17, 2020

at/a VANCOUVER
British Columbia / Colombie-Britannique

[Signature]
Signature of Informant / Signature du(de la) dénonciateur(trice)

I certify this information was received by me by means of telecommunication that produces a writing at / Je certifie que j'ai reçu la présente
dénonciation par un moyen de télécommunication qui rend la communication sous forme écrite à

8:17P m, on/le SEP 17 2020 at/à Burnaby, British Columbia/Colombie-Britannique
time/heure date city/municipality ville/municipalité

Process/Acte
de procédure: [Signature] confirmed

A Justice of the Peace in and for the Province of British Columbia / Un juge de
paix dans et pour la province de la Colombie-Britannique.

Name/nom: J. Leung
Justice of the Peace

A Justice of the Peace in and for the Province of British Columbia / Un juge
de paix dans et pour la province de la Colombie-Britannique.

Report to Crown Counsel
ATTACHMENT(S)

Police File Number: 401:20-164388

Court File Number: 2040:244069-7-B

NAME OF ACCUSED(S): Fox, Patrick Henry	
Attachment List:	
Are there any attachments for this report: Yes	
If yes, list all attachments that will accompany this report.	
Description	# of Pages
2 CPIC Information	
===== CAUTION: THIS RECORD MAY OR MAY NOT PERTAIN TO THE SUBJECT OF YOUR ENQUIRY. POSITIVE IDENTIFICATION CAN ONLY BE CONFIRMED THROUGH SUBMISSION OF FINGERPRINTS. ===== FPS: 275788G >>> DNA ON KNOWN OFFENDER DATA BANK <<< FOX. PATRICK HENRY *CRIMINAL CONVICTIONS CONDITIONAL AND ABSOLUTE DISCHARGES *AND RELATED INFORMATION 2017-11-10 (1) CRIMINAL HARASSMENT (1) PROBATION 3 YRS (17 MOS VANCOUVER BC SEC 264 CC PRE-SENTENCE CUSTODY) & MANDATORY WEAPONS PROHIBITION SEC 109 CC (2) POSS OF A FIREARM AT (2) (17 MOS PRE-SENTENCE UNAUTHORIZED PLACE CUSTODY) & MANDATORY SEC 93(1) CC WEAPONS PROHIBITION SEC 109 CC (DCN11616810200410201105) (RCMP BURNABY MUN 2016-25379) *END OF CONVICTIONS AND DISCHARGES ===== CAUTION: THIS RECORD MAY OR MAY NOT PERTAIN TO THE SUBJECT OF YOUR ENQUIRY. POSITIVE IDENTIFICATION CAN ONLY BE CONFIRMED THROUGH SUBMISSION OF	

Report to Crown Counsel
ATTACHMENT(S)

Police File Number: 401:20-164388

Court File Number: 2040:244069-7-B

Description	# of Pages
FINGERPRINTS. =====	

Ministry of Justice JUSTIN Conviction List

Accused: Fox, Patrick Henry

DOB: 24-NOV-1973

FPS Number: 275788G

CS #: 10582500

Alias: Riess, Ricky Steve; Riess, Richard

Filters Applied	Exclude Youth: ☐	Include 512.3: ☐	Include 810: ☐	Include MVA: ☐	Include NCR: ☐
	Include Non-Disclosure: ☐		Include Unknown Statutes: ☐		

File Number	Charge	Offence Date	Disposition Date	Disposition Type	Sentence
27178-2 SRA Vancouver	(1) CCC 264- Criminal Harassment	11-JAN-2015	10-NOV-2017	Guilty	Jail - Jail Term that would have been imposed before Credit Granted: 3 Year(s); Actual Pre-Sentence Time in Custody: 17 Month(s); Credited Pre-Sentence Time in Custody: 25.5 Month(s) The Jail Term that would have been imposed before credit granted on Count 2 is: 10 months which is to be served CONSECUTIVELY to Count 1. ; Probation Order 3 Year(s); Prohibition, Firearms, Mandatory Lifetime
	(2) CCC 93 1- Possess Firearm etc. where not allowed	17-MAY-2016			Jail - Jail Term that would have been imposed before Credit Granted: 10 Month (s); Actual Pre-Sentence Time in Custody: 17 Month (s); Credited Pre-Sentence Time in Custody: 25.5 Month(s) The Jail Term that would have been imposed before credit granted on Count 2 is: 10 months which is to be served CONSECUTIVELY to Count 1. ; Prohibition, Firearms, Mandatory Lifetime
			06-FEB-2019		(1,2) Change to Court Order

Ministry of Justice JUSTIN Conviction List

Accused:

DOB:

File Number	Charge	Offence Date	Disposition Date	Disposition Type	Sentence
244069-5-BC PRA Vancouver	(1) CCC 733.1 1-Breach of Probation Order	15-MAR-2019	12-JUN-2020	Guilty	(1,2) Jail 1 Day(s) - Actual Pre-Sentence Time in Custody: 8 Month(s); Credited Pre-Sentence Time in Custody: 12 Month(s); Probation Order 18 Month(s)
	(2) CCC 733.1 1-Breach of Probation Order				
244069-6-B PRA Vancouver	(1) CCC 733.1 1-Breach of Probation Order	07-MAR-2019	19-AUG-2020	Guilty	Jail 1 Day(s) - Jail Term that would have been imposed before Credit Granted: 6 Month(s); Actual Pre-Sentence Time in Custody: 4 Month(s); Credited Pre-Sentence Time in Custody: 6 Month(s); Probation Order 6 Month(s)

This report may contain information regarding youth matters provided to you pursuant to Sections 124 and 125 of the *Youth Criminal Justice Act* (Canada). Disclosure of this information to other parties may be subject to Sections 119 and 123 of the *Youth Criminal Justice Act* (Canada).

This report does not contain information about any offences for which a pardon has been granted.

This report does not contain any information about orders or obligations under the *Sex Offender Information Registration Act*.

ARREST AND BOOKING REPORT

STATUS		SURNAME FOX				OCCURRENCE NO. VA 2020 164388		ALERTS				NOTIFIED				
SUBJECT		G1 PATRICK		G2 HENRY		SEX MALE		☐ VIOLENT ☐ INFECTIOUS ☐ SUICIDAL ☐ ESCAPE RISK ☐ NORMAL ☐ DRUGS ☐ MENTALLY UNSTABLE ☐ PROTECTIVE ☐ CPIC ☐ PIRS ☐ JUSTICE ☐ PHONE CALL ☐ LAWYER ☐ PARENT								
ADDRESS 555 HOMER ST VANCOUVER, BRITISH COLUMBIA						PHONE Bus. Res. 604-889-9256										
DOB 1973-11-24		AGE 46	HEIGHT 165	MASS 61	HAIR GREY	EYES BROWN	RACECODE WHITE									
MARKS, SCARS, TATTOOS																
DRIVER'S LICENSE NO.				POI		ARRESTED										
				FPS												
INVESTIGATOR				UNIT												
LOCATION VANCOUVER POLICE DEPT				ZONE		RELEASED										
NATURE OF EVENT / CHARGES				CLERK		Y		M		D		MEDICAL INFORMATION				
						HRS.		MIN.								
CITIZENSHIP				PLACE OF BIRTH U.S.A.						PORT OF ENTRY PEACE ARCH BC				DATE OF ENTRY 2019/04/04		
EMPLOYED BY				NEXT OF KIN NONE GIVEN, NONE GIVEN						FINGERPRINTED ☐ PHOTOGRAPHED ☒ BY:VA9552				PIN		

DETAILS OF EVENT	
ARRESTED ON 2020/09/17@0720HRS; ARRIVAL JAIL@0854	
A/L@555 HOMER ST	
F/S BY 9891/9895	
BOOKED BY 9552	
ARRESTED OF BELKIN HOUSE 555 HOMER ST. NO INJURIES COMPLIANT WITH POLICE	



PROPERTY TAKEN					
☐ COAT	☐ SHIRT	☐ PANTS	☐ SHOES	☐ WALLET	☐ JEWELLERY
OTHER EFFECTS:				SEIZED EFFECTS	
MEDS, WALLET, BELT, ZIPPER PIECES, WATCH, LIGHTER, HEADPHONE, CORDS, GLASSES,SHOES,JACKET,				0	
BAG	CELL	CASH 0.00	PROPERTY TAKEN	PROPERTY RETURNED	

DETAILS OF CUSTODY, ESCORT OR RELEASE																	
BOOKED IN Y - M - D		TIME		REASON		INIT.		BOOKED OUT Y - M - D		TIME		REASON		INIT.			
MEALS		MUNICIPALITY	PROVINCE	FEDERAL	TOTAL	NOT HELD		SUPERVISOR						DATE Y M D			
HOURS																	
INVESTIGATOR						DATE											

ADDITIONAL NOTES:	
VANCOUVER NEW CHARGE	
SEC. 733.1(1) 19-49074	
ARREST GO# 20-164388	
CAR Y2020091730	
CAR N	

Probation Order (Prison)

Police File No.
401:19-49074

Court File No.
2040:244069-6-B

IND

Canada: Province of British Columbia

Ban - none

Primary Enf. Agency:

D.O.B.: November 24, 1973

☐ Interpreter present

Proceeded: **By Indictment**

Whereas on **August 19, 2020** at **Vancouver**, British Columbia,

Patrick Henry Fox

(the "offender") was convicted or found guilty, as the case may be, upon the following charge(s) and on **August 19, 2020** the Court adjudged that the offender be **imprisoned** in the Province of British Columbia as follows:

Count 1, between March 7, 2019 and March 21, 2019, 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: 1 Day(s) [Jail Term that would have been imposed before Credit Granted: 6 Month(s) ; Actual Pre-Sentence Time in Custody: 4 Month(s) ; Credited Pre-Sentence Time in Custody: 6 Month(s) ;]; Probation Order: 6 Month(s);

I have read or have had read to me and understand a total of 1 Charge

and in addition thereto, that the said offender comply with the conditions hereinafter prescribed:

Now, therefore, the said offender shall for the period stated above, from the date of expiration of imprisonment, comply with the following conditions, namely, that the said offender shall:

I have read or have had read to me and understand a total of 4 Conditions on 1 Conditions Attachment Page

Dated / Fait le **August 19, 2020** at / à **Vancouver**, British Columbia / Colombie-Britannique

I, the undersigned offender, acknowledge that I have received:

- a copy of the Probation Order
- an explanation of the substance of the sections dealing with changes to the Probation Order and failing to comply with the Probation Order (Sec 732.2(3) and (5), and Sec 733.1), and
- an explanation of the procedures for applying for changes to the Probation Order,

and that I understand the terms of this Probation Order and the explanations which I have received.

Refused to sign



Offender / Contrevenant(e)
Address / Adresse :

Je, le(la) contrevenant(e) soussigné(e), reconnais que j'ai reçu :

- une copie de l'Ordonnance de probation
 - une explication du contenu des articles ayant trait aux changements apportés à l'Ordonnance de probation et au défaut de se conformer à l'Ordonnance de probation (Art. 732.2(3) et (5), et Art 733.1), et
 - une explication des procédés à suivre pour faire une demande de changements à l'Ordonnance de probation,
- et que je comprends les conditions de cette Ordonnance de probation et les explications que j'ai reçues.

D. Toy

2020.08.19 15:58:46
-07'00'

A Clerk of the Court on behalf of / Un greffier du tribunal au nom du
Judge / juge N Phillips, in and for the Province of British Columbia /
dans et pour la province de la Colombie-Britannique

Probation (Prison)

Phone Number / Numéro de téléphone :

**Probation Order/
Ordonnance de probation**

(Prison/ prison)

Canada: Province of British Columbia

Province de la Colombie-Britannique

Police File No./

Nu. de dossier de la police

401:19-49074

Court File No./

Nu. de dossier du greffe

2040:244069-6-B

D.O.B./ D.D.N. : **November 24, 1973**

Ban - none

Re/ Objet : **Fox**

**Conditions Attachment/
Annexe des conditions**

Condition 1: Keep the peace and be of good behaviour.

Condition 2: Appear before the Court when required to do so by the Court.

Condition 3: Notify the Court or the Probation Officer in advance of any change of name or address, and promptly notify the Court or the Probation Officer of any change of employment or occupation.

Condition 4: Within 48 hours of your release from custody you will take all necessary steps to ensure that any website, social media page, or other publication, which you have authored, created, maintained or contributed to, which contains any information, statements, comments, videos, pictures which refer to or depict, by name or description, Desiree Capuano or any of her friends, relatives employers or co-workers, including the websites published under the domain www.desireecapuano.com and www.desicapuano.com are no longer available via the internet or by any other means.

I have read or have had read to me and understand a total of 4 Conditions on 1 Conditions Attachment Page/ J'ai lu ou j'ai m'a lu et je comprends 4 conditions sur 1 page de l'Annexe des conditions

Probation (prison)/ Probation (Prison)

Probation Order (Prison)

Police File No.
704:19-10877

Court File No.
2040:244069-5-BC

SUM

Canada: Province of British Columbia

Ban Other
Ban on Publication CCC 517(1)

Primary Enf. Agency:

D.O.B.: November 24, 1973

Proceeded: **Summarily**

☐ Interpreter present

Whereas on **March 6, 2020** at **Vancouver**, British Columbia,

Patrick Henry Fox

(the "offender") was convicted or found guilty, as the case may be, upon the following charge(s) and on **June 12, 2020** the Court adjudged that the offender be **imprisoned** in the Province of British Columbia as follows:

Count 2, on or about March 15, 2019, at or near Surrey BC, did commit an offence of Failure to comply with probation order, contrary to section 733.1(1) Criminal Code.

SENTENCE: Jail: 1 Day(s) [Actual Pre-Sentence Time in Custody: 8 Month(s); Credited Pre-Sentence Time in Custody: 12 Month(s)]; Probation Order: 18 Month(s);

Count 3, on or about March 15, 2019, at or near Surrey BC, did commit an offence of Failure to comply with probation order, contrary to section 733.1(1) Criminal Code.

SENTENCE: Probation Order: 18 Month(s); Jail: 1 Day(s) [Actual Pre-Sentence Time in Custody: 8 Month(s); Credited Pre-Sentence Time in Custody: 12 Month(s)];

I have read or have had read to me and understand a total of 2 Charges

UPDATED 2040: 244069-5--BC on JUNE 12, 2020: Order explained to offender and acknowledged in court

and in addition thereto, that the said offender comply with the conditions hereinafter prescribed:

Now, therefore, the said offender shall for the period stated above, from the date of expiration of imprisonment, comply with the following conditions, namely, that the said offender shall:

Condition 1: Keep the peace and be of good behaviour.

Condition 2: Appear before the Court when required to do so by the Court.

Condition 3: Notify the Court or the Probation Officer in advance of any change of name or address, and promptly notify the Court or the Probation Officer of any change of employment or occupation.

=====

Condition 4: You are not to attend within 500 metres of the Canada - United States Border.

I have read or have had read to me and understand a total of 4 Conditions

Dated / Fait le **June 12, 2020** at / à **Vancouver**, British Columbia / Colombie-Britannique

I, the undersigned offender, acknowledge that I have received:

- a copy of the Probation Order
- an explanation of the substance of the sections dealing with changes to the Probation Order and failing to comply with the Probation Order (Sec 732.2(3) and (5), and Sec 733.1), and
- an explanation of the procedures for applying for changes to the Probation Order,

and that I understand the terms of this Probation Order and the explanations which I have received.

Signature not required



Offender / Contrevenant(e)

Address / Adresse :

NFA

Vancouver, BC, Canada

Phone Number / Numéro de téléphone :

Je, le(la) contrevenant(e) soussigné(e), reconnais que j'ai reçu :

- une copie de l'Ordonnance de probation
 - une explication du contenu des articles ayant trait aux changements apportés à l'Ordonnance de probation et au défaut de se conformer à l'Ordonnance de probation (Art. 732.2(3) et (5), et Art 733.1), et
 - une explication des procédés à suivre pour faire une demande de changements à l'Ordonnance de probation,
- et que je comprends les conditions de cette Ordonnance de probation et les explications que j'ai reçues.

K. Anderson 2020.06.12 15:33:19
-07'00'

A Clerk of the Court on behalf of / Un greffier du tribunal au nom du
Judge / juge D St. Pierre, in and for the Province of British Columbia /
dans et pour la province de la Colombie-Britannique

Probation (Prison)

Police Witness Disclosure Form

Confidential Information - For Crown Counsel Use

	Occurrence No:	2020-164388							
	Accused:	FOX, PATRICK							
						Date and Type of Misconduct Not Disclosed			
	Member's Name	Pin	No Record	No Relevant Record	Record, McNeil Package Attached	Date	CCC	Federal/Prov Statute	Police Act
1	FONTANA, JENNIFER	2671	☒	☐	☐		☐	☐	☐
2	HOLLAND, ROBERT	2341	☒	☐	☐		☐	☐	☐
3	JORDAN, WESLEY	2326	☒	☐	☐		☐	☐	☐
4	ROBERTS, NICOLE	2685	☒	☐	☐		☐	☐	☐
5	WHEELER, MICHAEL	2179	☒	☐	☐		☐	☐	☐
6	DENT, KYLE	2680	☒	☐	☐		☐	☐	☐
7	BIRNBAUM, JEREMIAH	2634	☒	☐	☐		☐	☐	☐

**Disclosure Officer signature required. If no officer on the list has a record, Crown Liaison's signature is required.*

McNeil Packages (if applicable) have been forwarded along with this form.

Name (please print): CALABRESE, Laura

Signature: LC.

PIN: VA5010

Date: September 17, 2020

PSS Disclosure Officer/Crown Liaison

Report to Crown Counsel
NARRATIVES

Police File Number: 401:20-164388

Court File Number: 2040:244069-7-B

NAME OF ACCUSED(S): Fox, Patrick Henry

Synopsis:

Submission: 1

Received Date: 17 SEP 2020 03:23 PM

On August 19, 2020 Patrick FOX was convicted of breaching his probation for creating and maintaining his hate website www.desicapuano.com. FOX was in custody and received time served. FOX was released from custody on a probation order with the condition that he was to remove the two websites that FOX has created www.desicapuano.com and www.desireecapuano.com within 48hours of his release. On August 19, 2020 the website www.desicapuano.com was updated with a letter from FOX to David EBY demanding to know why he hasn't been prosecuted with Criminal Harassment. As of September 16, 2020 the website is still up.

Narrative:

Submission: 1

Received Date: 17 SEP 2020 03:23 PM

.....

Subject: Narrative

BACKGROUND

Patrick FOX (FOX) and Desiree CAPUANO (CAPUANO) were involved in a romantic relationship for approximately two years and have a son together. In 2016 FOX was charged with Criminal Harassment by the Burnaby RCMP after and investigation into the hate website www.desireecapuano.com. In 2017 FOX was convicted of Criminal Harassment and Possession of Firearms in a place other than Authorized and was sentenced to three years and ten months in jail. FOX was released in 2018 and started a new website www.desicapuano.com and the Vancouver Police started an investigation VPD file #19-49074. FOX was arrested and charged with multiple offences including Failure to Comply with Probation Order.

DETAILS OF EVENT

On August 19, 2020 Patrick FOX was convicted of breaching his probation for creating and maintaining his hate website www.desicapuano.com. FOX was in custody and received time served. FOX was released from custody on a probation order with the condition that he was to remove the two websites that FOX has created www.desicapuano.com and www.desireecapuano.com within 48 hours of his release. On August 19, 2020 the website www.desicapuano.com was updated with a letter from FOX to David EBY demanding to know why he hasn't been prosecuted with Criminal Harassment. As of September 16, 2020 the website is still up and viewable by the public.

PRODUCTION ORDER

Report to Crown Counsel
NARRATIVES

Police File Number: **401:20-164388**

Court File Number: **2040:244069-7-B**

On September 15, 2020 Detective Constable 2671 Jennifer FONTANA (Det. FONTANA) confirmed with FOX's probation officer that he was living at the Belkin House located at 555 Homer St in Vancouver. Det. FONTANA wrote a production order to confirm which dormitory FOX was staying in and which personal locker FOX was assigned at the Belkin House..

On September 16, 2020 the production order was approved and executed by Detective Constable 2341 Rob HOLLAND (Det. HOLLAND) and Detective Constable 2685 Nicole ROBERTS (Det. ROBERTS). FOX was confirmed by staff as living in room 325, bed space 51 and having locker 51.

ARREST OF FOX

On September 17, 2020 members of the Domestic Violence and Criminal Harassment Unit attended the Belkin House located at 555 Homer St to execute the search warrant and attempt to arrest FOX for Failing to comply with probation. At 0710 hours Det. ROBERTS arrested FOX using a prepared arrest script (see evidence of Det. ROBERTS). Det. HOLLAND searched FOX incident to arrest and in his possessions was a black Lenovo laptop and a Motorola cell phone, both items were seized at 0718 hours.

SEARCH WARRANT

On September 16, 2020 Det. FONTANA wrote a search warrant to search for any electronic devices that FOX could use to work on the website. Search warrant was approved to search room 325, bed space 51 and locker 51 of the Belkin House located at 555 Homer St on September 17, 2020. On September 17, 2020 at 0808 hours the search warrant was executed on room number 325, bed space 51 and locker 51. Forensic Identification Unit photographed the execution of the warrant. Room 325 has 6 beds and 6 lockers inside. All beds were made and bed 51 was the last bed against a wall. On the floor directly in front of bed 51 was two bankers boxes belonging to FOX according to staff. Det. JORDAN searched the bed and surrounding area and nothing of note was located. Det. JORDAN searched the two bankers boxes that were filled with papers so nothing was seized. Sargent 2179 Mike WHEELER searched locker 51 and seized a device that appeared to be a hard drive or power bank. All items were recorded on an exhibit flow chart.

INTERVIEW OF FOX

Report to Crown Counsel
NARRATIVES

Police File Number: **401:20-164388**

Court File Number: **2040:244069-7-B**

FOX was transported from the Belkin House 555 Homer St to the VPD annex located at 236 East Cordova St to be interviewed by Detective Constable 2680 Kyle DENT (Det. DENT). At 0741 hours Det. DENT conducted an audio and video interview of FOX, summary of interview will be included with the electronic disclosure.

DISPOSITION OF FILE

FOX was arrested, interviewed and transported to jail. Search warrant executed. Electronic disclosure to follow. NFAR.

Report to Crown Counsel
STATEMENT(S)

Police File Number: 401:20-164388

Court File Number: 2040:244069-7-B

1	☒ Print ALL Statements		
2	NAME OF ACCUSED(S): Fox, Patrick Henry		
3	☒ Print Statement		
4	Witness Name:		
5	Holland, Robert John Y	☐ Victim	☒ Police Officer (PIN VA2341)
6	Statement		
7			
8	Submission: 1		
9	Received Date: 17 SEP 2020 12:00 AM		
10			
11	Subject: Detective Holland " Police statement"		
12			
13			
14	Arrest of Patrick FOX		
15	September 17, 2020		
16	2020- 164388		
17			
18			
19	On September 17, 2020, Detective Constable 2341 HOLLAND (Detective HOLLAND)		
20	was on duty working with the Domestic Violence and Criminal Harassment Unit		
21	(DVACH) Vancouver Police Department. On this date, Detective HOLLAND was		
22	working in the company of Detective Constable 2685 ROBERTS (Detective		
23	ROBERTS).		
24			
25			
26	Detective HOLLAND assisted Detective ROBERTS with the arrest of Patrick FOX		
27	(FOX) who was wanted for breaching his probation order. On September 16,		
28	2020, Detective HOLLAND and Detective ROBERTS attended then Belkin House at		
29	555 Homer Street, Vancouver to serve a production order on the Director of		
30	residential services who was identified as Les McAUSLAND. This was in		
31	relation to the Belkin House providing information to determine if FOX		
32	resided in the building. FOX was in fact determined to reside in the		
33	facility and had been residing there since August 20, 2020.		
34			
35			
36	On September 17, 2020 at 07:09 am, Detective Holland was standing outside		
37	555 Homer Street, Vancouver to perform a planned arrest of FOX for breaching		
38	his probation order. At this time, Detective HOLLAND had an unobstructed		
39	clear view to the common lobby area and observed a male he knew to be FOX		
40	walk toward the entrance.		
41			
42			
43	Detective HOLLAND and Detective ROBERTS walked inside the building and spoke		
44	with FOX just adjacent to the front exit doors. Detective HOLLAND turned on		
45	his digital audio recorder as Detective ROBERTS arrested FOX for breaching		
46	his probation order at 07:10 am. During the arrest, Detective ROBERTS read		
47	from an interview script during the recording of FOX's arrest. FOX		

Report to Crown Counsel
STATEMENT(S)

Police File Number: 401:20-164388

Court File Number: 2040:244069-7-B

understood the reasons for his arrest and declined to speak with a lawyer.

Detective HOLLAND searched FOX incidental to lawful arrest. FOX was in the possession of the following:

- Black laptop bag

Detective HOLLAND conducted a search of FOX's body and recovered a cellphone from his front left jean pocket. A small set of keys were recovered that FOX confirmed opened his locker door inside his dormitory. Detective HOLLAND opened up the computer bag and noted there was a laptop inside. Other items were his medications, a wallet containing that BCDL in the name of FOX and other associated cords and headphones.

After searching FOX, I transported him to the police wagon that was outside with his personal property.

The laptop bag, the laptop computer device and FOX's cellphone that was recovered during the search was handed over to the lead investigator, Detective Constable JORDAN.

Detective HOLLAND left the scene and attended the Annex of 312 Main Street, Vancouver to meet up with the police wagon who was advised to take FOX to the Annex. Detective HOLLAND took FOX into the Annex and was introduced to Detective Constable 2680 DENT (Detective DENT) who was conducting an interview with FOX.

No further police evidence.

Report to Crown Counsel
STATEMENT(S)

Police File Number: 401:20-164388

Court File Number: 2040:244069-7-B

1	☒ Print Statement		
2	Witness Name:		
3	Roberts, Nicole S Y	☐ Victim	☒ Police Officer (PIN VA2685)
4	Statement		
5			
6	Submission: 1		
7	Received Date: 17 SEP 2020 12:00 AM		
8			
9	Subject: Detective Constable 2685 ROBERTS		
10	On September 15, 2020, Detective Constable 2685 ROBERTS (Det. ROBERTS) was		
11	working with the Domestic Violence and Criminal Harassment Unit (DVACH)		
12	Vancouver Police Department (VPD). At approximately 2:30 pm, Det. ROBERTS		
13	prepared an arrest script for Patrick FOX (FOX).		
14			
15			
16	On September 17, 2020 Det. ROBERTS was working DVACH and attended the Belkin		
17	House at 555 Homer St, Vancouver, B.C. At approximately 7:10 am, Det.		
18	ROBERTS arrested FOX for Failure to Comply with Probation Order in the front		
19	lobby of the Belkin House. Detective Constable 2341 Robert HOLLAND (Det.		
20	HOLLAND) was also present for the arrest, recorded it on a Digital Audio		
21	Recorder and handcuffed and searched FOX incident to arrest.		
22			
23			
24	Det. ROBERTS advised FOX of his charter rights by reading from the arrest		
25	script previously prepared on September 15, 2020. FOX advised that he		
26	understood the charges, he did not want to call a lawyer, he understood the		
27	official warning and he understood he may be subject to audio and video		
28	recording at any time while in custody except for when he was speaking to		
29	counsel.		
30			
31			
32	Det. ROBERTS identified FOX using a valid BCLD #6261564. Det. ROBERTS viewed		
33	the photo on the BCDL and was satisfied that the person in the photo was the		
34	same person in police custody.		
35			
36			
37	Det ROBERTS also acted as the exhibits officer during the search of Room 325		
38	, bed and locker #51. Det. ROBERTS seized 3 exhibits:		
39			
40			
41	1- A Lenovo Thinktank Laptop with chartger		
42	2- A Motorola cellphone in a blue case with charger		
43	3- A blue/green "Piston Power" powerbank		
44			
45			
46	The exhibits were tagged at the property office.		
47			

Report to Crown Counsel
STATEMENT(S)

Police File Number: **401:20-164388**

Court File Number: **2040:244069-7-B**

This concludes my involvement.

Detective Constable 2685 Nicole ROBERTS
Vancouver Police Department
Special Investigation Section, Domestic Violence and Criminal Harassment
Unit