

244069-8-B
Vancouver Registry

In the Provincial Court of British Columbia
(BEFORE THE HONOURABLE JUDGE J.F. GALATI)

Vancouver, B.C.
August 18, 2021

REGINA

v.

PATRICK HENRY FOX

PROCEEDINGS AT
JUDICIAL INTERIM RELEASE HEARING

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Crown Counsel:

C.S. Johnson, Q.C.

Defence Counsel:

S.C.M. Daniells, Q.C., Duty Counsel

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Proceedings

1 Vancouver, B.C.
2 August 18, 2021
3
4 (VIDEOCONFERENCE COMMENCES)
5 (CROWN COUNSEL C. JOHNSON, DEFENCE COUNSEL
6 S. DANIELLS AND THE ACCUSED AT REMOTE
7 LOCATIONS)
8
9 CNSL C. JOHNSON: Good morning, Your Honour. It's
10 Chris Johnson, J-o-h-n-s-o-n. I'm Crown on one
11 matter that should be on your list. It's the
12 matter of Fox, Patrick Fox.
13 THE CLERK: Number 43.
14 CNSL C. JOHNSON: He's in custody.
15 THE COURT: Number what?
16 THE CLERK: Forty-three, Your Honour.
17 THE COURT: Is there counsel on that one, Mr. Johnson?
18 CNSL S. DANIELLS: No, Your Honour. It's going to be
19 duty counsel. Susan Daniells. I've spoken to
20 Mr. Fox.
21 CNSL C. JOHNSON: The Crown is showing cause on that
22 matter, Your Honour. It just -- it's a breach
23 from yesterday. There's quite a long history. I
24 think it will probably take -- if we really are
25 concise we could do it in 20 minutes.
26 The problem I have is that I'm assigned to
27 the file and I'm not available after 11 o'clock
28 this morning. So if we could do it now, that
29 would be terrific, but I just don't know if we
30 can.
31 THE COURT: Okay. Where is Mr. Fox? North Fraser?
32 THE SHERIFF: Downstairs, Your Honour.
33 THE COURT: Oh.
34 THE SHERIFF: Do you want me to call for him?
35 THE COURT: Yeah. You're ready to go?
36 THE SHERIFF: Yes.
37 THE COURT: By all means, call for him. That's an
38 interesting condition on the Fox matter. Is it on
39 the pick list? All right.
40 You're Mr. Fox?
41 THE ACCUSED: That is correct.
42 CNSL C. JOHNSON: Chris Johnson, Your Honour, for the
43 record. J-o-h-n-s-o-n. I'm appearing for the
44 provincial Crown on this matter.
45 CNSL S. DANIELLS: Susan Daniells as duty counsel, Your
46 Honour. Mr. Fox has agreed that I can make some
47 submissions. He may wish to make some himself.

Submissions for Crown by Cnsl C. Johnson

1 He's seeking his release.

2
3 **SUBMISSIONS FOR CROWN BY CNSL C. JOHNSON:**

4
5 CNSL C. JOHNSON: Your Honour, Mr. Fox is before the
6 court on Information Number 244069-B-8, and in
7 that regard it's an allegation of a breach of
8 Judge Rideout's probation order which was issued
9 April of this year. At that time Mr. Fox was
10 convicted of breaching his [indiscernible/remote
11 audio] and was sentenced to six months
12 imprisonment, which was actually a 16-month
13 sentence given time served.

14 THE COURT: Okay. Mr. -- Mr. Johnson, you're breaking
15 up here, so I'm only hearing every second word.

16 CNSL C. JOHNSON: Thank you.

17 THE COURT: So the probation order was imposed
18 April 12th for what offence?

19 CNSL C. JOHNSON: Breach of probation. And at that
20 time Mr. Fox was sentenced to 16 months in jail,
21 but he had quite a bit of time served, so he
22 received an effective sentence of six months and
23 was released from that sentence on August the 12th
24 of this year. And so after his release he was
25 monitored by the police. He went and lived at
26 Belkin House, which is a residence in Vancouver.
27 He -- the police were interested in knowing
28 whether he would cooperate with his -- comply with
29 his order because he'd failed to do so on a number
30 of previous occasions.

31 They checked -- he had set up a website some
32 time ago called www.desicapuano.com. And Desi
33 Capuano is Mr. Fox's former spouse. So Mr. Fox
34 has been before the court for many years now with
35 respect to operating this website which relates to
36 his former spouse.

37 In any event, the police checked the website
38 and they found that, lo and behold, Mr. Fox had
39 not removed the website within 48 hours as he was
40 required to do so, and so he was arrested
41 yesterday, and I approved this charge yesterday
42 evening. So he's before the court on that matter.

43 He does presently have -- I should say that
44 he's appealed the conviction of Judge Rideout and
45 the court recently -- that is the Court of Appeal
46 recently issued a decision. And I'm going to
47 review two paragraphs of that decision for Your

Submissions for Crown by Cnsl C. Johnson

1 Honour's reference because it gives the court a
2 flavour of Mr. Fox and his situation.

3 So the decision is *R. v. Fox*, 2021 BCCA 308.
4 And paragraph 4 the court of appeal state:
5

6 Since 2014, the appellant has engaged in a
7 relentless campaign of harassment directed at
8 his former spouse. Among other things, the
9 appellant created a website in the name of
10 his former spouse. The website contains a
11 large amount of private information about the
12 appellant's former spouse and others with
13 whom she is associated. The purpose of the
14 website appears to be to denigrate, humiliate
15 and intimidate her, to interfere with her
16 personal relationships, and to impair her
17 economic prospects and emotional security.
18

19 Then in paragraph 16 of that decision the court
20 says:
21

22 Det/Cst. Dent testified that on September 16,
23 2020, he accessed one of the website domain
24 names referred to in the probation order
25 imposed by Phillips P.C.J. Its home page
26 contained an entry dated August 19, 2020, at
27 1:53 p.m., which was written as a first-
28 person letter to the Attorney General of
29 British Columbia. As I understand it, the
30 appellant contends that this letter was
31 written the day before the probation order
32 came into effect. The entry refers to the
33 proceedings before Phillips P.C.J. and
34 emphasizes "how ineffectual and impotent the
35 Canadian justice system is because they can't
36 even make a little pissant nobody like myself
37 take down a website." The entry further
38 asserts that "they can lock me up for the
39 rest of my life, but I will never take down
40 the website."
41

42 Mr. Fox was arrested by the police yesterday
43 morning and at that time he indicated a couple of
44 things. One of which was that he had, he
45 maintained, emailed the website and
46 [indiscernible/background noise] --
47

THE ACCUSED: I'm sorry, I didn't get that.

Submissions for Crown by Cnsl C. Johnson

1 CNSL C. JOHNSON: That he had emailed the website
2 operators and asked them to remove it.
3 THE ACCUSED: Okay.
4 THE COURT: Sorry. That's what he told the police?
5 CNSL C. JOHNSON: That's what he told the police.
6 When they arrested Mr. Fox, he was in
7 possession of both a cellphone and a laptop
8 computer. And they asked him to show them the
9 email that he maintains that he sent, and he
10 refused to do so. So the inference that I take
11 from that is that he didn't in fact do that, but
12 of course inferences are for Your Honour, not me.
13 Mr. Fox has a history with a review -- if
14 Your Honour can just give me one -- I'm referring
15 to documents myself. Sorry, Your Honour. Just
16 one moment.
17 Your Honour, perhaps so that I don't waste
18 the court time, while I'm -- what I -- the only
19 thing I want to add to my submissions here is
20 Mr. Fox's history. And so I don't know if
21 Ms. Daniells wants to proceed while I'm looking
22 for it, but I know I have it, so I'm in Your
23 Honour's hands as to what we should do. I'm just
24 searching for it at the moment.
25 CNSL S. DANIELLS: Well, why don't I proceed, if
26 Mr. Fox indeed does wish to continue on today.
27 So, Mr. Fox, when we spoke earlier you
28 thought you might or might not wish to proceed.
29 Do you want to do that today or do you want a few
30 days to prepare.
31 THE ACCUSED: At this point there's nothing that I have
32 to challenge Mr. Johnson on because so far he
33 hasn't gone on with any outrageous lies about me,
34 so we can proceed. But I do want to point out
35 that I --
36 CNSL S. DANIELLS: All right. Mr. --
37 THE ACCUSED: Sorry?
38 CNSL S. DANIELLS: Mr. Fox, why don't -- why don't I
39 start and then you can fill in when I've finished
40 what I have to say. How does that sound?
41 THE ACCUSED: No. Because here's the thing: I'm in a
42 closet. I have no paper, no pen. I can't take
43 any notes to keep track of who's saying anything
44 that I want to respond to. So the best I can tell
45 you is please go ahead and hopefully will do a
46 good job here. Who knows.
47 CNSL S. DANIELLS: All right.

Submissions for Crown by Cnsl C. Johnson

1 THE COURT: Well --
2 CNSL S. DANIELLS: So, Your Honour --
3 THE COURT: Just -- yeah. I just want to be clear
4 what's happening here. Either this bail hearing
5 is going to go ahead and conclude or you can
6 withdraw your application for bail now. It's
7 unlikely that I'm going to agree to adjourn this
8 once we're deeply into it. Just so that you're
9 clear on that, Mr. Fox.
10 THE ACCUSED: Okay. I'm clear.
11 THE COURT: Okay. So if you want to be better prepared
12 in terms of having access to pen and paper and
13 making notes, et cetera, you may want to withdraw
14 your application today and start over.
15 THE ACCUSED: No, let's proceed.
16 THE COURT: Okay.
17 CNSL S. DANIELLS: Yes, Your Honour.

SUBMISSIONS FOR ACCUSED BY CNSL S. DANIELLS:

20
21 CNSL S. DANIELLS: Mr. Fox tells me he's 47 years old,
22 born in Florida. He's been in Canada since 2013.
23 I understand from him that he is --[indiscernible/
24 remote audio]. Now, I'm getting quite a bit
25 [indiscernible/remote audio].
26 THE COURT: Okay. Ms. Daniels, same thing. I --
27 you're fading in and out too.
28 CNSL S. DANIELLS: Yes. I could hear what sounded like
29 a waterfall briefly, but I think -- I think I'm
30 back in.
31 THE COURT: Yes.
32 CNSL S. DANIELLS: So Mr. Fox has indicated he's 47
33 years old, born in Florida. He has been in B.C.
34 since 2013. He's certainly prepared to stay here
35 until these matters are concluded and he has been,
36 as indicated, staying at Belkin House.
37 I understand from him that he has a degree
38 from UCLA in computer science and he is -- has in
39 the past worked as a software [indiscernible/
40 remote audio]. He tells me that he has, since
41 released, contacted the people who run the site
42 that this material is on and has indeed requested
43 that it be taken down. When he spoke to the
44 police he advises me they asked -- or rather,
45 required he show them his entire email
46 transactions, which he was not prepared to do.
47 But when I spoke to him this morning he told me if

Submissions for Accused by Cnsl S. Daniells

1 he could get access to a computer, he would be in
2 a position to print the email that he sent
3 requiring the site be taken down. Although he
4 created it, [indiscernible/remote audio] to take
5 it down. That is up to the administrator
6 following his direction and [indiscernible/remote
7 audio] --
8 THE COURT: Sorry, Ms. Daniells, this isn't working for
9 me. I...
10 CNSL S. DANIELLS: Sorry, Your Honour.
11 THE COURT: I can only hear part of what you're saying.
12 I think I got that the police wanted access to all
13 of his emails and he's willing to produce the one
14 email.
15 CNSL S. DANIELLS: That's correct.
16 THE COURT: Okay.
17 CNSL S. DANIELLS: Anything you wanted to add to that,
18 Mr. Fox?
19 THE ACCUSED: After you said the part about the emails
20 you were then explaining about -- that while I did
21 originally create the site and make the site
22 public, before the probation began I transferred
23 ownership of the site to a third party so that I
24 couldn't be compelled to take it down because of
25 the probation conditions. Since I've been on
26 probation, I don't have ownership and control of
27 the website and the Crown has failed to produce
28 any evidence whatsoever that I had any involvement
29 in the website since then. Of course that hasn't
30 stopped me from being convicted and found guilty
31 of these things.
32 THE COURT: So, sorry, just so that I'm clear. You
33 transferred the website to a third person?
34 THE ACCUSED: In the United States, yes. Somebody who
35 could not be coerced or pressured by the Canadian
36 authorities because they're not in Canada.
37 THE COURT: Okay. So the purpose of that was so that
38 you wouldn't have to take it down.
39 THE ACCUSED: Well, right. If I don't own it, then I
40 can't be compelled to take it down.
41 THE COURT: Okay. Was that before the sentencing
42 judge?
43 THE ACCUSED: That was before the probation began in
44 December 2018.
45 THE COURT: But who was the sentencing judge? It was
46 Judge Rideout, I think.
47 THE ACCUSED: Yes. I'm sorry. Yes. That information

Submissions for Accused by Cnsl S. Daniells

1 was presented to the sentencing judge in both
2 cases, Phillips and Rideout.
3 It should also be noted in the reasons for
4 judgment of both of those convictions, both of
5 those judges acknowledged that the Crown did not
6 prove that I have any involvement or ownership of
7 the website, but regardless.
8 CNSL C. JOHNSON: Well, I'm going to disagree with the
9 term "involvement," Your Honour, but we can
10 address that later.
11 THE COURT: Okay. So -- just so that I can understand
12 here, Mr. Fox. So it's your position with respect
13 to the charge that you're facing right now that
14 you can't comply with it even though you are also
15 saying that you have tried to comply with it.
16 THE ACCUSED: That is correct. And I can say that I
17 can certainly continue to try to contact the
18 current administrators of the site and ask them to
19 take it down until my probation is done or until I
20 leave Canada or something, but I can't compel them
21 or force them to do anything against their will.
22 Hey, Mr. Wolfe.
23 Oh, also I think it's critically important
24 that I believe the Crown's interest in this
25 website is not protecting my ex-wife, Ms. Capuano;
26 it's because there's a lot of proof of corruption
27 that's been going on in my cases on the part of
28 the Crown. I believe that's what they're really
29 interested in.
30 CNSL C. JOHNSON: Your Honour, I do have the history
31 that I can put before the court now, if Your
32 Honour is --
33 THE COURT: Sure.
34 CNSL C. JOHNSON: Is this an appropriate time for that?
35 I don't -- I've sent a copy of it to Ms. Daniells
36 by phone. But it is important for Your Honour to
37 be aware of this.
38 THE COURT: Yes.

SUBMISSIONS FOR CROWN BY CNSL C. JOHNSON, CONTINUING:

41
42 CNSL C. JOHNSON: So in -- on January 11th of 2015
43 Mr. Fox was charged with a series of offences.
44 And he can correct me if I'm wrong, but I believe
45 it was seven offences. He was then convicted in
46 Supreme Court on November the 10th of 2017 and was
47 convicted of criminal harassment and possession of

Submissions for Crown by Cnsl C. Johnson

1 a firearm. And then the sentence that he received
2 at that time was a three-year jail sentence with
3 respect to the criminal harassment. He was given
4 some credit for time served and ended up with an
5 actual sentence of 17 months at that point in
6 time.

7 And then the court put him on a three-year
8 probation order which included dealing with this
9 particular website. He also received a 17-month
10 [indiscernible/remote audio] with respect to the
11 firearms offence. And that's an allegation
12 [indiscernible/remote audio] that he was in
13 possession of a firearm while attempting to enter
14 [indiscernible/remote audio]. And Mr. Fox may be
15 able to clear that up --

16 THE ACCUSED: Yes.

17 CNSL C. JOHNSON: -- [indiscernible/overlapping
18 speakers] that.

19 THE ACCUSED: Yes. There was a huge number of
20 inaccuracies in everything you just said. Are you
21 finished, or should I proceed now?

22 THE COURT: Well --

23 THE ACCUSED: I'm glad you find this funny,
24 Mr. Johnson.

25 CNSL C. JOHNSON: I will say, Your Honour, that in
26 addition to that, then subsequently because of not
27 complying with the order to remove the website, on
28 June the 12th of 2020 Mr. Fox was convicted of two
29 counts of breach of the probation order. And that
30 was with -- that was Judge Phillips that he had
31 appeared before. And at that point in time he was
32 credited with eight months time served and
33 received a jail sentence of one day, and so it was
34 effectively a six month sentence reached. And he
35 was also put in probation for 18 [indiscernible/
36 remote audio] at that point in time.

37 THE COURT: Sorry, put on probation for 18 months?

38 CNSL C. JOHNSON: Yes.

39 THE COURT: Okay. And these two breaches, what were
40 they? Failing to deal with his website?

41 CNSL C. JOHNSON: Yes.

42 THE ACCUSED: No, that's not correct. Those were
43 before Judge St. Pierre and those were being
44 within a hundred metres of the U.S. border and
45 leaving B.C. without permission.

46 CNSL C. JOHNSON: Actually, I stand corrected. Mr. Fox
47 is correct, Your Honour.

Submissions for Crown by Cnsl C. Johnson

1 THE ACCUSED: I'm always correct, Mr. Johnson.
2 THE COURT: Okay.
3 CNSL C. JOHNSON: I may not agree with that portion,
4 but yes, that is correct. Then, Your Honour, on
5 August the 19th of 2020 Mr. Fox was convicted of
6 another breach of the probation order and that was
7 Judge Phillips, I believe.
8 THE ACCUSED: Yes.
9 CNSL C. JOHNSON: And Mr. Fox was -- and I was the
10 Crown at that point in time. That's when I first
11 became involved in Mr. Fox's matters. And the
12 sentence that he received was a six-month jail
13 sentence. Because he'd been in custody for a
14 period of time, he was given credit for four
15 months. And he was then sentenced to a further
16 probation order of six months. Then, Your
17 Honour --
18 THE COURT: Just let me catch up. So the first two
19 breaches were not Judge Phillips; they were
20 Judge...
21 CNSL C. JOHNSON: St. Pierre.
22 THE COURT: St. Pierre.
23 CNSL C. JOHNSON: Yes.
24 THE COURT: Okay.
25 CNSL C. JOHNSON: Those were the -- the breaches were
26 dealt with on June 12th [indiscernible/remote
27 audio].
28 THE COURT: Okay.
29 CNSL C. JOHNSON: And then August the 19th of 2020 it
30 was one breach [indiscernible/remote audio] before
31 Judge Phillips. And the sentence that was imposed
32 was the one that I've just described.
33 THE COURT: And what was the breach?
34 CNSL C. JOHNSON: I'm just trying to recall. I
35 don't -- I've got -- Mr. Fox? I'm sure he's well
36 aware and I'm going to rely on his description.
37 THE ACCUSED: Failing or refusing to take down the
38 website.
39 THE COURT: Sorry, failing to take down the website?
40 THE ACCUSED: Correct. That was the first time that I
41 was charged with breaching that.
42 CNSL C. JOHNSON: And then, Your Honour, he was again
43 required to take down the website and again did
44 not do so and again came before the court. This
45 was on April the 12th of this year. This is Judge
46 Rideout. And Mr. Fox had a trial and was
47 convicted.

Submissions for Crown by Cnsl C. Johnson

1 He was then sentenced to a term of 16 months
2 of jail. Because of time served, the effective
3 jail sentence at that point was six
4 [indiscernible/remote audio]. And he was then
5 also sentenced to a further term of probation and
6 that probation again required him to remove the
7 website, not to simply send an email or say he
8 sent it. Actually remove the website within
9 48 hours of your release from custody.

10 Again -- Mr. Fox is now before the court
11 on -- this would be the fifth breach allegation
12 and the third one directly relating to this
13 website and his failure to remove it. The
14 website, Your Honour, I did once review it and
15 it contains as I've already described
16 [indiscernible/remote audio] the Court Appeal.
17 It's not just information about his ex-wife, but
18 he's got [indiscernible/remote audio] allegations
19 and quotes about various lawyers, et cetera. But
20 that's -- the gist of what the Crown is concerned
21 about here is this unrelenting campaign against
22 his spouse which is now in its seventh year.

23 And I would suggest too, Your Honour, that
24 Mr. Fox on the secondary ground is entirely likely
25 to continue reoffending. And I'll just say that
26 the police report that I viewed does not indicate
27 that they wanted to look [indiscernible/remote
28 audio] email chain. It indicates that they wanted
29 to see the email that Mr. Fox referenced.

30 THE ACCUSED: May I address a few points that were
31 grossly incorrect in Mr. Johnson's statements?
32

SUBMISSIONS FOR ACCUSED BY PATRICK FOX:

33
34
35 THE ACCUSED: Thank you. First of all, with respect to
36 the firearms charge, that wasn't possession of a
37 firearm. It was possession of a firearm in a
38 place not authorized. I had a firearms licence
39 and I was fully legally authorized to own and
40 possess those firearms. What happened was when I
41 was moving back to Los Angeles I took my firearms
42 with me to Los Angeles. The allegation was that I
43 brought the guns to a shipping facility so I can
44 ship them there, but my ACL didn't authorize me to
45 bring them there. So it was an administrative
46 offence; it wasn't anything related to possessing
47 firearms I wasn't allowed to have.

Submissions for Accused by Patrick Fox

1 The other point that I wanted to make is that
2 Mr. Johnson wants the court to believe that
3 they're trying to protect Ms. Capuano from this
4 ongoing torment that's been going on for years
5 from this website. However, they refuse to
6 prosecute me for criminal harassment again based
7 on this website. If they convicted me of criminal
8 harassment for this website back in 2016 and if I
9 put the website back online, it must still be
10 criminal harassment. That's a much more serious
11 offence than a probation violation. So their
12 claim on that does not stand up to even the
13 tiniest scrutiny. They can't say that they're
14 trying to protect Ms. Capuano but then ignore the
15 criminal harassment element of it.

16 Sorry?

17 THE COURT: No, no, go ahead. Finish up.

18 THE ACCUSED: Sorry, that's all I can remember from
19 what he was saying.

20 THE COURT: Okay. And actually, just to correct you
21 there, Mr. Fox, the Crown can do that. They can
22 ignore whatever they want to ignore. It's up to
23 the Crown to decide what to proceed with and what
24 not to proceed with.

25 THE ACCUSED: I understand they can. What I mean is
26 it's illogical; it's not rational.

27 THE COURT: Fair enough. Mr. Johnson, what -- what I'm
28 not -- what -- my question really relates to the
29 strength of the Crown's case on the charge that
30 Mr. Fox is currently facing. How -- what is the
31 Crown's theory of how it will prove this charge?

32 CNSL C. JOHNSON: Well, the probation order is barely
33 [indiscernible/remote audio] that he's required to
34 remove [indiscernible/remote audio].

35 CNSL S. DANIELLS: I can't hear Mr. Johnson. I
36 think [indiscernible/remote audio] --

37 THE COURT: Okay. Sorry. This really isn't working.
38 It's worse than yesterday. Sorry, Ms. Daniels.
39 I'm not blaming you, but I can't hear you. Every
40 second word.

41 CNSL C. JOHNSON: Your Honour, I pointed this out in
42 the past, but it's when the clerk moves files that
43 it causes disruption in the transmission.

44 THE COURT: Okay. Well, let's try not to move anything
45 and see if that helps.

46 CNSL C. JOHNSON: Thank you.

47 CNSL S. DANIELLS: It has already. Thank you.

Reply for Crown by Cnsl C. Johnson**REPLY FOR CROWN BY CNSL C. JOHNSON:**

CNSL C. JOHNSON: So, Your Honour, just on that point of, firstly, your inquiry. I say that the probation order requires him to remove that website regardless of whether he's assigned it to someone else. Mr. Fox created that website and he is, as far as the police are concerned and the evidence, it doesn't appear that someone else is operating that website.

Your Honour, the post that referenced from last year was -- the only inference from that is that it was Mr. Fox saying that on that website. The fact that he says he's sent an email isn't really evidence because he was given the opportunity to show that email and failed to do so. He's maintained before two of your fellow judges this exact same story, that is that he's assigned this website to someone else. That hasn't been accepted on the evidence. And he's again giving us the same story.

And just lastly, Your Honour, Mr. Fox has also been requesting during the period of time that I've had conduct of these matters that he be charged with criminal harassment. And I'm -- I've declined to do that because my conclusion is that Mr. Fox wants us to have to call his former spouse as a witness. So that's not the only reason. [indiscernible/remote audio] it's a clear breach [indiscernible/remote audio].

THE COURT: Okay.

REPLY FOR ACCUSED BY CNSL S. DANIELLS:

CNSL S. DANIELLS: Yes. I'll just reiterate, Your Honour, he's made it clear that he does not control the website. He's done what he can last week to direct that it be taken down.

THE COURT: Anything else?

CNSL S. DANIELLS: No, Your Honour.

CNSL C. JOHNSON: No, thank you.

THE COURT: Okay.

[REASONS FOR JUDGMENT RE JUDICIAL INTERIM
RELEASE HEARING]

THE COURT: Return date?

Proceedings

1 CNSL S. DANIELLS: How soon can he get particulars, Mr.
2 Johnson?
3 CNSL C. JOHNSON: Well, that's [indiscernible/audio
4 cuts out].
5 THE COURT: Okay. Mr. Johnson, I cannot --
6 CNSL C. JOHNSON: I'm just waiting for the clerk to
7 finish moving the files. Thank you. Your Honour,
8 disclosure for Mr. Fox, the Crown has a procedure
9 where it's disclosed to him electronically on a
10 web -- on a laptop at North Fraser. I would say
11 that that would probably take a week. The reason
12 we have this procedure is because Mr. Fox has, on
13 a number of occasions, published parts of the
14 [indiscernible/audio cuts out].
15 CNSL S. DANIELLS: So one --
16 THE ACCUSED (via video): Your Honour --
17 CNSL S. DANIELLS: -- week, would that --
18 THE ACCUSED: Sorry, Ms. Daniels, if I may. My
19 experience with Mr. Johnson and the disclosure,
20 particularly from this last charge a year ago,
21 he's going to ignore all of my requests until
22 three days before the trial. That's when he
23 provided me disclosure the last time. So whatever
24 he says he's going to do about the disclosure at
25 this -- well, actually, for you it's not really
26 going to be a concern, because I'll be
27 representing myself at that point, but it's not --
28 it doesn't matter what he says at this point. I
29 mean, they'll delay giving me the disclosure as
30 much as they can.
31 THE COURT: Okay. So, Mr. Fox --
32 THE ACCUSED: Yeah.
33 THE COURT: -- pick a date that you want to come back
34 to court.
35 THE ACCUSED: Any -- anytime. I mean, it doesn't
36 matter. I'll be in custody until who knows when,
37 so -- but I would like to point out one thing --
38 THE COURT: So a --
39 THE ACCUSED: -- if I --
40 THE COURT: -- couple weeks is fine?
41 THE ACCUSED: Yeah, sure.
42 THE COURT: Okay.
43 THE ACCUSED: [Indiscernible/overlapping speakers.] --
44 THE COURT: What does a couple weeks bring us to? Is
45 that a Wednesday? So September 1? That will work
46 for everyone?
47 THE ACCUSED: Yes.

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1 CNSL C. JOHNSON: Yes.
2 THE COURT: And that will be -- in what court do you
3 suggest, Mr. Johnson?
4 CNSL C. JOHNSON: I would --
5 CNSL S. DANIELLS: 102, I think, Mr. Johnson.
6 CNSL C. JOHNSON: Yes, I agree --
7 THE COURT: I think so, too.
8 CNSL C. JOHNSON: Yes, I agree with that.
9 THE COURT: Okay. Now, you wanted to say something
10 else --
11 THE ACCUSED: Yes.
12 THE COURT: -- and I cut you off, so go ahead and say
13 whatever it was.
14 THE ACCUSED: Thank you. Mr. Johnson and the Crown
15 insists that I have control over this website, and
16 that's fine; but if I have control over the
17 website and I'm going to be detained, I have no
18 access to the Internet. So, by detaining me, they
19 are preventing me from being able to take down the
20 website. You see, logic and reason do not apply
21 with the B.C.P.S.
22 THE COURT: Okay. Well, Mr. Fox, as I have indicated
23 in my brief remarks --
24 THE ACCUSED: Yes.
25 THE COURT: -- I have -- I can see that there may be a
26 triable issue with respect to the charge, but that
27 is --
28 THE ACCUSED: Right.
29 THE COURT: -- not the issue before me today. So --
30 THE ACCUSED: I under --
31 THE COURT: -- muster your arguments and make them at
32 trial if you are going to be representing
33 yourself.
34 THE ACCUSED: Mm-hmm.
35 THE COURT: In the meantime, your next appearance will
36 be by video September 1 at 9:30 in Courtroom 102.
37 Thank you --
38 THE ACCUSED: Wonderful.
39 THE COURT: Thank you very much.
40 CNSL C. JOHNSON: Your Honour, just before we leave, my
41 office is about to undergo renovations, and so I'm
42 going to ask Mr. Fox to address any correspondence
43 to me to the courthouse at 222 Main Street and not
44 my office address.
45 THE ACCUSED: Okay.
46 THE COURT: Okay. Thank you all.
47 CNSL C. JOHNSON: Thank you.

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1 CNSL S. DANIELLS: Thank you.
2

3 (PROCEEDINGS ADJOURNED TO SEPTEMBER 1, 2021,
4 AT 9:30 A.M.)
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6 Transcriber: A. Pinsent
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