



Recorded DAR Interview with Patrick FOX

August 17, 2021
Incident #21-132224

T – Detective Constable 2754 Janine TANINO
R – Detective Constable 2685 Nicole ROBERTS
F – Patrick FOX

T Today's date is August 17th. The time is 7:39. This interview is in relation to incident 2021-132224. It is an interview of Patrick Fox. Uh, I am Det. Cst. Janine Tanino. Uh, my secondary and who will be in the monitor room is Det. Cst. 2685 Nicole Roberts. And we are in the Annex building, 236 East Cordova Street. Um, the reason for the interview is, um, on October 12th, Patrick Fox was convicted of breach of probation for not removing a hate website against his ex-wife, Desiree Ca-, Capuano. Fox was sentenced six months in custody and one year probation. On, upon his release, uh, one of his probation conditions is that he must remove the website within 48 hours of his release on that date. Um, our unit has been monitoring the website and confirmed that it was still operational as of August 15th. Patrick Fox has been arrested for breach of probation and is currently in our custody. During this interview I may make disparaging comments about people involved in this incident or other, about other people. These comments do not reflect my opinion or the opinion of the Vancouver Police Department. And I will just be leaving the room to go get Mr. Fox.

Door opens/closes

Long pause (ends at E.T. 00:08:02)

Door opens

R I'm gonna just sit over here and like (unintelligible). I'll put the cavi wipes down here.

T Did we wipe down the, his seat?

R I don't know.

T Here.

R I'll probably just do a...

1 T Do you wanna take this?

2 R Yeah. Yeah, I'll take it.

3 **Short pause**

4 T (Unintelligible).

5 **Long pause (ends at E.T. 00:11:27)**

6 R We'll all be in here.

7 T You can just take a seat in the chair. I just sanitized it for you and I wiped

8 everything down.

9 F Okay, thank you.

10 T You're welcome.

11 R (Unintelligible) next door and I'll be back (unintelligible)...

12 T And there is wipes here too if you, if you need anything else, or.... Nicole is just

13 gonna join us.

14 **Door opens**

15 R You get two of us today...

16 **Door closes**

17 R ...because, again, we're having technical difficulties, so...

18 T So, uh, like I said earlier...

19 R ...(unintelligible).

20 T ...my name is Janine. I'm a police officer in our VPD, uh, DVACH section, so

21 Domestic Violence and Criminal Harassment. Uh, this is Nicole, she works with

22 me. Um, I noticed you have a coffee and you had a cigarette outside.

23 F Yeah.

24 T No washroom break? You're, you're find right now?

25 F (No verbal response)

26 T Okay. If you need any water or anything, just let us know, okay? Um, do you

27 need us to let anyone know that you're here right now? Any friends, family,

28 anything?

29 F No.

30 T No. Okay. And, uh, I'm sure you've, this isn't how you planned to, uh, start your

31 morning, but, um, how are you doing right now?

32 F I'm fine.

1 T You are?

2 F Thank you.

3 T You're welcome. So just so you know, the room is audio and video recorded.

4 R (Unintelligible).

5 T Uh, and there's, uh, cameras up here as well.

6 F Yeah.

7 T Because we did have some issues with the audio, I do have it audio recorded

8 here as well, so, um.... So, uh, I did sanitize your chair and the table as well.

9 Um, so understand that anything that you said to the police before should not

10 make you feel like you have to say anything here to me today. Um, if you felt

11 compelled to say something earlier, that doesn't oblige you to say anything at this

12 time and you don't have to repeat what you said. Uh, you don't have to say

13 anything further and know that whatever you do say may be given in evidence.

14 Has anyone threatened or promised any hope of advantage, uh, to talk to police

15 today?

16 F No.

17 T Okay. And did you say something that, did anyone say something bad would

18 happen if you didn't talk to me today?

19 F No.

20 T Okay. Did someone say something would go better for you if you spoke with me

21 today?

22 F No.

23 T Okay. And do you understand?

24 F Yup.

25 T Okay. So, I understand that you declined to speak with a lawyer and you do

26 represent yourself?

27 F Correct.

28 T Is that.... Okay. Uh, just so that I make sure I understand. Um, and you don't

29 wanna speak with a lawyer or have a phone call at all right now.

30 F Correct.

1 T Okay. So I don't want any misunderstanding here today. Uh, I wanna be sure
2 that we know that we're talking about the same thing. Uh, what's your
3 understanding of why you were arrested today?

4 F Um, the allegation is a breach of probation, 733.1, I believe. Um, the condition
5 I'm accused of breaching is that I was required to take down the website, or at
6 least make every reasonable effort to take down the website, uh, within 48 hours
7 from my release from custody, which was on Thursday of last week.

8 T Okay. Yeah, and my understanding is that you did serve, um, some time in
9 Fraser Regional for another breach. Am I, am I correct?

10 F Yes.

11 T Okay. And then, and was it for failing to remove the website as well?

12 F Yes.

13 T Okay. And just so that I'm clear, it, I'm probably gonna say it wrong. So it's Desi
14 Ca-, Capuan-, Capuano?

15 F Capuano.

16 T Capuano.com. Okay. And so you were released on the 12th. Uh, you have
17 multiple conditions but one of those conditions, like you said, is to take down the
18 website within 48 hours of your release. Um, and as of yesterday, I believe in the
19 morning, it was still active, which was obviously past the 48 hours. So that's my
20 understanding of like why we're here so I think we're both on the same page right
21 now. Um, and then the lead investigators did arrest you for breach of probation
22 this morning, which you already said exact same, uh, section as well, so good
23 memory. Um, and although I work in the same unit as Det. Dent, I was not here,
24 I was not in that unit for your original arrest. Um, I, I have very limited knowledge
25 of this. I read, um, some of his file and, um, I, I was aware that you were in the
26 media for this. So, uh, and my role is very limited in this. It's to basically just to
27 talk to you today. Um, in order to get a good s-, understanding of maybe who
28 you are and, and why we're here I, I like, I'd just like to get to know you a little bit
29 more. Do you have, are you from Canada?

30 F No.

31 T Okay. And f-, family? Friends? Like do you have, uh, anything up here that you
32 kind of, do you have a life up here that you've built?

1 F No.

2 T Okay. And where are you from originally?

3 F The US.

4 T US. Okay. Family there?

5 F No.

6 T No family at all?

7 F (No verbal response)

8 T Okay. Um...

9 F But, I have a son and an ex-wife. But I've had no contact with my son since all of
10 this nonsense started back in 2016, uh, when I was arrested in 2016. That was
11 the last time I had any contact with him.

12 T Okay.

13 F My ex-wife, of course, being Desiree Capuano.

14 T Okay. Um, I'm, well, I'm sorry to hear that. I'm a parent as well...

15 F Hm, so am I.

16 T ...and I c-, I, I can imagine that's extremely difficult. Uh, h-, i-, you said a son,
17 right?

18 F Mm-hmm.

19 T What, what, what's his name?

20 F Gabriel (phonetic).

21 T Gabriel. Okay. And how old is he now?

22 F 20.

23 T 20. Oh, wow, okay. So, yeah, uh, an adult. Okay. Um, and so those are the
24 only two kinda family members you would have in the, in the US, or...?

25 F I would say the only one. I wouldn't consider my ex-wife family.

26 T Oh, okay. Yeah, fair enough. Okay. Um, and then in Canada how long have
27 you kinda been up here for?

28 F Uh, came here in 2013. May of...

29 T Oh.

30 F ...2013.

31 T Okay. And you h-, do you have a like technology background, or...?

32 F Software engineer.

1 T Oh, wow, okay. And did you work up here at all, uh....

2 F Yes.

3 T ...in relation to that? Oh, okay, cool. Well, we probably could've used your help

4 a few minutes ago when we were trying to get this room set up.

5 R (Chuckle) Yeah.

6 T Um, so, just so I kn-, so you know what's gonna happen here today, I'm gonna

7 ask you tell me everything you know about this situation 'cause, like I said, I don't

8 have a ton of background on it. Um, I'm not gonna interrupt you. I might ask you

9 some questions to clarify. As you can see, Nicole is taking notes. That's just so

10 that I can pay attention to you and take in what you're saying. She might have

11 some questions at the end that she might wanna ask as well. Um, if I ask you

12 something and you're not sure about the answer, y-, you can tell me. So, um, I'm

13 sure y-, you, you do have a lot of the answers 'cause you seem like a fairly smart

14 guy and you, you know why you're here. So, um, we have lots of time, uh, take

15 your time. Do you understand?

16 F Yup.

17 T Okay. So what I'm gonna do now is this. I'm gonna listen to what you have to

18 say and I'd like you to help me understand, uh, what's going on. Um, tell me

19 everything about what has been happening for you since your release on

20 Thursday.

21 F Everything that has been happening. Well, on Thursday, I checked into the

22 Belkin House, um, and that's pretty much it.

23 T Yeah.

24 F It's only been a few days.

25 T Yeah. Have you stayed there before?

26 F Yup.

27 T Okay. And the process there, like I, I've never actually been inside. I've been in

28 the lobby and stuff. Like how, how does that work? Do you have your own room

29 there or do you have, they feed you, uh, outta the cafeteria, like h-, how does...?

30 F They, they provide three meals a day. Um, you don't have your own room. You

31 share like a little dorm with five other people. Well, there is five beds. Um, I think

32 there is only four other people right now in the room that I was in.

1 T Okay. And you've been there since Thursday.

2 F Yeah.

3 T And do they kinda help you get set up with services? I'm not sure what they,
4 how they kind of reintegrate people into...

5 F Um, I have no idea about that.

6 T No idea? You plan on, at some point you were planning on getting back at
7 things, work?

8 F Um, I'm planning on waiting until the first probation order, the one that requires
9 me to stay in British Columbia, expires in December, and then returning to the
10 US.

11 T Oh, okay.

12 F Of course with this new charge now, I'll probably be in custody for the next two to
13 three years, um, and then I'll go back to the US at that point.

14 T Okay. Is that what you're, you, that's what you're expecting?

15 F Probably.

16 T Yeah? Okay. Uh, so since you've been released, um, have you had any access
17 to, uh, the internet?

18 F Of course.

19 T Phone? Computer? You said, of course, sorry?

20 F Of course, yes.

21 T Okay.

22 F I mean everybody has access to the internet.

23 T Oh, s-, you know, some people if they don't have a phone, they might not have
24 access. I also I don't know what the services are at Belkin. I don't know if they
25 have a computer...

26 F Mm-hmm.

27 T ...room or somewhere that you can access the internet.

28 F Right, right.

29 T So...

30 F I have a phone and a laptop.

31 T Oh, you do. Okay.

32 F Both are capable of connecting to the internet.

1 T Okay. Um, and...

2 F However, however, um, because one of the probation conditions on the first

3 probation order is that I can only use the internet for employment and sending

4 and receiving personal emails. I'm not going to comment on whether or not I

5 actually accessed the internet since Thursday. Because if I say that I did access

6 the internet, then I'd be admitting to violating that condition.

7 T So, sorry, you're allowed to access the internet for work purposes...

8 F Yes.

9 T ...you said. And you're allowed to access the internet for email.

10 F Yes.

11 T So as long as you're accessing the internet for those purposes, you're not

12 violating your probation.

13 F Right. Now, what's mind-blowing about that is, um, certain things like Google

14 Calendar, for example, or your Google Contacts...

15 T Yeah.

16 F ...those are on the internet. And so if you turn your phone on and you use your

17 Google Contacts to pull up somebody's telephone number, you're accessing the

18 internet.

19 T Yeah.

20 F So.... It, the conditions weren't the best written.

21 T The, the clearest...

22 F Mm-hmm.

23 T ...to make sure that you don't breach your conditions.

24 F Right.

25 T At least not that portion of the condition. Okay.

26 F But, hey, if they wanna, if they wanna prosecute me for breaching because I

27 accessed my Google Contacts so I call a friend or something, well, more power

28 to them.

29 T Yeah, it is, it is a bit of a weird, odd condition. Yeah. It should be a little bit

30 clearer, you're right, just so that there are no, there's no confusion of or what

31 you're doing or what you're trying to do. Um, I, I have to say I'm not the most

1 tech savvy, obviously as you can tell. Um, I don't even know what is required.

2 Uh, I know that one of the condich-, conditions is to like take down the website.

3 F Mm-hmm.

4 T I've never created a website, I've never taken down a website, I've never even

5 updated a website, so I don't even know what is involved in that. So when they

6 say, taking down a website, I don't know what that necessarily entails.

7 F Mm-hmm.

8 T Is it just like the click of a button, or...?

9 F Um, technically, like to say, take down a website, doesn't make any sense. You

10 don't actually take down a website. Um, you could just make it inaccessible,

11 publicly inaccessible, or, um, you could disable or change the DNS entries and

12 the DNS server, but I mean there is no taking down a website. That would be

13 like saying, taking down a television show. I mean...

14 T So, yeah, you would just, it, it would just be cut off so that no one could view it.

15 F Yeah.

16 T Okay. And i-, when you say that you just go in and you make in accessible to the

17 public, is that just a click of a button, or is that like ch-, like...

18 F There's a...

19 T ...changing something? Like how does that work?

20 F There is a few ways that that can be done. Um, one is you could delete all of the

21 content from the, uh, the hosting provider. Um, another way...

22 T What would that do? What would that do? Would that just make it so that you

23 could search that, but...

24 F Well...

25 T ...there would be nothing there?

26 F ...if you delete all the files that are the, uh, the web-hosting server, um, there

27 would be no content there for people to go to. So if they were to go to, let's say,

28 desicapuano.com, um, it would just come up with a blank page, they'd be

29 nothing. Well, actually, it wouldn't even be a blank page. It would just come with

30 an error saying that there is nothing there.

31 T Oh, okay. And then you said the other one was d-, DN-...

1 F Uh, the DNS, yes. That's the Domain Name Service. When you type in
2 something like, uh, www.microsoft.com...

3 T Yeah.

4 F ...the DNS service on the network or on the internet converts that address or that
5 URL, um, to an IP address.

6 T Okay.

7 F And so, if you remove the entries from the DNS server, then there would be no
8 way to resolve a given host name to an IP address.

9 T Okay. So there is a couple different ways you, you could take down.... I know
10 I'm, it's not...

11 F Sure.

12 T ...the correct term, but we'll use it for the purposes of today. Like there is a
13 couple of ways that you can take down a website if...

14 F Sure.

15 T ...you needed to.

16 F Um, you could also, uh, add a, uh, password requirement on it so that if
17 somebody went to the website, they would have to put in a username and
18 password.

19 T Oh, so it would be...

20 F Then the website would still be there, but nobody would be able to access it.

21 T Oh, okay. And do you, the, the, desicapuano, do you have access to that
22 website?

23 F I don't.

24 T You don't? Uh, who, who would have access to that website?

25 F Um...

26 T To update like you just said.

27 F Yeah. Uh, that I'm not going to answer.

28 T Okay.

29 F Um, partially because I can't answer it right now, I don't know. And that was
30 done very deliberately. Before the probation began in 2018, um, and I've been
31 over all of this before, uh, but before the probation began, I transferred ownership
32 and control of the website to another party so that way I couldn't be compelled to

1 take it down or do anything with it. With the understanding that once I'm no
2 longer on probation, then I would take back the website.

3 T Okay, so before you had your probation...

4 F Mm-hmm.

5 T ...you signed over rights to the website, like access to it, to a third, to a different
6 person...

7 F Yeah.

8 T ...so that you wouldn't be, you wouldn't have the authority...

9 F Right.

10 T ...to take it down during your probation with the hopes that when the probation
11 ends, that's when you'll take it back over. Is, am I understanding that correctly?

12 F Yes. And even if, even if control of it wasn't given back to me after the probation
13 is finished, it would be easy enough to just create another, another copy of it or
14 another version. Because if you have all the source material, you just put up a
15 new website...

16 T Create a new website with a different...

17 F ...and just upload all the source material.

18 T ...with a different, uh, (unintelligible) name.

19 F Different URL, yeah.

20 T Okay.

21 F Now, um, doing that doesn't violate the probation conditions at all and there is
22 nothing illegal about the website. Um, so the prosecutor is just trying to use the
23 probation conditions as a way to get the website taken down. There is nothing
24 illegal about it, though. Um, and I've been demanding that they prosecute me for
25 criminal harassment based on the current website, um, because they convicted
26 me of criminal harassment from the, based on the original website back in 2017.
27 And if the new website is the exact same thing as the old website and still online,
28 it must still be criminal harassment. But the thing is it's not criminal harassment
29 and they know that. And if they were to prosecute me for that and have another
30 trial, then my ex-wife committed so much perjury and there was so much
31 corruption and collusion that went on at that first trial, and there is evidence of all
32 of that and most of that is on the website, um, so if they were to prosecute me

1 again and have another trial, then I would be able to confront my ex-wife with all
2 of that proof that she committed all of that perjury and then she would have no
3 credibility, I'd be acquitted, and then it would raise issues of...

4 R 'Kay.

5 F ...how, how could I be convicted of something the first time, do the exact same
6 thing and be acquitted?

7 T Um...

8 F Which would bring the justice system into disrepute.

9 T Okay, sorry. I'm just tryna make sure I understand that.

10 F That's okay. It's all on the recording.

11 T Yeah. So the first website, conviction.

12 F Mm-hmm.

13 T Created the second we-, website thinking that there would be another criminal
14 charge of per-, of criminal harassment, not breach or anything like that.

15 F Right.

16 T It would be a criminal harassment charge, which would essentially create a new
17 trial, which would call into question all the same evidence, because it is the same
18 like you're just saying...

19 F Right.

20 T ...and then it would, it would have a different effect. You think that there would
21 be, uh, there wouldn't be a conviction, and then it would question the entire first
22 trial and everything that went on it because of the evidence that was presented
23 there. Am I...

24 F Fair enough.

25 T Okay. Okay. I just wanna make sure we're on the same.... And I know there's
26 been a lot, like there, this isn't just a, a, a single incident.

27 F Mm-hmm.

28 T It sounds like there is a really long history here and I think there's probably a lot
29 that's happened prior to the creation of these websites, because, like you said,
30 you haven't seen your, your child. So I'm, I'm, no one doesn't, no one, I think,
31 wants to go back to jail over and over and over again. I think that a lot has

1 happened prior to the creation of these websites, so I just wanna sure I'm
2 understanding everything correctly 'cause this is your chance to kind of, uh...

3 F Isn't the...

4 T ...explain to us...

5 F ...purpose of this discussion, though, to try to get me to say things that can be
6 used against me at a trial?

7 T No, not necessarily. No.

8 F Really? Okay.

9 T No, that's why we go through all of that, right? That's why I said anything that
10 you say may be...

11 F Mm-hmm.

12 T ...given in evidence, right? It's not necessarily to get you to admit to anything;
13 it's to make sure that we understand all the facts and sometimes the facts don't
14 lead to our charge.

15 F Okay.

16 T That's, that's...

17 R And if I may step in too.

18 T Yeah, sorry.

19 R Like part of the reason why we talk to people is because we don't want our
20 investigation to be one-sided, right?

21 T Yeah.

22 R Like you're part of the investigation, you're one-half, and then we have the other
23 half. So that would be an incomplete investigation if we just failed to speak to
24 you at all about any of the alleged charges, right?

25 F Okay.

26 T Yeah. And just because, like you said, some, some, some of the things people
27 say, uh, lead us down a direct, a different direction, right, and it causes the
28 investigation to kinda pivot. And, um, like Nicole said, we're, we're not here to
29 just, uh, put people in jail because we, what we think is is the truth, right? That's
30 why we interview everyone and get everyone's fair side. And, like I said, I, I don't
31 know much about this investigation, but I assume a lot has happened to make it

1 so that you are not, you've transferred, you know, ownership over to some, a
2 third party. You've thought about this a lot.

3 F Mm-hmm.

4 T You've gone to a lot of steps and so I just, I wanna make sure that I understand
5 correctly and that the courts will, will hear this as well, and that's why.

6 F Okay.

7 T So, um, so you haven't made any attempt to take down the website, if I'm
8 correct, because you don't have access to it.

9 F I emailed, um, whoever might be monitoring the editor at desicapuano.com email
10 address, which is right there on the website, which you guys could also email
11 those people and ask them to take down the website. They know about the
12 situation, what's going on, because it's been in the news and all. Um, I haven't
13 heard anything back from them, though. But, um, since the intention of
14 transferring ownership of the website to another party was so that I couldn't be
15 compelled to take it down any circumstances, uh, it's not likely that they're gonna
16 do anything.

17 T Okay, because of what you've already put into motion, they wouldn't, they
18 wouldn't take it down even if you did email them.

19 F Right.

20 T Okay. And do you h-...

21 F I mean they, they know that I'm willing to sit in jail for, I mean, honestly for the
22 rest of my life if I need to for this, so...

23 T Well, why...

24 F All right, people always...

25 T ...why is, why is that?

26 F ...can't figure that out. Okay. Um, I had a certain quality of life, a certain
27 standard of living before all of this began, um, and before all of this nonsense
28 with my ex-wife. I had a career, made good money. I had custody of my son
29 that I was raising without any contact from her. Um, and then she comes out of
30 the blue and starts creating all of these problems. I get deported to a foreign
31 country that I have no status in. Um, and then, of course, all the news media and
32 all the justice system completely takes her side with all of her allegations, even

1 though I have proof that she's lying about all this stuff, but nobody cares. Um,
2 so, because of all the stuff that's been in the news media, there is no way that I'd
3 be able to get any kind of employment in Canada. Um, I would probably in the
4 US because, I mean, people in the US see this for what it is. It's just, it's
5 nonsense. It's complete stupidity that you guys will put somebody in prison for
6 so long for something that.... Well, this, even cr-, criminal harassment doesn't
7 exist as a criminal offence in the US. Um, and so I'm sure I'd be able to get
8 employment when I go back to the US, but still, a lot of people aren't going to
9 work with somebody who's had all this bad publicity. Um, and I've lost custody of
10 my son and I've no contact with him now for so long. Um, I've been exiled from
11 the US. I mean all I want is to go back to Los Angeles and get on with my life
12 there, but I can't. Um, as long as I'm on probation then they can breach me, get
13 a warrant for my arrest, and the US authorities are gonna send me back here.
14 Um, now, I've already at one point turned myself into CBSA so that I'd be sent
15 back to the US and that worked out fine. But then the prosecutor got a warrant
16 for, because he said I left BC without permission. So then Homeland Security
17 grabbed me and sent me back here. Um, so, the quality of my life has degraded
18 and deteriorated so much because of all of this, and from my perspective, it didn't
19 degrade because of what I've done. It degraded because my ex-wife goes
20 around telling lies and everybody accepts her lies and nobody wants to hear
21 anything about.... And I don't wanna make this a gender issue, but, uh, it seems
22 to me at least here in Canada, the news media definitely is trying to make it into
23 that. Um...

24 T A gender issue.

25 F Yeah. I mean because she's a poor helpless woman and I'm this evil vile man
26 and I'm abusing her and doing all of this stuff. But, I mean, to begin with at this
27 point, the website really has very little to do with Capuano anymore. Any
28 updates that have been put on the website since 2016 have been more about the
29 corruption and injustice that's going on with my cases. Um, so, given that the
30 quality of my life has degraded so much at this point, um, being in jail isn't really
31 that big of a deal. I mean I'm living in a homeless shelter for Christ sake. Like I
32 was a senior software engineer before making a hundred to 150,000 a year. Um,

1 I had excellent credit and everything was fine. Um, and then all of a sudden
2 because of the news media and because of her crying on the news media, and
3 the news media only reporting her side of stuff, um, and even consider the police
4 didn't get involved in the beginning because they probably saw that she was lying
5 and that there was no crime. And it wasn't until I moved back to the US and,
6 because I had a firearms licence up here, then the RCMP panicked because I
7 brought my firearms. The firearms I bought up here, I brought those back to the
8 US with me. And the only reason I did that was because I had spent four to
9 \$5,000 on them so I didn't wanna just throw away four or \$5,000.

10 T Yeah.

11 F Um, and then the news media makes it seem like I brought my guns down there
12 so I can go harm my ex-wife. But I own other guns in the US. If I wanted to go
13 harm her, I can, in Arizona you can just walk into a store and buy a gun. There's
14 no registration or anything. Um, so, that's why I say I don't care about sitting in
15 jail for the rest of my life. Because as far as I'm concerned, my life, as I knew it
16 before, is completely destroyed, it's over. Um, I'm never gonna be able to go
17 back to it. And, like, I was a very honest, credible, uh, person before. But now
18 because of all the stuff that's been in the news, nobody would see me that way.

19 T M'kay.

20 F So, go ahead, lock me up. I don't give a shit.

21 T But, y-, I j-, I just, I wanna ask. So you guys were married and you said you had
22 custody of your son. Did you have custody without her? You said no contact with
23 her. Did you have him for a period of time without her being around, or...

24 F Yes.

25 T ...did you guys just...

26 F She...

27 T ...co-parent (unintelligible).

28 F We separated in 2001 and then she went back with her ex-boyfriend or
29 something in Florida. We were living in Los Angeles. Um, so then she took off
30 back to Florida and then that's when I got custody of our son. And for many
31 years, for nine years, uh, she made no effort to have any contact with us or
32 anything. There was a couple of times during that period where say, once I had

1 moved to Phoenix where her mother lives. Um, I was in contact with her mother;
2 her mother contacted her. So, she knew where we were but she made no effort
3 to have any contact with him. And then it wasn't until 2011 when I tracked her
4 down and contacted her because maybe she might wanna have some kind of
5 relationship with Gabriel, and then she started scheming and such and being
6 very nice and pretending, or saying that she wasn't going to do anything Gabriel
7 didn't wanna do and she just wanted to be in his life, et cetera. And the first
8 chance she got, she came to Los Angeles, took him, ran off to Arizona with him
9 to get, uh, emergency custody based on a false claim that I had been hiding him
10 from her for nine years. And then that lasted about three months and then the
11 family court ordered her to return him to me and that was in 2011. Then, she
12 starts contacting, uh, like the Canadian Consulate and Homeland Security and
13 filing all kinds of false allegations against me. Um, that eventually resulted in me
14 being deported to Canada and that's when I lost custody of my son.

15 T Why, why Canada if you're, you're both US citizens?

16 F Yes.

17 T Why, why, sorry, why Canada?

18 F I don't really know what kind of situation there was between Homeland Security
19 and the CBSA, but it's pretty clear to me at this point that whatever Homeland
20 Security tells CBSA to do, they're gonna do it. Um...

21 T Okay.

22 F And so, the allegation was that I was an illegal alien from Canada. Um, so
23 eventually Homeland Security told CBSA or asked CBSA to accept me for
24 deportation, they did, and I just wanted to get out of custody so I said, wherever
25 you wanna send me to, I don't give a crap, just, I just wanna get out of here.
26 Because I spent four years in Homeland Security custody, from 2007 to 2011,
27 fighting about that nonsense, the allegation that I was an illegal alien. They
28 never provided any kind of concrete proof that I was, just a lot of suggestion and
29 such and...

30 T Okay. And that's how we get to Canada...

31 F That's how I...

32 T ...with all of this.

1 F ...ended up being deported here, yes.

2 T Yeah.

3 F And...

4 T And you said 2013, you said?

5 F Yeah.

6 T Yeah.

7 F I've got documents from (unintelligible) and from CBSA. Both clearly stating that

8 I was born in the US, but, uh..... And they're, they're on the website.

9 T Yeah.

10 R Okay.

11 F Um, my (unintelligible) record and my GCMS record, they both say that I was

12 born in the US, but...

13 T Okay, sorry, yeah. Obviously, like you can see. I've had access to some stuff,

14 but I'm still just like kind of confused on why things are they way they are. Um,

15 and I, I appreciate you explaining it 'cause I know you say like, you, you must

16 know this, it's, it's on the media, it's in the news and stuff, but, and, like you said,

17 sometimes they don't report everything.

18 F Ha, sometimes? Um...

19 T I'm not, well, as, you know, an officer that's...

20 F I'm blown away at how one-sided the Canadian news media is. At least in the

21 US, like they do the same stuff in the US, but at least there they make an effort to

22 try to report the other side was well.

23 T Yeah.

24 F Except for CNN and Fox. They're completely one-sided.

25 T Well, and even if you wa-, in, in the US, even if you watch one news outlet, you

26 might get one view, but you can still get the other side if you go to...

27 F Mm-hmm.

28 T ...another news outlet.

29 F Right, right.

30 T So I, uh, I like to hear it straight from the source versus, uh, the media

31 sometimes...

32 F Mm-hmm.

1 T ...so you can understand. Um, so you did email, though.... Sorry, just getting
2 back to that. You did email the editor at the site to request to take it down, but
3 because you had given this person, uh, uh, the rights over the site right now, they
4 won't take it down because the whole point of you giving them that was because
5 you didn't want to be compelled to have to take it down.

6 F Yes.

7 T Am I correct? Okay, so even if you emailed them, they said they won't. They...

8 F They didn't res-...

9 T ...they didn't respond, but the idea is that they wouldn't because of the whole
10 reason to have it.

11 F Sure.

12 T Okay. Um, do you have a copy of that email?

13 F I sure don't.

14 T You don't at all? Okay. And do y-, when did you...

15 F Sorry, I don't have a copy here.

16 T Okay.

17 F I'm sure there's a copy in my, uh, sent folder.

18 T Okay. And you would be able to get that for us at some point?

19 F Sure.

20 T Okay. And what day did you send that?

21 F Possibly Thursday or Friday.

22 T Thursday or...

23 F I don't know.

24 T ...okay.

25 F Um, it wasn't something I paid too much attention to because I didn't think that
26 it's gonna matter. Um, I knew that eventually I'm gonna be charged with this
27 again and then, uh, the Crown is gonna do their thing where they go into court
28 and tell a bunch of lies and ignore evidence and such, and so.... And then there
29 will be a trial and then I'll be convicted. And then I'll appeal and the appeal will
30 be dismissed and I'll serve whatever sentence. I'll probably get, m-, I got 16.5
31 months on the previous one, so I'll probably get two-and-a-half years, maybe
32 three years on this one.

1 T So y-...

2 F For a breach.

3 T So you didn't think that even just sending that email would, even though it...

4 F My experience with the justice system here is that none of it is gonna matter.

5 T What wouldn't? The, the email to the editor?

6 F Um, yeah, any truth or reality or evidence that I provide at the trial isn't, isn't

7 gonna make any difference.

8 T Okay.

9 F Like, uh, at the two previous breach trials, the Crown and the judge both

10 acknowledged that the Crown didn't provide any evidence that I have any

11 ownership or control or any direct involvement in the website, but still found me

12 guilty.

13 T It's just one after the other, after the other, it feels like. Like just listening to you

14 it's, you're already expecting this. It's like you're predicting, because you've gone

15 through this time and time again and yet you're...

16 F Sure.

17 T ...and yet you're still.... Like when you get back, when you get the website back,

18 after the probation, like you said...

19 F Mm-hmm.

20 T ...what, what's gonna happen? What, like, you're not gonna be on probation

21 anymore, like how does this all, how does this end? In a perfect world for you...

22 F Mm-hmm.

23 T ...how does this look at the conclusion? No probation. You've got the website

24 back. Like...

25 F Well...

26 T ...how does this work?

27 F ...at that point I won't be in Canada anymore either, so, um...

28 T You'll be in the u-, you, you'll go back to the US, that's for sure?

29 F The US or somewhere else.

30 T Okay.

31 F But it won't be in Canada. That's, that's the part that's relevant.

32 T Hm, okay. So you wanna leave the country. Does the website stay up forever?

1 F (No verbal response)

2 T Does, at any point do you and her ever like squash it? You know, like do you

3 know what I mean? Like at any point does it ever end?

4 F Sure. Once we figure out how to time travel and go back five or six years. Well,

5 actually, I probably wanna go back to before being deported and losing custody

6 of my son. Um, once we can figure out how to do that, then possibly.

7 T Okay. Just too much has happened.

8 F As I said, my life is destroyed and ruined. Not because anything that I did

9 particularly, but because she has such a willingness to tell whatever lies and just

10 shed a couple of tears to get what she wants and everybody just believes it all. I

11 mean sure you could say, oh, but this is happening because you created this

12 website. But, there is nothing illegal about the website. Like if the website was

13 illegal, then I could understand. But, uh, it's not, I mean.... Um, for it to be

14 criminal harassment she has to have a reasonable and objective fear for her

15 safety based on the alleged conduct. Um, she has no reasonable, or she has no

16 fear for her safety whatsoever. Consider, and is it.... Wait, I'm trying to think if

17 this is on the website. No, I don't think it is, but it came up in the, uh, well, I

18 brought it up numerous times in court. Um, since the current website has been

19 online, uh, it's been over two-and-a-half years now, she's never filed a complaint

20 with the hosting provider. She's never, uh, tried to get any kind of court order in

21 Arizona, which is where the website is hosted, um, to get the website taken

22 down, um, she's taken no steps at all. She doesn't give a crap. Um, she's just

23 doing this, I believe, uh, just to spite me, just to get back at me, and, of course,

24 because the victim services people keep pushing her to do something.

25 T So you don't believe that she has any reasonable fear of you. There was nev-,

26 like y-, do you, you guys never had a, um, there was no domestic issues between

27 you, arguments, fights...

28 F No, none whatsoever.

29 T ...no threats, no nothing? So...

30 F She's even, she's even stated herself in her police interviews that she doesn't

31 believe that I would ever physically harm her or physically do anything to her.

32 She said in her victim impact statement that she never believed that I would

1 actually go to Arizona. Um, and, sorry, I'm trying to think of other times that she
2 might've said something that proves that, uh, she doesn't believe that I would do
3 anything to her. But, those, those are the two main ones.

4 T And do you think that she, by the website remaining up, that she is affected by
5 that site at all? Do you think that it impacts her at all, uh, whether it's fear,
6 whether it's, uh, like what...

7 F Mm-hmm.

8 T ...what d-, uh, effect do you think the website has on her?

9 F I believe it does have some impact or effect on her, um, in as much as, for
10 example, if she applies for a job. It might be more difficult because people don't
11 wanna hire somebody who might bring complications to the workplace. Uh, it
12 might stem from something like that, or who's gotten bad publicity, just like I said
13 with myself because I've been in the news media. A lotta companies won't hire
14 simply because of that. Um, but as far as how it affects her psychologically or
15 emotionally, I believe she wants the website to remain online because she uses
16 that to get people's pity and sympathy.

17 T Oh, so you think that she feels like she's, maybe she's benefitting from it
18 because it causes people to look at her as the victim.

19 F Yes.

20 T Okay.

21 F And...

22 T And it also affects possibly her livelihood in terms of like making money because
23 she might not be able to get a job.

24 F Right, but I don't think that she cares about that because I'm sure that her
25 boyfriend or fiancé or husband or whatever she has now is willing to support her.
26 Um, and the theory that I have about her wanting to keep the website online is
27 also supported by the fact that, um, the pictures of her son, her other son, Sage
28 (phonetic), that were put on the website at some point about him, uh, by the pool
29 in his underwear or something, and she made a big deal about that in the news
30 media and at the trial. Um, the reality of that is that those pictures came from her
31 Facebook page. Uh, she put those on her Facebook profile back in, I think it was
32 2009. Um, they were copied from there and then put onto the website. She

1 never made any effort or attempt to, uh, ask me take those pictures of her other
2 son off of the website. This is going back to when I actually had control of the
3 website before 2016. Um, even when the trial was going on, even after I was
4 charged with this stuff, nobody ever asked me to take down these pictures of, uh,
5 her son in his underwear by the pool. Pictures that she put on the internet, not
6 me. Um, so that shows that she is willing to use pictures that she or a
7 reasonable person would believe might be harmful or damaging to her son, for
8 her benefit, to get people's pity and sympathy.

9 T Oh, so sh-, you're saying she already posted those pictures. They're already out
10 there on the internet, they're available. And then you...

11 F Yes, and that's also on the website.

12 T ...just, and you just re-posted it.

13 F Right. There's a copy of, uh, her Facebook timeline on the website. Um, I can't
14 remember when it's from, maybe like 2014, 2015 or something...

15 T Yeah.

16 F ...and that's where those pictures came from. So that proves that the pictures
17 came from there. That she was the one that published them, not me.

18 T Okay.

19 F There is a lot of sociopaths out there and sometimes sociopaths also happen to
20 be female.

21 T Okay. Yeah, fair, fair enough. Yeah.

22 F And don't get me wrong, I have nothing against women. Um, I'm not a, I'm not
23 misogynistic or anything. I don't give a crap about, uh, male or female, um, but I
24 do give a crap about people who try to exploit other people's compassion or
25 sympathy or understanding and people like her do it all the time. I mean that was
26 the whole purpose of the website originally was just to show people that this is
27 the kind of person she is so don't be fooled by, uh, her tears and her sweetness
28 and such.

29 T So after you guys have gone through all of this, the, the creation of the website
30 was basically that, to give the truth about who she is and what she's done.

31 F Yeah.

1 T That was the sole purpose of, of doing it. Not to threaten, or not to hurt her,
2 nothing, just to show her true colours like you j-...

3 F Right.

4 T ...basically like you just said.

5 F Just like if a pedophile moves into the apartment next door to you, you might
6 want to let the other people who live in the apartment building know that this
7 person, uh, has those kinds of tendencies. So if you put posters up around the
8 neighbourhood just to inform people, you're not necessarily doing it to harm that
9 person, you're doing it to let the other people know to watch their children around
10 that person.

11 T Okay. And, like you said, the reason for the website, uh, you don't have access
12 to it right now to update it, but when you do get it back, it, you plan on keeping it
13 up because it, you think, 1) it's not criminal, 2) it's, it's, she doesn't have a
14 reasonable fear of it, and 3) that you want to let everyone know the kind of
15 person she is. So that's why it's gonna remain up.

16 F Um, well, you're also forgetting the aspect about exposing the corruption that's
17 been...

18 T Yes.

19 F ...going on in my own cases.

20 T Yes, okay.

21 F And...

22 T I did forget that.

23 F ...the website, it seems to me that the website is really more about that now than
24 it is about, uh, Capuano. Um, there hasn't been any information about Capuano,
25 any new information about her, put on there for a few years now even though
26 there is tons of information available like from my trials and such. Um, and I'm
27 sure at some point in the future that's going to end up on there. Like her
28 testimony that proves that, in fact, everything on the website is true, that she was
29 a stripper even though she's going around.... And it's no big deal about being a
30 stripper. The point is that she was lying about it. Um, that she goes on the news
31 and claims that everything on the website is lies and it's all false and it's harming
32 her and such. And that she was never a stripper, and she's not a drug addict,

1 and she's not a child abuser, but, uh, at the trial she admitted that she does have
2 a drug problem. She accepted the p-, (unintelligible) deferred prosecution for her
3 marijuana possession charge, um, and I know up here marijuana is not a big
4 deal, but at the time in the US it was still illegal. Um, and she had been using her
5 whole life. She smokes a joint when she first wakes up in the morning. That's a
6 drug problem. So it's not false for me to say that she's a drug addict if everyday
7 she wakes up in the morning and smokes a joint and throughout the entire day
8 she's high all the time. The statement is actually true.

9 T Okay. If, can I just ask?

10 F Sure.

11 T If, if the, if the site is more about the corruption in your cases and, uh, like our
12 criminal justice system, why is still so focussed on her with like the username?

13 F Yeah.

14 T Like the, is that correct, the username? That, I don't, I, I said username, but like,
15 you know, the website address...

16 F Yeah.

17 T ...like why...

18 F Um, that was deliberate and strategic. Uh, let's see how can I explain this?

19 T Now, this is curiosity purposes, like I just wonder like how, if people aren't gonna
20 get to see that, vers-...

21 F Mm-hmm.

22 T ...if this site is addressed kind of under her name, how...

23 F Um, it's deliberate to link the two things together. Um, I can't really explain it
24 clearly at this point, but I'm sure it'll come up at the trial.

25 T Okay. Um, and then I know this is, we had gotten to this point 'cause I said, well,
26 like what happens in the future?

27 F Mm-hmm.

28 T Um, Gabriel is now, you said, I think 20. Did you say 20?

29 F Assuming he's still alive, yes.

30 T Okay. Are you gonna try and seek him out? Like, uh...

31 F I am.

32 T ...just.... Yeah?

1 F Mm-hmm. In 2019, uh, in March, he changed his last name to Tomlin (phonetic).
2 Um, I found that from court records from a public records search. Uh...
3 T So it's Gabriel, what, Tom, Tom...
4 F Tomlin. It's...
5 T ...Tomlin?
6 F ...Desiree's maiden name.
7 T Okay.
8 F Um, that makes it pretty clear to me that at this point he has no interest in having
9 any further contact with me and such and that's somewhat understandable
10 considering his only sources of information about me at this, or since then, have
11 been within the news media and Desiree.
12 T Her. Do you, at any point do you think that you would like to explain your side of
13 things? Do you think that he, do you think this website is going to, um, be
14 accessed by him and is gonna shed some light on your side, or do you think that
15 you can do that to him in person?
16 F I would, of course, want to be able to provide him the further information about
17 the circumstances, uh, I mean call it my perspective or my side, if you want. But,
18 um, and one way to do that would be to put it on the website, um, but I'm not
19 gonna force anything on him and if he doesn't wanna have contact with me, then
20 I'm gonna respect that.
21 T Do you think that the site, and like we're pretty much done here, I just, do you
22 think the site creates that opening for him to reach out to his dad? Like do you
23 think that that is almost a, um, like a h-, hindrance to him? Like it's, it's it's this
24 big thing that's out there that obviously has caused his mom some issues, it's still
25 operating. And if he wants to have any relationship with you in the future, do you
26 ever think that it's like a, uh...
27 R Barrier.
28 T ...it's a barrier, yeah, for...
29 F Um...
30 T ...for him? Not for her. We're not talking about her.
31 F Mm-hmm.

1 T This is solely just for him now because you seem like you have had this
2 relationship with him. You've taken care of him for, what did you say, nine
3 years?

4 F Nine years.

5 T Without any contact with her. There is a lot of love. That parental attachment,
6 that doesn't just go away. He's seen you for who you are as a father, not as an
7 ex-husband, not as this person who operates this site. He's seen you as you.
8 So do, do you think that at that age, he still has those memories, he still has
9 those connections with you, so he's probably in his own mind he's fighting those,
10 right?

11 F No, I don't think so. I think that she's such a skillful and manip-, or skillful and
12 effective manipulator that, um, his perception at this point is probably completely
13 influenced by, uh, whatever she's been telling him over the past few years. And
14 as far as the website being a, a big deal or a big issue, it is here in Canada. Um,
15 in the US it's not.

16 T No.

17 F When you Google it and you look in the US, I mean there's been no news
18 coverage about it in the US because, as I said, down there it was a human
19 interest story, that's it. It was like, uh, oh, look at this weird thing going on. Um,
20 but nobody takes it seriously down there and nobody's losing any sleep over it.

21 T But do you think that she is losing sleep over it? 'Cause the point of the website
22 as well was to cause her issues, uh, in getting a job, to maybe make her worry
23 about what is gonna be posted on there?

24 F Mm-hmm.

25 T Maybe what the next thing, the next update's gonna be, you know, never
26 knowing what's gonna be put out there about you personally.

27 F Mm-hmm.

28 T So do you think it's affected her to that point that it's also gonna affect him. So
29 even though it's maybe not big in the news down there, it's still having some
30 emotional and, you know, um, psychological impacts on her, which is essentially
31 going to impact him.

1 F Um, I don't think that it's having any psychological impacts on her because, as I
2 pointed out, if she wanted the website taken down...

3 T Sh-, she...

4 F ...there are steps that she could do. I mean the simplest and most obvious one
5 would be to file a complaint with the hosting provider. I mean she hasn't even
6 done that.

7 T Would, would you be notified of that if she had?

8 F Well, the site admins would be.

9 T Okay. And then they would, I don't know what the requirements for 'cause I'm
10 not obviously a US citizen...

11 F Mm-hmm.

12 T ...and 'cause I don't have that tech background, if they were to get a request
13 from her to take the website down or a complaint, is that something that they,
14 they would have to o-, they would have to follow-up with? Like would they have
15 to do that?

16 F They'd have to respond to it, yeah.

17 T They would. Okay. And then the host would h-, would get a hold of whoever
18 runs the website, this third party, and they would h-, would they have to comply if
19 the host said take it down? Like how does that, how does that work?

20 F What would happen is she would file the complaint with Go Daddy. Go Daddy
21 would send an email to whoever the site admin is, the registered admin with the,
22 uh, hosting provider, um, saying that they have received a complaint and please
23 respond to it. Um, and then that would be it from there and then it would be
24 resolved potentially that way.

25 T That way. Either taken down or they, they would respond to Go Daddy and then
26 it would, the complaint would be resolved.

27 F Right.

28 T Okay. And you've never, or this third party, has never received a request to do
29 that?

30 F Nobody has ever informed me of any such request.

31 T Okay.

32 F Um, and something like that, they would've.

1 T They would've?

2 F I'm sure.

3 T Okay. Um, do you have any questions, Nicole, that I might've...

4 R Um...

5 T ...left out?

6 R ...I think you, you circled back to the, that talking about the email and when that

7 was received and sent about taking it down?

8 T You said that s-, probably Thursday or Friday, you might be able to get us a copy

9 of that, of you emailing the editor and that email address that's on the website.

10 F I will be able to forward you a copy of it, um, once I'm released from custody in

11 three years or so. I don't have access to email in my jail, so...

12 T Okay, but if...

13 R Okay, I mean, if we're like 'cause we're obviously gonna do an investigation and

14 try to find that email so we can prove whether or not you did comply...

15 F Mm-hmm.

16 R ...or not. So, if we're looking for that email, where are we gonna look? Is it like a

17 Gmail account? Is it your pers-, like your personal email?

18 F Gmail.

19 R Gmail?

20 T Okay.

21 R Is there...

22 F But to do that, you would have to get a warrant in the US and you would have to

23 compel Google to give you access to that.

24 R ...mm, well, maybe.

25 F Hm.

26 R Uh, uh, we do, we do request information all the time from various sites. Um,

27 and then we also have your devices, too, which we can just look on without a

28 warrant, with a, with a warrant, but we don't have to ask Google (unintelligible).

29 F Sure, if you can get into them, yes.

30 R Right. Okay. Um, like i-, i-, it, it, it would help you if we can find that email, right?

31 So, if, you know...

1 T That would prove that you weren't breaching your conditions at least, and do y-,
2 at this point, do you care to prove that?

3 F Um...

4 T 'Cause you've just explained so much to me like with the third party.

5 F ...mm, well, as I was saying earlier about the quality of my life, now on top of it,
6 you guys have seized my laptop and my phone, so even if you were to not, uh,
7 book me in at this point and I was to walk out of here, now I have no laptop or
8 phone. So, now the quality of my life gets down even farther.

9 R Mm.

10 F Um, now I'm just some homeless guy staying at the Belkin House smoking
11 crappy Canadian cigarettes.

12 T If you can prove that the email was sent, though, why would we keep your laptop
13 and your computer, or your laptop and your phone?

14 R Like we would keep it until we don't need it anymore.

15 T An-, and, yeah, so, uh, it's...

16 R Obviously.

17 T ...gonna be, it's gonna be released to you. We're not just gonna destroy your
18 devices.

19 F Right, but it won't be released to me until the case is done. Um, the laptop that
20 was seized previously, the hard drive was locked, and so there's no way you
21 guys could've gone into it and seen anything. There was no evidence on there,
22 anyway. But, um, that's still sitting in your evidence locker.

23 R That's fair if it has to go to a trial, but like if we as investigators...

24 F Mm.

25 R ...like I said, we're talking to you to try to get your side and...

26 F Mm-hmm.

27 R ...gather evidence that we need to either prove or not prove the charges, so if we
28 can go in and find that evidence that you have on your device...

29 F Hm.

30 R ...why would, we wouldn't need to keep it for a trial 'cause we...

31 F Okay.

32 R ...(unintelligible) there's no, no evidence, so there's no charge, right?

1 F Okay.

2 R So, that's kinda where w-, like where we come from.

3 T Is that something you would wanna provide with, uh, to us?

4 F Sure.

5 T Yeah? Okay. Um...

6 R Um, and like I said, we would definitely have to write, um, a warrant for your
7 devices.

8 F Mm-hmm.

9 R Um, your, you can provide your passwords, which would help us get it back to
10 you faster.

11 F Mm-hmm.

12 R That's, that's your prerogative. We're offering it to you if you'd like.

13 F Mm-hmm.

14 R But something to think about.

15 F Okay, I've thought about it. No, I'm not gonna give you the passwords.

16 R Okay, that's fair. You know wha-, um...

17 F Um, it's been my experience with the justice system up here that, uh, not you
18 guys specifically, but in general, um, the justice system participants are going to
19 put as much effort as they can into trying to find information or stuff that they can
20 cherry pick to make me look bad, so...

21 R Mm, yeah, and I can appreciate...

22 F ...again, I (unintelligible) not you two in particular, but...

23 R ...I can appreciate that, 'cause you have had, it's been a long haul, right? Like
24 it's been many years of this and, and, and it's kind of cyclical, right? It's just a
25 revolving door for you, right? So, I can totally appreciate where you're coming
26 from. I've listened to your story here, and that, that is part of like w-, what we do
27 differently in the, in our unit, like we look at like the family, not just like the
28 offender or victim, all that kind of stuff.

29 F Mm.

30 R Like we're like how did we get here, how do we get away from what's gone on
31 and, you know, that's why she asks you questions about like where, where do
32 you see this going in the future? How does this end? All that kind of stuff

1 because we, we're here to help. Like we're not, we're not just here to put you in
2 jail 'cause like actually, in Canada, that doesn't happen very often. Um...

3 T And, and also, to be...

4 R ...yeah.

5 T ...to be honest and to be, with you, like we, we have families. Like we, we're
6 mo-, mothers, as well and, uh, we know that there's two sides to every story.
7 Um, and not one person is always the, uh, is always the offender and is always
8 the victim. That goes, there's a lot of back-and-forth at times and things can get
9 ugly and so me, for me, I wanna understand like how you got to this point 'cause
10 I don't think that anyone wakes up and chooses to do this out of nowhere. They
11 don't ch-, no one chooses. Like there's always a backstory and I, I have a better
12 understanding of why you have got to this point and why you don't want to take it
13 down and why maybe you can't or you've put things in motion where it can't be
14 taken down. Like I've, I have a better understanding of it because, like you said,
15 sometimes you don't under, you don't get that if you read a news article about
16 you or the case.

17 F (Unintelligible)

18 T Like you don't get that.

19 R Mm-hmm.

20 T It's just, yeah, so, thanks for talking to us. I r-,...

21 F Mm-hmm.

22 T ...I do appreciate it.

23 R Yeah. Um, I guess I just have one more question about like, so, there was stuff
24 posted on the website, things like, you know, personal information, like
25 addresses, phone numbers and everything like that. So, in your mind, um, you
26 don't feel that that's harmful, uh, like sa-, for safety wise, like putting somebody's
27 personal information on...

28 F Well, that information's been on there since at least 2015. Nothing has
29 happened. Um, I mean...

30 R That you know of.

31 F ...that's been six years.

32 R That you know of.

1 F Well, true. Um, and I'm a firm believer that if a person goes around treating other
2 people poorly, taking advantage of them and screwing them over and stabbing
3 them in the back and doing all of this kind of stuff, uh, they shouldn't be surprised
4 when that comes back and bites them in the ass eventually. And I don't think, I
5 don't believe that anything, any physical harm would come to her as a result of
6 the website. Um, there's nothing on the website like that would agitate people to
7 the point that they would, uh, seek her out and try to harm her.

8 R Mm. Yeah.

9 T Okay, uh, is there anything else before we conclude the interview that you would
10 like to tell me or questions for me or, I hope I can answer them, but is there
11 anything else you'd like to say?

12 F Sure. In that breach case about leaving British Columbia without permission,
13 um, for six months, CBSA and the Crown insisted that there was no record of me
14 presenting myself to CBSA on that day when I turned myself in at the Peace
15 Arch, uh, border crossing. Um, eventually, I obtained the records from IRCC
16 proving or, uh, uh, the CBSA officers notes from when she was interacting with
17 me on that day. So, for six days or six months, the Crown and CBSA were lying
18 about the existence of this information, um, because it would be something to
19 help prove my case. Um, and then of course the video footage of me at the
20 border on that day, they destroyed the video footage, uh, before I could obtain it.
21 Um, the RCMP knew about it because the RCMP went there to request any
22 video footage they had, and so there's records of that, showing that they had
23 requested it. Um, that's the kind of corruption that's been going on, and that's
24 why I have no confidence in, no offence, but no confidence in anything that
25 you're telling me about how you're trying to be fair and reasonable. Um, I mean
26 it was very blatant that they were covering up and destroying evidence like
27 claiming that there's no record that I presented myself and so clearly I must be
28 lying. That's how the Crown had said it in court. Um, and then once I did bring
29 up the evidence from IRCC that proved it, all of a sudden, then they got the
30 CBSA officer to come and testify. The judge did nothing about it. When my
31 probation officer committed perjury at my, uh, trial, um, again, the court does
32 nothing about it. Nobody cares that he, that when I cross-examined him, I

1 confronted him on it and it was proven that he lied, what he had said about what
2 he had said on direct examination. So...

3 T Can I ask...

4 F Yeah.

5 T ...just then, i-, so you turned yourself in to CBSA or you tried to cross the border,
6 which would've been a breach?

7 F No, I turned myself in to CBSA first because the, it's not a loophole. It's, I mean,
8 it's the way the law is. Uh, a port of entry is considered, even though it's on
9 Canadian soil, it's still in British Columbia, the Douglas border crossing. Um, i-,
10 but once you enter that protected space that's considered the port of entry,
11 you're considered to be outside of Canada for the purposes of...

12 R Mm.

13 F ...seeking admission. So, I knew that once I entered the port of entry, then the
14 burden would be on me to show that I'm admissible to Canada, and CBSA would
15 have to deny me re-entry. In that way, I could effectively get myself deported
16 from Canada without breaching the probation.

17 T Okay.

18 F And this all came up at the trial, but didn't matter.

19 T Okay, so they just called it a breach instead of you trying to avoid breaching, but
20 also trying to be deported.

21 F Right.

22 T Okay.

23 F And the Crown had said before that that, uh, in the event I'm deported or asked
24 to leave by CBSA or IRCC, that obviously they wouldn't prosecute me for breach
25 on that because then I'm not leaving voluntarily and, you know, leaving because I
26 legally have to. So, that's what I did, but still they called it a breach.

27 T Okay.

28 R Mm.

29 F So...

30 T And you...

1 F ...I have no confidence whatsoever in the justice system here. I mean, you guys
2 are gonna do what you're gonna do and I'll be prosecuted and I'll be convicted
3 regardless of whatever evidence I happen to bring up or show.

4 T Okay, well, d-, di-, did y-, I mean, I hope that you feel like you were treated fairly
5 by Nicole and I today.

6 F Yes, I believe I was treated fairly, yes.

7 T Yeah, and y-, we, we...

8 F And you've been very nice allowing me to smoke and, uh, bringing...

9 T ...uh...

10 F ...me the coffee and all.

11 T It is first thing in the morning. (Unintelligible) that's the least we, that's the least
12 we can do.

13 R Yeah (unintelligible).

14 T Um, and y-, we, we are offering ways to try and, uh, prove that you did send an
15 email.

16 F Mm-hmm.

17 R Yeah.

18 T So I hope you know that, that...

19 F Yeah.

20 T ...it's, we're, there's no, there's no collusion. There's no nothing. It's this, it's, I
21 don't want to see someone sit in jail...

22 F Mm-hmm.

23 R Yeah.

24 T ...for six months, a year, a year-and-a-half, especially, uh, someone who wants
25 to possibly move on with their life and get back to what, I know, what life you do
26 have 'cause I'm not gonna, I'm not gonna, uh, not acknowledge the fact that it
27 has been significantly affected. So, I, I hear you, and I understand that, uh, that
28 there's gonna be a big impact on you, uh, trying to move on with your life. But
29 we are tr-, we are trying. If we can prove that, then th-, there is, there's no
30 breach. But, uh, without your...

31 R (Unintelligible) can go back to your plan a), which seems to me to be like wait it
32 out 'til December and then go back, right? Like that would've been I think

1 preferable waiting out the six months out of jail and then getting to go back when
2 your probation ends versus now going to sit potentially for however long it, it, it
3 ends up being. Like you seem like such a smart, like the, like, um, uh, you're a
4 very...

5 T You're very (unintelligible).

6 R ...int-, intelligent guy and you're, you know, constantly kinda trying to come up
7 with plans to like to win and beat the system. But that, that to me seemed to, to
8 be like a, an easy way to do it. I don't know. It's something to consider...

9 F On the one hand...

10 R ...in your plan.

11 F ...I can, I can be out of custody from now until December...

12 R Mm-hmm.

13 F ...staying in homeless shelters...

14 R Mm.

15 F ...stressing about whether or not I'm going to have a place to stay tomorrow or
16 next week, and whether or not I'm gonna be able to eat. Um, or I can be sitting
17 in a jail cell, provided three meals a day and a warm, safe, comfortable, well, not
18 comfortable bed, but...

19 R Right.

20 F ...um, like I said, mm...

21 R Right.

22 F ...six and one half dozen, I mean...

23 R Okay, no, I'm trying t-, I'm trying to understand the...

24 F Mm-hmm.

25 R ...like I get your...

26 T (Unintelligible)

27 R ...I get your logic, like I totally do, and I don't wanna s-, like I don't wanna see
28 you back here. I've actually only been, I've been in the, the, when, um, you were
29 arrested the last time, that was like, I just came to this unit. And I don't wanna,
30 like, you know, I don't wanna have to keep comin'...

31 F Mm-hmm.

32 R ...back and...

1 T (Unintelligible) yeah.

2 R ...and doing this all over again because again, it seems like you have a goal in

3 mind. Like you just want to move on with your life, potentially rekindle a

4 relationship with your son, like...

5 F Um (unintelligible).

6 R ...we don't wanna get in the way of that, right? But again, the decisions,

7 sometimes the decisions that are up to you end up leading to this point, right,

8 so...

9 F Mm-hmm. Um, well, all I can say about that email is that I will happily forward a

10 copy of it to you when I'm able to do so. I'm not gonna give you access to my

11 mail accounts. Part of the reason is because there are literally thousands of

12 emails in there from like the past 10 or 15 years. Um, and by giving you access

13 to my email account, I'm giving you access to all of that and so...

14 R Mm (unintelligible).

15 T Yeah.

16 F Um, and the other thing is, uh, no, there was no other thing. That's it.

17 T Okay.

18 R Okay.

19 T If you don't have any qu-, uh...

20 F Oh, there was another thing. Yes, I remember.

21 T ...okay.

22 F Even if I provided you, or even if you obtained that email, it doesn't necessarily

23 prove anything. I mean, all it proves is that I sent an email to an email address. I

24 mean, the Crown is gonna look at it and go, uh, oh, well, we still wanna

25 prosecute him because he's got stuff on the website that makes us look bad.

26 And then on top of that now there's additional new stuff from this previous case.

27 Um...

28 R Maybe, maybe not. I mean, I don't know if you know the extent of work that goes

29 into prosecuting a case, like, but...

30 F Oh, I know. You guys have spent a ridiculous amount...

31 R ...right? So, if, if...

32 F ...of money locking me up over the past five years.

1 R ...if Crown can be like no, this doesn't meet charge approval because he made
2 an at-, attempt t-, to take down the website...

3 F Mm-hmm.

4 R ...you know, why would they spend all that money or all that time or all those
5 resources prosecuting you?

6 F Mm.

7 R I mean, it, it, like yeah, you're, you know, I don't wanna sound rude, but it's not
8 like y-, you know, we're not focusing all of the re-, the resources just to, to get
9 back at you.

10 F Mm.

11 R Right? Like...

12 T And that's not something we withhold, either. We give everything to Crown.

13 R Yeah.

14 T Your, here, is everything.

15 F Mm-hmm.

16 T Does this even...

17 R Make a decision, right?

18 T ...yeah.

19 R So, i-, i-, um, it just, yeah (unintelligible).

20 F I have no reason to believe that VPD has been engaging in the kind of corruption
21 that, uh, CBSA and maybe the RCMP have been doing in my cases. Um, the
22 charges that VPD has brought against me, um, I haven't seen any evidence of
23 that, so I'm not suggesting that you guys would do the kind of stuff, uh, that
24 CBSA was doing. Um, but the Crown on the other hand, I mean, they're a
25 buncha sketchy, shady assholes and they don't care. They just care that there's
26 stuff on the website that makes them look bad and, um, the news media's
27 bothering them about, oh, why are you letting this guy get away with this stuff,
28 so...

29 R 'Kay.

30 T 'Kay, anything else from you?

31 R I can't, no, I only had just the two questions that I jotted down throughout the...

32 T Yeah.

1 R ...like the story. So, I think we've definitely...

2 T We've covered everything.

3 F Mm.

4 R ...covered most of the stuff and we definitely have a better kind of...

5 T Understanding.

6 R ...(unintelligible).

7 T For sure. Appreciate it. Thank you very much for talking to us.

8 F Sure.

9 T And, um, if you don't have anything else, we'll conclude the interview.

10 F Okay.

11 T Is that all right?

12 F I have nothing else.

13 T So, um, the time is 8:49 and we'll we be, we will be concluding the interview. I'll

14 just be, uh, turning this off.

15 R I'm gonna go next door and turn off the video, if it works.

16 T And then we'll get you back over to the jail, okay? So...

17 **RECORDING ENDS**

18 **Transcribed By: VA5360 / VA5430 / 2021-08-27**

19 **Transcript Proofed By: Kyle Dent #2680 // 2021-10-25**