

244069-10-BC
Vancouver Registry

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

Vancouver, B.C.
June 22, 2022

REGINA

v.

PATRICK HENRY FOX

PROCEEDINGS (Fix Date)

BAN ON PUBLICATION 517(1) CCC

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Crown Counsel:

A. Flanders

**Appearing on his own behalf by
videoconference:**

P. Fox

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1 Vancouver, B.C.
2 June 22, 2022
3
4 CNSL A. FLANDERS: Good morning, Your Honour.
5 Flanders, first initial A., appearing for the
6 provincial Crown. I can briefly canvass number 5,
7 the Patrick Fox matter. I believe Mr. Fox is
8 appearing by video today.
9 THE COURT: I think he might be here in person.
10 UNIDENTIFIED SPEAKER: Let me just double-check. I'm
11 going to confirm that, Your Honour.
12 THE COURT: Okay. One sec, though. Wait. Before you
13 call him.
14 Do you want him brought up? Well, you said
15 "canvass." I thought maybe you wanted to tell me
16 something and stand it down.
17 CNSL A. FLANDERS: Well, I suppose it doesn't matter if
18 he's here or not. So I made those inquiries that
19 Your Honour had requested about this matter. This
20 was --
21 THE COURT: You've got to remind me.
22 CNSL A. FLANDERS: Yeah. No, I -- I thought I might.
23 So this was on for bail hearing last week.
24 Mr. Fox is the individual who's been harassing his
25 wife for several years via --
26 THE COURT: Oh, yes.
27 CNSL A. FLANDERS: -- a web site.
28 THE COURT: Yes, yes, yes.
29 CNSL A. FLANDERS: And so I had made those inquiries,
30 but they're somewhat dated, and so I was looking
31 for an update from police as to what they've done
32 more recently. And so I was going to do that
33 hopefully before we actually speak to the matter
34 today.
35 THE COURT: That's fine.
36 CNSL A. FLANDERS: So if I can stand it down. And
37 actually if I can find out if he's here in person
38 or not.
39 THE COURT: I think he is.
40 CNSL A. FLANDERS: Okay. Okay. But if I can return.
41 THE COURT: Of course.
42 CNSL A. FLANDERS: That actually might take --
43 THE COURT: Yes. Take your time.
44 CNSL A. FLANDERS: -- some time.
45 THE COURT: 'Cause I think -- no, I think that hearing
46 was set for all day and --
47 CNSL A. FLANDERS: well, and there may have been some

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1 confusion. I actually thought today was just on
2 for an update.

3 THE COURT: It was.

4 CNSL A. FLANDERS: And it was in 101, I had thought.

5 THE COURT: Oh. I don't know. I'm sure it was put
6 here because I've started it, but you don't have
7 to worry.

8 CNSL A. FLANDERS: Yeah. Okay. So if I have some time
9 to go and do that, then would be appreciated.

10 THE COURT: You have as much time as you want.

11 CNSL A. FLANDERS: Thank you, Your Honour.

12 THE COURT: Thank you.

13
14 (PROCEEDINGS ADJOURNED)

15 (PROCEEDINGS RECONVENED)

16
17 (VIDEOCONFERENCE COMMENCES)

18 (ACCUSED FROM REMOTE LOCATION)

19
20 CNSL A. FLANDERS: Thank you, Your Honour. Flanders,
21 first initial A., appearing for the provincial
22 court. And recalling the Patrick Fox matter.
23 That appears to be Mr. Fox by video. Can you hear
24 us, sir?

25 THE ACCUSED: Yes, I can hear you.

26 THE COURT: Thank you.

27 CNSL A. FLANDERS: And so on the last occasion as I had
28 mentioned previously, Your Honour, we were in the
29 middle of a bail hearing. You had made an inquiry
30 to see what efforts the police had had to have
31 this website taken down. I -- I made those
32 inquiries and was told -- or actually forwarded an
33 email chain that had already answered that
34 question. And so as of May, the VPD were looking
35 into that matter to see what would be required.
36 They at that point, and this is back in May,
37 learned that essentially to go through that MLAT
38 process that Your Honour had mentioned, going to
39 the U.S., getting a U.S. enforceable order would
40 take probably somewhere in the neighbourhood of
41 six months to a year and a half. And so certainly
42 not something that was immediately efficacious.
43 And the lead on this file was contacting the VPD's
44 cyber unit to seemingly look into that process
45 more because they weren't experts in that area.

46 What was also suggested to them was that
47 perhaps they could contact -- if -- if Mr. Fox is

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1 telling the truth and it is hosted by GoDaddy,
2 potentially GoDaddy itself could voluntarily take
3 the website down through its terms -- through a
4 violation of its terms and conditions, but that --
5 and that's what I was looking into this morning.
6 That has not been effective. They've attempted
7 that and essentially --
8 THE COURT: Pardon me?
9 CNSL A. FLANDERS: That has not been effective.
10 THE COURT: You mean no one's asked them or they've
11 refused?
12 CNSL A. FLANDERS: I think it's closer to they just
13 simply haven't responded. But they have asked,
14 they have attempted to go that route. The VPD has
15 contacted GoDaddy and they haven't' -- they
16 certainly haven't said that they'll take it down.
17 It was unclear whether or not they've said
18 anything at this point.
19 THE COURT: All right. So I guess we're at the point
20 now where we have to set a date to continue the
21 bail hearing?
22 CNSL A. FLANDERS: I think so. And so -- because
23 that -- that's really likely to be the only answer
24 we get for quite some time. It's not likely to
25 change in the immediate future on that issue.
26 THE COURT: Well, it would be nice if they actually
27 made the application, but okay.
28 CNSL A. FLANDERS: Right.
29 THE COURT: All right. So what we're going to do,
30 Mr. Fox, Mr. Flanders is going to go the case
31 manager. Can you do it today? Can we stand this
32 down?
33 CNSL A. FLANDERS: Yeah, I don't -- I don't mind doing
34 that. I think I have to just phone then. I don't
35 think that there's a physical office anymore.
36 THE COURT: Okay. So he's going to get a date that we
37 can continue your bail application and we'll call
38 you back when we know the day.
39 THE ACCUSED: Okay. May I, while we're here and a
40 request of Mr. Flanders while he's doing that,
41 would the Crown be willing to schedule a pretrial
42 conference in this matter while you're doing that,
43 or do you want me to do that on my own?
44 THE COURT: The reason -- the reason -- number one,
45 first off, I don't know if a pretrial conference
46 is -- well, if you request one, you get one.
47 We're not doing pretrial conferences for

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1 unrepresented accused. So the answer to the
2 question is no.
3 THE ACCUSED: Okay.
4 THE COURT: Now that I think that through, the answer
5 to the question is no because it's only done with
6 lawyers. So there you go. But if there are going
7 to be issues about setting the trial date or
8 issues that might arise at the trial date, we can
9 discuss those at the end of the bail hearing. And
10 I can fix terms for trial then. But pretrial
11 conferences are to try to resolve cases, sir.
12 Sorry. Mr. Flanders?
13 CNSL A. FLANDERS: No. That -- that all sounds
14 agreeable, and I'll just excuse myself.
15
16 (VIDEOCONFERENCE PAUSED)
17
18 (PROCEEDINGS ADJOURNED)
19 (PROCEEDINGS RECONVENED)
20
21 (VIDEOCONFERENCE RECOMMENCES)
22
23 THE COURT: Thank you.
24 CNSL A. FLANDERS: Yes, Your Honour. Flanders, first
25 initial A., returning to the provincial Crown and
26 recalling the Fox matter.
27 I've spoken to the JCM. She's informed me
28 that the 24th is available this Friday in
29 Courtroom 303 in the morning.
30 THE COURT: All right, sir. We'll continue your bail
31 hearing Friday morning at 9:30.
32 THE ACCUSED: Okay.
33 THE COURT: Thank you. Yes?
34 THE ACCUSED: I wonder if Mr. Flanders would be able
35 to -- shoot. No, no, never mind.
36 THE COURT: All right. Thank you.
37 CNSL A. FLANDERS: I assume that you want to come in
38 person, sir, so there should be an order for that.
39 THE ACCUSED: Yes. Yes.
40 CNSL A. FLANDERS: Yes.
41 THE COURT: All right. It will be an in person
42 appearance.
43 CNSL A. FLANDERS: Yes.
44 THE ACCUSED: Thank you.
45 THE COURT: Thank you.
46 CNSL A. FLANDERS: Thank you, Your Honour.
47

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(VIDEOCONFERENCE CONCLUDED)

(PROCEEDINGS ADJOURNED TO JUNE 24, 2022, AT
9:30 A.M.)

Transcriber: A. Pinsent

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I hereby certify the foregoing to
be a true and accurate transcript
of the evidence recorded on a sound
recording apparatus, transcribed to
the best of my skill and ability.

A handwritten signature in blue ink that reads "A. Pinsent". The signature is written in a cursive style with a large, looped initial "A" and a clear, legible surname "Pinsent".

A. Pinsent
Court Transcriber