

244069-10-BC
Vancouver Registry

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

Vancouver, B.C.
June 24, 2022

REGINA

v.

PATRICK HENRY FOX

**PROCEEDINGS AT
JUDICIAL INTERIM RELEASE HEARING**

BAN ON PUBLICATION 517(1) CCC

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Crown Counsel:

A. Flanders

Appearing on his own behalf:

P. Fox

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Vancouver, B.C.

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CNSL A. FLANDERS: Good morning, Your Honour. It's Flanders, first initial A., appearing for the provincial Crown. I'm just briefly canvassing my matter at number 3, the Fox matter. I've learned from Madam Sheriff that he's actually not in the building yet.

THE COURT: Okay.

CNSL A. FLANDERS: I -- I believe that there's some confusion over exactly why, but I anticipate it may have to do with his appeal. He is downtown currently, I understand.

THE COURT: Oh, okay.

CNSL A. FLANDERS: And so he's not here.

THE COURT: Also today? That's weird.

CNSL A. FLANDERS: I think it may have just been a coincidence. But I am going to excuse myself. Madam Sheriff is going to get to the bottom of this and -- and then report back to me when we find out where he is

THE COURT: All right.

CNSL A. FLANDERS: -- and when he'll be here.

THE COURT: I have lots to do this morning, so now that I see the list --

CNSL A. FLANDERS: Yes.

THE COURT: -- I'm surprised they put this on.

CNSL A. FLANDERS: I will say that I was the last matter that was added, and so --

THE COURT: We'll see. It's just that I have to do pretrial conferences this afternoon.

CNSL A. FLANDERS: Yes.

THE COURT: So you know what? If Mr. Fox doesn't go ahead today, I won't be upset.

CNSL A. FLANDERS: Okay. Thank you, Your Honour. If I can be excused.

THE COURT: Of course.

(PROCEEDINGS ADJOURNED)

(PROCEEDINGS RECONVENED)

CNSL A. FLANDERS: Thank you, Your Honour. Flanders, first initial A., appearing for the provincial Crown. Calling the Patrick Fox matter. He is here in person and can attend.

THE SHERIFF: I'm just going to move your stuff just

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1 because he is self - rep.
2 CNSL A. FLANDERS: Yes. No, I don't even notice that.
3 Thank you, Madam Sheriff.
4 THE COURT: I think -- do I have that? I'll take that
5 just in case. I think I have it.
6 CNSL A. FLANDERS: So just to assist, I think where we
7 left off was midway through Mr. Fox's submissions
8 on the bail hearing, Your Honour.
9 THE COURT: All right. Okay, Mr. Fox. As I indicated
10 to you on the last occasion, I am permitted to
11 only inquire into certain matters as a test is
12 conducting an inquiry at a bail application. And
13 a lot of that has to do with your right to remain
14 silent and the presumption of innocence.
15 So I don't -- I'm going to go over what you
16 told me. You're 48. You were born in Hollywood,
17 Florida. You grew up in Los Angeles in North
18 Hollywood. You went to Hollywood High School and
19 then to the University of California at Los
20 Angeles where you studied interior design and
21 obtained a bachelor of science in 1996. You
22 stayed in Los Angeles, spent time in other states.
23 Moved around to Phoenix in the early 2000s. Your
24 parents are deceased. Your son Gabriel was born
25 September 27th. I have the world's worst
26 handwriting. What year was he born?
27 THE ACCUSED: My son?
28 THE COURT: What year was your son born?
29 THE ACCUSED: 2000.
30 THE COURT: Okay. That's what I thought it said, but
31 my handwriting is so bad I needed to check.
32 You met the complainant in January of 2000.
33 You married in August of 2000. You separated in
34 August of 2001. You were deported to Canada in
35 February of 2013 and again in May of 2013. If
36 released, you would go to a shelter -- a shelter.
37 You had been at Belkin House in the shelter part.
38 You told me this is the second website that
39 went online in 2018 while you were in custody, and
40 you said the Crown has failed to provide evidence
41 of your involvement with the website. And you
42 said some third party must have done it. The
43 posts were made while you were in custody. You
44 don't have the ability to take the website down.
45 You said you checked the website when you
46 were released, and it was offline. And you said
47 it required -- it required a username and password

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1 to activate. And you said all your previous
2 allegations are under appeal
3 All right. And is there anything else about
4 your background that you wish to tell me?
5

SUBMISSIONS BY ACCUSED:

6
7
8 THE ACCUSED: So couple of corrections that I noticed
9 as you were reading that off. But first, may I
10 ask if I can borrow a pen from someone?
11 THE COURT: Just answer the question, sir.
12 THE ACCUSED: Okay. There were a couple of errors in
13 there.
14 THE COURT: All right. What were the errors.
15 THE ACCUSED: The first was my degree is in computer
16 science. I believe you said --
17 THE COURT: Pardon me?
18 THE ACCUSED: My degree is in computer science.
19 THE COURT: Oh, okay.
20 THE ACCUSED: I believe you had said interior design.
21 THE COURT: You said interior design, but okay.
22 THE ACCUSED: Okay. And the other was I attended North
23 Hollywood High School.
24 THE COURT: I said that.
25 THE ACCUSED: Oh, okay. I thought you said Hollywood
26 High School.
27 THE COURT: I may have.
28 THE ACCUSED: Not that that matters.
29 THE COURT: I may have. But I'd written "north."
30 Okay. Anything else?
31 THE ACCUSED: No.
32 THE COURT: Is there any other submissions you wish to
33 make?
34 THE ACCUSED: Yes. Wish to point out first that on
35 February 2nd, 2021, Crown counsel admitted on the
36 record in court that the reason I am being
37 prosecuted and imprisoned is because the
38 disclosure material in my cases --
39 THE COURT: Is because ...
40 THE ACCUSED: The disclosure material in my cases keeps
41 ending up on the internet not because of any
42 perceived harm to Capuano and not because they
43 have an interest in enforcing the probation
44 orders .
45 And I would like to point out that on June
46 15th of 2022 the Crown admitted in court that they
47 believe that I am engaging in a game of chicken

Submissions by Accused**BAN ON PUBLICATION 517(1) CCC**

1 with the B.C. government and given the media
2 attention that this has gotten over the past few
3 years, it is very important that the BCPS not be
4 the one to blink at that this time.
5 THE COURT: That the BC ...
6 THE ACCUSED: BCPS, prosecution service. The Crown
7 counsel. That they not be the one to blink
8 because that would bring the justice --
9 THE COURT: They not be the ones ...
10 THE ACCUSED: To blink in this supposed game of
11 chicken.
12 THE COURT: I'm sorry. He didn't say that.
13 THE ACCUSED: I'm sorry?
14 THE COURT: He didn't say that, sir.
15 THE ACCUSED: No, he absolutely did.
16 THE COURT: No, sir. I have my notes. That's -- that
17 may be -- I see why you say the justice system
18 couldn't blink, but that isn't what he was -- he
19 was referencing that the justice system has to
20 continually monitor the site. I realize it
21 sounded differently, but he didn't reference it as
22 a game. You can move on.
23 THE ACCUSED: Uh.
24 THE COURT: He didn't reference it -- he didn't intend
25 his reference in any way to suggest that there was
26 a game being played between the Crown counsel
27 office and yourself or anyone else. So you can
28 move on. I didn't take that from it, and I assure
29 you --
30 THE ACCUSED: Okay.
31 THE COURT: -- they're not.
32 THE ACCUSED: Well --
33 THE COURT: I know Mr. Flanders. He's an honourable
34 man.
35 THE ACCUSED: It's funny. Every judge I've
36 encountered --
37 THE COURT: I know Mr. Flanders.
38 THE ACCUSED: -- says that the Crown counsel is
39 honourable .
40 THE COURT: I can assure you he's an honourable man.
41 THE ACCUSED: Okay. Given that, I don't believe that
42 there's anything further that I can say that is
43 going to make any difference.
44 THE COURT: Well, all right. Have a seat.

45
46 [REASONS FOR JUDGMENT RE JUDICIAL INTERIM
47 RELEASE HEARING]

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1 THE COURT: Mr. Fox, I'm assuming you wish to set a
2 trial date.
3 THE ACCUSED: Yes, I do.
4 THE COURT: All right. Mr. Flanders, did you -- do you
5 have conduct of the case or did you have conduct
6 only on the -- only with respect to the
7 application for judicial interim release?
8 CNSL A. FLANDERS: That is my understanding. That's
9 certainly what I've proposed because I am a front-
10 end Crown at the moment. Unfortunately, we were
11 waiting to see the result of the bail hearing
12 before it could be properly assigned, and now that
13 that has occurred I will be making my best efforts
14 to have it assigned immediately --
15 THE COURT: Okay.
16 CNSL A. FLANDERS: -- so that we can have it --
17 THE COURT: Do you think Wednesday would be too soon?
18 I just don't want this man --
19 CNSL A. FLANDERS: No.
20 THE COURT: -- to waste in custody while you're waiting
21 for someone to be assigned.
22 CNSL A. FLANDERS: No. I agree. Perhaps what we can
23 do is -- and it's difficult for me because
24 obviously it won't be my choice -- we can put it
25 to Wednesday. I will -- I will --
26 THE COURT: Are you -- what day are you in court next
27 week?
28 CNSL A. FLANDERS: I'm in court on Thursdays typically.
29 So if we could put it to 101 --
30 THE COURT: Yes.
31 CNSL A. FLANDERS: -- on a Thursday --
32 THE COURT: Right.
33 CNSL A. FLANDERS: -- that would be best for me.
34 THE COURT: So what I'm directing, Mr. Fox, is that a
35 prosecutor be assigned right way so that you can
36 get a trial date right away and you don't have to,
37 like, come back week after week after week after
38 week and it can just be done.
39 So hopefully next Thursday, which is
40 June 30th, at 9:30 in 101. You can come in person,
41 if you want. It's probably easier if you come by
42 video, but it's totally up to you.
43 THE ACCUSED: Right. I would prefer by video for that.
44 THE COURT: Okay. June 30th, 9:30, 101 by video.
45 CNSL A. FLANDERS: Thank you, Your Honour.
46 THE COURT: Thank you. And I will say this, Mr. Fox.
47 I know I detained you, the law compelled me to

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1 detain you, but I do think something's got to be
2 done to get that website taken down seeing as how
3 it hasn't been taken down in the ways the courts
4 have ordered over time, and that's the last thing
5 I'll say. Thank you.

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

7
8 (PROCEEDINGS ADJOURNED TO JUNE 30, 2022, AT
9 9:30 A.M.)

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11
12 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