



December 28, 2022

PARTICULARS IN THE MATTER OF

**REGINA v. FOX, Patrick
COURT FILE NO. 244069**

APPEARANCE/TRIAL DATE: December 22, 2022

TO: THE ACCUSED PERSON AND THEIR LEGAL COUNSEL

As of December 28, 2022 via courier to accused at North Fraser Pre-trial – vd

- ✓ Form 5.2 – Report to a Justice, dated May 16, 2022 (2 pgs);
- ✓ Information to Obtain, dated July 15, 2022 (17 pgs);
- ✓ Warrant to Search, dated July 15, 2022 (3 pgs);
- ✓ Form 5.2 – Report to a Justice, dated November 1, 2022 (2 pgs);
- ✓ Emails with Hunch.ly (4 pgs);
- ✓ Ministry of Public Safety and Solicitor General - Client Logs for April 19, 2022 to December 16, 2022 (4 pgs);
- ✓ McELROY, Amber VA2343 – Police Statement-14 (1 pg);
- ✓ McELROY, Amber VA2343 – Emails regarding Proxy Logs (2 pgs);
- ✓ Proxy Logs (5 pgs);
- ✓ Copy of support Page from "http://support.hunch.ly/".

As of December 15, 2022 via courier to accused at North Fraser Pre-trial – vd

- ✓ Ministry of Public Safety and Solicitor General - Client Log (1 pg);
- ✓ File Number #244069-9B:
 - Warrant for Arrest (2 pgs);
- ✓ File Number #244069-10-BC:
 - McELROY, Amber VA2343 – Police Statement-5 (1 pg);
 - McELROY, Amber VA2343 – Police Statement-7 (1 pg);
 - McELROY, Amber VA2343 – Police Statement-8 (1 pg);
 - McELROY, Amber VA2343 – Police Statement-9 (1 pg);
 - McELROY, Amber VA2343 – Police Statement-10 (1 pg);
 - McELROY, Amber VA2343 – Police Statement-11 (3 pgs);
 - McELROY, Amber VA2343 – Police Statement-12 (1 pg);
 - McELROY, Amber VA2343 – Police Statement-13 (1 pg);

- MEIKLEJOHN, Catherine CA9189 – Police Statement-6 (1 pg).

As of October 31, 2022 via courier to accused at North Fraser Pre-trial – vd

- ✓ File Number #244069-9B:
 - Information #244069-9B (1 pg);
 - Conviction List (2 pgs);
 - Narrative (2 pgs);
 - Probation Order 244069-8B (2 pgs);
 - Appointment Slip (1 pg);
 - Client Log (1 pg);
 - Google Search of website (1 pg).
- ✓ File Number #244069-10-BC:
 - McELROY, Amber VA2343 – Police Statement-4 (2 pgs);
 - McELROY, Amber VA2343 – Miscellaneous Notes-3 (1 pg);
 - FOX, Patrick – Transcript of Arrest (5 pgs);
 - FOX, Patrick – Transcript of Transport (6 pgs);
 - FOX, Patrick – Transcript of Interview (49 pgs);
 - FOX, Patrick – Transcript of Transport to Jail (4 pgs);
 - Screenshot of Webpage (1 pg).

Initial Disclosure July 7, 2022 to accused at North Fraser Pre-Trial– ns

- ✓ Information #244069-10BC (2 pgs);
- ✓ Criminal Record (2 pgs);
- ✓ Conviction List (2 pgs);
- ✓ Arrest and Booking Report (1 pg);
- ✓ McNeil Form (1 pg);
- ✓ Narrative (8 pgs);
- ✓ CAPUANO, Desiree-RCC Statement (1 pg);
- ✓ McELROY, Amber VA2343-RCC Statement (5 pgs);
- ✓ MEIKLEJOHN, Catherine VA9189-RCC Statement (2 pgs);
- ✓ KIM, Jim VA3284-Police Notes (3 pgs);
- ✓ Interview Log Notes (1 pg);
- ✓ Report-Form 5.2 (2 pgs);
- ✓ Probation Order (3 pgs);
- ✓ Arrest Script (7 pgs);
- ✓ Interview Script (4 pgs);
- ✓ Screen captures May 3, 2022 of desicapuano.com (16 pgs);
- ✓ Screen Captures May 3, 2022 of desicapuano.com (42 pgs);
- ✓ LAYTON, David-Email dated May 15, 2022 (4 pgs);
- ✓ Multimedia:
 - AUDIO RECORDING OF INTERVIEW;
 - AUDIO RECORDING OF ARREST;

- AUDIO/VIDEO FOX INTERVIEW;
- AUDIO RECORDING OF TIME PRIOR TO INTERVIEW.

Please find attached a copy of the Crown's particulars in relation to the charges.

TO THE ACCUSED

TAKE NOTICE THAT this disclosure material is provided to you for the sole purpose of assisting you to make full answer and defence in this prosecution. You must not use the material for any other purpose or for any other case.

1. The material may contain private or confidential information. You must keep it secure and not copy it or provide to any other person, other than your legal counsel, without the prior written permission of Crown Counsel.
2. The conditions set out above also apply to any further or additional disclosure material provided to you in relation to this prosecution.
3. If you are unable or unwilling to comply with these conditions, please immediately return the material to Crown Counsel.
4. If it is your intention to apply to exclude evidence under the section 24(2) of The Canadian Charter of Rights and Freedoms, you must give the Crown timely notice of the evidence you intend to rely on to support your application as well as the specifics of your argument and any remedy you seek.

TO THE ACCUSED AND DEFENCE COUNSEL

TAKE NOTICE THAT the Crown intends to produce the documents and records contained in this disclosure material, and any related testimony, at the trial or preliminary inquiry, pursuant to the *Canada Evidence Act*, *BC Evidence Act*, *Controlled Drugs or Substances Act* or the *Criminal Code*.

TO DEFENCE COUNSEL

TAKE NOTICE THAT this disclosure material is provided to you for the sole purpose of assisting the accused to make full answer and defence in this prosecution and not for any other purpose or any other case and also on the following conditions:

- a) You must keep the material in a secure fashion.

- b) You may permit access to the material or copy it for the use of the accused or persons acting under your supervision (for example, articling students associate counsel, paralegals) in the preparation and presentation of the defence but only on the condition that they not copy it or provide access to it by anyone else.
- c) You must not copy or provide access to the material to any person or counsel who is not acting under your supervision. Notwithstanding the foregoing, you may copy the material and use it in conducting the defence (for example, in cross-examining a witness, providing material to the court, or providing witnesses with copies of their own statements).
- d) You may permit access to the material or copy it for the use of any expert retained to assist in the preparation and conduct of the defence but only on the condition that they not copy it or provide access to it by anyone else.
- e) You must not permit access to the material by or copy it for any person other than those referred to in conditions 2, 3, and 4, above, without the prior written consent of the Crown or a court order.
- f) If you are unable or unwilling to comply with any of these conditions, please immediately return this disclosure material to Crown Counsel.

VANCOUVER CROWN COUNSEL OFFICE

Enclosures

REPORT TO A JUSTICE (FOLLOWING SEIZURE
OF PROPERTY AND/OR WARRANT TO SEARCH) – FORM 5.2
CANADA: PROVINCE OF BRITISH COLUMBIA

POLICE CASE / FILE NO.

2022-66177

☐ Submitted by FAX

TO: A Justice of the Peace in and for the Province of British Columbia.

OR: In the case of a Telewarrant issued pursuant to section 487.1 of the *Criminal Code*, to the Clerk of the Court for the territorial division in which the warrant was intended for execution.

I, AMBER MCELROY a peace officer of the CITY OF VANCOUVER British Columbia:

1. COMPLETE SECTION 1 IF A WARRANT TO SEARCH HAS BEEN ISSUED

In respect of a Warrant to Search being issued pursuant to Section _____ of the _____ (FEDERAL STATUTE)

on _____ by _____
(DATE) (NAME OF JUSTICE OF THE PEACE OR JUDGE)

☐ (a) have not executed the warrant for the following reason(s):

☐ (b) have searched _____ situated at _____
(PREMISES / VEHICLE / PERSON) British Columbia, on _____ at _____ hours, and have seized
the things noted hereunder/attached. (DATE)

☐ (c) and have seized, pursuant to section 489 of the *Criminal Code*, additional things other than those specified in the warrant, as set out on lines _____ of this report and/or attachment, and where the warrant was issued pursuant to S. 487.1 of the *Criminal Code*, I believe those things have been obtained/used in the commission of an offence because
(GROUNDS)

2. COMPLETE SECTION 2 IF NO WARRANT HAS BEEN ISSUED

☒ have acted in the execution of duties under the CRIMINAL CODE OF CANADA and have seized the things noted hereunder and/or attached from PATRICK FOX
(FEDERAL STATUTE) situated at 500 BLK HOMER ST, VANCOUVER Province of British Columbia,
on MAY 16, 2022 at 1210 hours.
(LOCATION / PREMISES / VEHICLE / PERSON)

3. COMPLETE SECTION 3 OR ATTACH EXHIBIT REPORT ☐

DISPOSITION

LINE NUMBER	PROPERTY DESCRIPTION	STATE A OR B (SEE BELOW)*	STATE LOCATION WHERE DETAINED OR NAME OF PERSON RETURNED TO
001	BLACK MOTOROLA SMART PHONE	B	DFU 3585 Graveley
002	BLUE LENOVO TABLET IN HGA9TE8924	B	DFU " "
003	BLACK LEXAR 64 G USB	B	SIS LOCKERS " "

Page 1 of 2 pages. Continued on Page 2 ☐ (use PCR 094)

- A - it was returned to the person lawfully entitled to its possession, in which case the receipt therefore shall be attached hereto;
B - it is being detained to be dealt with according to law - state the location and manner in which, or where applicable, the person by whom, it is being detained.

Dated MAY 16/22
at VANCOUVER British Columbia.

A. McElroy 2343
SIGNATURE OF PEACE OFFICER

APPLICATION FOR DETENTION

I, AMBER MCELROY
a PEACE OFFICER hereby advise the Justice of the Peace that the detention of the thing(s) set out on lines numbered 001 & 002, 003, 004, 005, 006 in the Report to a Justice herein is/are required for the purposes of an investigation or a preliminary inquiry, trial or other proceeding and apply for the detention of the aforesaid things pursuant to s.490(1)(b) of the *Criminal Code*.

Dated MAY 16, 2022
at VANCOUVER British Columbia.

A. McElroy 2343
Signature of Applicant

DETENTION ORDER FOR THINGS SEIZED

Upon application of _____ and having been satisfied that the detention of the thing(s) seized is required for the purposes of any investigation or a preliminary inquiry, trial or other proceeding, it is hereby ordered that pursuant to Section 490(1) (b) of the *Criminal Code* the articles set out in the Report to a Justice be detained for a period of three months from the date of seizure, unless an application for a order of further detention is made, or proceedings are instituted in which the thing(s) detained may be required. It is also ordered that the article(s) be entrusted to the custody of the applicant or his/her designate.

Dated _____
at _____ British Columbia.

Justice of the Peace in and for the Province of British Columbia



ATTACHMENT TO REPORT
TO A JUSTICE

(PAGE 2 OF 2)

CANADA: Province of British Columbia

POLICE CASE FILE NO.

2022-66177

LINE NUMBER	PROPERTY DESCRIPTION	DISPOSITION	
		STATE A OR B* (SEE BELOW)	STATE LOCATION WHERE DETAINED OR NAME OF PERSON RETURNED TO
004	BLACK KINGSTON USB	B	SIS LOCKERS 3585 Graveley
005	LEXAR MINI SD	B	" "
006	SANDISK MINI SD	B	" "
CONTINUED ON PAGE _____			

Dated May 16, 2022
at Vancouver
British Columbia.

A. McElroy 2343
Signature of Peace Officer

* A - It was returned to the person lawfully entitled to its possession, in which case the receipt therefore shall be attached hereto;
B - It is being detained to be dealt with according to law - state the location and manner in which, or where applicable, the person by whom it is being detained.

Vancouver Court Registry: _____

IN THE PROVINCIAL COURT OF BRITISH COLUMBIA

IN THE MATTER of Application for a Warrant to Search Pursuant to Section 487 of
the *Criminal Code*.

INFORMATION TO OBTAIN

1. I, Detective Constable 2343 Amber MCELROY ("Det. MCELROY"), a member of the Vancouver Police Department ("VPD") currently assigned to the Domestic Violence and Criminal Harassment Unit ("DVACH") in the City of Vancouver, Province of British Columbia, solemnly affirm that I have reasonable grounds to believe and do believe the following
2. I am a Peace Officer and have personal knowledge of this information in this Information to Obtain ("ITO"), except where otherwise stated. I believe all of the information in this ITO to be true.
3. I have been employed by the VPD since February 2004 and I hold the rank of Detective Constable. Prior to being assigned to DVACH, I was assigned to the VPD Operations Division as a Neighbourhood Police Officer and in Patrol.
4. During my career I have been involved in many investigations including property crime and violent crimes against persons. I have experience as an affiant, including having applied for and have been granted General Warrants, Search Warrants, Feeney Warrants and Production Orders.
5. I have personal knowledge of the matters and facts to which I depose in this Information to obtain, save and except where stated to be on information and belief. As to such

matters, I believe them to be true. Unless otherwise stated, all places referred to in this Information to Obtain are places within the Province of British Columbia.

Unless otherwise stated, all police officers mentioned in this Information to Obtain are members of the VPD.

7. Unless otherwise stated, all named locations are in the City of Vancouver, Province of British Columbia.
8. I have learned the facts included in this Information to Obtain by:
 - a) Personally investigating this matter.
 - b) Reviewing records contained in the CPIC and PRIME computer databases.
 - c) Communicating personally with other police officers who have conducted the investigation into this matter.
 - d) Reviewing evidence collected by other police officers who have conducted the investigation into this matter. I have not included each and every fact known to me concerning this investigation. I have set forth a full statement of the relevant facts that I believe are necessary to establish reasonable and probable grounds in support of this Information to Obtain.

DEFINITIONS AND ABBREVIATIONS

9. The Canadian Police Information Centre is commonly referred to as "CPIC". CPIC is a computerized data repository maintained by the Royal Canadian Mounted Police (RCMP) in Ottawa, Ontario. It can only be accessed through restricted terminals by authorized persons and is generally accessible by police agencies throughout Canada.

This repository records information including missing persons, wanted persons, stolen property, and criminal records of individuals. CPIC accesses records of motor vehicle branches of the provinces of Canada. These records consist of driver's license information (including names, birth dates, addresses, and driving records) and motor vehicle information for vehicles registered to named individuals through vehicle license numbers. CPIC is also interfaced with the United States National Crime Information Centre, commonly referred to as "NCIC".

10. Police Records Information Management Environment is commonly referred to as "PRIME". PRIME is a computerized repository of information which is maintained by municipal police departments and the RCMP in the Province of British Columbia. PRIME can be accessed only through restricted terminals by authorized persons and is generally accessible by police agencies in the Province of British Columbia. This repository records information collected during police investigations including entities (person, vehicle, and business details), text pages (detailing events and investigations), property pages (detailing property seized, surrendered to or found by police) and attachments; all of which are processed and organized to produce complete police reports.

NAMED OFFENCES

11. I have reasonable grounds to believe the following offence has been committed:
 - i) Two counts of Failure to Comply with Probation Order, contrary to section 733.1 of the *Criminal Code* of Canada.

PERSONS INVOLVED

12. Accused: Patrick FOX (FOX)
13. Victim: Desiree CAPUANO (CAPUANO)

AUTHORIZATION SOUGHT

14. A Warrant to Search Pursuant to Section 487 of the *Criminal Code* to search for the following things currently in police custody:

a) The following Exhibits:

- i. Exhibit 2266177-1: a Black Motorola Smart phone;
- ii. Exhibit 2266177-2: a Blue Levono Tablet S/N HGA9TE8G;
- iii. Exhibit 2266177-3: a Lexar USB;
- iv. Exhibit 2266177-4: Kingston USB;
- v. Exhibit 2266177-5: a Sandisk Mini SD card with Lexar Adapter; and
- vi. Exhibit 2266177-6: a Sandisk Mini SD card with Sandisk Adapter.

b) The above Exhibits will be forensically examined for the following things/data:

- i. Emails from Patrick FOX to the editor of www.desicapuano.com between the dates of April 17, 2022, and May 5, 2022;
- ii. Communication between FOX and the editor of www.desicapuano.com and any other person relating to the offence, between the dates of April 17, 2022 and May 5, 2022;
- iii. User account information (that can be used to establish user's identity and the users of the digital device);
- iv. To determine ownership, use and evidence of the offence.

(Herein referred to as "the Things/Data")

OVERVIEW AND REASON FOR APPLICATION
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15. FOX and CAPUANO were in a romantic relationship from 2001 to 2003 and during this time they had their child, Gabriel REISS (REISS). While in a relationship with CAPUANO, FOX was known by his biological name Richard REISS but changed his name to FOX in 2014.
16. On June 8, 2016, FOX was charged with Criminal Harassment by the Burnaby RCMP (2016-25379) in relation to the creation and operation of a website, www.desireecapuano.com. The website contained some incorrect and defamatory information about CAPUANO, at which time FOX and CAPUANO had a custody battle over REISS. FOX was convicted of Criminal Harassment and Possession of a Firearm at Unauthorized Place.
17. On November 10, 2017, FOX was sentenced to 3 years in Jail, with 17 months' time served in custody which was credited as 25.5 months. FOX was given a 3 year probation order with multiple conditions including but not limited to: Not to directly or indirectly disseminate, distribute, publish or make publicly available information, statements, comments, videos, photos which refer or depict by or description Desiree or Sage CAPUANO, James PENDLETON or any of their friends, relatives, employers, co-workers but does not apply to filing documents in legal proceedings or use of documents or information in relation to those legal proceedings.
18. After his release on December 30, 2018, it was found that www.desireecapuano.com was now operating under a new web address of www.desicapuano.com. As a result, the Burnaby RCMP and the Vancouver Police Department were notified. At the time of the

creation of the new website, FOX was believed to living in Vancouver and as such, VPD DVACH took custody of the investigation (VPD 2019-49074).

19. As a result of VPD investigation (VPD 2019-49074), FOX was determined to be the creator of the new website www.desicapuano.com and was in breach of his court condition regarding the use of the internet and publishing information about CAPUANO. FOX was convicted of failing to comply with his probation order and received 6 months' time served in custody with a 6 month probation order upon his release on August 19, 2020.
20. Upon his release, FOX's probation order stated he had to remove the website www.desicapuano.com within 48 hours of his release. On the day of his release, the website was updated with a letter to David Eby.
21. VPD DVACH then began their investigation (VPD 2020-164388) and found www.desicapuano.com to still be active in September 2020. On September 17, 2020, FOX was arrested for failing to comply with his probation order for not removing the website. FOX was convicted of failing to comply with his probation order and received a six month custodial sentence, one year probation and was credited 10 months and 15 days in pre-sentence custody time.
22. On August 12, 2021 FOX was released with the condition to remove the website within 48 hours of his release. FOX notified regional Crown in an affidavit that he would not be taking down the website. VPD DVACH was advised of his pending release and intentions to breach his probation condition.
23. VPD DVACH then began their investigation (VPD 2021-132224) and found www.desicapuano.com to still be active after the 48 hour time period of FOX's release.

On August 17, 2021 FOX was arrested for failure to comply with his probation order.

FOX was convicted of failing to comply with his probation order and received a 2 month, 18 day custodial sentence, 3 years' probation and was credited 6 months and 8 days in pre-sentence custody time.

24. On April 17, 2022 FOX was released with the condition to remove the website within 48 hours of his release as well as to report to a Probation Officer within 72 hours of his release.
25. On April 28, 2022 VPD DVACH was contacted by Crown to advise that FOX had not taken down the website and that he had failed to report to a Probation Officer within the 72 hour period of his release.

DVACH INVESTIGATION

26. On July 15, 2022 Det. MCELROY read the occurrence report (VPD 2022-66177) authored on May 16, 2022 by Det. KIM and learned in part the following:
 - a. On April 28, 2022 VPD DVACH was notified by Crown Counsel regarding FOX's failure to comply with his probation conditions after his release on April 17, 2022:
 - i. Report to a Probation Officer within 72 hours of your release from custody for the purpose of informing your Probation Officer at that time of the exact steps you have taken to comply with the conditions of this Probation Order, with the following condition of this Probation Order that: within 48 hours of your release from custody you shall take all necessary steps to ensure that any website, social media page or any

other publication, with you have authored, created, maintained or contributed to, which contains any information, statements, comments, videos, pictures which refer to or depict, by name or description, Desiree Capuano or any of her friends, relatives, employers, or co-workers, including the websites published under the domain www.desireecapuano.com and desicapuano.com are no longer available via the internet or any other means. Once you have reported these exact steps you have taken to comply with that condition, you will no longer be required to report to a Probation Officer.

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

- b. Crown Counsel advised that they were in receipt of the Report to Crown from the Probation Office for his failure to report. Upon conversation with Crown Det. KIM learned the following:

- i. On April 19, 2022 FOX attended and spoke with Probation Officer Supervisor Julia SEATH ("PO SEATH") and was given an appointment of April 21, 2022 to meet with his assigned Probation Officer.
 - ii. FOX did not attend his appointment on April 21, 2022.
- c.
- d. On May 3, 2022 VPD Crime Data Analyst Catherine MEIKLEJOHN ("Analyst MEIKLEJOHN") confirmed that the website www.desicapuano.com had a password protection and the contents of the website could not be seen without the password.
- e. Analyst MEIKLEJOHN further determined that when desicapuano.com was searched on Google Search, the first website on the list had the title "Desicapuano/Desiree Capuano – Drug Addict, Child Abuser, White" with the description below as "Exposing the evil, manipulative, narcissistic, sociopathic mother that is Desiree Capuano... Check desicapuano valuation, traffic estimations and owner info..."
- f. On May 5, 2022 Det. KIM attended the Belkin House at 555 Homer St, Vancouver and confirmed that FOX was residing there.
- g. On May 15, 2022 DVACH learned that www.desicapuano.com was now accessible to the public without password protection.
 - i. The website consisted of recent postings from March 29, May 1, May 2, May 6, May 7, May 8 and May 11, 2022.

- ii. Most of the posts have a perspective of "Editor", writing about BC Government admitting the website to be legal, the Probation Officer lying on the witness stand, VPD and Crown mishandling disclosures, and the Judge's delusional judgement;
- iii. A couple of the posts were written in the perspective of "Desiree" claiming to be defrauding the public and using their son to control FOX.

- h. Det. KIM believed FOX was breaching both probation conditions listed in 26(a) i. and 26(a) ii.

27. On July 15, 2022 Det. MCELROY reviewed screen captures taken by Analyst MEIKLEJOHN on May 3 and 16, 2022. The May 3, 2022 captures, described below, show that the website was only accessible through a password. The May 16, 2022 captures, described below, show that the website was accessible to the public at that time.

- a. May 3, 2022:

- i. www.desicapuano.com was password protected at the time of this search;
- ii. Desicapuano.com google search resulted in the comments listed in 26(e).

- b. May 16, 2022:

- i. The front page of the website www.desicapuano.com with the title "This Website is About Standing Up to Tyranny!";

- ii. www.desicapuano.com article dated Mar 29, 2022 with the title "Probation Officer Abeed Bhimji Caught Lying on the Witness Stand";
- iii. www.desicapuano.com article dated May 1, 2022 with a picture of Desiree CAPUANO "I Admitted I've Been Using Our Son as a Pawn to Control Patrick";
- iv. www.desicapuano.com article dated May 2, 2022 with the title "BC Government Admits This Website is Not Illegal";
- v. www.desicapuano.com article dated May 6, 2022 with a picture of Desiree CAPUANO "I Committed 81 Instances of Perjury";
- vi. www.desicapuano.com article dated May 7, 2022 with a title of "VPD and Crown Counsel Give Patrick Someone Else's Disclosure Material";
- vii. www.desicapuano.com article dated May 11, 2022 with a title of "Judge Kathryn Denhoff and Her Delusional Reasons for Judgement". This article references disclosure documents from FOX's most recent trial;

ARREST OF FOX

28. On May 16, 2022 Det. KIM, in company of myself, attended the Belkin House at 555 Homer St, Vancouver and arrested and read FOX's Charter Rights for two counts of Failure to Comply with his Probation Order. FOX declined to contact a lawyer.

SEARCH AND SEIZURE OF DEVICES

29. Det. KIM, in company of myself, searched FOX incident to arrest and located the following devices inside the black laptop bag that he was carrying at the time of arrest:

- a) Exhibit 2266177-1: a Black Motorola Smart phone;
- b) Exhibit 2266177-2: a Blue Levono Tablet S/N HGA9TE8G;
- c) Exhibit 2266177-3: a Lexar USB;
- d) Exhibit 2266177-4: a Kingston USB;
- e) Exhibit 2266177-5: a Sandisk Mini SD card with Lexar Adapter;
- f) Exhibit 2266177-6: a Sandisk Mini SD card with Sandisk Adapter.

30. Det. MCELROY immediately placed Exhibit 2266177-1: a Black Motorola Smart phone into a Faraday tin. Exhibit 2266177-2: a Blue Levono Tablet S/N HGA9TE8G would not fit inside of a Faraday tin.

[Based on my experience as a police officer, I am aware that placing a cellular phone or tablet into a metal Faraday tin blocks the cellular signal which serves to prevent access.]

31. On May 16, 2022 I completed the Form 5.2 Report to a Justice. Det. MCELROY secured the following devices in Special Investigation Section secured locker #31 on the 5th floor of 3585 Graveley Street, Vancouver:

- a) Exhibit 2266177-1: a Black Motorola Smart phone – inside of a Faraday tin;
- b) Exhibit 2266177-3: a Lexar USB;
- c) Exhibit 2266177-4: a Kingston USB;
- d) Exhibit 2266177-5: a Sandisk Mini SD card with Lexar Adapter;
- e) Exhibit 2266177-6: a Sandisk Mini SD card with Sandisk Adapter.

32. May 16, 2022 I secured Exhibit 2266177-2, a blue Levono Tablet S/N HGA9TE8G inside of the Digital Forensics Unit ("DFU") locker #001, located on the 2nd floor of 1570 Kootenay St, Vancouver. The Levono Tablet was too large to be stored in a Faraday tin, and I requested that it be stored in the DFU Faraday room.
33. On May 17, 2022 Levono Tablet S/N HGA9TE8G was moved into the DFU Faraday room where it remains at the time of writing.

IN-CUSTODY INTERVIEW OF FOX

34. On May 16, 2022, at 1259 hours, I conducted an audio and video recorded in custody interview of FOX at the Vancouver Police Annex, located at 236 E. Cordova Street, Vancouver.
35. During the interview, I was advised of the following by FOX:
- a. FOX was in possession of a tablet and a cell phone, both of which were capable of accessing the internet.
 - b. On April 18, 2022 FOX emailed the person in charge of the website though the editor email on www.desicapuano.com asking them to take down the site.
 - c. FOX does not know who is currently in charge of the running of the website and claims that he gave up control of the website in 2018.
 - d. FOX said he would be willing to provide a copy of this email at some point, but would not provide any passwords to his devices so investigators could confirm this email existed.

CAPABILITIES OF THE DIGITAL FORENSICS UNIT

36. On July 15, 2022, I spoke in person to Detective Constable Robin SHOOK ("Det. SHOOK") of the DFU. Det. SHOOK confirmed that DFU would be able to accomplish the following in regards to data recovery:
- a. Using forensically sound principles without compromising data integrity; conduct the examination of electronic devices and digital storage mediums, including, but not limited to, storage devices used in computers and mobile devices, external storage devices, Sim Cards, memory cards, and optical media (such as CDs and DVDs];
 - b. That the data extracted from electronic devices and digital storage mediums can include but is not limited to:
 - i. Communication records (such as contacts, call history, messages, email);
 - ii. Media records (such as Images, Videos, and Audio);
 - iii. Documents and spreadsheets;
 - iv. Internet activity; Geo-location records (such as GPS coordinates);
 - v. User account information (that can be used to establish user's identity and users of the digital devices).
37. Based on what I learnt from Det. SHOOK of the DFU, I decided on the following scope:
- a) Emails from Patrick FOX to the editor of www.desicapuano.com between the dates of April 17, 2022 to May 16, 2022;

- b) Communication between FOX and the editor of www.desicapuano.com and any other person relating to the offence, between the dates of April 17, 2022 to May 16, 2022;
 - c) User account information (that can be used to establish user's identity and the users of the digital device);
 - d) To determine ownership, use and evidence of the offence.
38. Det. SHOOK advised that the time required to search a digital devices will vary depending on the complexity of the device, its storage capacity, and the scope of the search. Coupled with the work related priorities of DFU, the timeframe required to search a digital device cannot be accurately predicted;
39. Det. SHOOK advised that a member of DFU can take custody of the all the devices listed in paragraphs 29(a) to 29(f), between the dates of July 15, 2022, and July 28, 2022; and
40. The search of the devices can then be conducted as priorities allow.

JUSTIFICATION FOR AUTHORIZATION SOUGHT

41. As I have set out in my Information to Obtain, I believe that upon his release from custody on April 17, 2022, FOX had access to the internet and would have been able to craft and send an email to the editor of the website, www.desicapuano.com.
42. During the in custody interview of FOX, he stated he sent an email requesting the person who currently operates the site make it inaccessible to the public or remove its contents.

43. I believe the email sent to the editor of www.desicapuano.com will be located in the devices seized from FOX during his arrest on May 16, 2022.

CONCLUSION

44. On April 17, 2022, FOX was released from custody with a condition of his probation to remove the website www.desicapuano.com within 48 hours of his release. As well as to meet and discuss his plans to take down the website with his Probation Officer within 72 hours of his release.
45. On May 3, 2022 www.desicapuano.com was still active and accessible and password protected.
46. On May 16, 2022 www.desicapuano.com was active and accessible to the public without a password.
47. Upon his arrest, FOX stated he had sent an email to the editor of www.desicapuano.com requesting its removal, but has not provided a copy to investigators and will not provide his passwords to his devices in order to confirm this email was sent.
48. I believe the email FOX sent to the editor of www.desicapuano.com will be located on one of the devices seized upon his arrest.
49. I believe a search of the seized electronic devices listed in paragraph 29(a) to 29(f) will allow investigators to determine if FOX made an attempt to have the website www.desicapuano.com removed.

TIME FRAME FOR WARRANT EXECUTION

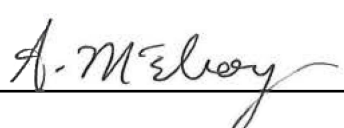
50. The DFU currently has a limited number of digital forensic examiners available to conduct forensic examinations and they have other active, priority investigations pending; the majority of which are complex homicides, violent assaults, sexual assaults as well as child pornography and large drug investigations. I respectfully request that the Search Warrants for the devices be valid for a two week timeframe from July 15, 2022 to July 28, 2022 in order to execute the warrants and begin the forensic examination of these devices.

Sworn before me on)
 Dated: July 15, 2022)
 at Vancouver, British Columbia.)


 _____)
 A Commissioner for Taking Affidavits in and for the)
 Province of British Columbia)



 Name





IN THE PROVINCIAL COURT OF BRITISH COLUMBIA

IN THE MATTER of an Application for a Warrant to Search
Pursuant to Section 487 of the Criminal Code – Form 5

WARRANT TO SEARCH

TO: The Peace Officers in the Province of British Columbia:

WHEREAS it appears on the affirmation of Detective Constable Amber McElroy, a Peace Officer in the Province of British Columbia, affirmed on the 15th day of July, 2022;

THAT there are reasonable grounds for believing that the following offences have been committed:

- i) Two counts of Failure to Comply with Probation Order, contrary to section 733.1 of the Criminal Code of Canada.

(the "Named Offences")

AND THAT there are reasonable grounds for believing that the following items will afford evidence of the Named Offences:

- a) Exhibit 2266177-1: a Black Motorola Smart phone currently located in the Special Investigation Section ("SIS") secured locker #31 at 3585 Graveley Street, Vancouver;
- b) Exhibit 2266177-2: a Blue Levono Tablet S/N HGA9TE8G currently located in the Digital Forensics Unit ("DFU") at 1570 Kootenay Street, Vancouver;
- c) Exhibit 2266177-3: a Lexar USB currently located in SIS secured locker #31;
- d) Exhibit 2266177-4: Kingston USB currently located in SIS secured locker #31;
- e) Exhibit 2266177-5: a Sandisk Mini SD card with Lexar Adapter currently located SIS secured locker #31, and
- f) Exhibit 2266177-6: a Sandisk Mini SD card with Sandisk Adapter currently located in SIS secured locker #31.

The above Exhibits will be forensically examined for the following things/data:

- i. Emails from Patrick FOX to the editor of www.desicapuano.com between the dates of April 17, 2022, and May 5, 2022;
- ii. Communication between FOX and the editor of www.desicapuano.com and any other person relating to the offence, between the dates of April 17, 2022 and May 5, 2022;
- iii. User account information (that can be used to establish user's identity and the users of the digital device);
- iv. To determine ownership, use and evidence of the offence.

(the "Things/Data")

AND THAT there are reasonable grounds for believing that the said things/data are in Exhibits 2266177-1 up to and including 2266177-6 listed above, currently in police custody in the location stated.

THIS IS THEREFORE, to authorize and require Detective Constable Amber McElroy or her designate to enter the said premise between July 15, 2022, up to and including July 28, 2022.

And to search the cellular phone for the things/data and to bring them before me or some other justice, or submit a report in writing in respect of anything seized.

ISSUED BY

Issued at 2:00 pm, on July 15, 2022
(time) (date)

at Burnaby, British Columbia
(city)

Name C. Osborn

C. Osborn
Judicial Justice

C. Osborn
A Judicial Justice in and for the
Province of British Columbia
Assigned to the Justice Centre

Information to obtain the warrant to search is filed at the Vancouver Court Registry located at 222 Main Street, Vancouver in the Province of British Columbia.

REPORT TO A JUSTICE (FOLLOWING SEIZURE
OF PROPERTY AND/OR WARRANT TO SEARCH) - FORM 5.2
CANADA: PROVINCE OF BRITISH COLUMBIA

POLICE CASE / FILE NO.
2022-66177

☐ Submitted by FAX

TO: A Justice of the Peace in and for the Province of British Columbia.

OR: In the case of a Telewarrant issued pursuant to section 487.1 of the *Criminal Code*, to the Clerk of the Court for the territorial division in which the warrant was intended for execution.

I, AMBER MCELROY a peace officer of the CITY OF VANCOUVER British Columbia:

1. COMPLETE SECTION 1 IF A WARRANT TO SEARCH HAS BEEN ISSUED

In respect of a Warrant to Search being issued pursuant to Section 487 of the CRIMINAL CODE OF CANADA (FEDERAL STATUTE)

on JULY 15, 2022, by C. OSBORN
(NAME OF JUSTICE OF THE PEACE OR JUDGE)

☐ (a) have not executed the warrant for the following reason(s):

☒ (b) have searched CELL PHONE W/TAG 2266177-1 situated at VANCOUVER
(PREMISES / VEHICLE / PERSON)
British Columbia, on AUGUST 18, 2022 at 1523 hours, and have seized
the things noted hereunder/attached. (DATE)

☐ (c) and have seized, pursuant to section 489 of the *Criminal Code*, additional things other than those specified in the warrant, as set out on lines _____ of this report and/or attachment, and where the warrant was issued pursuant to S. 487.1 of the *Criminal Code*, I believe those things have been obtained/used in the commission of an offence because
(GROUNDS)

PROVINCIAL COURT
OF BRITISH COLUMBIA
NOV 01 2022
VANCOUVER REGISTRY
222 Main Street

2. COMPLETE SECTION 2 IF NO WARRANT HAS BEEN ISSUED

☐ have acted in the execution of duties under the _____, and have seized the things noted hereunder and/or attached from _____
(FEDERAL STATUTE)
(LOCATION / PREMISES / VEHICLE / PERSON)
situated at _____ Province of British Columbia,
on _____ at _____ hours.

3. COMPLETE SECTION 3 OR ATTACH EXHIBIT REPORT ☐

DISPOSITION

LINE NUMBER	PROPERTY DESCRIPTION	STATE A OR B (SEE BELOW)*	STATE LOCATION WHERE DETAINED OR NAME OF PERSON RETURNED TO
001	DATA EXTRACTED FROM CELL PHONE TAG # 2266177-1 EX# 001	B	COMPUTER SYSTEM AT 3585 GRAVELEY ST, VANCOUVER

Page 1 of 2 pages. Continued on Page 2 ☒ (use PCR 094)

- * A - it was returned to the person lawfully entitled to its possession, in which case the receipt therefore shall be attached hereto;
B - it is being detained to be dealt with according to law - state the location and manner in which, or where applicable, the person by whom, it is being detained.

Dated NOVEMBER 1, 2022,
at VANCOUVER British Columbia.

A. McElroy 2343
SIGNATURE OF PEACE OFFICER

APPLICATION FOR DETENTION

I, AMBER MCELROY
a PEACE OFFICER hereby
advise the Justice of the Peace that the detention of the thing(s) set out on lines
numbered 001, 002
in the Report to a Justice herein is/are required for the purposes of an investigation
or a preliminary inquiry, trial or other proceeding and apply for the detention of the
aforesaid things pursuant to s.490(1)(b) of the *Criminal Code*.

Dated NOVEMBER 1, 2022,
at VANCOUVER British Columbia.

A. McElroy 2343
Signature of Applicant

DETENTION ORDER FOR THINGS SEIZED

Upon application of A Peace Officer
and having been satisfied that the detention of the thing(s) seized is required
for the purposes of any investigation or a preliminary inquiry, trial or other
proceeding, It is hereby ordered that pursuant to Section 490(1) (b) of the
Criminal Code the articles set out in the Report to a Justice be detained for
a period of three months from the date of seizure, unless an application for
a order of further detention is made, or proceedings are instituted in which
the thing(s) detained may be required. It is also ordered that the article(s) be
entrusted to the custody of the applicant or his/her designate.

Dated November 1, 2022,
at Vancouver British Columbia.

Justice of the Peace in and for the Province of British Columbia

ATTACHMENT TO REPORT TO A JUSTICE

(PAGE 2 OF 2)

CANADA: Province of British Columbia

AFOX, Patrick

POLICE CASE FILE NO.

2022-66177

LINE NUMBER	PROPERTY DESCRIPTION	DISPOSITION			
		STATE A OR B* (SEE BELOW)	STATE LOCATION WHERE DETAINED OR NAME OF PERSON RETURNED TO		
002	BLUE LENOVO TABLET	B	COMPUTER SYSTEM AT		
	S/N HGA91E8G(211)		3585 GRAVELEY ST		
	TAG # 2266177-2 EX # 002		VANCOUVER		

23413

PROVINCIAL COURT
OF BRITISH COLUMBIA
NOV 01 2022
VANCOUVER REGISTRY
222 Main Street

CONTINUED ON PAGE

Dated NOVEMBER 1, 2022
at VANCOUVER
British Columbia.

A. McElroy 23413
Signature of Peace Officer

- * A - It was returned to the person lawfully entitled to its possession, in which case the receipt therefore shall be attached hereto:
B - It is being detained to be dealt with according to law - state the location and manner in which, or where applicable, the person by whom it is being detained.

From: [O'BOYLE, Dermot](#)
To: [MCELROY, Amber](#)
Subject: FW: Training documents
Date: Monday, November 7, 2022 17:34:10

Hi Amber, sorry, I have been off and then sick and thought Andrew had sent this on. This is what he sent us,

Dermot

We do not have a PDF manual. The knowledgebase is the best place <https://support.hunch.ly> in particular if the person is self-represented then you can point them at the evidence guide section so they can review it before they challenge you on it, etc. Of course I can always be called in for defence or Crown to testify on Hunchly and how it works so don't be afraid to put that forward. Not getting in an airplane though :)

Justin

On 19 Oct 2022, at 16:56, O'BOYLE, Dermot wrote:

Thanks Justin, also cc'ing our analyst, Andrew in here as well as I will be off next week so he can action anything you send on,

Dermot

From: Justin Seitz <justin.seitz@hunch.ly>
Sent: Tuesday, October 18, 2022 6:34 PM
To: O'BOYLE, Dermot
Subject: Re: Training documents

Hey Dermot,

Just wanted to ACK your email, I'll get some information together in the next couple of days for you. I am in all-day strategy sessions for the next couple of days and hope to dig out by Friday.

Thanks again, more to follow!

Justin

On 18 Oct 2022, at 15:33, O'BOYLE, Dermot wrote:

Hi Justin,

[REDACTED]

We have had a request through from a self-represented defendant for

- 1) request for any readily available Hunchly user and administrative guides or manuals

While we have our own Hunchly course for members here, there is not something that we can hand over so the defendant can familiarize themselves with the product. Ours is more of a practical course than a manual. Is there anything that you can provide us with. A PDF style training manual or something similar.

[REDACTED]

Cheers

Thanks

Dermot

Det. Cst. 2692 Dermot O'Boyle
CyberCrime Unit
General Investigations Section
Vancouver Police Department
3585 Graveley St, Vancouver, BC CANADA
Tel: [REDACTED]
[REDACTED]

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From: [MCELROY, Amber](#)
To: [O'BOYLE, Dermot](#); [FAN, Andrew](#)
Cc: [MURRAY, Skigh](#); [LINDSAY, Paul](#)
Subject: RE: 22-66177 Crown Request
ate: Monday, November 7, 2022 14:50:35

Good Afternoon Dermot,

I was just wondering if you had heard anything back from Justin?

Thank you,

Amber

From: O'BOYLE, Dermot [REDACTED]
Sent: Tuesday, October 18, 2022 4:25 PM
To: MCELROY, Amber <amber.mcelroy@vpd.ca>; FAN, Andrew [REDACTED]
Cc: MURRAY, Skigh [REDACTED]; LINDSAY, Paul [REDACTED]
Subject: RE: 22-66177 Crown Request

I have emailed Justin from Hunchly to see if they have anything that we can send onto this guy.

Dermot

From: MCELROY, Amber <amber.mcelroy@vpd.ca>
Sent: Tuesday, October 18, 2022 12:08 PM
To: FAN, Andrew [REDACTED]
Cc: MURRAY, Skigh [REDACTED]; O'BOYLE, Dermot [REDACTED]; LINDSAY, Paul [REDACTED]
Subject: RE: 22-66177 Crown Request

Andrew,

Thank you Andrew for the info. The challenge we have is that the SOC is in custody and is acting as his own lawyer. He does not have access to the internet so Crown was hoping for a PDF manual. Is that possible?

Amber

From: FAN, Andrew [REDACTED]
Sent: Tuesday, October 18, 2022 12:02 PM
To: MCELROY, Amber <amber.mcelroy@vpd.ca>
Cc: MURRAY, Skigh [REDACTED]; O'BOYLE, Dermot [REDACTED]; LINDSAY, Paul [REDACTED]
Subject: RE: 22-66177 Crown Request

Hi Amber

To answer this BF, I will provide the following open source links
But we have a full training course/curriculum. If that is what is required, I suggest you speak to the curriculum creators to see how disclosure would best work for this scenario.

This is publically available about the software and how it works:

<https://www.youtube.com/c/Hunchly/videos>

From: MCELROY, Amber <amber.mcelroy@vpd.ca>

Sent: Tuesday October 18, 2022 11:39 AM

To: FAN, Andrew [REDACTED]

Subject: 22-66177 Crown Request

Good Afternoon,

I hope that this email finds you well. I have received a BF from Crown requesting the following information. I was hoping that you could help with this request?

- 1) request for any readily available Hunchly user and administrative guides or manuals

Thank you,

Amber

Det/Cst 2343 Amber McElroy

Special Investigations Section

Domestic Violence & Criminal Harrassment Unit

VANCOUVER POLICE DEPARTMENT

3585 Graveley Street | Vancouver BC | V5K 5J5

T: 604.717.9048

E: amber.mcelroy@vpd.ca | www.vpd.ca



Ministry of Public Safety and Solicitor General

Client Log

Location: VCRT-Vancouver Court Community Corrections 0214, CS #: 10582500 - FOX, PATRICK HENRY
Entry Date: 2022.04.19 - 2022.12.16

Entered Date	Type	User	File Type	Title/Content
2022.10.12 14:46:56	Collateral Summary	TRIMIS, KOULIS	NONE	Amber McElroy DVU 604 717-9048
2022.06.01 16:47:17	Victim Contact	TRIMIS, KOULIS	NONE	see log
2022.05.18 08:04:19	General	TRIMIS, KOULIS	NONE	Community to Custody 17-MAY-22 Community to Custody -
2022.05.17 07:57:22	General	TRIMIS, KOULIS	NONE	Arrest Without Warrant 17-MAY-22 Arrest Without Warrant -
2022.05.04 08:54:59	Collateral Summary	TRIMIS, KOULIS	NONE	Amber McElroy DVU Det. McElroy aware of warrant and will be looking to locate Patrick to arrest him.
2022.04.29 13:18:02	Victim Contact	TRIMIS, KOULIS	NONE	see log
2022.04.29 08:03:55	General	TRIMIS, KOULIS	NONE	Arrest Warrant 29-APR-22 Arrest Warrant - File #: 244069-9-B Issued by: Vancouver Provincial Court 2022.04.28
2022.04.28 08:51:48	General	TRIMIS, KOULIS	NONE	CC Decision - Approved to Court
2022.04.27 15:54:58	CPIC	RICHKA, MEUNDA	pdf	CAUTION: This record may or may not pertain to the subject of your enquiry. Positive identification can only be confirmed through submission of fingerprints. CONTENTS OF CRIMINAL RECORDS ARE NOT TO BE PROVIDED IN ANY FORM TO PROBATION CLIENTS. Have questions about a CPIC request? Email Central Monitoring Unit: [REDACTED]
2022.04.21 17:15:19	Breach of Condition	TRIMIS, KOULIS	NONE	733 Breach submitted Condition 4 - Failed to report as directed
2022.04.21 15:45:55	Breach of Condition	TRIMIS, KOULIS	NONE	Failed to Report April 21/22 Probation Officer Koulis Trimis reviewed the Community Corrections data base (CORNET) to confirm that Patrick Fox did not report as directed on April 21, 2022 and that he has not reported at any time since to any other Community Corrections office in British Columbia. Probation Officer Trimis reviewed the Community Corrections data base (CORNET) and JUSTIN systems to further verify that Patrick Fox is not in custody.
2022.04.20 14:08:34	Collateral Summary	TRIMIS, KOULIS	NONE	Correspondence with Crown Chris Johnson Hi Chris, I spoke to the Duty Officer (Julia Seath) and she tells me Fox simply told her he didn't have to take any steps as the site had already been shut down 'he was apparently quite argumentative and didn't provide anything more specific' he was directed to report again to me, his assigned PO, on April 21 with the expectation that he provide the



Ministry of Public Safety and Solicitor General

Client Log

Location: VCRT-Vancouver Court Community Corrections 0214, CS #: 10582500 - FOX, PATRICK HENRY
Entry Date: 2022.04.19 - 2022.12.16

Entered Date	Type	User	File Type	Title/Content
				steps taken at that time to satisfy the reporting condition. He apparently told her that he would not be reporting again and would be moving back to the US after his court matters were dealt with. Koulis [REDACTED] On Apr 20, 2022, at 2:08 PM, Trimis, Kyriakos K PSSG:EX <[REDACTED]> wrote: Hi Chris, the plot thickens' I spoke to Det. Kyle Dent of the domestic violence unit. He consulted with VPD cyber crimes unit and they confirmed the site www.desicapuano.com is still on the internet but now requires authorization to enter. It's VPD's opinion that he is not technically violating this condition as he has indeed taken steps to make content unavailable by restricting public access. VPD has no plans to investigate this further at this time. [REDACTED] Koulis Trimis
2022.04.20 13:52:40	Collateral Summary	TRIMIS, KOULIS	NONE	Det. Kyle Dent DVU Kyle called back after consulting with cyber crimes unit. They confirmed the site www.desicapuano.com is still on the internet but now requires authorization to enter. It's their opinion that he is not technically violating this condition as he has taken steps to make content unavailable by restricting public access. VPD has no plans to investigate this further at this time. Will provide this information to crown
2022.04.20 11:21:38	Collateral Summary	TRIMIS, KOULIS	NONE	Chris Johnson Crown Counsel [REDACTED] Spoke with Chris Johnson Crown : [REDACTED] Chris confirms that it was the judge's intention to have Patrick report only for the purposes of advising PO of steps taken to take down websites. Says Patrick called him yesterday to complain re: being directed to report again - his position is that he has not taken any steps because the websites are no longer active. Chris advised Patrick to report as directed and if he doesn't he is breachable as he has not provided any details to PCM as requested by DO - beyond this he is not required to report. Also mentioned to Chris about indications that there be a password regulated version of one of the websites online, it was agreed that this would be a matter only police is qualified to investigate
2022.04.20 10:58:59	Collateral Summary	TRIMIS, KOULIS	NONE	Det. Kyle Dent DVU 604-717-9225 Spoke with Det. Kyle Dent who was lead investigator on original file. [REDACTED] Advised of result of site google



Ministry of Public Safety and Solicitor General

Client Log

Location: VCRT-Vancouver Court Community Corrections 0214, CS #: 10582500 - FOX, PATRICK HENRY
Entry Date: 2022.04.19 - 2022.12.16

Entered Date	Type	User	File Type	Title/Content
				searches, and that one of them appears to be administrated through authorized access. Kyle will bring this to the attention of cyber crimes unit to look into further to determine if the site is still up in some form albeit regulated
2022.04.20 10:40:35	Victim Contact	TRIMIS, KOULIS	NONE	see log
2022.04.20 10:15:09	General	TRIMIS, KOULIS	NONE	Websites as per condition This PO performed an internet search of websites noted in Condition www.desireecapuano.com - yielded no results aside from media references to the original offence www.desicapuano.com - no public access to such a site. popup noting "authorization is required by http://www.desicapuano.com and user name / password requ e
2022.04.20 09:37:17	Collateral Summary	TRIMIS, KOULIS	NONE	VPDIDVU Called DVU to discuss any current monitoring of client and any concerns/indications the websites are still active. Spoke with Patrick Mah, he will track down lead investigator on this file and have them call me back.
2022.04.20 09:30:01	Collateral Summary	TRIMIS, KOULIS	NONE	Email to Crown Chris Johnson Hi Curt, I'm told you may have dealt with this matter at sentencing 244069 8-B Patrick Fox If so looking for some insight into the judge's intentions with regards to reporting, its my sense that long term reporting is not enforceable here but wanted your take on it Report to a Probation Officer within 72 hours of your release from custody only for the purpose of informing your Probation Officer at that time of the exact steps you have taken to comply with the conditions of this Probation Order, with the following condition of this Probation Order that: within 48 hours of your release from custody you shall take all necessary steps to ensure that any website, social media page or any other publication, which you have authored, created, maintained or contributed to, which contains any information, statements, comments, videos, pictures which refer to or depict, by name or description, Desiree Capuano or any of her friends, relatives, employers, or co-workers, including the websites published under the domain www.desireecapuano.oom and www.desicapuano.com are no longer available via the internet or any other means. Once you have reported these exact steps you have taken to comply with that condition. you will no longer be required to report to a Probation Officer. Please let me know'Thanks Koulis Trimis [REDACTED]
2022.04.19 13:21:26	CPIC Request	ROLD, AMBER	NONE	CPIC request Case Management
2022.04.19 08:51:56	Initial Report	SEATH, JULIA	NONE	RIP NRD April 21st @ 815am Client RIP this date with Probation Order #244069-8-B; ID confirmed via c2. Client only needs to report for the purposing of explaining "the exact steps you have taken to comply with the conditions .." Client very



Ministry of Public Safety and Solicitor General

Client Log

Location: VCRT-Vancouver Court Community Corrections 0214, CS #: 10582500 - FOX, PATRICK HENRY
Entry Date: 2022.04.19 - 2022.12.16

Entered Date	Type	User	File Type	Title/Content
				argumentative that he does not have to report again as per condition #3. Writer explained I am not his PO and only his PO can determine and take necessary steps to verify he has complied with the condition - Duty officer too busy to make this determination. Writer reviewed the order, explained the conditions and sections 733/732 of the CCC. Client signed the order indicating his understanding and consequences of noncompliance.
Total Records:	21			

**VANCOUVER POLICE DEPARTMENT
GENERAL OCCURRENCE HARDCOPY**

GO# VA 2022-66177

BREACH OF PROBATION-ADULT

Narrative: POLICE STATEMENT - 14

Subject: **FIREWALL INFO REQUEST**

Author: **VA2343 MCELROY, AMBER**

Related date/time: **Friday, 2022-Dec-23 18: 8**

On October 11, 2022 Detective Constable 2343 MCELROY ("Det. MCELROY") of the Domestic Violence and Criminal Harassment Unit ("DVACH") received the following request from Crown Counsel in response to request from Patrick FOX ("FOX").

- "computer firewall rule which we have in effect within the VPD's internal computer network at 236 E Cordova St, Vancouver, which could have affected the ability of computers on that network to access a website potentially located at "desicapuano.com" on 2022-05-16."; and

- "computer firewall access logs for the VPD's internal computer network at 236 E Cordova St, Vancouver, Relating to any attempts to access any website at "desicapuano.com" on 2022-05-16."

On October 12, 2022 Det. MCELROY sent an email request to the Information and Communications Technology Section ("ICT") to request a search for the requested information.

On October 24, 2022 Det. MCELROY received an emailed response from the ICT Manager informing her of the following:

- The logs had been reviewed during the time frame requested and there is limited info in regards to the site "desicapuano.com".

- However, it was confirmed that Det. MCELROY's level of internet access, it does not include "desicapuano.com" and would be blocked by

VPD proxy rules. Proxy is a different security appliance than a firewall but functions similarly.

Also included were Proxy Logs. From reviewing the Proxy Logs, Det. MCELROY learned that desicapuano.com was requested during the following times on May 16, 2022:

- 6:14 a.m.
- 7:19 a.m.
- 2:22 p.m.
- 2:25 p.m.

The times that are consistent with when Det. MCELROY attempted access to the site during the interview are 2:22 p.m. and 2:25 p.m.

Proxy Report and email from ICT attached.

Detective 2343 MCELROY
Vancouver Police Department
Domestic Violence and Criminal Harassment Unit

*** CONFIDENTIAL ***

From: [LAM, Johnny](#)
To: [MCELROY, Amber](#)
Subject: RE: 2022-66177
Date: Monday, October 24, 2022 13:46:10
Attachments: [2022-66177 proxy logs.pdf](#)

Hi Amber,

I've reviewed the logs during that time frame and there is limited info in regards to the site "desicapuano.com" however I can confirm for your level of internet access, it does not include "desicapuano.com" and will be blocked by our proxy rules. Proxy is a different security appliance than a firewall but functions similarly.

Attached is the logs for "desicapuano.com" during that timeframe. Below are some key info to help decipher the logs.

1. Top left date and time is when I searched for this record
2. The "New Search" section lists the URL in question and the timeframe
3. "chancellor2.vpd.bc.ca" is the hostname of our proxy. The host IP is 10.250.33.37
4. The 14 log entries all refer to different files from that site "desicapuano.com" unable to be scanned by our sandbox which does show there was network activity to this URL

Thanks,

Johnny Lam | CISSP, CCNP
Manager, Infrastructure and Client Support
Information and Communications Technology Section
VANCOUVER POLICE DEPARTMENT | *Beyond the Call*



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From: MCELROY, Amber <amber.mcelroy@vpd.ca>
Sent: Wednesday, October 12, 2022 3:32 PM
To: LAM, Johnny <johnny.lam@vpd.ca>
Subject: 2022-66177

Hello,

I have a request from Crown Counsel in regards to our VPD Firewall. On May 16th I conducted an interview in Room 333 of our Annex location. At approximately 1415-1430 hours the suspect asked me to pull up a website on the neighbouring computer in the attached monitor room and I was unable to access it. It was like it was blocked due to our firewall. Would there be a record of this attempt? I believe that it was blocked by our firewall.

This is Crown Counsel's request:

A request by Mr. Fox for:

-"computer firewall rules which were in effect within the VPD's internal computer network at 236 E Cordova St, Vancouver, which could have affected the ability of computers on that network to access a website potentially located at "desicapuano.com" on 2022-05-16."; and

-"computer firewall access logs for the VPD's internal computer network at 236 E Cordova St, Vancouver, Relating to any attempts to access any website at "desicapuano.com" on 2022-05-16."

Could you confirm whether or not what Mr. Fox describes exists?

And if it does exist, can you ensure that the relevant rules and/or logs are not deleted while his disclosure request is still outstanding?

Thank you in advance,

Amber

Det/Cst 2343 Amber McElroy

Special Investigations Section

Domestic Violence & Criminal Harrassment Unit

VANCOUVER POLICE DEPARTMENT

3585 Graveley Street | Vancouver BC | V5K 5J5



www vpd.ca

New Search

desicapuano.com

from May 16 through May 17, 2022

✓ 14 events (5/16/22 12:00:00.000 AM to 5/18/22 12 00:00.000 AM) No Event Sampling

Events (14)

Format Timeline

1 hour per column



SELECTED FIELDS	Time	Event
a host 1 a source 1 a sourcetype 1	5/16/22 2:25:55.000 PM	May 16 14:25:55 chancellor2.vpd.bc.ca amp_logs_splunk: Info: Binary scan on instance[0] id[271868954]: filename[desicapuano.com.siteindices.com&dtd=297] filemime[application/octet-stream] file_extension[com&dtd=297] length[28516b] ampverdict[(1, 1, 'amp', '', 0, 0, False)] scanverdict[0] malwareverdict[0] spyname[] SHA256[9b3f00dcfcd6f35a86e181817a190c74a53dfb866f09ba96b16734669907ac99] From[Cloud] uploadreason[File type is not configured for sandboxing] verdict_str[UNSCANNABLE] is_slow[0] scans_in_flight[7] Active faster connections[7] Active slower connections[0] host = 10.250.33.37 source = cisco.wsa_11.7 sourcetype = cisco:wsa:squid:new
INTERESTING FIELDS # date_hour 3 # date_mday 1 # date_minut 4 a date_month 1 # date_second 8 a date_wday 1 # date_year 1 a date_zone 1 a eventtype 1 a ids_type 1 a index 1 # linecount 1 a product 1 a punct 3 a signature 1 a splunk_server 1 a splunk_server_group 4 # timeendpos 1 # timestartpos 1 a vendor 1 a vendor_product 1	5/16/22 2:25:55.000 PM	May 16 14:25:55 chancellor2.vpd.bc.ca amp_logs_splunk: Info: Binary scan on instance[0] id[271868910]: filename[desicapuano.com.siteindices.com&dtd=307] filemime[application/octet-stream] file_extension[com&dtd=307] length[31145b] ampverdict[(1, 1, 'amp', '', 0, 0, False)] scanverdict[0] J malwareverdict[0] spyname[] SHA256[d13be2d858fb3cdf75de7c8d55de2db4708e28fa989e564ddead924568bb5ee4] From[Cloud] uploadreason[File type is not configured for sandboxing] verdict_str[UNSCANNABLE] is_slow[0] scans_in_flight[9] Active faster connections[9] Active slower connections[0] host = 10.250.33.37 source = cisco.wsa_11.7 sour etype = cisco:wsa:squid:new

Time	Event
5/16/22 2:25:55.000 PM	May 16 14:25:55 chancellor2.vpd.bc.ca amp_logs_splunk: Info: Binary scan on instance[0] id[271868894]: filename[desicapuano.com.siteindices.com&dtd=285] filemime[application/octet-stream] file_extension[com&dtd=285] length[30153b] ampverdict[(1, 1, 'amp', '', 0, 0, False)] scanverdict[0] malwareverdict[0] spyname[] SHA256[789dfd7237c4ed2634d39b13694c81bd086203d8d86ce9e590661ad8adf9b970] From[Cloud] uploadreason[File type is not configured for sandboxing] verdict_str[UNSCANNABLE] is_slow[0] scans_in_flight[10] Active faster connections[10] Active slower connections[0] host = 10.250.33.37 source = cisco.wsa_11.7 sourcetype = cisco:wsa:squid:new
5/16/22 2:22:51.000 PM	May 16 14:22:51 chancellor2.vpd.bc.ca amp_logs_splunk: Info: Binary scan on instance[0] id[271840933]: filename[desicapuano.com.ico] filemime[application/octet-stream] file_extension[ico] length[780b] ampverdict[(1, 1, 'amp', '', 0, 0, False)] scanverdict[0] malwareverdict[0] spyname[] SHA256[4535e4573cf901ea455b825327d1d48c9eeb160bca6e6a75d58581fdef11501a] From[Cache] uploadreason[File type is not configured for sandboxing] verdict_str[UNSCANNABLE] is_slow[0] scans_in_flight[3] Active faster connections[3] Active slower connections[0] host = 10.250.33.37 source = cisco.wsa_11.7 sourcetype = cisco:wsa:squid:new
5/16/22 2:22:49.000 PM	May 16 14:22:49 chancellor2.vpd.bc.ca amp_logs_splunk: Info: Binary scan on instance[0] id[271840752]: filename[www.desicapuano.com.ico] filemime[application/octet-stream] file_extension[ico] length[780b] ampverdict[(1, 1, 'amp', '', 0, 0, False)] scanverdict[0] malwareverdict[0] spyname[] SHA256[4535e4573cf901ea455b825327d1d48c9eeb160bca6e6a75d58581fdef11501a] From[Cloud] uploadreason[File type is not configured for sandboxing] verdict_str[UNSCANNABLE] is_slow[0] scans_in_flight[3] Active faster connections[3] Active slower connections[0] host = 10.250.33.37 source = cisco.wsa_11.7 sourcetype = cisco:wsa:squid:new

Time	Event
5/16/22 7:19:21.000 AM	May 16 07:19:21 chancellor2.vpd.bc.ca amp_logs_splunk: Info: Binary scan on instance[0] id[267449993]: filename[www.desicapuano.com.ico] filemime[application/octet-stream] file_extension[ico] length[780b] ampverdict[(1, 1, 'amp', '', 0, 0, False)] scanverdict[0] malwareverdict[0] spyname[] SHA256[4535e4573cf901ea455b825327d1d48c9eeb160bcabe6a75d58581fdef11501a] From[Cloud] uploadreason[File type is not configured for sandboxing] verdict_str[UNSCANNABLE] is_slow[0] scans_in_flight[3] Active faster connections[3] Active slower connections[0] host=10.250.33.37 source=cisco.wsa_11.7 sourcetype=cisco:wsa:squid:new
5/16/22 6:14:34.000 AM	May 16 06:14:34 chancellor2.vpd.bc.ca amp_logs_splunk: Info: Binary scan on instance[0] id[267063004]: filename[desicapuano.com.siteindices.com&dtd=127] filemime[application/octet-stream] file_extension[com&dtd=127] length[34846b] ampverdict[(1, 1, 'amp', '', 0, 0, False)] scanverdict[0] malwareverdict[0] spyname[] SHA256[db66cbe87382fa23ed415b5330e778dfe1a4e8175a78dfdf91987ac234d299a] From[Cloud] uploadreason[File type is not configured for sandboxing] verdict_str[UNSCANNABLE] is_slow[0] scans_in_flight[3] Active faster connections[3] Active slower connections[0] host=10.250.33.37 source=cisco.wsa_11.7 sourcetype=cisco:wsa:squid:new
5/16/22 6:14:33.000 AM	May 16 06:14:33 chancellor2.vpd.bc.ca amp_logs_splunk: Info: Binary scan on instance[0] id[267062917]: filename[desicapuano.com.siteindices.com&dtd=112] filemime[application/octet-stream] file_extension[com&dtd=112] length[25447b] ampverdict[(1, 1, 'amp', '', 0, 0, False)] scanverdict[0] malwareverdict[0] spyname[] SHA256[2780ce78d0b3a88b5a58c9d7a3c5efb7c6db5c0176740e9c4eb619b0e8af1e6a] From[Cloud] uploadreason[File type is not configured for sandboxing] verdict_str[UNSCANNABLE] is_slow[0] scans_in_flight[3] Active faster connections[3] Active slower connections[0] host=10.250.33.37 source=cisco.wsa_11.7 sourcetype=cisco:wsa:squid:new

Time	Event
5/16/22 6:14:33.000 AM	May 16 06:14:33 chancellor2.vpd.bc.ca amp_logs_splunk: Info: Binary scan on instance[0] id[267062791]: filename[desicapuano.com.siteindices.com&dtd=147] filemime[application/octet-stream] file_extension[com&dtd=147] length[38704b] ampverdict[(1, 1, 'amp', '', 0, 0, False)] scanverdict[0] malwareverdict[0] spyname[] SHA256[f48bedac035a509daaaacafd761973d6c59e7438fd964443666b4099d3575f43] From[Cloud] uploadreason[File type is not configured for sandboxing] verdict_str[UNSCANNABLE] is_slow[0] scans_in_flight[3] Active faster connections[3] Active slower connections[0] host=10.250.33.37 source=cisco.wsa_11.7 sourcetype=cisco:wsa:squid:new
5/16/22 6:14:33.000 AM	May 16 06:14:33 chancellor2.vpd.bc.ca amp_logs_splunk: Info: Binary scan on instance[0] id[267062790]: filename[desicapuano.com.siteindices.com&dtd=153] filemime[application/octet-stream] file_extension[com&dtd=153] length[35954b] ampverdict[(1, 1, 'amp', '', 0, 0, False)] scanverdict[0] malwareverdict[0] spyname[] SHA256[7192df80b38a414f92066d93fc542e4a92bf5b90abb393eed1fbc6c80992627] From[Cloud] uploadreason[File type is not configured for sandboxing] verdict_str[UNSCANNABLE] is_slow[0] scans_in_flight[4] Active faster connections[4] Active slower connections[0] host=10.250.33.37 source=cisco.wsa_11.7 sourcetype=cisco:wsa:squid:new
5/16/22 6:14:26.000 AM	May 16 06:14:26 chancellor2.vpd.bc.ca amp_logs_splunk: Info: Binary scan on instance[0] id[267061978]: filename[desicapuano.com.siteindices.com&dtd=1834] filemime[application/octet-stream] file_extension[com&dtd=1834] length[35241b] ampverdict[(1, 1, 'amp', '', 0, 0, False)] scanverdict[0] malwareverdict[0] spyname[] SHA256[3022acelc75ccf26dd792fe5a840a7f56eb82394537570be3fc17e781fd2790f] From[Cloud] uploadreason[File type is not configured for sandboxing] verdict_str[UNSCANNABLE] is_slow[0] scans_in_flight[3] Active faster connections[3] Active slower connections[0] host=10.250.33.37 source=cisco.wsa_11.7 sourcetype=cisco:wsa:squid:new

Time	Event
5/16/22 6:14:25.000 AM	May 16 06:14:25 chancellor2.vpd.bc.ca amp_logs_splunk: Info: Binary scan on instance[0] id[267061868]: filename[desicapuano.com.siteindices.com&dtd=161] filemime[application/octet-stream] file_extension[com&dtd=161] length[23143b] ampverdict[(1, 1, 'amp', '', 0, 0, False)] scanverdict[0] malwareverdict[0] spyname[] SHA256[d6f84a034b0a8f97fb67cfb572e65311cflf7dc203f4e02ba63alf44cea1b843] From[Cloud] uploadreason[File type is not configured for sandboxing] verdict_str[UNSCANNABLE] is_slow[0] scans_in_flight[5] Active faster connections[5] Active slower connections[0] host = 10.250.33.37 source = cisco.wsa_11.7 sourcetype = cisco:wsa:squid:new
5/16/22 6:14:25.000 AM	May 16 06:14:25 chancellor2.vpd.bc.ca amp_logs_splunk: Info: Binary scan on instance[0] id[267061814]: filename[desicapuano.com.siteindices.com&dtd=161] filemime[application/octet-stream] file_extension[com&dtd=167] length[33106b] ampverdict[(1, 1, 'amp', '', 0, 0, False)] scanverdict[0] malwareverdict[0] spyname[] SHA256[285824741d96d55343c25a97ea8d5e61041444a8141a33ac41082f719beffb4f] From[Cloud] uploadreason[File type is not configured for sandboxing] verdict_str[UNSCANNABLE] is_slow[0] scans_in_flight[3] Active faster connections[3] Active slower connections[0] host = 10.250.33.37 source = cisco.wsa_11.7 sourcetype = cisco:wsa:squid:new
5/16/22 6:14:25.000 AM	May 16 06:14:25 chancellor2.vpd.bc.ca amp_logs_splunk: Info: Binary scan on instance[0] id[267061813]: filename[desicapuano.com.siteindices.com&dtd=153] filemime[application/octet-stream] file_extension[com&dtd=153] length[32972b] ampverdict[(1, 1, 'amp', '', 0, 0, False)] scanverdict[0] malwareverdict[0] spyname[] SHA256[6ca006355b4926f41ca3e99338e2a8d1e8727bb9c861c0049d5ce77eb922cba9] From[Cloud] uploadreason[File type is not configured for sandboxing] verdict_str[UNSCANNABLE] is_slow[0] scans_in_flight[4] Active faster connections[4] Active slower connections[0] host = 10.250.33.37 source = cisco.wsa_11.7 sourcetype = cisco:wsa:squid:new