



September 5, 2019

VIA HAND DELIVERY

Mr. Patrick H. Fox
C/O North Fraser Pretrial Centre,
1451 Kingsway Avenue,
Port Coquitlam, BC,
V3C 1S2

Dear: Mr. Fox

RE: *R. v. FOX, Patrick Henry*
Court File: 244069-BC-5
Trial Date: October 8 and 10, 2019

I have your letter dated August 30, 2019 and received in my Office on September 4, 2019.

Regarding your claim that on August 15th 2019 I stated to you that I would request somebody from CBSA to testify "*...regarding my interaction with them on March 15, 2019. In this respect it would be ideal if it could be one of the officers I actually interacted with*":

Upon reading this, I was unable to recall making an offer that Crown would notify a witness on your behalf. Working to recall this, I listened to the DARS carefully regarding exchanges made after the evidence for that day concluded. I did not hear myself offering to notify or request a witness from CBSA, on your behalf. Perhaps you could provide some context for the claim. At the moment, I cannot recall how you came to that conclusion.

Nevertheless, I draw your attention to the related response from the RCMP and specifically the following excerpts:

"...and no CBSA officers could be located with respect to an interaction with Fox from March 15, 2019 at or near the CBSA building, police cannot provide information to Crown to assist in regards to this matter."

"Officer Peirera and Constable Brown spoke by telephone on August 21, 2019, regarding the email request, at which time Officer Pereira confirmed that (sic) were no CBSA records relating to Patrick Henry Fox from March 15, 2019, and had there been any she would have advised Burnaby RCMP during their initial contact."

"Officer Pereira replied to the email request, with a written response: CBSA does not have any record of dealing with Mr. Fox on March 15/19."

It is also clear from CBSA Officer Gill, that he had no interaction with you on the 15th of March 2019 at the Peach Arch Border Crossing.

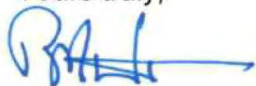
Moreover, it is clear from the CBSA response that *"CBSA does not have any record of dealing with Mr. Fox on March 15/19. Furthermore, Mr. Fox could not be deported to the USA or denied entry into Canada due to (sic) he is a Canadian Citizen."*

No records exist related to that date which record a claimed interaction or identify any Member Officer who supposedly interacted with you. It is clear there is no reasonable basis to notify a CBSA Member for court.

The CBSA response also indicates *"...it is not uncommon for pedestrians wanting to cross into the U.S., at the Peace Arch border crossing, to seek assistance from CBSA officers regarding how and where to cross, as the border is a busy location. Further, these interactions are not considered inspections as the access to the CBSA building from Canada and departures are not restricted (whereas entry from the northbound U.S. side is i.e. pedestrians/vehicles seeking entry into Canada), and as such would not likely be documented"*.

The names of several CBSA Officers are identified in various email exchanges included with the latest disclosure to you. You, in court, on August 15, 2019 conveyed that you would be looking into the process for subpoenaing witnesses. If you wish to have a case conference or application related to subpoenas, before the trial judge please advise.

Yours truly,

A handwritten signature in blue ink, appearing to read "Bernie R. Wolfe", with a long horizontal flourish extending to the right.

Bernie R. Wolfe
Crown Counsel