

Patrick Fox

1451 Kinsmen Ave

Port Coquitlam, BC

V3C 1S2

2021-08-31

Attn: Jennifer Homeland
BC Prosecution Service

865 Hornby St, #500

Vancouver, BC V6Z 2G3

Re: R. v. Patrick Fox;
BCSC Court file 30630-1

Dear Miss Homeland:

Thank you for your letter dated 2021-08-27, and the copy of your Book of Argument and Materials.

On 2021-08-20 I had sent David Layton a letter wherein I requested he ask you, on my behalf, to schedule a case management conference due to my recent, and quite severe, change in circumstances. Since you did not mention a CMC in your letter I'm going to assume you did not schedule one. May you please schedule that at the earliest opportunity, as being back in custody and in the COVID induction

unit obviously affects my ability to prepare and advance my appeal.¹

In addition, there are a number of false claims and misrepresentations about me in your Book of Argument and I believe it is only fair that if the Crown is permitted to knowingly and deliberately make false claims about me, on the record, then I must be permitted to respond to and rebut those false claims, on the record. I cannot reasonably be expected to know, in advance, what lies the Crown is going to tell in their submissions and so I cannot reasonably be expected to address and to disprove those lies until they are actually made. Therefore, I will be requesting of the Court, an opportunity to respond to such false claims in your Book of Argument, on the record, prior to the appeal being heard. I have to assume you would not oppose that - I mean, it's only fair, right?

I also want to remind you at this time that my 684 application in this matter was denied, significantly, on the judge's FALSE claim that I had stated at the 684 hearing that I would not accept the appointed lawyer's professional judgement. And that when I pointed out to the judge presiding over the 684 application that that was actually the OPPOSITE of what I had stated, she said "it doesn't matter. I'm not going to change my

decision at this time." I believe this is a very, very important issue to keep in mind moving forward.

I also must point out that since I am in BC Corrections custody, I, again, have absolutely no access to searchable case law and absolutely no access, at all, to ANY immigration related case law. Both of which I would, unquestionably, require in order to prepare this appeal. And, I must point out I am in custody based on an allegation that I failed to take down a particular website as required by my probation orders - a website that the Crown has consistently failed to prove I have any ownership, control, or influence over. And that I was denied bail based on the Crown's claim that if I am released I will continue to fail to take down the website - even though detaining me would not, at all, prevent me from continuing to fail to take down the website. Do you see how extremely inept this makes the Crown and the entire justice system seem? And that ineptitude necessarily prevents me from being able to proceed with this appeal.

And finally, may you please change the 2021-09-15 Spring Order to be by video rather than in-person since I will, obviously, be incapable of proceeding with submissions at that time since I am in custody at NFIX? There is

no point in me appearing in person then having to go through the induction process (which lasts at least 15 days) if I'm just going to be saying "There is absolutely no way I can advance the appeal while I am in BC Corrections custody."

And for the CMC may you please also make that a video Spring Order? Thank you.

Sincerely,



Patrick Fox

P.S. I notice in all the case law and authorities you included with your Book of Argument and Materials there is not a single one which refutes, or even makes reference to, the Port of Entry and immigration law issues which I say form the basis and merits of the appeal. One single case which would support CBSA Officer Polisch's testimony and Bernie Wolfe's, Judge St. Pierre's, and your supposed positions regarding the application of the immigration laws at a Port of Entry would completely destroy my appeal on the merits, and make all of your roundabout arguments and attempts to confuse the issues

unnecessary. Obviously, if such a case or authority existed you would include it in your arguments and your failure or refusal to do so pretty clearly amounts to an admission that my position and my submissions regarding the application of the immigration laws at a Port of Entry and the incredible outrageousness of Officer Polviak's sworn testimony are, in fact, completely correct - which, of course, can only mean that the trial in this matter was nothing more than a sham and a complete miscarriage of justice. Right?

cc David Eby,
Eric Fankin,
Cecilia Zagorsky (to add to court file)