Patrick Fox
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2022-07-08

Attn: David Layton
BC Prosecution Service
865 Hornby Street, 6th Floor
Vancouver, BC V6Z 2G3

Re: R. v. Patrick Fox;
Court of Appeal Nos. CA46979, CA47391, CA48145

Dear Mr. Layton:

Sorry for the delay in getting this to you. I've been putting all of my time into the reply factums and affidavits. And, since this letter is contemporaneous to the laptop going back for you to print those documents, I've typed this, rather than handwriting and mailing it separately. If you would be so kind, may you please print a copy of this letter for me, for my records?

1. Regarding my reply factums, it is impossible to respond to all of the false and/or misrepresented statements in the Crown's factums within only 5 pages. There is a lot more I would like to address in the replies but I quickly used up the 5 pages. Where my responses were factual (as opposed to argument) and I had first hand knowledge of the matter, I put it into the affidavits.

2. Regarding my recent letter informing you of my intention to seek to adduce as fresh evidence on all three of the appeals, the statements of Adam Flanders and Judge Gordon at my recent bail hearing, I am awaiting the transcripts of those hearings. Once I receive those I will forward you the Notice of Application and the transcripts. I expect to receive the transcripts in mid to late August.

3. Regarding the Crown's opposition to assisting me in obtaining the transcripts of the two very brief appearances where Johnson brazenly lied to the court in 244069-8-b, so that I can confront him with those if/when I cross-examine him in CA47391, I accept that the BCPS is opposed to spending the few hundred dollars on those transcripts, so I ask as an alternative, if the BCPS is willing to agree to provide me access to the DARS of those two appearances? That would not cost the BCPS anything and it would still provide me the irrefutable proof of Johnson lying to the court (as for the proof that his statements were false and that he knew they were false, *that* I already have - what I'm seeking here is the proof that he actually made

those statements...in court, to the court, and that he made them assertively). My reason for wanting to confront Johnson with that is to show that, with respect to his affidavit, he has a history of lying to the court so he cannot be considered credible. Of course, as you'll see when you review my reply factum and affidavits, he also lied in his affidavit.

In the event the application to cross-examine Johnson is denied, should I apply to adduce the record of his lies to the court as fresh evidence, to impeach him, with regard to his affidavit? So many procedural questions. It's kind of like I'm going through this process with a blindfold on.

I would like to point out, that it seems a little unfair that in your Canadian justice system the Crown and the court have unrestricted, unlimited access to the DARS recordings but the defense has to apply for permission to the court to get access to them, and the public has *no* access to them at all. It doesn't seem like a very "open" court system to me.

4. The Appeal Book for CA48145 has the wrong probation order in "Part III - Judgments and Notice of Appeal". It contains the probation order from 244069-7-b (which is CA47391). May you please let JC WordAssist know so they can fix it? Thanks.

5. In paragraph 75(e) of the Crown's factum in CA47391 they refer to specific pages within the Supplemental Appeal Book, which I do not have. May you please inform me of which pages in which document(s) those refer to? I assume it's the transcript of the Dent interrogation.

6. Page 47 of the file "CA47391 Affidavit #1 of Patrick Fox.pdf" appears to be corrupt/damaged. Adobe Reader generates an error when it attempts to render the page. I don't know if this is just an issue with what was copied onto the laptop, or if it exists in the source/scanned file. Perhaps you could check the file on your server? Because if that one is corrupt then it means what was filed with the court might also be corrupt. As for the content on that page, I am able to recreate it because all of the damaged/missing content is just my handwritten transcription of the transcript of the interrogation.

If you have any questions please let me know.

Sincerely,

Patrick Fox