

Patrick Fox

1451 Kinsseway Ave

Port Coquitlam, BC

V3C 1S2

2023-04-25

Attn: Court Registrar (Criminal)

BC Provincial Court

222 Main St,

Vancouver, BC V6A 2S8

Re: R. v. Patrick Fox;

Court file 244069-10-BC

Dear Sir/Miss:

I respectfully request this letter be added to the court file and provided to the judge as it contains information relevant to the matter, and which may affect the verdict. A copy of this letter has been provided to Crown Counsel Tara Cohen.

It has recently come to my attention that there may be a Kienapple situation given the Crown's supposed

interpretation of Condition 4 of the probation order.

The Crown's position that Condition 4 required me to take all necessary steps to ensure all artifacts relating to Capuano, which I contended to are not available by any means for the entire duration of the probation order, would mean that the prohibition imposed by Condition 6 would already, necessarily, be imposed by Condition 4. In other words, Condition 6 would merely be imposing a subset of what Condition 4 was already imposing.

To clarify: Under the Crown's interpretation of Condition 4:

a) I would be required to make unavailable at the time of the order coming into effect, all material previously made available;

b) Then from that point until the expiration of the probation order I would be prohibited from allowing any material that I have had any involvement with, which relates to Capuano, from becoming available by any means.

The second part of the Crown's interpretation, item "b", would have the same effect as Condition 6.

I am bringing this up because on the current information the Crown is alleging that in Count 2 I breached Condition

4 and in Count 3 it breached Condition 6. However, if the conduct prohibited by Condition 6 is already prohibited by Condition 4, as the Crown claims it is, then I believe there is a Kianapple situation.

Thank you.

Sincerely,



Patrick Fox