

**Arrest of Patrick FOX**

Statement Date: 2016/06/16

Statement Time: 19:00 hours

HM: Cst. MONTAGLIANI

UM: Unknown Male

PF: Patrick FOX

**Corrected by Constable Montagliani on August 2, 2016.**

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1. HM: This is Cst. MONTAGLIANI reg number 60669 this is in relation to Burnaby RCMP file 2016-25379 um June 16<sup>th</sup> 2016 again I'm just gonna be going to the cell here ah the time right now is 19:00 hours. I'm gonna be grabbing Patrick FOX from the cell bringin' him out and reading through ah this arrest script in relation to uttering threats and criminal harassment I'll be grabbing him now.
2. PF: (inaudible)
3. HM: Hello. How ya doin' Patrick?
4. PF: Swell you?
5. HM: Not bad. Come on out. I just have the recorder going while I read some stuff to you so,
6. PF: Yeah sure.
7. HM: Yeah just down this way.
8. PF: And you are?
9. HM: Cst. MONTAGLIANI.
10. PF: Okay.
11. HM: Yeah so I understand that you ah wanted to chat with one of us so.
12. PF: Yes.
13. HM: Come on down here.
14. PF: Ah this, which,
15. HM: Straight, yeah perfect.
16. PF: At this point, I know,
17. HM: Keep on goin', this way.
18. PF: Nothing about what's going on.
19. HM: Okay.
20. PF: Not in there I assume.
21. HM: Yeah no just right here.
22. PF: Okay.
23. HM: Um you definitely have an opportunity to ask us more questions after but I just wanna read you some of your, the arrest stuff so that,
24. PF: Sure.

25. HM: You're aware of what's happening right (inaudible). Okay? So how it works basically is I'm just gonna read it off, read off with this script and then it goes with the file and everything okay? So as I mentioned I'm Cst. MONTAGLIANI of the RCMP. And I'm gonna go through this with you.
26. PF: Mmm hmm.
27. HM: So Patrick FOX you're under arrest for the following offences in relation to Burnaby RCMP file 2016-25379. Okay?
28. PF: Mmm hmm.
29. HM: So with that basically the 2 offences it's gonna be uttering threats.
30. PF: Mmm hmm.
31. HM: And criminal harassment. So reading through it is my duty to inform you that you have the right to retain and instruct counsel in private without delay. You can call any lawyer you want. There's a 24 hour telephone service available, which provides a legal aid duty lawyer. Who can give you legal advice in private. Okay? So the advice is given without charge and the lawyer can explain the legal aid plan to you.
32. PF: Mmm hmm.
33. HM: So if you wanna contact a legal aid duty lawyer I can provide you with their phone number.
34. PF: Sure.
35. HM: Do you understand?
36. PF: Yes.
37. HM: Okay. And so Patrick do you wanna call a lawyer?
38. PF: Yes.
39. HM: Okay. Perfect um so you're not obliged to say anything but anything that you do say may be given as evidence.
40. PF: Mmm hmm.
41. HM: So do you understand that?
42. PF: Yes.
43. HM: Okay. Okay again so you may be subject to audio and video recording at any time while in police custody. Except when speaking with your counsel. Do you understand that?
44. PF: Yeah, yes.
45. HM: Perfect. Alright so counsel. Um do you want to, so you said you wanted to talk to a lawyer?
46. PF: Mmm hmm.
47. HM: Okay so who do you wanna talk to?
48. PF: Do you mean which lawyer?

49. HM: Cuz we can, yeah we can even do that I'm gonna facilitate that for you right now.
50. PF: Oh I don't have a lawyer here in Canada.
51. HM: Okay.
52. PF: So I guess just one of those um, public defenders.
53. HM: Okay so a public defender so you would like to speak with legal aid?
54. PF: Oh sure I guess is that what you call it here?
55. HM: Ah same thing yeah.
56. PF: Okay.
57. HM: So. Okay so we can do that um if you want I'll put you in this room.
58. PF: Can I ask a question first though? Ah what is the current purpose of my detention am I waiting to be interrogated or am I waiting to go before a judge for a bond hearing or,
59. HM: Okay.
60. PF: What is the reason?
61. HM: So here's how it works. So I will get you the phone with a lawyer but first you've been arrested. Right?
62. PF: Yes.
63. HM: For the offences that I just read out for you so uttering threats and criminal harassment.
64. PF: Mmm hmm.
65. HM: So now it's considered an arrest right?
66. PF: Yes.
67. HM: Um right now we're gonna be, we'll be chatting with you and then you'll be presented within 24 hours before a justice.
68. PF: Okay.
69. HM: Okay and then they,
70. PF: So,
71. HM: Decide from there.
72. PF: Well, let me, let me ask. Rather than requesting the attorney at this point, could I be interrogated first and then request the attorney? Because if I request the attorney now then you can't really interrogate me right?
73. HM: Ah that's not necessarily how it works um,
74. PF: Oh.
75. HM: We don't even really call it an interrogation in Canada here. But ah,
76. PF: Interview?

77. HM: Yeah sure. But first things first I do wanna put you on the phone with counsel.
78. PF: Yeah sure.
79. HM: So I have time to do that now. So I'm gonna be able to do that with you now. Okay? So head over to this room.
80. PF: This one?
81. HM: Yeah go on in. Okay so here's the deal Patrick I have to place the phone call it could be right away it could be a few minutes. But don't um pick up the phone until you hear it ring.
82. PF: Okay.
83. HM: Okay? Where's the,
84. UM: (inaudible)
85. HM: Oh there we go, legal aid perfect.
86. UM: (inaudible)
87. HM: Um what?
88. UM: Are you done (inaudible)
89. HM: I think we want it so I'll make a copy of it.
90. UM: Okay I'll make a copy for you.
91. HM: Sure thank you. Just gonna stop the recording here while I call ah legal counsel.

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