

27178
Vancouver Registry

In the Supreme Court of British Columbia
(BEFORE THE HONOURABLE MADAM JUSTICE HOLMES AND JURY)

Vancouver, B.C.
June 14, 2017

REGINA

v.

PATRICK HENRY FOX

PROCEEDINGS AT TRIAL
(Excerpt - Testimony of Desiree Capuano)

COPY

**BAN ON PUBLICATION;
INHERENT JURISDICTION**

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Crown Counsel:

M. Myhre

Appearing on his own behalf:

P. Fox

Defence Counsel:

A.J. Lagemaat
M. Chatha, A/S

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Nil

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Vancouver, B.C.
June 14, 2017

(EXCERPT COMMENCING AT 1:18:31 P.M.)

(JURY IN)

DESIREE CAPUANO

a witness called for the
Crown, recalled, warned.

THE CLERK: I'll remind you, Ms. Capuano, that you're
still under affirmation.
A Yes.
MR. MYHRE: My Lady, I have no more questions for Ms.
Capuano.
THE COURT: Thank you. Before we start, members of the
jury, we're a little later getting started than we
expected, and I'm planning, unless somebody, and
you may be one of those people, needs more breaks,
I'm thinking we'll just have one afternoon break.
But if anyone is in need of a break, please let me
know.
MR. LAGEMAAT: My Lady, I do have a book I'll be asking
to make an exhibit on this trial. I've provided
12 copies for the jury. I've given one to my
friend. I have an exhibit copy, and a copy for My
Lady.
THE COURT: Mr. Myhre, any objection?
MR. MYHRE: My Lady, I think we'll have to go through
the emails --
MR. LAGEMAAT: Yes.
MR. MYHRE: -- that are in here individually, but no
objection to proceeding in this fashion.
THE COURT: All right.
MR. LAGEMAAT: I can say these are all printed off the
same website. Many of them are the same email
chains, just different times and dates. And I
will refer to if it is from the same email chain
that was in my friend's book, or whether it's a
chain that was not included in his book.

CROSS-EXAMINATION BY MR. LAGEMAAT:

Q Ms. Capuano, if my voice trails off and you have
problems hearing me just, please, point it out and
I'll speak up again. I'll start out loud.

Desiree Capuano (for Crown)
cross-exam by Mr. Lagemaat
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1 So we went through lots of evidence in the
2 last two days, mostly in the form of emails, some
3 blogs, some photos, everything, most things from
4 the website, and I'll refer to it as "the
5 website", you know I mean www.desireecapuano.com.
6 You were asked at the end of the day how the
7 content of that website made you feel, and you
8 used the following terms to describe your
9 feelings: incredibly sad, terrified, humiliated,
10 disgusted, sick, concerned, furious, and fearful.
11 Is that correct? You felt all those feelings?
12 A Over the course of the six years, yes.
13 Q Okay. You were asked in direct evidence to
14 characterize the roughly 450 emails, and you said
15 they were demanding to you, insulting, aggressive,
16 mean and hostile in nature; is that correct?
17 A Yes, sir.
18 Q And was that insulting, aggressiveness, meanness,
19 and hostility, all directed at you?
20 A Most times. There was some that was directed at
21 {SC} Capuano, as well.
22 Q Okay. So it was mostly directed at you, and some
23 of it toward {SC} Capuano.
24 A Correct.
25 Q Never towards Mr. Fox?
26 A There was some responses to his emails that could
27 be characterized as such, yes.
28 Q Okay. And we're going to go through some of those
29 emails. So turning to -- and I apologize, I don't
30 have page numbers on here. I didn't want to alter
31 the printouts of the website, so it's just the way
32 it printed off the website. So turning to the
33 first email in the chain, and that's called "On
34 the topic of love", from Desiree Capuano to
35 Patrick, on Sunday, January 26th, 2014.
36 So starting on January 21st, and this is
37 about two-thirds of the way down the page, Patrick
38 wrote an email to you. And would you agree that
39 this email is a discussion of the meaning of love?
40 And you can take -- take time to look at it.
41 Would you summarize this email from him as this is
42 a discussion of what love means, and he's taken
43 that from Wikipedia?
44 A Yes.
45 Q And you replied to that email, he sent it at 9:34
46 p.m., I understand there's a time difference,
47 possibly, but you replied on January 24th. So

Desiree Capuano (for Crown)
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1 that email sat there for three days and then you
2 replied. Can you read your reply, which is just
3 above his email? It's --

4 A Yes. [As read in]:

5
6 I'm not bothering to read this. Not worth my
7 time.

8
9 Q Why even reply? Why not just leave it at that?
10 Why even reply?

11 A Well, I have to read emails that he sends me in
12 case there's any information regarding custody of
13 my son.

14 Q But you said you're not bothering to read it.

15 A Correct.

16 Q So why even bother replying? It sat there for
17 three days. Why not just leave it. Okay. So
18 then he replied to you not that long after [as
19 read in]:

20
21 So educating yourself, improving yourself and
22 increasing your understanding of yourself is
23 not worth your time. See my opinion of
24 complacency.

25
26 Just above that you replied. Is that your reply?

27 A Yes.

28 Q And can you read that in?

29 A

30 Bye.

31
32 Q What did you mean by "Bye"?

33 A It meant that this discussion was irrelevant.

34 Q Okay. So why even reply?

35 A This is not the only email I was receiving at the
36 time. There were multiple emails from him.

37 Q I've seen all of the emails.

38 A Correct.

39 Q So going up in time, and this is the second
40 comment from the top of this page, Friday, January
41 24th, Patrick wrote [as read in]:

42
43 I don't have time for you right now. I'm
44 busily constructing my scheme to slowly
45 destroy you.

46
47 And above that is your reply. Is that what you

Desiree Capuano (for Crown)
cross-exam by Mr. Lagemaat
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1 replied? It starts with "Funny"?
2 A Yes.
3 Q So that is your reply.
4 A Yes.
5 Q Can you read that in?
6 A [As read in]:
7
8 . . . I thought that was already well thought
9 out.
10
11 Q And "Funny"?
12 A
13 Funny, I thought that was . . .
14
15 Q So you --
16 A Yes.
17 Q So you found that he's constructing a scheme to
18 slowly destroy you, you found that funny at that
19 time?
20 A No.
21 Q But you said it was funny.
22 A It was sarcastic.
23 Q Sarcastic.
24 A And it was the -- the plan I thought was already
25 playing out to destroy me, not that he still had
26 to -- to construct it.
27 Q Turning to the next email, topic "My apparent
28 manipulation of G." And I'll refer to him as "G."
29 throughout. Today we all know who that means.
30 And if you could go to the second page of this
31 email, it seems here, starting after the first two
32 paragraphs, it says on Sunday, March 9th, 2014, at
33 10:34 a.m., Patrick wrote [as read in]:
34
35 Desiree. I wanted to make sure our text
36 messages from last night was recorded
37 permanently, so I've attached them herein.
38
39 Could -- could you look at those text messages and
40 tell me if those are an accurate depiction of a
41 text conversation you had with Mr. Fox at that
42 time.
43 A Yes.
44 Q Okay. So let's start on Saturday, March 8th, the
45 first one. Patrick wrote [as read in]:
46
47 This is how civilized, dignified people teach

Desiree Capuano (for Crown)
cross-exam by Mr. Lagemaat
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1 their children to make their beds. This is
2 G.'s bed here at our place. It's these
3 little things that differentiate the cream
4 from the chaff.

5
6 I'm assuming there was a picture of a bed. It
7 seems he's referring to a bed. You replied. He
8 replied, this is all within still 30 minutes. I'm
9 down to the one, two, three, below the third text
10 message, on Saturday, March 8th, 2014, at 10:21,
11 Desiree Capuano wrote -- and what I want to point
12 out here is you sent three text messages in a row.
13 These are 10:23, 10:23, and 10:24. You weren't no
14 longer replying to him, you're just sending text
15 message, one after the other, three in a row; is
16 that correct?

17 A Probably, yes,.

18 Q and can you read the very bottom text message from
19 Desiree Capuano on March 8th at 10:27 p.m. Can
20 you read that, please, out loud?

21 A [As read in]:

22
23 All trashy prostitutes have satin sheets.
24 Did you inherit that from your mom.

25
26 Q So you're inferring here, and insulting Mr. Fox,
27 saying his mother's a trashy prostitute?

28 A Based off of the indication that he considers me
29 white trash because he raised that way by his
30 mother, it was my assumption that that was his
31 opinion of her, so . . .

32 Q So because --

33 A Yes.

34 Q Sorry. Sorry to interrupt. Finish.

35 A No.

36 Q So because he calls you white trash, it's okay for
37 you to call his mother a trashy prostitute?

38 A No, I just assumed that that's where he got that
39 information from.

40 Q You assumed where that's where he got what
41 information from?

42 A What white trash means.

43 Q From his mother.

44 A That's what he said. He refers to me as his
45 mother and white trash, simultaneously,
46 repeatedly.

47 Q But why call her a trashy prostitute?

Desiree Capuano (for Crown)
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- 1 A I did not call --
- 2 Q That's one step above white trash, isn't it,
- 3 trashy prostitute.
- 4 A Because I was angry.
- 5 Q So these messages made you angry.
- 6 A Yes, of course, I was.
- 7 Q You weren't fearful at that time, were you,
- 8 because if you were fearful, you're not going to
- 9 call a person's mother a prostitute, are you?
- 10 A Not necessarily. I'm also trying to defend
- 11 myself.
- 12 Q That's not defending yourself.
- 13 A Sure it is.
- 14 Q That's an offensive.
- 15 A After years of being insulted by somebody and
- 16 trying to not respond, I was at --
- 17 Q Was his mother the --
- 18 A -- the point.
- 19 Q Was his --
- 20 MR. MYHRE: Sorry --
- 21 THE COURT: You have to let her respond, please.
- 22 MR. LAGEMAAT: I apologize.
- 23 Q Sorry, finish, Ms. Capuano.
- 24 A I was at a point where I wasn't going to just
- 25 accept. I was going to give back. I was going to
- 26 try to let him know that I wasn't going to be
- 27 pushed around. And my goal was maybe if he
- 28 realized that I wasn't scared, that he would stop.
- 29 But it didn't mean I wasn't scared.
- 30 Q When was it you filed the complaint with the RCMP
- 31 up here and there was no charges?
- 32 A I filed two. One, I believe, was in April, and
- 33 then --
- 34 Q Of what year?
- 35 A 2015.
- 36 Q Correct.
- 37 A Yes.
- 38 Q And you said yesterday in direct evidence, that's
- 39 when you decided to stand up, when they didn't
- 40 follow through.
- 41 A No.
- 42 MR. MYHRE: I object to that, My Lady. I don't think
- 43 that's quite accurate.
- 44 MR. LAGEMAAT: Okay, I withdraw that comment.
- 45 Q Did -- was Mr. Fox's mother in this conversation
- 46 to defend herself from your insults?
- 47 A No.

Desiree Capuano (for Crown)
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- 1 Q Okay. Moving on to the next email which is
2 titled, "I'm flattered really". And this is a
3 two-page email chain. And this starts -- sorry,
4 one moment.
- 5 MR. LAGEMAAT: I apologize, My Lady, I'm just getting a
6 book out of my box.
7 I'm now going to be referring to my friend's
8 book of exhibits. Do you still have theirs? And
9 what number is this exhibit?
- 10 THE CLERK: Exhibit 1.
- 11 MR. LAGEMAAT:
- 12 Q If we could turn to Tab 10 of the Crown's book of
13 exhibits. And the second page of Tab 10, on
14 Monday, April 28th, 2014, and we went through this
15 yesterday, you sent what you call a cease and
16 desist; is that correct?
- 17 A Yes.
- 18 Q And you said at the time that you sent this,
19 because you felt fearful because Patrick had lots
20 of information that could cause risk to you and
21 your family.
- 22 A Yes.
- 23 Q Do you recall saying that? That was in reference
24 to this email, which is why you sent the cease and
25 desist. You also said in direct evidence
26 yesterday that you -- and I believe you might have
27 said it, and you don't respond to all of his
28 emails; is that correct?
- 29 A Correct.
- 30 Q At the time you didn't respond to them all, and if
31 you do, it's often brief.
- 32 A I try.
- 33 Q Yes. Have you ever initiated an email chain with
34 Mr. Fox?
- 35 A I have.
- 36 Q You have. And I believe we're about to look at
37 one. That would be "I'm flattered really", and if
38 you could turn to the second page of this, is --
39 is this -- did you initiate this, is that why the
40 subject --
- 41 A Yes, I did. Yes.
- 42 Q Yes. Okay. So -- okay, on the first page, and
43 this is your email that starts this chain.
- 44 A Yes.
- 45 Q And this chain was not in the Crown's book of
46 exhibits; is that correct?
- 47 A Correct.

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1 Q We didn't go through it yesterday. So starting at
2 the bottom, on Tuesday, May 27th, 2014, at 5:57
3 p.m., Desiree Capuano wrote -- did you write that?
4 A Yes, I did.
5 Q Can you read that in, please.
6 A Sure, yes [as read in]:

7
8 Oh, Patrick, or Richard, or Morgan, or
9 whatever name you're going by this week, I
10 think it has become clear to everyone with
11 the amount of hours you've been researching
12 me, collecting information about me, creating
13 accounts for me, sending emails about me,
14 hiring private detectives to follow me,
15 pretending to be me, not to mention the
16 endless hours you have worked and you put
17 into creating and maintaining an entire
18 website, that means that you are completely
19 obsessed. Can't imagine how badly I must
20 have broken your heart when we separated, 10
21 or 12 -- no, 13 years ago. The thing is, you
22 just cannot seem to get over me. Honestly,
23 I've never felt more important to anyone
24 before. I mean, you must spend every waking
25 moment consumed with me. I'm not sure how
26 you have time to think about anything other
27 than me, if you even do. I am flattered. I
28 do not have -- I do have to let you know,
29 though, at this point, you're really just
30 coming across as a stalker ex-boyfriend, and
31 though I really hate to hurt you more, I'm
32 never getting back together with you. So you
33 can reply to this, or send out more emails
34 about me, put up more stuff on the shrine of
35 a website, or, hell, create an app about me,
36 because all of it just proves how much you
37 are still infatuated and totally in love with
38 me. Thank you so much for the ego boost.
39 Looking forward to more.

40
41 Q Is there anywhere in the emails that we've either
42 looked at or on the website where he says he's
43 infatuated with you?
44 A No.
45 Q What was the purpose of this email? It seems to
46 me the purpose of this email was to insult him,
47 degrade him?

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1 A Ah, yes. There were -- after the cease and desist
2 email that I sent, he sent two additional emails
3 to my colleagues, the one to the 687 people, and
4 then the other one was blind carbon copied to
5 1,200 people. So clearly the cease and desist
6 didn't work. So demanding that he stop had no
7 effect. So now I was going to try to insult him
8 and make him see that this is ridiculous, and it
9 needs to stop. And maybe that bravado would make
10 him realize, or give him the impression that it
11 wasn't affecting me, and if it wasn't affecting
12 me, then there was no point for him to continue.

13 Q But you know Mr. Fox quite well. You engaged in
14 all these email banter with him. Do you really
15 think sending an insulting email to him or
16 insulting his mother would make him stop at that
17 time?

18 A I was willing to try anything.

19 Q Did it work?

20 A No.

21 Q So did you stop trying that?

22 A No.

23 Q Okay.

24 A But I also tried other avenues, also.

25 Q So we'll read his reply on Wednesday, May 28th,
26 and he replied the next day [as read in]:
27

28 Good morning. I can neither admit nor deny
29 any of the claims made in your email. I can
30 say, given that emotions are just labels,
31 that simple people put on the physical
32 sensations caused by the self-induced though
33 typically subconscious due to conditioning,
34 or ignorance, suppression of chemicals by the
35 brain, they are highly improbable, your
36 claims, I mean. Most sincerely, Patrick.
37

38 Did you reply to that on May 28th at 9:59 a.m.?

39 A Yes.

40 Q Can you read that in?

41 A Sure [as read in]:
42

43 I think you should probably go back to
44 college and maybe take some courses on human
45 psychology. Hate, bitterness, anger,
46 resentment and --
47

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- 1 Q Sorry -- sorry to interrupt, Ms. Capuano. I'm
2 sorry, but there's one more down below, just above
3 the one I just read in, May 28th.
- 4 A Oh [as read in]:
5
6 You can keep denying your feelings for me,
7 but it's very clear. Honestly, it's kind of
8 sweet.
9
- 10 Q So you found this all sweet?
11 A No.
12 Q But you said you found it sweet.
13 A Correct.
14 Q You were lying?
15 A I was being sarcastic.
16 Q Sarcastic. Do you think sarcastic would --
17 sarcasm would make him back off?
18 A With the number of the emails that I received
19 every day, and the communication to my work
20 colleagues and the website of, I was trying it.
21 Q Well, let's talk about you. You're receiving
22 these emails and you're complaining about them,
23 but you're replying.
24 A **At this point, yes, I'm going to reply to**
25 **everything.**
26 Q And this is also one that you created, you started
27 this topic, this chain; is that correct?
28 A As another attempt to try to get him to stop what
29 he was doing, yes.
30 Q Well, this seems more -- I mean, this follows up
31 closely on the heels of a cease and desist, and
32 this seems more like you're provoking him at this
33 point.
34 A Except that there were events that happened
35 between the last one and this one to cause my
36 email to him.
37 Q Okay. So he replied May 28th, and I'm not going
38 to read it in. It's just another -- I call this
39 banter between two, what I see as intelligent
40 people, you know how to use language very well.
41 And I call this banter. And then he replied on
42 May 28th. And then you replied the next day,
43 Thursday, May 29th. Can you read that in,
44 starting with "I think you should". Is that your
45 reply?
46 A Yes.
47 Q Can you read that, please.

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- 1 A [As read in]:
2
3 I think you should probably go back to
4 college and maybe take some courses on human
5 psychology. Hate, bitterness, anger,
6 resentment and desire to devote your life to
7 my complete and utter distraction --
8 destruction, are in fact emotions and
9 feelings. Obsession is also a form of
10 emotion. So which chemicals are being
11 secreted from your brain to cause you to have
12 so much hatred and hostility toward me. If
13 you truly were as detached and unemotional as
14 you pretended to be, you would bother -- you
15 wouldn't bother yourself with even thinking
16 about me.
17
- 18 Q Do you really believe he was obsessed with you?
19 A Yes.
20 Q Wasn't most -- weren't most of these emails about
21 G.?
22 A No.
23 Q No.
24 A Insofar as my inability to parent or be a good
25 person, I suppose they could be.
26 Q Did he respond to that insult?
27 A It's not here, but I don't remember if he
28 responded or not.
29 Q Well, what's the next email. Who's the next email
30 from?
31 A It's from me.
32 Q And can you read that in, please.
33 A [As read in]:
34
35 And by the way, you will never destroy me.
36
- 37 Q So it's gone from a back and forth banter to you
38 sending again two in a row. So you didn't even
39 wait for a reply and banter back and forth. In
40 this case, you didn't get a response, or whatever,
41 so you decided to send a second email.
42 A According to this. I would have to check my
43 records to see if he did respond.
44 Q Well, I'm going to suggest not, because if the
45 responses are separated by any timeframe, the
46 second email has a time stamp on it. In this case
47 there's no time stamp on the second one. They're

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1 just the same date. That's my suggestion to you,
2 that he did not respond, and yours is just further
3 provoking him.

4 A I understand that that is your suggestion.

5 Q The next email, turning two pages over, is called
6 "Re Telephone call". And I'm again going to turn
7 your attention to my friend's book of exhibits.
8 And the last email at Tab 10 -- sorry, the second-
9 to-last email in Tab 10 is called "Telephone
10 call". And we read this email in yesterday, or
11 the day before in direct evidence. And this is an
12 email from Patrick to you, and it's not very nice.
13 But I'd like to point out that this chain -- this
14 was sent on Wednesday, December, 17th, 2014, at
15 8:30 p.m. And if you look at the bottom of page 1
16 of my book, the defence book, "Telephone call",
17 there is that email, but the Crown's book doesn't
18 contain the rest of the thread. I've continued on
19 in the thread. And on December 18th at 4:20 p.m.,
20 you replied to that email; is that correct?

21 A Yes.

22 Q And is that your reply?

23 A Yes.

24 Q Could you read that in, please.

25 A [As read in]:

26

27 Patrick, you do not have my permission to
28 post that or any other phone call to any
29 other site, storage, or other location.
30 Further, you do not have my permission to
31 record me, use my voice, photo, or likeness
32 in any way. As for the rest of your
33 diatribe, stating a name does not make it
34 reality. I know you believe that stating
35 something with enough conviction and
36 repetition, backed by falsified documents,
37 changes reality, but that is not the case. I
38 regularly call you all sorts of names. For
39 example, when I called you an asshole, that
40 does not constitute a name change. Will your
41 next alias or stolen identity be Asshole
42 Smith? Will you expect that since I now call
43 you asshole in writing, that it is a form of
44 formal acknowledgement. Just curious. I
45 know you like to make up these rules as you
46 go. So any response I consider to be factual
47 at this point in time. As for the

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- 1 visitation, you have met my stated criteria,
2 as such, per prior agreement, {GR} will
3 visit his father Richard. We have discussed
4 that already, remember? Had you not dragged
5 this out with theatrics, slander and baseless
6 accusations, it would never have been an
7 issue. Please just get to the point next
8 time. Doris Day a.k.a. Desiree.
9
- 10 Q Okay, thank you. And then he replied on the same
11 day, December 18th, and he says he was being
12 sarcastic. And then at the top of this reply --
13 or the top of this chain, you again replied on the
14 same day at 5:59 p.m., and is that your reply?
15 A Yes.
16 Q And could you read that in, please.
17 A [AS read in]:
18
- 19 The first amendment doesn't protect me again.
20 So nice try, smart guy.
21
- 22 Q Why is "smart" in quotations? And -- and read the
23 -- read your signature at the bottom, what is
24 that?
25 A "Cheers."
26 Q Okay. And why is "smart" in quotations?
27 A The person who's sending these emails is in
28 Canada, claiming to be a United States citizen,
29 sending an email to me regarding our son about a
30 custody case in which is name is Richard, but
31 stating that his name is Patrick, telling me that
32 he has permission under the United States
33 government to put my information on a website
34 that's posted in Canada, and claiming that the
35 first amendment right in the United States will
36 protect him.
37 Q So "smart" was an attack on his intelligence, his
38 intellect.
39 A It was.
40 Q Okay, thank you.
41 A Or at least how convoluted it made the situation.
42 Q But it was an attack on his intellect,
43 nevertheless, correct?
44 A It was.
45 Q Right. And I'm going to suggest to you again, you
46 -- you had no fear of him at this time, did you?
47 A I did.

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cross-exam by Mr. Lagemaat
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- 1 Q Yet you would continually insult him, his mother,
2 his intellect.
- 3 A At this point the fear that I had was not
4 physical. At this point the fear that I had was
5 for the rest of my life, my sanity, my livelihood.
6 None of these emails that I responded to or
7 initiated started until after the website went up.
- 8 Q Thank you.
- 9 A You're welcome.
- 10 Q Next email in the chain is called -- or in the
11 book is called "A little test". And this is a
12 two-page chain. The second page is just the --
13 the footer of the email chain. First page he
14 sends an email. It seems to be, as usual,
15 insulting maybe your intelligence a little bit, or
16 talking about G.'s intelligence, he's mature, and
17 maybe criticizing your parenting. Would that be
18 an accurate depiction of his email?
- 19 A Yes.
- 20 Q Could you read in -- is that your reply on Friday,
21 January 16th, at 8:42 a.m.?
- 22 A Yes.
- 23 Q And 8:42 a.m., I'm assuming you would wake up and
24 right away you would be replying?
- 25 A I often check my email.
- 26 Q Thank you. Could -- could you read that reply in,
27 please.
- 28 A Can I read his first to put it in context.
- 29 Q Of course.
- 30 A Thank you. He wrote initially [as read in]:
31
- 32 Hello, Desiree. Here's a little test for you
33 to find out how much you believe -- how much
34 you believe of the bullshit that comes out of
35 your mouth. If you really believe that you
36 love {GR}, and he loves you, and that
37 you're such a good parent, then do this. Sit
38 {GR} down and tell him that you respect
39 his views and desires and that you know he's
40 intelligent and mature, and that you believe
41 he's capable of deciding for himself who he
42 wants to live with and who he wants to raise
43 him, to teach him, to guide him and prepare
44 him for life. Tell him that you'll respect
45 his decision and you'll support it
46 completely. Then when he makes his decision,
47 actually keep your word and respect and

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1 support it. But we all, including you, know
2 you'll never do that, because you have
3 ostrich syndrome. By the way, I know about
4 your manic depressive disorder. I'm not
5 saying that as a veiled threat. Just
6 mentioning so you don't have to keep thinking
7 that you have to try and conceal it.
8 Patrick.
9

10 Q And sorry to interrupt, Ms. Capuano, but you've
11 read that in, and before you read the reply in, do
12 you have manic depressive order, or did you at
13 that time?

14 A No.

15 Q Why do you have a medical marihuana card?

16 A That's actually a medical reason. If I'm required
17 by the court to say, then I will, but it is a
18 medical issue.

19 MR. MYHRE: Perhaps my friend could ask a more specific
20 question.

21 MR. LAGEMAAT:

22 Q Did you ever suffer from depression?

23 A No.

24 Q Are you sure?

25 A Yes.

26 Q Okay. Read in your reply on Friday, January 16th,
27 at 8:42 a.m., please.

28 A [As read in]:
29

30 Janet, I don't have words for how stupid your
31 tantrum sounds. You are the one who robbed
32 {GR} of his right to choose by
33 relinquishing all parental rights just before
34 he turned 14. If you will recall, 14 is the
35 legal age the child can choose for themselves
36 in California. You took that away from
37 {GR} to pursue some sort of juvenile
38 crusade to destroy me. That one is on you.
39 You can't put it back on me at this point.
40 Way to put the thoughts and desires of
41 {GR} ahead of your own pettiness. Good
42 job. Getting back to this false and
43 delusional accusation of the disorder that I
44 don't have, these sorts of blind accusations
45 stated as fact are the same reason I usually
46 don't respond to your melodramatic stupidity.
47 Since you are so keen on it, where is your

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1 evidence? Seriously, you need to grow up and
2 stop filling every waking hour thinking about
3 me. Creeper [phonetic].
4
5 Q Why do you call him Janet?
6 A Ah, he had used four or five different names by
7 this point. So it was just --
8 Q Did he ever use --
9 A It was a slight.
10 Q Did he ever use Janet?
11 A No.
12 Q So --
13 A It was -- it was an insult.
14 Q Insulted his manhood, perhaps?
15 A Yep.
16 Q Okay, thank you.
17 A You're welcome.
18 Q You say in the second paragraph [as read in]:
19
20 . . . these sorts of blind accusations stated
21 as fact are the same reason I usually don't
22 respond to your melodramatic stupidity.
23
24 But here you are responding to it.
25 A Usually.
26 Q So you usually didn't.
27 A I tried not to, yes, but there were some I got
28 caught in.
29 Q So you would wake up in the morning, check your
30 email, and in this case fire off a response; is
31 that correct?
32 A At this point, yes.
33 Q Thank you.
34 A You're welcome.
35 Q Next is a slightly longer email chain and I'm
36 going to ask that we paginate these 1 to 9. And
37 these are single sided, so it will end up being
38 nine pages, if we all have the same.
39 A Would you like me to number my own?
40 THE COURT: Madam Registrar, would you be able to do
41 that in the original. I can show you where they
42 start. This is "Re Loving home", is that the one?
43 MR. LAGEMAAT: Yes, My Lady, "Re Loving home and
44 parental teaching and guidance".
45 THE COURT: Yes. So that would be page 1.
46 THE CLERK: Okay. And how far do they go?
47 THE COURT: To nine.

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1 THE CLERK: Page 9.
2 MR. LAGEMAAT:
3 Q I'm going to -- starting on page 8 at the bottom,
4 I'm going to refer to the Crown's book of exhibits
5 here, and it's the first email at Tab 11. And
6 it's the same content, but I'm referring you to --
7 because it printed differently in the Crown book,
8 and it's easier to see that this -- this is where
9 Mr. Fox is replying to an email written by Ms.
10 Capuano, and he has -- he has indented her reply
11 with arrows, or the program, the software has done
12 that.
13 So I'm going to use the Crown's book just for
14 the purpose of going through this part of the
15 email. So the first email, Tab 11, "Your loving
16 home" -- Tab 11 of the Crown's book, "Your loving
17 home and parental teaching and guidance". And Mr.
18 Fox says [as read in]:
19
20 As always, I shall address each of your
21 statements and point out as plainly as
22 possible why/how it is wrong.
23
24 You said in direct evidence that you believe
25 [GR] was cc'd on this. Is that --
26 A Yes.
27 Q You didn't know, though, did you.
28 A I haven't checked my records.
29 Q Yes. So if you say you believe something, you --
30 A Oh, no, this one I did check, "Your loving home",
31 I checked that one overnight and I did verify that
32 he was on it.
33 Q The whole chain? Because this is a lengthy chain.
34 This is a nine-page chain.
35 A I looked at the email thread, when I looked at it
36 in my email, he was on it.
37 Q Okay. So --
38 A I don't know if he was taken off any specific
39 threads.
40 Q Okay. But you were removing him, too, right,
41 isn't that correct? Didn't you say --
42 A There was times, yes.
43 Q Okay. So this message, this email starts out, and
44 correct me if I'm wrong, but your words have
45 arrows to the left and they're indented slightly,
46 so on January 11th at 12:54 p.m., Desiree Capuano
47 wrote [as read in]:

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1
2 Ricky/Richard/Morgan/Patrick/Patricia/Susan
3 whatever your chosen alias is today.
4
5 Do you recall writing that?
6 A Yes.
7 Q Okay. And Mr. Fox replies to that, and what he
8 does, he goes through an email you've sent and
9 puts in replies after everything he feels -- or he
10 is replying to [as read in]:
11
12 I don't get your intended implication here.
13 How is my first name, whether assumed or
14 legal, relevant to anything in my previous
15 message, and in particular whether I am on
16 schedule with my plan against you. An insult
17 is much more effective when the intended
18 recipient is able to infer the reference.
19 Please clarify.
20
21 And then below that, beside an arrow is:
22
23 Are you bored or something?
24
25 And he goes:
26
27 Bored, no. Please be more specific.
28
29 Going down, and read, he says:
30
31 I don't see how you could interpret such
32 intentions as being misguided.
33
34 And that's about halfway down the page, and then
35 there's four lines with arrows that I'm assuming
36 are your writing, because that's how this email is
37 compiled. Could you read "For someone", could you
38 read that in, please?
39 A [As read in]:
40
41 For someone who's so strongly espouses logic
42 and intelligence, I would think that you
43 could have grasped that I'm not interested in
44 you, especially when I directly told you that
45 I'm not interested in you.
46
47 Q And then he says:

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1
2 Whether or not you're interested in me is not
3 relevant to my objectives.
4

5 Can you read your reply to that -- or, not your
6 reply, but the part he was replying to, which is
7 "I realize", and it's four lines with arrows.
8 A [As read in]:
9

10 I realize that I am amazing, but please
11 expend some of that energy toward finding a
12 man or woman, inanimate object, that is
13 capable of coping with your delusional nature
14 and providing some small measure of
15 happiness.
16

17 Q Is this part of your new approach, still,
18 insulting him?

19 A It's giving it back, yes. Yes. There were --
20 there two lengthy emails prior to my response,
21 prior to me responding to him at all.

22 Q Let's turn to -- staying with the Crown's book,
23 for the third page, these are double sided, so
24 just flip over one page. And at the bottom here,
25 "He once asked me", and we're going to go through
26 this. I'm going to read this in. We already went
27 through it yesterday. I'm going to ask you a
28 couple of questions about it [as read in]:
29

30 He once asked me if I would shoot you.

31
32 He's referring to G., here, correct?

33 A Correct.

34 Q Because we went through that yesterday.
35

36 I told him that murder is illegal and immoral
37 and could result in spending the rest of
38 one's life in prison, and that the rest of my
39 life in prison is not a risk I'm willing to
40 take. But otherwise, no, I would have no
41 qualms about it, and that is how much I
42 despise you for the things you've done and
43 continue to do.
44

45 I don't have to read the entire thing in because
46 we did read it yesterday. But going to the --
47 turning the page, the first full paragraph -- or

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1 at the very top of the page [as read in]:

2

3 I am reasonable . . .

4

5 I apologize. Back to the bottom of the previous
6 page:

7

8 There is nothing illegal or threatening about
9 wanting to harm someone, as long as you don't
10 act on it. I am reasonable and rational
11 enough to know the difference, and to refrain
12 from engaging in such activity.

13

14 Would you -- would you agree with that? There's
15 nothing -- there's nothing legal or -- illegal or
16 threatening about wanting to harm somebody, is
17 there?

18 MR. MYHRE: Objection. What's the relevance of that
19 question?

20 MR. LAGEMAAT: The relevance is that this is an
21 important, I would say, you entered it -- the
22 Crown entered it yesterday as part of the element
23 of the offence, the allegations, and I would like
24 to get out of Ms. Capuano how this email made her
25 feel.

26 THE COURT: That's a different question.

27 MR. LAGEMAAT: Okay.

28 Q Did you feel that he was telling you here that he
29 was going to harm you?

30 A I did not feel here that he told me he was going
31 to harm me. What I felt here is that he had the
32 desire that harm come to me at that point. That
33 coupled with purchasing and owning firearms, along
34 with the website, massive mass of email, wording
35 in the email, contacting my work, threats of
36 putting billboards up, Social Security numbers,
37 medical records, destroying my life, contacting
38 anybody else, that all coupled together, along
39 with the desire to cause me physical harm, that is
40 what scared me.

41 Q But he's not saying there he's going to harm you,
42 is he.

43 A In this --

44 Q That's the question I asked.

45 A -- particular paragraph, no, he does not say he's
46 going to physically harm me right here.

47 Q Going back to the defence book, and we're at the

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- 1 bottom of page 8, is where -- that's the email
2 that I just referred to in the Crown book of
3 exhibits. Were -- were you feeling afraid after
4 that email where he said those things that --
5 A Yes.
6 Q -- we just went through? Okay. So that was on
7 January 11th. It doesn't say what time he wrote
8 that. But on January 11th at 10:08 p.m., you
9 responded. And you say you were afraid, could you
10 please -- is that your response, "I'm still not
11 sure"?
12 A [As read in]:
13
14 I'm still not sure what your current fake ID
15 supported by falsified documents happens to
16 be, so I will address you as Sally. I would
17 generally address your response if it had any
18 merit or purpose other than to allow you to
19 lash out like an impotent child that you've
20 constantly proved yourself to be. However,
21 considering you are regularly -- you
22 regularly spout outright lies and subjective
23 opinions as fact with no true supporting
24 evidence, or basis in reality, and likely
25 when you were drunk and/or high or lonely, I
26 will simply show your thoughts the amount of
27 consideration they deserve. Grow up and have
28 a nice day.
29
30 Q There's one more line, Ms. Capuano.
31 A Oh, sorry:
32
33 Regards of some sort, but again not
34 affection. Don't misunderstand. Desiree.
35
36 Q So here you're calling him an impotent child?
37 You're calling him Sally? You're saying he's
38 likely drunk and/or high and lonely? Would you
39 agree with me this is an attack on his manhood,
40 his -- this is very insulting, isn't it?
41 A Yes.
42 Q Yet you're saying you were -- you were afraid of
43 him at this point?
44 A I'm not going to show him that I'm afraid of him.
45 Q I'm not talking about what you're going to show
46 him. If you're afraid of somebody, are you going
47 to provoke them?

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- 1 A At this point I don't think it mattered what I
2 did. I didn't feel that it mattered. He was
3 going to do what he was going to do. But at least
4 I was not just taking it lying down. I felt like
5 I was getting beat up every day with the emails,
6 and sometimes multiple times a day. I'm not just
7 going to keep getting beat up. At some point
8 you've got to fight back. You've got to hit back.
9 Not just going to keep taking it. And, yes, even
10 if you're afraid.
- 11 Q I suggest to you by getting beat up, and again
12 I'll refer to -- I suggest these email chains are
13 banter between two intelligent people who know how
14 to use language very well to hurt each other, and
15 maybe you felt you were getting beat up in the
16 banter. You were losing; is that correct?
- 17 A Could be, sure. But these are a handful of emails
18 out of hundreds that I've responded to, just a
19 handful.
- 20 Q I agree. There's hundreds more that you've
21 responded to.
- 22 A And not all of those were insulting.
- 23 Q Turning now to page 6 of 9, he has replied on page
24 7, he's replied and says he -- you're lying, he
25 doesn't use drugs, he's not lonely. He says [as
26 read in]:
27
28 How about if you call me Vickie instead of --
29 Vickie better than Sally.
30
- 31 This is just further banter.
- 32 A Yes.
- 33 Q On -- he replied on Monday, January 12th. And
34 then at the bottom of page 6 of 9, on January
35 12th, at 7:30 a.m. So again, I'm assuming you
36 woke up and got on your email and fired off a
37 reply to Mr. Fox, and could you read that in. Is
38 that your reply where it starts with "Perry"?
- 39 A Yes.
- 40 Q Could you read that in, please, Ms. Capuano?
- 41 A Yes.
- 42 MR. MYHRE: Sorry My Lady, there was just -- there was
43 kind of a question there about when she woke up
44 and responded, and then my friend moved on
45 without --
- 46 MR. LAGEMAAT: Yes.
- 47 MR. MYHRE: -- getting an answer.

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1 MR. LAGEMAAT:
2 Q Did you this morning wake up at 7:30 -- or, I'm
3 not asking what time you woke up, but you woke up
4 and got on your email relatively soon after waking
5 up; is that correct?
6 A I get up at 6:00.
7 Q You get up at 6:00.
8 A I have coffee probably, and steel myself for his
9 response.
10 Q Okay.
11 A And realized that I was going to have to respond
12 again.
13 Q You never think to not in a day just wait and not
14 look at this stuff --
15 A Oh, yeah.
16 Q -- if it bothers you?
17 A Oh, there were many times.
18 Q Right.
19 A But a lot of this really angered me.
20 Q Okay. So you're -- you're --
21 A This is a lot of anger in response.
22 Q -- you were angry about this banter, it made you
23 angry; is that correct?
24 A All of the emails made me angry.
25 Q Okay. If you could read that in, starting -- and
26 this is January 12th, 2015 at 7:30 a.m. Is this
27 your response, starting with "Perry"?
28 A Yes.
29 Q If you could read it in, please, Ms. Capuano.
30 A [As read in]:
31
32 Perry, I assume that's a possible next alias
33 for you. Good morning, sunshine. Again, not
34 a term of endearment. I would read the
35 entire novel below, but when the first
36 paragraph immediately began with "Fun facts,
37 the diverse from reality," and I knew -- I
38 know that it isn't worth my time. I never
39 mentioned your face -- false alias, let alone
40 stated it as a special name to us. You had a
41 conversation about that during your
42 interrogation for breaking the law and being
43 here illegally, that had nothing to do with
44 me. I wonder, and so does your rabbi, by the
45 way, if all of your angsty hatred even really
46 relates to me at all. Facts and reality seem
47 to be relatively few. It is quite

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- 1 troublesome. I also wonder do you fold your
2 hands and cackle malevolently when you talk
3 about destroying me. It seems a bit over the
4 top. Much like all of these sad and pathetic
5 emails you keep sending me. Also hello to
6 the folks reading at home via BCC. Hopefully
7 you all find Ricky Perry's tantrums as
8 amusing and pathetic as I do.
9
- 10 Q Why are you calling him Perry here?
11 A It's just another name. So many names he'd come
12 up with.
13 Q It seems you're coming up with the names, not him.
14 A Oh, that he could actually use. There were four
15 of them up to this point.
16 Q But you've come up with way more than four; is
17 that correct?
18 A Yes.
19 Q You said yesterday in direct evidence that you did
20 contact -- who's Mr. Riess, Steve Riess?
21 A Steve Riess is his father.
22 Q And you've contacted Steve Riess?
23 A I've been in communication with Steve Riess.
24 Q And you -- and you've denied contacting his rabbi;
25 is that correct?
26 A Yeah, absolutely. That was not true.
27 Q What is not true?
28 A The part where "Your rabbi", "I wonder, and so
29 does your rabbi, by the way". I would have no way
30 of knowing that.
31 Q So you're lying.
32 A Well, I didn't actually say I contacted his rabbi
33 here. I just said, "I wonder, and so does your
34 rabbi", that's all.
35 Q What did you mean by that?
36 A It was just an insult. Honestly, I wondered how
37 he could claim to espouse a religion and how a
38 rabbi would be okay with his behaviour and his
39 actions. But that was just my own.
40 Q And here you say he has "angsty hatred" towards
41 you, or your -- is that what you're saying here?
42 A Toward -- toward me?
43 Q Yes. But earlier on, a couple of emails back, you
44 -- you told me you think he was obsessed,
45 infatuated with you?
46 A Yes.
47 Q But now you're saying he has hatred for you.

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- 1 A Hatred borders obsession, they're one and the
2 same. The hatred of me and obsession are both
3 there.
- 4 Q I don't believe that's what you were saying in
5 your -- in your emails, and I --
- 6 A What do you believe I was saying?
- 7 THE COURT: Can you reframe the question without using
8 the personal pronoun, please.
- 9 MR. LAGEMAAT: Okay. If I could have one moment to
10 look back, and then I'll rephrase the question.
- 11 Q Didn't you -- didn't you agree, and you read in
12 this, and I don't have to take you back to it,
13 it's "I'm flattered really". You write in a
14 response you made on May 28th, 2014 [as read in]:
15
- 16 You can keep denying your feelings for me,
17 but it's very clear, honestly it's kind of
18 sweet.
19
- 20 Is it the --
- 21 A I did.
- 22 Q sorry, go ahead?
- 23 A I did say that.
- 24 Q Is it the hatred that you find kind of sweet?
- 25 A No, it was -- I was being sarcastic with the sweet
26 there.
- 27 Q Okay.
- 28 A There's nothing sweet about this.
- 29 Q Thank you. I'm sorry, I have problems
30 distinguishing what's sarcastic and what's not.
- 31 A I understand, and I'm sure he did, too.
- 32 Q And at the top of -- at the top of page 7, and you
33 read this in:
34
- 35 It seems a bit over the top, much like all of
36 these sad and pathetic emails you keep
37 sending me.
38
- 39 So you find these sad and pathetic; is that
40 correct?
- 41 A There were many things that I felt these emails
42 were. Sad and pathetic were part of them, yes.
43 But there were also other emotions involved.
- 44 Q But you're not saying that. You're saying they're
45 sad and pathetic, and they made you angry, the
46 previous one.
- 47 A In this particular email thread, no, I didn't say

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1 any other emotions to him.

2 Q So since your cease and desist request, you've --
3 you've gotten angry, you say they're sad and
4 pathetic, and but you're not telling him ever,
5 "I'm afraid of you, can you stop." Instead,
6 you're engaging in this, what I say again is witty
7 banter back and forth.

8 A I did tell him to cease and desist, that it was --
9 I was fearful.

10 Q But you didn't cease and desist.

11 A I did respond to some of those emails afterwards,
12 yes.

13 Q Okay. Turning to page 5 of 9, and again there's a
14 fairly lengthy email from him where he denies
15 cackling and talks about his rabbi, asks you which
16 one you talked to. And then that was at January
17 12th he wrote that. On January 13th at 10:33
18 a.m., and this is halfway down page 5 of 9, and
19 here you call him Raymond. Is that your reply?

20 A Yes.

21 Q Could you read that in, please, Ms. Capuano.

22 A [As read in]:

23
24 Again, your capacity for transference and
25 random accusations is truly impressive. Go
26 ahead and take that as a compliment, if you
27 like, but not something that [indiscernible/
28 reading quickly] so let me be clear. Citing
29 evidence with you is pointless, but let's go
30 with some low-hanging fruit. It is pretty
31 simple, but I'll go slow so that you can
32 follow. Please try to pay attention. If you
33 truly are Patrick, you lied about your
34 identity with me, presented a false name on
35 legal documents, including {GR}'s birth
36 certificate. If Patrick is your fake
37 identity, then you are being dishonest right
38 now. That was some pretty basic logic backed
39 by examples. Let me know if you need me to
40 diagram in crayon for you. As you have
41 repeatedly failed to provide evidence that
42 you are not a member of a subhuman species
43 previously thought to be mythical, such as a
44 Morlock, I do not feel like I am required to
45 respond or read your tantrum further. What
46 is it like being so wrong and self-assured at
47 the same time. Does it feel blissful? Does

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- 1 it remind you of home, you know, the trailer
2 park you grew up in?
3
- 4 Q Yesterday in direct evidence you -- you took great
5 exception to that he continually called you
6 trailer park trash; is that correct?
7 A Yes.
8 Q Did you grow up in a trailer park?
9 A No.
10 Q Did Mr. Fox grow up in a trailer park?
11 A Not as far as I know.
12 Q What -- what's this reference mean, the "trailer
13 park that you grew up in"?
14 A It was giving back his own medicine. I had just
15 been called white trash so many times, I just
16 figured I'd throw it back.
17 Q Right. The second paragraph of this email that
18 you call him Raymond, do you feel you're talking
19 to him like a child, you're insulting him, "please
20 try to pay attention", you offer to draw it out in
21 crayon.
22 A He was trying to tell me he wasn't lying about
23 anything, or that he was actually Patrick Fox from
24 Florida. I was trying to show him how what he was
25 saying was absurd.
26 Q I'm talking about your -- your language, Ms.
27 Capuano, the way you reply to him. You're
28 engaging him. You're provoking him. You're --
29 you're taking part in exactly what you're alleging
30 he was doing, which is insulting, and you're
31 taking part in it; is that correct?
32 A Perhaps. But I'm not saying "Fuck you, you
33 fucking cunt, you fucking idiot, get a life."
34 I -- yes, I am provoking him a little bit. But
35 the insults, I felt, while they were insults, and
36 maybe antagonistic, were nowhere to the level that
37 I had been dealing with for years.
38 Q I suggest it's a difference in language. He might
39 say "Fucking cunt", you insult his manhood, call
40 him a woman's name, tell him you're going to draw
41 diagrams in crayon. I -- I suggest it's
42 difference in language, and again I'll say two
43 intelligent people who know how to use the
44 language, hurting and cutting at each other. Is
45 that an accurate depicting?
46 A It could be. But I also never put up a website
47 about him or called his work.

Desiree Capuano (for Crown)
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BAN ON PUBLICATION; INHERENT JURISDICTION

1 Q He replied up above, top of page 5, talking about
2 the *Patriot Act*. And at the bottom of his reply
3 [as read in]:
4

5 You were also incorrect about me growing up
6 in a trailer park. I grew up in government
7 housing, the projects, not a trailer park.
8

9 So he doesn't engage in insulting. He stands up
10 for himself here and for his name change. And
11 then turning over to page 4 of 9, January 13th, at
12 3:50 p.m. -- were you working at this time, Ms.
13 Capuano?

14 A Yes.

15 MR. MYHRE: Sorry, My Lady.

16 MR. LAGEMAAT: Yes.

17 MR. MYHRE: My friend's characterizing the email
18 himself and then moving on --

19 MR. LAGEMAAT: Okay.

20 MR. MYHRE: -- to another question. I think that has
21 to be done in a question.

22 MR. LAGEMAAT: I agree, My Lady. I'll go through it in
23 a bit more detail.

24 Q So would you agree he talks about the *Patriot Act*
25 and how it's legal to change a name, and he tells
26 you he has utility bills, pay stubs in his new
27 name, and that's sufficient to make it a legal
28 name.

29 A He tells me this, but I have not seen any proof.
30 And again, we have a custody order regarding our
31 common child under the name Richard Riess.

32 Q Well, what do you mean you haven't seen any proof?
33 Have you not seen any proof of his name change?

34 A No. He's never showed me a name change document
35 saying that he's legally changed his name. All he
36 showed me was a birth certificate from Florida
37 that says he's Patrick Fox. I've repeatedly asked
38 him for a name change document; never provided
39 that.

40 Q Is he legally obliged to provide it to you?

41 A No, but as far as the custody agreement, which
42 also determines visitation for the common child,
43 he's -- he's Richard Riess.

44 Q That's not what we're talking about here --

45 A Correct.

46 Q -- Ms. Capuano. January 13th, and now we're at
47 page 4, halfway down, 2015, at 3:50 p.m., and I'll

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1 -- I'll re -- I'll repeat my question. Were you
2 working at this time, Ms. Capuano?
3 A Yes.
4 Q And I'm looking at the time of these emails,
5 they're early in the morning and then between 3:00
6 and four o'clock. So was that your -- your work
7 time, you would get home after 3:00; is that
8 correct?
9 A Well, is January 13th of 2015 a Monday through a
10 Friday?
11 Q I -- I don't know.
12 A I don't either.
13 Q You're correct. Would you reply to these while
14 you were at work?
15 A I would try not to.
16 Q It was a Tuesday, January 13th.
17 A I would try not to. But I also worked from home
18 quite a bit.
19 Q Okay. So in this email you called him Jose.
20 A Yes.
21 Q Correct? Where does that name come from?
22 A Just a name.
23 Q And I'll have -- is this your reply to his email?
24 A Yes.
25 Q Could you read it in, please.
26 A [As read in]:
27
28 I know this is difficult for you, but please
29 try to focus and pay attention here. Think
30 really hard. Make that squinty face you make
31 when that hamster is doing his best to move
32 the wheel inside your head. You asked for an
33 example of when you had been dishonest with
34 me. The *Patriot Act* has absolutely nothing
35 to do with the conversation. Further, it's
36 not -- it is not true, and does not apply. I
37 suppose that sort of logic is why you were
38 thrown in prison by a federal judge for
39 perjury. Perjury happens to be a noun.
40 Perjury is defined as the offence of wilfully
41 telling an untruth in a court after having
42 taken an oath or affirmation. Translation,
43 lying. That is another example. I have now
44 provided you with two examples that you
45 requested. You are welcome. Please don't
46 make me break out the crayon diagram as it
47 only serves to further degrade you.

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1
2 You know what people from the projects and
3 people in trailer parks have in common? They
4 are both, how do you put it, from the lower
5 echelon of society, though the ones who grow
6 up there just never seem to get out of the
7 shadow. As a disclaimer to keep you from
8 being confused now and in the future, when I
9 do not respond to you in part or in full,
10 means that you are so wrongly delusional that
11 it isn't worth my time to respond. You'll
12 just pull something delusional, like
13 something you yourself are guilty of, or
14 feeling guilty about from some orifice and
15 present it as if it were true. Allow me to
16 apply some Richard logic to this
17 conversation. Do you know why you are
18 spending this inordinate amount of time
19 responding to me? Because Cthulhu is a
20 mastermind in a conspiracy against you to
21 force you to initiate pointless conversations
22 with someone you obviously hold a high level
23 of content and unrequited love for, also
24 space aliens. See, I even tried in your
25 persecution complex. Again, you are welcome.

26
27 Q Sorry, I'm going to go back to page 5, and this is
28 just something I am curious about, and this is in
29 your reply on January 13th, halfway through the
30 page. And you read this in, is [as read in]:

31
32 You have repeatedly failed to provide
33 evidence that you are not a member of a
34 subhuman species previously thought to be
35 mythical, such as Morlock. I do not feel
36 that I am required to respond or read your
37 tantrum further.

38
39 Who's Morlock?

40 A I -- it was just a name. It's from a Sci-Fi
41 movie.

42 Q It is an actual mythical creature?

43 A I suppose.

44 Q And you're saying here you don't feel you're
45 required to respond or read his tantrum further,
46 but you did respond, correct?

47 A I did.

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1 Q And back to this one that you just read in, where
2 you call him Jose, you're again, I am -- I -- it's
3 my submission here, you're insulting him [as read
4 in]:

5
6 Make that squinty face you make when that
7 hamster is doing his best to move the wheel
8 inside your head.
9

10 Is that an insult?

11 A Sure, it could be taken as an insult. At this
12 point I was -- I was trying -- having fun at his
13 expense, but only because I was tired of the
14 emails.

15 Q But, Ms. Capuano, you're tired of it, but you're
16 engaging in it.

17 A Yes.

18 Q You're tired of losing at the banter is more
19 correct, isn't it.

20 A No.

21 Q
22 Please don't make me break out the crayon
23 diagram, as it only serves to further degrade
24 you.
25

26 What's -- what are you insulting there, his
27 intellect?

28 A Well, we had indicated previously that I -- I
29 could draw him a diagram in crayon if he was
30 confused about what lying meant. So it was just
31 an illustration that his response to that did not
32 really clarify that he wasn't lying about anything
33 at all.

34 Q Next paragraph:

35
36 You know what people from the projects and
37 people in trailer parks have in common. They
38 are both, how did you put it, from the lower
39 echelon of society. Though the ones who grow
40 up there just never seem to get out of the
41 shadow.
42

43 Are you saying he's trailer park material there?

44 A I suppose you could say that's mainly what I was
45 implying there. Sure.

46 Q Who's, in the bottom paragraph, Cthulhu?

47 A Cthulhu is a made-up mythical god, that I believe,

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1 if I'm not mistaken, looks like an octopus.
2 Q Looks like a what?
3 A Octopus.
4 Q Octopus. And what's the reference to "space
5 aliens"?
6 A It was a reference to the absurdity of a lot of
7 the comments and beliefs that he had.
8 Q So this is language that perhaps maybe you and him
9 might have understood between each other, but I'm
10 now not understanding. Would that be accurate?
11 A I don't know if he understood it or not.
12 Q Okay. But it's insulting, correct?
13 A It -- it only served to illustrate the absurdity
14 of the email threads --
15 Q That's what -- I apologize. Continue.
16 A No, that's --
17 Q I just want to point out right now, I'm getting a
18 way different picture than I was yesterday, where
19 you were reading emails and --
20 A Yes.
21 MR. MYHRE: Again, that's not a question. That's my
22 friend's characterization.
23 MR. LAGEMAAT:
24 Q On Tuesday, January 13th, 2015, Patrick responded,
25 and this is on page 3 of 9, halfway down, and then
26 going over to page 2 of 9, at January 14th, 8:14
27 a.m., and January 14th was a Wednesday, so at 8:14
28 a.m. on Wednesday you respond -- and is this your
29 response, you call him Gary here?
30 A Yes.
31 Q I'll have you read this one in, Ms. Capuano. It's
32 the one beginning with "Gary" on the bottom of
33 page 2.
34 A I know. I just want to make sure that I'm not
35 going to read something out of context. Since you
36 didn't read his response to what I wrote, and then
37 my response to him was not read, I just want to
38 make sure that that's not going to be pulled out
39 of context.
40 Q Feel free.
41 A Thank you. [As read in]:
42
43 Gary, I'm glad that you've learned how Google
44 and copy/paste work. That is precious and I
45 would pat your head like the good boy that
46 you are if you were here. A for effort.
47 However, you have once again failed to read.

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1 F for comprehension. The alias is tied to the
2 root of the issue, which is the legal status.
3 Given that you were actually put in prison by
4 someone whose job it is to interpret and
5 enforce laws, you were in non-compliance.
6 Not only were you wrong, as you are right
7 now, but you were punished for it. Were you
8 the catcher? Further, the request you made
9 of me was to provide this specific example
10 and evidence that you have been dishonest
11 with me. State and other laws are not
12 applicable and irrelevant to that discussion
13 in Canada. Have you openly lied? The answer
14 is plainly, yes. Your delusions and failure
15 to comprehend complex thoughts aside, there
16 is actually something relevant for us to
17 discuss. {GR} would like to attend a two-
18 day school camp. The cost for this \$110. If
19 he does not attend, he will be made to sit in
20 a class and perform whatever tasks are given
21 by those who could not attend. Would you
22 prefer the money go on his debit card or
23 credit card.

24
25 In the absence of a valid response, I will
26 infer consent for the credit card. Please
27 don't feel embarrassed for too long because
28 there is good news. You are not American.
29 Whew. That must be a huge relief to you.
30 I'll forward, though, the simple diagram for
31 now. But if you are still as confused as you
32 seem to be, I'll go ahead and provide it.
33 You have most definitely achieved your goal
34 with this thread if its purpose was to amuse
35 me and instill a sense of pity for you, and
36 all of those I have shared this with, the
37 kind of pity generally shown to anger
38 kittens.

39
40 All sniping aside, you really should get out
41 in the world and do something that makes you
42 happy, make a friend, get laid, whatever you
43 need to do to relieve that stress and right
44 your head again. That may be the first step
45 to you being a better person, or person at
46 all, as you have not provided evidence that
47 you are not some form of subhuman, like a

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- 1 mole person. Desiree.
2
- 3 Q Would you agree that this email goes well beyond
4 what would be a reply to his email, where he's
5 citing United States statutes?
6 A Well, I state in here that obviously we're sniping
7 back and forth.
8 Q Right. What did you mean at the beginning, you
9 called him Gary, again where did that name come
10 from?
11 A Maybe another name he'd used.
12 Q [As read in]:
13
14 I'm glad that you have learned how Google and
15 copy/paste work.
16
17 What did you mean by that?
18 A Well, he had Googled some information and copied
19 and pasted it that was irrelevant to the
20 conversation here.
21 Q But are you saying he didn't know how that worked
22 before?
23 A I wouldn't know.
24 Q You were -- this was an insult; is that correct?
25 A Sure.
26 Q And again you're talking to him like a child, or
27 your -- your language is like a child.
28
29 That is precious and I would pat your head
30 like the good boy that you are if you were
31 here.
32
33 A Yes.
34 Q That's just child, talking to him like he's a
35 child in language you would talk to a child with?
36 A Yes.
37 Q At the bottom of that paragraph:
38
39 Not only were you wrong as you are right now,
40 but you were punished for it. Were you the
41 catcher?
42
43 A Yes.
44 Q What did you mean by that?
45 A That was an insult.
46 Q And turning to page 3 of 9, at the end of that
47 email, the second from last paragraph:

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1
2 You most definitely achieve your goal with
3 this thread if its purpose was to amuse me
4 and instil a sense of pity for you and all
5 those I have shared this with.
6

7 Who had you shared this with?

8 A I didn't share it with anybody.

9 Q So you were amused and felt pity for him as a
10 result of this -- this chain; is that correct?

11 A There were aspects of this email thread that I did
12 feel pity for him, and there were aspects of this
13 email thread that some of the things that he came
14 up with are amusing. But those were not the only
15 emotions that I had throughout the course of this
16 multiple-day, multiple-email long conversation.

17 Q Back to page 2 of 9, on Wednesday, January 14th,
18 Patrick wrote, and he's -- would you agree he's
19 talking about his name change, State of Arizona
20 and California, and at the bottom [as read in]:
21

22 If the day ever arrives that you're right
23 about something that we're disputing, it will
24 be a special day indeed.
25

26 Just -- would you agree this is just more banter
27 back and forth. You guys are insulting each
28 other?

29 A Yes.

30 Q Correct.

31 A Yes.

32 Q January -- and above that, January 15th, 2015, at
33 5:06 p.m., Desiree Capuano wrote -- and here you
34 call him Denise.

35 A Yes.

36 Q That's -- where did that name come from?

37 A Just another name.

38 Q And could you read that email in please, Ms.
39 Capuano.

40 A [As read in]:
41

42 Thanks for playing. You are and were wrong,
43 and you are trying to back all your way out
44 of it now. I had thought that you were used
45 to being wrong, but no . . .
46

47 I thought you were used to being wrong by now

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1 . . .

2
3 It says "by no", but I meant "by now" [as read
4 in]:

5
6 . . . but what a sore loser you are being.
7 Your not lying in open court must sure be why
8 you were jailed for perjury. Yeah, makes
9 total sense. Nice that you're subconsciously
10 -- that you subconsciously feel so guilty
11 about your lies that you continue to respond.
12 That and your stalker-like obsessive devotion
13 to me. Let me just save you. Please try to
14 listen to me when I say that I am not and
15 will never be interested in you, ever. I
16 know you love talking to me, but unless you
17 have some actual business pertaining to
18 {GR}, you should really go do something
19 productive -- do something productive, more
20 productive, perhaps something other than
21 attempting to reinvent history and reality
22 again. Desiree.

23
24 Q So the first paragraph you say "thanks for
25 playing" and then you call him a "sore loser".
26 I'm suggesting, Ms. Capuano, this was a game to
27 you; is that correct?

28 A In almost all email threads leading up to this, I
29 let Richard have the last word. In a lot of them
30 he was the last one to respond, and I just gave
31 up. This was -- this was one of the first ones
32 where I wasn't going to let him have the last
33 word. I didn't want him to have the last word. I
34 wanted to be the strong one. I wanted to be the
35 one that controlled the conversation. I -- so,
36 yeah.

37 Q Well, Ms. Capuano, this is now January 15th, 2015.

38 A Yes.

39 Q The first email that I entered to you was January
40 26th, 2014. So this has been close to a year of
41 this insulting banter going back and forth; is
42 that correct?

43 A From 2014 to 2015, some of them were, yes. Not
44 all of them, no.

45 Q Not all of them, but the ones I'm pointing out to
46 you are; is that correct?

47 A Correct.

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1 Q And -- and -- okay. January 15th, and this is
2 back to page 1, he replies, and you can take your
3 time to look at it. He's basically rebutting what
4 you said and engaging in insulting and argument,
5 and I'll read the last paragraph of his reply,
6 which is on page 2 of 9 [as read in]:
7

8 Now go ahead and scoff at the above paragraph
9 and tell yourself you're fine. Remind
10 yourself that you've been handling things
11 just fine, and I'm just full of shit. Smiley
12 face. Cheers. Chubby. Exclamation mark.
13

14 It would seem to me and you can -- did you feel he
15 was inviting you to reply again, go ahead and
16 scoff at the above paragraph?

17 A Sure.

18 Q Okay. And you did just that, didn't you. You
19 replied, correct? And that's at the top of page
20 1, January 19th, at 1:35 a.m. you replied, Monday,
21 1:35 a.m., so that would be early Monday. Here
22 you call him Bill. Where does that name come
23 from?

24 A Same, just a name.

25 Q And could you read that email in, Ms. Capuano.

26 A [As read in]:
27

28 Most of what you say is inconsistent with
29 previous statements and actions. You are a
30 habitual liar, but at least it is consistent.
31 You have that going for you, I guess. That
32 and mommy issues and an active transference,
33 all your stalker-ish obsession with me. See.
34 I guess one could say you have a lot going
35 for you. I'm not having difficulty
36 understanding anything, but thank you for
37 checking. Do you happen to have
38 documentation of this supposed overturned
39 conviction? Do you happen to receive . . .
40

41 Did you happen to receive a certificate of
42 actual innocence? I'd be interested to see a
43 copy, though I'm sure it will be forged by
44 you along with the rest of your
45 documentation. Criminals and liars are
46 criminals and liars. So you were provided
47 with a birth certificate? Like when someone

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1 gets a number at a deli counter? Did you get
2 some cold cuts and do a victory dance at the
3 time this supposed birth certificate was
4 provided? Was there a long line? Were you
5 on meth at the time? Do you call ICE to
6 notify them of your intent to enter
7 illegally? If not, I'd assume it is simply
8 because you have not yet been caught in
9 violation. If you'd like to test that
10 theory, please feel free to provide me with
11 an itinerary at least two weeks in advance of
12 your next intended illegal trip stateside.
13

14 Q The first paragraph you talk about his stalker-ish
15 obsession with you.

16 A Mm-hmm. Yes.

17 Q If someone's stalking you, do you engage in banter
18 with them?

19 A During this time of this email thread, Richard was
20 not only trying to convince me that he was Patrick
21 Fox. He was also trying to convince {GR}, our
22 son, that he was Patrick Fox. I was not going to
23 let him try to continue that, and say that I was
24 willing and I was wrong. It was my understanding
25 that he was, and so, yeah.

26 Q You didn't answer my question. If someone's
27 stalking you, is this the way you would talk to
28 them and reply and get in -- into this email
29 banter with?

30 A If it's a stalker that you do not have to have any
31 communication or interaction with, then, no. But
32 this particular stalker, I was under court order
33 to communicate with, and had to have
34 interaction with. It had to happen for the sake
35 of the child. So there was no choice with me not
36 engaging in some level of communication. True, it
37 could have been just regarding {GR}, but I was
38 pretty fed up.

39 Q How many of these emails we've gone through today
40 were about {GR}?

41 A Well, the ones that you --

42 Q I think we're going to get in --

43 A -- pulled out, were not.

44 Q We're going to -- we will be getting into some,
45 but so far, none of these are anything that would
46 need to be addressed under a court -- a Family
47 Court order, are they.

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- 1 A No. And so far we've only had three
2 conversations.
- 3 Q And then you allege he was on meth, "Were you on
4 meth at the time again?"
- 5 A I did say that.
- 6 Q That's an insult. You --
- 7 A I knew that he had a history with drugs.
- 8 Q Do you have a history with drugs?
- 9 A I had a history with marihuana, yes.
- 10 Q Nothing else?
- 11 A No.
- 12 Q You call him a liar; is that correct?
- 13 A Yes.
- 14 Q Do you recall in direct evidence yesterday saying,
15 and I quote from my notes, "He generally doesn't
16 lie"?
- 17 A That was out of context. He generally does not
18 lie about what he intends to do to me. He does
19 not lie about the threats that he makes against
20 me.
- 21 Q Can you give an example of one?
- 22 A I believe that the threat to put up billboards in
23 the Phoenix area is something that he would have
24 done. I believe that him getting a Social
25 Security number and distributing that is something
26 that he would have done. I do not --
- 27 Q I asked for one, Ms. Capuano.
- 28 A -- [indiscernible/overlapping speakers]. Sorry.
- 29 Q Did he put up those billboards?
- 30 A He has not, not yet.
- 31 Q Moving on to the next chain of emails, and this
32 one is titled -- this chain is titled, "Your talk
33 with G." And again we've referred to this email
34 chain partially yesterday in your direct evidence.
35 And at the bottom of page 1, that email was read
36 in yesterday. And I'll just remind you.
37 "Desiree", this was January 26, 2015 [as read in]:
38
- 39 I was wondering if you ever got around to
40 having that talk with {GR}, you know, the
41 one where you tell him you respect what he
42 wants and you believe he's intelligent . . .
43
- 44 So on and so forth. Do you recall your feelings
45 when this email was read into evidence, in your
46 direct evidence?
- 47 A Yes. Yes, it upset me.

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1 Q Did you cry?
2 A Yes, I did.
3 Q Okay. And that was sent on January 26th. On
4 January 27th, at 5:45 p.m., you replied, and this
5 is halfway up page 1 of 2. And here you call him
6 Paddy. Where -- where does that name come from?
7 A From Patrick.
8 Q So you're -- you're acknowledging here he's
9 Patrick, you're calling him Paddy, correct?
10 A No. Just that that's the name he's chosen at the
11 time.
12 Q He's never chosen Paddy.
13 A He chose Patrick.
14 Q Okay. January 27th, 2015, 5:45 p.m. Is this your
15 reply where you call him Paddy?
16 A It is.
17 Q Could you read that in, please, Ms. Capuano?
18 A [As read in]:
19
20 I can clearly see that maturity is your
21 strong suit. Do you actually have something
22 of merit to discuss, or is this just another
23 one of your wailing tantrums you have while
24 going through some form of narcotic opiate
25 withdrawal. Honestly, if I gave any merit to
26 any of your proposals or suggestions
27 regarding myself or {GR}, I can
28 immediately have my head examined. I
29 actually never said that. Maybe you should
30 work on reading comprehension. What I said
31 was that at 14, the courts were set to allow
32 {GR} to choose. Again, for the record,
33 you robbed {GR} of the right to choose by
34 relinquishing all of your paternal rights in
35 open court only a month before his birthday,
36 all for what? To pursue some selfish
37 vendetta against me? Or is the truth that
38 you don't actually want {GR}, and merely
39 see him as a tool and weapon to try to
40 manipulate against me.
41
42 Admit it, Richard. The thought of having to
43 be an actual parent terrifies you. If his
44 eye were such a concern, why did you not take
45 him to the doctor while you had him. You
46 noticed it first. Sad, very sad. As for the
47 rest of your delusional rantings, it was

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- 1 clear you have some severe mommy issues,
2 transference issues, and a sick fixation on
3 me. It's obvious you miss me, but it isn't
4 flattering, it's just very sad. You should
5 move on with your life, find something that
6 makes you happy and be a better person. It
7 isn't healthy to be so filled with hate. And
8 from the tone of this email alcohol and
9 drugs, all of the time.
- 10
- 11 Q You say in here he has a -- due to his rantings,
12 meaning the emails, the -- the multitude of
13 emails, he has a sick fixation on you. Is that
14 what you're saying here?
- 15 A Well, the emails in addition to the other things
16 that he was doing at the time.
- 17 Q Isn't it correct you also have a fixation on him
18 at this point?
- 19 A No, I'm just trying to get him to take the website
20 down. Trying to insult him, trying to show him
21 that -- that I can be just as belligerent as he
22 can be. And -- and it's -- it's not -- there's no
23 point to --
- 24 Q Explain --
- 25 A -- any of this.
- 26 Q Sorry. Explain again how you see insulting him,
27 his manhood, his mother, his alleged drug use, his
28 sanity, his -- his age, meaning talking to him
29 like he's a child, how would that get him to take
30 the website down, in your mind? I --
- 31 A Well, I know how I felt when he insulted me. And
32 I know how I felt having to read his words, and I
33 know that I didn't want to keep going, and I know
34 that I didn't want to have to keep facing that.
35 So I thought maybe if I presented the same thing
36 to him, he wouldn't want to deal with it, either.
- 37 Q You didn't want to keep going, but you did keep
38 going, didn't you.
- 39 A I didn't. Yeah. I know I didn't.
- 40 Q Pardon me?
- 41 A I didn't want to. But this was also the same time
42 that my son finally came to me and he said he was
43 proud of me for finally responding, and for not
44 laying down, and for giving it back. So --
- 45 Q I know -- sorry, finish.
- 46 A So in his eyes, I wasn't as guilty anymore.
- 47 Q Finally responding. I -- I say here you've been

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1 responding tat for tat with insults and low blows,
2 and everything for over a year at this point. So
3 what do you mean, finally responding?
4 A The majority of them I didn't respond to.
5 THE COURT: Mr. Lagemaat, we need to have a break at
6 some suitable time.
7 MR. LAGEMAAT: This would be a good time, My Lady.
8 THE COURT: All right. Members of the jury, we'll take
9 the afternoon break now.

10

11 (JURY OUT)

12

13 THE COURT: Ms. Capuano, when we take the break, you
14 need to remember, please, that you are under
15 cross-examination at this point, and that means,
16 and this applies to all witnesses when they're
17 under cross-examination, you should not discuss
18 anything to do with the case with anyone.

19 A Yes, My Lady.

20 THE COURT: You can talk to people about other things,
21 but they must be completely different from
22 anything to do with any of the evidence in this
23 case, please.

24 A Yes, My Lady.

25 THE COURT: Thank you.

26 A Of course.

27 THE COURT: Mr. Lagemaat, I'm going to ask you to try
28 to avoid expressing personal opinion in the
29 questions.

30 MR. LAGEMAAT: Yes, My Lady. I apologize.

31 THE COURT: Thank you.

32

33 (WITNESS STOOD DOWN)

34

35 (PROCEEDINGS ADJOURNED FOR AFTERNOON RECESS)

36 (PROCEEDINGS RECONVENED)

37

38 **DESIREE CAPUANO, recalled.**

39

40 THE SHERIFF: The jury, My Lady.

41

42 (JURY IN)

43

44 **CROSS-EXAMINATION BY MR. LAGEMAAT, CONTINUING:**

45

46 Q Moving on to the next chain of emails in the
47 defence book is titled "Your belief in my

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1 motives". And this is a two-page chain, only two
2 emails. On February 7th, 2015, Patrick sent you
3 an email, and again he's insulting you, your
4 college degree, tattoos, going on to say, who's a
5 meth head. He in the first paragraph is -- talks
6 about your alleged he's obsessed with you. And
7 then in the third paragraph he goes back to that
8 about you saying the infatuation and makes several
9 remarks. I'll read the last paragraph of that
10 email in, that's on page -- the second page [as
11 read in]:
12

13 By the way, I was right that around November
14 you started having second thoughts about G.
15 living with you, wasn't I. Good thing I was
16 able to get you all worked up and spiteful so
17 that you didn't discard him yet. Got to keep
18 you hanging in there as long as possible.
19

20 Would you agree with the characterization of that
21 email from Mr. Fox to you?

22 A What characterization?

23 Q Well, what I said, he's basically does some
24 insulting --

25 A Oh, yes.

26 Q -- and talks about your allegations that he's
27 infatuated. That was on February 7. On Sunday,
28 February 8th, at 10:50 a.m., you replied, and here
29 you call him Richard. And is that your reply, Ms.

30 Capuano?

31 A Yes.

32 Q Could you read it in, please.

33 A [As read in]:
34

35 As always every -- every email you have sent
36 is utterly wrong and childish. Don't you
37 have a life, better things to do? In your
38 mind are you Pinky or the Brain? I assume
39 Pinky, given the evident insanity and lack of
40 intellect. Your capacity for lies and
41 cruelty really is astonishing, especially
42 where {GR} is concerned. You honestly
43 think {GR} has better things to do with
44 his life than read your venomous, classless,
45 and basest tantrums. Grow up, seriously. I
46 will consistently remove {GR} from these
47 email threads moving forward, as this, your

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- 1 obsession with me and deep psychosis is not
2 his burden to bear. P.S. You mad bro. Ha
3 ha.
4
- 5 Q What's it mean where you had "you mad bro" in
6 capital letters. What do you mean by that?
7 A It was a reference to his continued thinking about
8 my insinuation that this obsession had to do with
9 emotional thinking.
- 10 Q Okay. Why do you call him Richard here instead of
11 previously, I don't think you've called him a real
12 name up until now, in the ones I have put to you.
13 A Which is only three total conversations. I call
14 him Richard in the vast majority of the emails I
15 sent him.
- 16 Q Correct. There's been many more than three names,
17 though, would you agree, that you've used?
18 A Three conversations, not three names.
- 19 Q Yes. But would you agree there's been many more
20 than three?
21 A In that one conversation alone there were many
22 names, yes.
- 23 Q Every email he sent you is "utterly wrong and
24 childish", and you say "every email you have
25 sent", correct? And I'm sorry, I'm referring to
26 your -- the first paragraph --
27 A I do say that.
- 28 Q [As read in]:
29
- 30 As always, every email you have sent is
31 utterly wrong and childish.
32
- 33 Is that what --
34 A Yes.
35 Q And so you're saying -- today do you agree that
36 here you're saying that every email he has sent is
37 wrong and childish?
38 A I say that here, yes.
- 39 Q Who's Pinky and the Brain?
40 A Cartoon in the '90s.
41 Q Why would you assume he's Pinky?
42 A Anybody that's seen the cartoon, there's a mouse
43 that thinks that he's smarter than everybody else
44 and is consistently trying to take over the world.
45 And his partner is a cat, who is not the
46 brightest. It was an insinuation into his
47 thinking that he's smarter than everybody and can

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1 control the whole world, when in fact that's not
2 the situation.

3 Q I put to you, Ms. Capuano, that the last sentence
4 of this email, "P.S. You mad bro. Ha ha ha."
5 Isn't that provoking and taunting rather than just
6 leaving it. You get your point across and say,
7 Desiree. But instead your last sentence, is that
8 provoking and taunting him to engage further
9 banter?

10 A He -- you, you're correct, I did not compose every
11 email perfectly. I did let my emotions run away
12 with me at times.


13 Q So at 10:50 a.m. on a Sunday, this was your
14 emotion, to provoke and taunt him in the last
15 sentence of the email?

16 A Well, we did not read in his email, either. We
17 summarized his, so, there was some anger.

18 Q You're angry here.

19 A Yes.

20 Q You weren't afraid, you were angry.

 21 A Well, afraid every day of what my life was going
22 to be. Afraid every day of what he was going to
23 do. But he's communicating with me. I'm pretty
24 sure at this point that he's not physically in the
25 U.S. So physical harm at this point, no. But the
26 fear of -- of my life, of everything going on, is
27 always there.

28 Q So there was no --

29 A But, yes, there's anger.

30 Q Sorry. There was no fear of physical harm.

31 A At this -- in this -- at this -- on this day, no.
32 I was also angry he was putting {GR} on all of
33 these emails.

34 Q And that's why you say "P.S. You mad bro. Ha ha
35 ha." Instead of just ending it, Desiree, and
36 getting your point across, and insult him a little
37 bit and end it?

38 A No, I -- I could have.

39 Q Okay.

40 A But I didn't.

41 Q Moving onto the next email, which is called "Re
42 Service process", and this is a very short email
43 chain. On Tuesday, February 24th, 2015, Patrick
44 wrote [as read in]:

45

46 Good morning, Desiree. The B.C. sheriff just
47 stopped by to serve your papers. But

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1 unfortunately when I showed him my ID, which
2 says Patrick, he pointed out that the service
3 request was for Richard a.k.a. Patrick.
4 Unfortunately, had it been the other way,
5 Patrick a.k.a. Richard, he would have been
6 able to serve me. Sorry. Cheers, Patrick.
7
8 And did you reply to that email on February 24th
9 at 12:39 p.m.
10 A Yes, I did.
11 Q And is this your reply?
12 A Yes, it is.
13 Q Can you read that in.
14 A [As read in]:
15
16 Exactly what I wanted you to do. You're such
17 an idiot. Thank you very much.
18
19 That response is because he lied. He actually was
20 properly served. He did do exactly what he was
21 supposed to do. And he's an idiot for trying to
22 tell me that he wasn't served.
23 Q That's not what you say here. You --
24 A No, it's not. But he -- he was served that day,
25 and I -- I verified that before I responded to
26 him.
27 Q But you say here that he did exactly what you
28 wanted him to do, which was not accept service,
29 because the names were wrong.
30 A He did accept service.
31 Q Did you know that -- but that's not what you're
32 saying here.
33 A And I did know that when I sent this.
34 Q They why didn't you say "You're lying, you
35 accepted service."
36 A Because he's lied about everything, and I've tried
37 to call him out on it. It doesn't matter.
38 Q But I don't understand. You're saying --
39 A It's the simplest response that I can give him
40 where he won't respond back.
41 Q But you're saying here, Ms. Capuano, that what he
42 says he did here is exactly what you wanted him to
43 do, correct?
44 A And it was. He signed for the paperwork.
45 Q That's not what he's saying in the email, that he
46 signed --
47 A Correct.

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- 1 Q -- for the paperwork.
2 A But there's circumstances around that email. It
3 was for an annulment, and he accepted the
4 annulment paperwork and signed for it, and I
5 verified that with the B.C. sheriffs.
6 Q So let me ask you, Ms. Capuano, what's the purpose
7 of this reply, calling him an idiot, saying,
8 "Thank you very much" and two exclamation marks.
9 What's the purpose of that?
10 A Ah --
11 Q If he did what you wanted, sorry.
12 A To let him that I knew that he was lying.
13 Q And I suggest again to you, to provoke him and to
14 engage in banter back and forth, which is what
15 you're doing here.
16 A I understand that that's your perspective of it.
17 Q Turning to the next email in the chain. This
18 chain is titled "Mail", and this was also in the
19 Crown's book of exhibits. And it starts out on
20 Thursday, April 9th, 2015, and this is on the
21 second page. Patrick says [as read in]:
22
23 Hello, Desiree. I am thinking perhaps you
24 don't understand what the word alias means.
25 Being that there is nowhere my address with
26 the name Richard S., and being that Patrick
27 is my name, not an alias, the only legal
28 course of action in this case would be for me
29 to return the package to the sender. It is,
30 after all, illegal to open and intercept
31 another person's mail, so I've returned the
32 package unopened to the sender, you.
33
34 Did you get that package back?
35 A Yes.
36 Q Now turning to your reply, which is on the first
37 page, halfway down on April 9th, 2015, at 2:17
38 P.M. And this is a Thursday at 2:17 p.m., Desiree
39 Capuano wrote, and you call him Richard here. Is
40 this your reply, Ms. Capuano?
41 A Yes.
42 Q And I'll read in the first sentence [as read in]:
43
44 I enjoy our banter as much as the next
45 person, so long as said person is going
46 through a quadruple root canal without pain
47 medication and multiple broken bones.

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1
2 And that was read in yesterday. Can -- can you
3 explain what that means?

4 A Uh, sarcasm. Because I would assume that most
5 people would not enjoy a root canal with no pain
6 medication while having broken bones.

7 Q Would those people go for a root canal without
8 pain medication if they didn't need to?

9 A No.

10 Q And that's exactly what you're doing here, you're
11 engaging in the banter and you don't need to.

12 A I do need to. I'm trying to get an annulment and
13 somebody that keeps saying that they are not going
14 to accept paperwork under the name that I am
15 married to them under. I am trying to get him to
16 follow a legal process so that I can get an
17 annulment from him. So, yes, it's necessary. I
18 need to communicate with him. I have to, and --

19 Q That's --

20 A -- and the only way to communicate, it always
21 degrades into this. Every -- every time, every
22 attempt, it always degrades.

23 Q That's April 9th, 2015 it might have been
24 necessary to communicate with him, but was it
25 necessary through all these messages we've gone
26 through today which -- and I know you'll say --
27 you've said, pointed out, these aren't all the
28 messages. But in these messages, was it
29 necessary? Was any of this necessary?

30 A There are parts that in the ones that we've read
31 so far, some of them. The previous one that we --
32 that we looked at, the banter back and forth that
33 lasted multiple days, some of that was to get him
34 to give up information, and he did. The longer I
35 kept him talking in those email threads, the more
36 information he gave me. The --

37 Q What information -- sorry.

38 A About communicating the shooting -- shooting with
39 (GR). He indicated that. The fact that he
40 told the detective that he wanted me to commit
41 suicide. A lot of these -- these pieces of
42 information are because I kept him talking. A lot
43 of this information about his plan for me, he
44 wouldn't divulge otherwise. And then shortly
45 after that was the email about trying to find some
46 -- hire someone to have sex with me.

47 Q So you're telling me right now, and that you're

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- 1 able, you engaged in this insulting him, this
2 mother, his manhood, to get information from him
3 now. Whereas before, didn't you say it was to get
4 him to take the website down? But now it's to get
5 information.
- 6 A Well, obviously, yes, obvious to try to get him to
7 take the website down. But I also need to know
8 what he's planning, what he's thinking and what
9 he's doing. And, no, not all of it was. Of
10 course, not all of it was. Some of it was just
11 banter. Some of it was just irritation, it was
12 frustration and bravado, it was -- there was many
13 reasons.
- 14 Q Did you ever wonder what would happen if you just
15 stopped?
- 16 A I tried that.
- 17 Q For how long?
- 18 A 2011, 2012, 2013, into 2014, the majority of the
19 communication that happened over the course of
20 multiple years I would not respond to, or it was
21 simple one word answers, or as minimal a response
22 as I could. I tried that. It didn't work. He
23 just kept escalating.
- 24 Q So in 2014, now, January 2014, which is where we
25 start, this is where you've only just started
26 insulting him, and -- and -- and it basically
27 being --
- 28 A Bantering back.
- 29 Q Bantering back. You've only just --
- 30 A Yes.
- 31 Q -- started this here.
- 32 A Yes.
- 33 Q This -- the emails we have is where it started.
- 34 A Yes.
- 35 Q Or the emails I have is where that started. Okay.
- 36 A I had {GR}, I had custody, I was not scared of
37 losing my child. The website was up. I was
38 frustrated. I was doing what I could. Yes.
- 39 Q Scared of losing your child.
- 40 A He kept taking me back to court.
- 41 Q Well, because he wanted to see him, isn't that
42 correct?
- 43 A No. No, he had primary physical custody when we
44 started out in 2011. I had visitation. He had --
- 45 Q I'm aware of that.
- 46 A -- he filed to have that revoked. He filed to
47 have all my visitation revoked, and communication

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- 1 [redacted] revoked, and --
2 Q [redacted] But isn't that just --
3 A [redacted] -- we went back and forth.
4 Q Yeah, and isn't that just Family Court. That's
5 what happens in Family Court. You go in and a
6 judge decides this is who has custody. This is
7 who has access. This is how it's going to play
8 out.
9 A [redacted] And that was done initially, and then he kept
10 trying to change it.
11 Q So for that reason you thought it was okay to
12 insult him continually for -- we're into --
13 A No, not for that reason. [redacted] Just that I was -- I was
14 more confident. I was -- I was more secure in --
15 in my standing, and I -- again, I wasn't going to
16 be pushed around.
17 Q And you definitely weren't afraid, were you?
18 A [redacted] I was afraid. I was afraid what would happen if
19 it just -- if I didn't do anything about it.
20 Q [redacted] You were afraid of what would -- sorry?
21 A [redacted] What would happen if I didn't do anything about
22 it.
23 Q [redacted] If you didn't do anything about what?
24 A [redacted] About his emails that got sent --
25 Q [redacted] So you were afraid --
26 A [redacted] -- [indiscernible/overlapping speakers].
27 Q [redacted] Sorry to interrupt. Finish.
28 A [redacted] No, go ahead.
29 Q [redacted] You were afraid of what would happen if you didn't
30 engage in this banter and -- and also intellectual
31 insulting of each other?
32 A [redacted] No, that's not what I meant at all.
33 Q [redacted] What did you mean?
34 A [redacted] There are many reasons I responded to emails.
35 Sometimes it was for venting. Sometimes it was
36 because I was irritated or frustrated. [redacted] 2014 was a
37 different approach. It was a different tactic,
38 because nothing had worked up until then. So,
39 yes, I wanted to even the playing field a little
40 bit with this. But the reason that I felt I was
41 able to even the playing field is because I was
42 not as scared of being pushed around. I thought
43 maybe if I was strong enough, I could stop him
44 from doing more.
45 Q [redacted] Would you say it was a game to show who was --
46 A [redacted] No.
47 Q [redacted] -- stronger and and who was better at insulting?

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- 1 A Whatever would work.
- 2 Q So it was.
- 3 A It was not necessarily a game, no. It was a
4 tactic.
- 5 Q You referred to it as a game in an earlier email.
- 6 A As a sarcasm, yes. None of this was a game. This
7 is my life.
- 8 Q I -- I suggest it was your life, looking at the --
9 the times you were waking up or how early you were
10 replying, 1:00 a.m., first thing in the morning,
11 right after work. I -- I suggest your replying to
12 these emails was your life.
- 13 A It was. He made it -- he made it his job to
14 integrate his -- his insult into my life, every
15 aspect of my life. He worked at it every day,
16 and, yes, it worked. He was ingrained in my
17 everyday life. Every single waking moment was
18 spent trying to figure out how to get him to go
19 away.
- 20 Q I'd -- I suggest he was ingrained in your mind,
21 too, by the level of your replies. There's not
22 much time between a lot of these replies, Ms.
23 Capuano.
- 24 A Correct, but there were a lot of activities
25 happening during those times.
- 26 Q Moving on to email chain titled "Something to
27 consider". And this is a three-page email chain
28 from May 2015. Do you recall, Ms. Capuano, when
29 in the summer of 2015 G. went to Canada when you
30 sent him on the airplane?
- 31 A I believe it was the end of May.
- 32 Q End of May. And turning to the third -- or the
33 second page. And again, this is where -- starts
34 on the first page, on the bottom, says [as read
35 in]:
- 36
- 37 Hello, Desiree. I was going through old
38 emails, looking for particularly interesting
39 ones to highlight on the website, and I came
40 across this one. I'm going to suggest to
41 you, please see my comments online.
- 42
- 43 He says at the bottom:
- 44
- 45 I've highlighted the relevant statements to
46 which I am responding.
- 47

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- 1 And he's done here what he has done in previous
2 emails, where he breaks your email down into
3 paragraphs and responds, would you agree with
4 that, responds to individual paragraphs with his
5 own comments?
- 6 A Yes.
- 7 Q And this is a relatively long one. I'm going to
8 ask you on the -- halfway down page 1 is your
9 reply to that, and if you want to look through
10 that email of his and determine if there's
11 anything you would like read in, feel free, before
12 we get into your reply. Because I know you like
13 to look at the context of the email, of your
14 message, I mean.
- 15 A Yes.
- 16 Q So just going up from that on the bottom of page
17 1, May 11th, 2015, and that was a Monday, at 10:48
18 a.m., Desiree Capuano wrote, and it starts with
19 "To each their own". Is that your response, Ms.
20 Capuano?
- 21 A Yes.
- 22 Q Could you read it in, please?
- 23 A [As read in]:
24
25 To each their own. You're allowed to have
26 your own opinion, but that's all it is, your
27 opinion. Have a super awesome and wonderful
28 day.
- 29
- 30 Q What was the purpose of that reply? You're --
31 you're not --
- 32 A It was bravado.
- 33 Q It's bravado.
- 34 A Try not to let him see that that affected me.
- 35 Q Because you're not engaging here. You're just --
36 it's just about you have to reply something, so
37 you replied with some bravado; is that correct?
- 38 A Yes.
- 39 Q Okay. Moving up, he replies, "You seem to not",
40 and this is on May 11th, 11:00 a.m. This is the
41 next day -- or, no, there's a time change. So
42 this -- 11:00 a.m. Western time, I would guess [as
43 read in]:
44
45 You seem to not understand the difference
46 between opinion and fact. It might be my
47 opinion that you are a bad parent and

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1 terrible person, but the points which I have
2 provided as the base of that opinion are all
3 facts. And otherwise, everything else I've
4 referenced are also facts, not opinions. It
5 is impossible to rationally debate with a
6 person who is incapable of distinguishing
7 reality and who refuses to use the proper
8 definitions of words.

9
10 Going up from there, May 11th, 2015, which was a
11 Monday, at 11:00 a.m., or 11:03 a.m., Desiree
12 Capuano wrote, and it starts with "Not worth".
13 Could you read that in?

14 A [As read in]:

15
16 Not worth a defence, little man.

17
18 Q Again, I ask you, Ms. Capuano, why didn't you just
19 leave it. What is it -- this reply doesn't even
20 address anything. Why not just leave it at that
21 point?

22 A I wasn't going to continue to be insulted. And
23 it's not -- it's not a tit for tat, but I'm not
24 going to continue to be insulted by somebody who's
25 obviously trying to hurt me.

26 Q And you had to throw in "little man"? Is that
27 referring to his stature?

28 A Sure.

29 Q So you have no problems making fun of a person's
30 stature if -- I -- I do see Mr. Fox is not a big
31 man. You have no problems mocking his stature?

32 A I don't care how tall or short anybody is.

33 Q Well, you pointed it out, so obviously it does
34 mean something to you. You've used it to insult
35 him, correct?

36 A If you mean a little man, more than just stature.
37 It's the need to put his sight on these things and
38 the need to tear me down.

39 Q And he replies at 11:24 a.m. [as read in]:

40
41 Desiree, which is exactly what you say when
42 you have no choice but to realize you are
43 wrong and your argument has no merit. Good
44 enough for me. Patrick.

45
46 "Good enough for me." That's the end of it, he's
47 saying, "Good enough for me." That was it, 11:24.

son

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- 1 At 11:30 a.m., Desiree Capuano wrote, and it
2 starts with "Keep telling". Can you read that in,
3 please.
4 A [As read in]:
5
6 Keep telling yourself that.
7
8 Q And a smiley face.
9 A Mm-hmm.
10 Q That's a little bit provoking, right?
11 A A little bit. But any time I don't respond,
12 Richard takes that as an admission that what he's
13 saying is correct.
14 Q Which would --
15 A So my response to him is only to show him that I
16 do not agree with what he's saying.
17 Q Because you didn't want him thinking:
18
19 . . . which is exactly what you say when you
20 have no choice but to realize you are wrong,
21 and your argument has no merit.
22
23 You didn't want to leave him thinking that's
24 right?
25 A I didn't want him --
26 Q That you had to be -- sorry.
27 A I didn't want him -- to leave him thinking that
28 everything that he had wrote in response to this
29 email that I sent him in 2013, I believed was
30 correct.
31 Q But you've replied to every one of his emails with
32 -- not a -- not a -- just telling him.
33 A It's not. It's an admission not agreeing with
34 what he's saying. It's not true. So if I don't
35 respond, he says that it's because I agree with
36 him. And if I do respond, then it turns into an
37 argument.
38 Q And then --
39 A It's Catch-22. So I respond.
40 Q And then at the top of the page, he replied [as
41 read in]:
42
43 I shall.
44
45 A Correct.
46 Q And this is what you said earlier, tell me if I'm
47 wrong here, you guys both want to make sure you

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BAN ON PUBLICATION; INHERENT JURISDICTION

1 get the last word in; is that correct?
2 A And he got the last word.
3 Q You can't speak -- sorry, I'll interrupt, but you
4 can't speak for what he wants, but --
5 A Mm-mm.
6 Q -- it sure seems that way, and wouldn't you say
7 that you, at least, want to get the last word in?
8 A Well, he got the last word in there, and I let
9 him.
10 Q Moving on to -- and this is May 11th at 12:13
11 p.m., whereas you just said at May 11th at 11:41
12 a.m., you let him get the last word in?
13 A Oh, there's more?
14 Q Yeah. I'll say there's more.
15 A Sure.
16 Q Okay. So this is a three-page chain called "More
17 of what I know", and at May 7th, 2015, at 1:07
18 p.m. So this is an older chain that was started
19 back on May 7th, but you chose, when you say you
20 let him get the last word in on that chain, you
21 just chose to go to another chain, like, within
22 minutes, within -- 11:30, so 43 minutes later, you
23 let him have the last word on that chain, but you
24 go to another email chain and engage him again; is
25 that correct, Ms. Capuano? Or, sorry, 11:44 a.m.
26 is when you replied in there, so 14 minutes later.
27 If you go to the second email down on "More of
28 what I know", May 11th, 2015, 11:44 a.m., Desiree
29 Capuano wrote -- and we don't have to go over the
30 contents, we're going to read that in a minute.
31 But you just said, "I let him get the last word"
32 on May 11th at 11:41 a.m., when he said, "I
33 shall." But three minutes later, you replied on a
34 different chain. So is that, you let him get the
35 last word on one chain, but you switch over to
36 another chain?
37 A There's multiple emails from him.
38 Q Okay. We'll start at the --
39 A All of these he has instigated.
40 Q We'll --
41 A He is starting the email conversations on all of
42 them. This is not me reaching out to him. This
43 is me responding to him, in all -- in the majority
44 of these.
45 Q Majority. But you're responding just as much as
46 he is, I mean, it's one for one.
47 A In some of these threads.

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- 1 Q Mm-hmm. What I was getting at, Ms. Capuano, was
2 that you could not let -- let him get the last
3 word. Maybe on that chain, but you just switched
4 to another chain.
- 5 A He sent me multiple emails.
- 6 Q Does that seem obsessive to you? Going --
- 7 A That he sent me multiple emails? Yes.
- 8 Q Going from one chain to the other, putting a reply
9 on this one, going to another chain, putting a
10 reply?
- 11 A I'm just following the conversations he started.
- 12 Q It would seem you -- you had two conversations
13 going on at the same time, if you look at that
14 day.
- 15 A Yes. He started multiple conversations.
- 16 Q And this is -- this is from somebody who claims
17 they're being harassed? I'm meaning you.
- 18 A Yes.
- 19 Q Okay, thank you. And going to page 3 of the chain
20 we're on now, which is titled "More of what I
21 know", and May 7th, 2015, 1:07 p.m., Patrick wrote
22 [as read in]:
23
- 24 I also know that you don't want to let G.
25 visit with me because you know that when he
26 visits we bond more, and that puts more
27 distance emotionally between you and him.
28 Yet you don't want to explicitly refuse to
29 let him visit because you know that he will
30 resent you for it.
- 31
- 32 And he goes on to -- to allege that you're trying
33 to create a situation whereby you could say --
34 this is his allegation, by the way, whereby you
35 can say it was -- there was no visitation because
36 he couldn't visit. He's explained to him that --
37 this is basically all about visitation, and
38 scheming, where he's alleging you're scheming.
39 Would you say this is an accurate depiction of his
40 email on May 7th?
- 41 A Yes.
- 42 Q Okay. And then he says, May 7th, 2015, this is a
43 Thursday, "By the way" [as read in]:
44
- 45 Desiree. By the way, I know you don't deal
46 well with reality, so I don't expect you to
47 respond sincerely to these most recent

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1 messages. Patrick.

2
3 On May 7th, 2015, at 4:27 p.m., at the top of the
4 page, you reply, and could you read that in,
5 please, starts with "Oh, you".

6 A [As read in]:

7
8 Oh, you little man. I don't fear you or
9 {GR}'s opinion of me. I am not preventing
10 visitation. Try as you might to get me to
11 say no, I will not do it.

12
13 Q Again you call him a little man.

14 A Yes.

15 Q Correct? That seems to be a -- a recurring theme.

16 A Anybody who hides between the computer and tries
17 to attack somebody in another country, to me is a
18 little man.

19 Q You agreed earlier it was partially his stature.

20 A Partially.

21 Q Right. So it's insulting.

22 A Yes. But it's also my opinion.

23 Q And it -- it's in reply to him saying:

24
25 By the way, I know you don't deal well with
26 reality, so I don't expect you to respond
27 sincerely to these most recent messages.

28
29 So him saying "I know you don't deal well with
30 reality", you feel it gave you licence to attack
31 his stature and call him a little man; is that
32 correct?

33 A No, it was in response to both of those emails to
34 mine, along with the fact that I already had a
35 plane ticket for {GR}, and was absolutely
36 planning on putting him on a plane. So this was
37 not necessary in any way.

38 Q More importantly in this message, you say "I don't
39 fear you".

40 A I'm not going to tell him I'm scared. I'm not
41 going to give him that satisfaction.

42 Q I suggest you weren't afraid of him.

43 A I know you suggest that.

44 Q I suggest that continually, given the tenor of
45 your emails and insults to him, his mother, his
46 stature, his manhood, I -- I suggest there's
47 nothing here showing you're afraid of him, that --

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- 1 A But I'm also not threatening to destroy his life.
2 There might be some insults, but I am not
3 threatening to bring him down, tear him down,
4 destroy his life, ruin who he is, ruin who he's
5 tried to be, who he wants to be, where he wants to
6 go in his life, his future, his present, his
7 friends, his associates. I'm not threatening his
8 life. There might be insults, but there's no
9 threats to him. There's only defence.
- 10 Q This is defence.
- 11 A It is defence. I did not initiate that
12 conversation.
- 13 Q I'm talking about all of these, the tenor of
14 these --
- 15 A I didn't initiate them.
- 16 Q My -- my comment to you that you're replying to
17 was about the tenor of the email.
- 18 A I did not --
- 19 Q You're saying these are defensive.
- 20 A Yes. I did not start -- I did not start these
21 conversations.
- 22 Q I'm talking about the tenor of the conversations,
23 Ms. Capuano. You're saying these are defensive
24 conversations on your part?
- 25 A I'm defending myself.
- 26 Q You can't speak for him, on your part.
- 27 A I'm defending myself. And, yes, there's insults
28 going back and forth. There's also no threats
29 from me.
- 30 Q Turning over to the second page of this chain, and
31 again, this is an argument about visitation. And
32 you, on May 11th, 2015, at 10:40 a.m., Desiree
33 Capuano wrote, "Oh, don't you know", and can --
34 can you read that one in, please, Ms. Capuano?
- 35 A I'm sorry, which one?
- 36 Q Second page of this email chain, three-page chain,
37 and it's May 11th, 2015 at 10:40 a.m., and that's
38 a Monday at 10:40 a.m. "Oh, don't you know", it's
39 -- it's less than halfway up the page, maybe a
40 third of the way up from the bottom.
- 41 A Do I have the right page? I don't know if I'm on
42 the right page.
- 43 Q So, okay. Start again at the beginning of "More
44 of what I know".
- 45 A Oh. Okay.
- 46 Q And flip over to the second page of that chain,
47 and about --

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1 A Okay.
2 Q -- and about halfway down, Ms. Capuano, a little
3 bit more than half, on May 11th, 2015, at 10:40
4 a.m., Desiree Capuano wrote, and it starts --
5 A Yes.
6 Q -- with "Oh, don't you know".
7 A [As read in]:
8
9 Oh, don't you know I'm trying to play right
10 into your plan of turning {GR} against me
11 by showing him how you never get annoyed,
12 "Why is it that you don't just shut the --
13 shut up and fuck off," clearly, not annoyed.
14
15 Q And I understand that's a quote you've taken that
16 he said to you, "Why don't" --
17 A Yes.
18 Q
19 Why is it you don't just shut up and fuck
20 off.
21
22 So you're scheming here, in a way, is that
23 correct:
24
25 . . . trying to play right into your plan of
26 turning G. against me by showing him how you
27 never get annoyed.
28
29 A No, not scheming.
30 Q How -- how were -- how were you going to show that
31 he never gets annoyed to {GR} from -- what do
32 you mean by this?
33 A Richard's insinuation through this whole thing is
34 that he's turning {GR} against me by showing
35 him what a horrible person I am, and how wonderful
36 he is. And part of his approach is that nothing I
37 do ever annoys him, nothing I do ever gets to him
38 because he has no emotions, and therefore he's
39 more logical, he's more intelligent, and therefore
40 {GR} responds better with him, and couldn't
41 possibly develop a bond with me because I do have
42 emotions.
43 So all I was showing here, or illustrating,
44 is that by his -- the outbursts in some of these
45 emails, he is -- he is annoyed, and annoying --
46 the annoyance is an emotion. So clearly I'm
47 playing into his hands by him getting annoyed. I

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1 mean, that's -- obviously that plan is working.
2 Q You're trying to play right into his game, or --
3 A It's sarcasm.
4 Q -- into his plan. You're trying to play into it.
5 So you're also --
6 A It's sarcasm.
7 Q -- you have a counter-plan; is that correct?
8 A It's sarcasm.
9 Q I disagree. I'm saying here you had a counter-
10 plan and you're trying to play right into his
11 plan; isn't that correct?
12 A No.
13 Q That's the way I read this. And you say it's
14 sarcasm.
15 A Yes.
16 Q May 11th, 2015, moving up, 10:56 a.m., on the --
17 this is a Monday, Patrick wrote [as read in]:
18
19 Desiree. Admittedly, yes, I'm quickly
20 annoyed by stupidity. Patrick.
21
22 Moving up, May 11th, 2015, at 10:59 a.m., and I
23 suggest to you this is -- this is very closely in
24 the timeframe you're replying in the other email
25 chain. And could you read that in, Ms. Capuano,
26 it's --
27 A [As read in]:
28
29 But you can't possibly be annoyed, Richard,
30 annoyance is an emotion.
31
32 And there's dictionary references.
33 Q What's the point of putting a dictionary reference
34 there?
35 A He told me once that I would be able to
36 communicate with him better if I had a dictionary
37 present and used it. So I was showing him that
38 there are dictionary references to prove my point,
39 as he requested that I do.
40 Q I don't see where he asks you in --
41 A Not in this message.
42 Q -- in the email below to prove your point.
43 A No.
44 Q I -- I -- I see here where he says he's quickly
45 annoyed.
46 A Yes. But I'm also showing him that annoyance is
47 an emotion.

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- 1 Q Well, what's the -- what's the point of that? He
2 says he's annoyed. Why -- why go further --
- 3 A Because he says --
- 4 Q -- and give him a dictionary reference of this is
5 what annoyed means. What -- what's the purpose of
6 that?
- 7 A This is a man who has no belief in emotions to the
8 point that he's never said "I love you" to his
9 son. He has never expressed love to his son, and
10 instead, has taught his son that to express love,
11 or to state that he loves somebody, is erroneous,
12 because it can't possibly exist. So I'm just
13 trying to get him to see that emotions are real,
14 and he is capable of them. Maybe not love, but
15 anger, annoyance, these are emotions.
- 16 Q So he does have emotions.
- 17 A In my belief, he does. He claims that he doesn't.
18 But it's my understanding that he does.
- 19 Q But you feel pretty safe insulting him
20 continuously throughout this, well, we're up to a
21 year and a half just about period now where you're
22 insulting him. You -- you feel pretty safe that
23 he's not going to get overly angry, and he doesn't
24 seem to. He just banters back and forth; is that
25 correct?
- 26 A In words, yes. Yes.
- 27 Q Moving to page 1 of 3 at the bottom, and he
28 responds [as read in]:
29
30 Desiree. You're incorrect again. Annoyance
31 is not an emotion, it is a mental state.
32
33 And he brings up a different definition of
34 annoyance, and compares it to feeling. And then
35 you reply, May 11th, 2015, 11:30, so seven minutes
36 later, "So in this case, dictionary," could you
37 read that in, please, Ms. Capuano?
- 38 A [As read in]:
39
40 No, a dictionary provides the definitions of
41 words. In some cases like feelings and
42 emotions, there can be no definition, due to
43 the circular reference.
44
45 Oh, no, that's his.
- 46 Q Sorry, Ms. Capuano, the one down below, your --
47 your email, I apologize.

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- 1 A Okay. [As read in]:
2
3 So in this case, dictionary.com isn't good
4 enough because it would make you wrong about
5 something, right? I get it.
6
- 7 Q So you're saying here he's wrong and you're right,
8 because dictionary.com.
- 9 A I'm saying is it doesn't matter what I say. It's
10 not going to ever be right.
- 11 Q Does it matter what he says? Will he ever be
12 right?
- 13 A He's always right, according to him.
- 14 Q What about according to you?
- 15 A No.
- 16 Q Right. And then again, May 11th, 11:39, nine
17 minutes later, Patrick wrote [as read in]:
18
19 No, a dictionary provides definitions of
20 words. In some cases like feeling and
21 emotion, there can be no definition due to
22 the circular reference. So we have to look
23 past the word and consider the concept, which
24 the word attempts to embody. You're really
25 making yourself look incredibly unintelligent
26 here, considering you have a Bachelor's
27 degree, albeit it a pseudo one, and I have a
28 Grade 8. You're really impressing the world
29 with your wit and intellect. Thank god we
30 get to put these wonderful discussions on
31 your website. Patrick.
32
- 33 And go up above, May 11th, 2015, 11:44 a.m. -- or,
34 sorry -- yes, a.m., five minutes later, you reply,
35 and "This is" -- "This has been fun, really". Can
36 you read that in, Ms. Capuano?
- 37 A [As read in]:
38
39 This has been fun, really. I understand you
40 think you won your argument and you have
41 proven once again to show how ignorant I am,
42 and gloating about it, how the world is going
43 to see me for the way I really am. You keep
44 thinking that. The arrogance and ignorance
45 will be your undoing. I'm a very patient
46 person. Talk to you later.
47

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- 1 Q I suggest to you, and I have a pretty good idea of
2 what you're going to say, where you say --
- 3 MR. MYHRE: Objection.
- 4 MR. LAGEMAAT:
- 5 Q -- "This has been fun, really", I suggest --
- 6 MR. MYHRE: My Lady, my friend can't interject little
7 opinion comments into his questions.
- 8 MR. LAGEMAAT: I withdraw that.
- 9 Q "This has been fun really". It would seem that --
10 did you in fact have fun during this particular
11 email chain?
- 12 A No.
- 13 Q Then why would you take the time to cut and paste
14 off dictionary.com, and put so much time into the
15 definition of an emotion, it wasn't fun?
- 16 A Once again, I was no longer going to just accept
17 what he said, with no responses, as an admission
18 of acceptance of what he said was correct.
19 [REDACTED] is on all of these emails. He's watching
20 this. Up till now, he has seen primarily his
21 father being the one to have these conversations.
22 Now he --
- 23 Q Playing the game, and trying to win.
- 24 A I don't know if I'm trying to win. There's no
25 prize. The prize is that he stops emailing me and
26 takes the website down. That's not going to
27 happen. There's no prize.
- 28 Q "I understand", and I'm reading in [as read in]:
29
30 I understand you think you won your argument
31 and you've proven once again to show how
32 ignorant I am and are gloating about how the
33 whole world is going to see me for the way I
34 really am.
35
- 36 A That is how I took his message to me.
- 37 Q That he's gloating that he won this whole --
- 38 A Yes.
- 39 Q -- this whole discussion about --
- 40 A Emotions.
- 41 Q -- definitions of an emotion. You feel he won
42 this here, or you feel -- no, sorry, you're saying
43 you think he feels that he won this argument at
44 this point; is that correct?
- 45 A Yes.
- 46 Q And you don't like that, do you.
- 47 A It doesn't matter.

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- 1 Q It didn't matter if he won any of these?
2 A It doesn't matter how I felt about it. [As read
3 in]:
4 Q
5 You keep thinking that. Your arrogance and
6 ignorance will be your undoing. I'm a very
7 patient person [smiley face]. Talk to you
8 later [smiley face].
9
10 A Yes.
11 Q Why the smiley faces?
12 A Because I'm trying to let him see that it's not
13 bothering me. I'm trying to show that it's not
14 bothering me, that his words are not affecting me.
15 Same reason I'm responding. Same reason I'm
16 giving the insults back.
17 Q Wouldn't it -- had you ever thought of if you want
18 him to think his words aren't bothering you, you
19 could not respond, or say "Your words don't bother
20 me," rather than engaging in the back and forth
21 insulting and --
22 A I did that, and he put up a website.
23 Q This isn't about the website right now, Ms.
24 Capuano. This is about --
25 A Responding to him.
26 Q -- what we're doing here.
27 A And I -- there -- for a long time I didn't respond
28 to him, and his solution, or response to that was
29 he put up a website. It doesn't matter whether I
30 respond to him or not, he's going to continue to
31 do what he does. So rather than not respond and
32 get beat up, I'm going to respond.
33 Q So your response to him putting up a website is to
34 insult his stature, his manhood, his mother, what
35 -- whatever else, his intelligence --
36 A I was tired.
37 Q -- his maturity? That's your response.
38 A Well, I was tired.
39 Q Moving on to the next email in my book, and this
40 is another -- this is called "Read the motivation
41 for your behaviour". And we'll -- I'll refer to
42 the Crown's book of exhibits here. Tab 13, at the
43 end of Tab 13, and if you flip six pages in from
44 the back -- I apologize, I'll have to find this.
45 I apologize. It's in Tab -- yes, Tab 13, six
46 pages in from the back, called the -- it's "The
47 motivation for your behaviour", the same email

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1 chain. And in the Crown's book it starts with
2 what my book has on page 2 of 3, which is
3 "Desiree", and we read this when my friend read it
4 in yesterday [as read in]:
5

6 Desiree. The only reason you're being such a
7 stupid cunt right now, well always really, is
8 because you know that G. would rather be with
9 me than you.
10

11 And this goes on, and this was read in yesterday.
12 But what I'd like to point out now, Ms. Capuano,
13 is how that chain continued on. And just above
14 that May 7th, 2015, 4:29 p.m., you replied, and
15 this is halfway up page 2 of three in this chain,
16 of my book [as read in]:
17

18 Oh my god, Richard! You nailed it.
19

20 And these are double exclamation marks. Is this
21 your reply?

22 A Yes.

23 Q Can you read that in, Ms. Capuano?

24 A [As read in]:
25

26 Oh my god, Richard! You nailed it!! I will
27 never have to do any more introspection ever
28 again. In case you didn't -- it didn't come
29 across in email, that was sarcasm.
30

31 Q Again, I ask you, why even reply?

32 A Because my son is on this. As far as I know, my
33 son is reading this, and he keeps telling my son
34 that if I don't respond, that means I think he's
35 right.

36 Q So you're talking to your son through your replies
37 to Patrick; is --

38 A No.

39 Q -- that correct?

40 A No. But I'm standing up for myself.

41 Q How old was your son at this time?

42 A Uh, in May of 2015, he was 14 years old.

43 Q And which son are you referring to?

44 A {GR}.

45 Q Did your other son also read the website?

46 A No.

47 Q So he was 14 years old, and you didn't have the

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- 1 ability to -- to -- if this was so damaging,
2 you -- you didn't ever think, oh, I can keep him
3 off the internet. He's 14.
- 4 A These are going to his personal email. I'm not
5 going to not let him check his email. And email,
6 he's communicating with his father through email,
7 also. So I can't prohibit that. They're some of
8 the terms of the custody agreement.
- 9 Q You never thought of going to court and getting
10 the custody agreement altered because --
- 11 A I tried.
- 12 Q -- because of him reading these emails?
- 13 A I tried. The judge said no. It's the only reason
14 I tried to cease communication through email,
15 ever.
- 16 Q The only reason what?
- 17 A I have ever gone to court and requested to cease
18 communication, is because of communication like
19 this, but the judge said no.
- 20 Q Up above that, May 19th, 10:52 a.m., May 9th,
21 that's -- so this is two days later, Patrick
22 replies [as read in]:
- 23
24 Desiree. I find it decided telling that your
25 only response was a trite attempt at sarcasm.
26 No attempt to disprove or even rebut of any
27 of what I said. Tell me honestly that you
28 disagree with anything I said below. Tell me
29 that you seriously believe, given the choice,
30 that G. would choose to remain with you.
- 31
32 So this is him asking you to keep it going, right,
33 four days later -- we've already gone through that
34 you were communicating on multiple email chains,
35 but four days later he says, respond. Tell me
36 that you seriously believe. So he's asking you to
37 continue, and do you continue?
- 38 A Yes.
- 39 Q And at May 11th, 2015, at 10:49 a.m., and this is
40 just above, Desiree Capuano wrote, "Richard.
41 Everything you say", and could you read that in,
42 Ms. Capuano?
- 43 A [As read in]:
- 44
45 Everything you say is so far off the realm of
46 reality, it doesn't bother a rebuttal. But
47 you keep thinking you're far superior. I'm

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- 1 sure it makes you feel better about the
2 world.
3
- 4 Q So you're saying here "doesn't bother a rebuttal",
5 but that's a rebuttal, correct?
6 A Yes.
7 Q If it doesn't bother a rebuttal, why rebut?
8 A Same reasons I've already explained.
9 Q Okay. And "But you keep thinking you're far
10 superior." Did that bother you that he might
11 think he's far superior?
12 A I know he thinks he's far superior.
13 Q Well, you don't really know what he thinks.
14 A Well, he's told me more than enough times for me
15 to certainly get that impression.
16 Q Turning over, Monday, May 11th, 11:02 a.m.,
17 Patrick writes, "Desiree", and this is at the
18 bottom of the page 1 or 3 [as read in]:
19
- 20 You're making broad generalizations again.
21 You need to be specific if you expect the
22 other party to consider your arguments. Do
23 you know who argues in such generalizations?
24 People who don't have an argument. People
25 who realize they have no real rebuttal.
26
- 27 So he's giving you his rules of arguing here. And
28 up above, May 11th, 2015, at 11:25 a.m. -- or, no,
29 sorry, 11:03 a.m., so one minute later, you reply,
30 and could you read that in, Ms. Capuano:
31
- 32 You are . . .
- 33
- 34 A . . . just not worth it.
35
- 36
- 37 Q So you're saying he's just not worth the argument,
38 but you're arguing.
39 A Again [indiscernible/overlapping speakers].
40 Q Again, because you thought it would get him to
41 take the website down?
42 A No. Because I was not going to have him -- I was
43 not going to not answer and have him say that
44 that's because I believed that what he said was
45 correct. In his -- in his words to me in emails,
46 and also to our son, which might be hearsay, but
47 if I don't respond to his email, then he

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- 1 interprets that as me saying he is correct.
2 Q You've said that before, Ms. Capuano, and in this
3 case what you be responding to him might be left
4 thinking it's correct, his definition of arguing
5 and his rules of arguing. You didn't want to
6 leave him thinking that's correct; is that right?
7 A Correct. Yes.
8 Q And above, May 11th, 2015, 11:25 a.m., Patrick
9 wrote, "Desiree", and this about a third of the
10 way up the page [as read in]:
11
12 Desiree. Which is exactly what you say when
13 you have no choice but to realize you are
14 wrong and your argument has no merit. Good
15 enough for me. Patrick. P.S. And why do you
16 keep responding? You're like the idiot woman
17 that calls the guy to say she never wants to
18 talk to him again.
19
20 A Mm-hmm.
21 Q And above that, your reply at 11:31 a.m., on the
22 same day. Could you read it in, please.
23 A
24 Because you're wrong.
25
26 Q So you just need to keep this going.
27 A He's wrong about me.
28 Q What, that your argument -- that your argument has
29 no merit?
30 A No, the original message.
31 Q Okay. Moving up, and I'll finish on this one
32 quickly. I note the time, My Lady. May 11th,
33 2015, 11:43 a.m., Patrick wrote [as read in]:
34
35 Desiree. You say I'm wrong, yet I'm able to
36 pick apart your counter-arguments and clearly
37 show how each one is fallible. Patrick.
38
39 And then again, May 11th, 2015, two minutes later,
40 11:45 a.m., Desiree Capuano wrote, and if you
41 could read that in, Ms. Capuano.
42 A
43 Nope. Signed, the "stupid fucking cunt".
44
45 Q And you've got that from him, that's --
46 A Yes.
47 Q -- in quotations. But you're playing along with

Desiree Capuano (for Crown)
cross-exam by Mr. Lagemaat
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1 it and throwing it back at him, correct?
2 A At this point, I'm so tired that all I'm trying to
3 do is reply to him to show that I'm not accepting
4 that what he's saying is true. But I'm just so
5 tired that I'm not even writing any sentences.
6 Q So this is tiring for you, all this engaging in
7 all these emails.
8 A Of course it is.
9 Q I mean, this one day --
10 A It's exhausting.
11 Q This one day, May 11th, there was a lot of emails
12 going on. It was exhausting for you.
13 A Yes.
14 Q Yet you continued it.
15 A Yes.
16 Q And you engaged in the insulting.
17 A Well, previously.
18 Q And the banter.
19 A Yes.
20 Q And -- and I will say witty banter, you guys are
21 defining terms that are quite complex, back and
22 forth, is that correct, and arguing about each
23 person's definition?
24 A Sure.
25 MR. LAGEMAAT: My Lady, I note the time. This would be
26 a good time for me to stop.
27 THE COURT: All right. We'll stop for the day, members
28 of the jury. We'll continue tomorrow at the usual
29 time. Start at ten o'clock, please. Thank you.
30
31 (JURY OUT)
32
33 THE COURT: Ms. Capuano, I need to remind you of the
34 thing I said to you before we took the break. The
35 same applies overnight until you continue your
36 evidence tomorrow. Because you're under cross-
37 examination, you should be very careful, please,
38 not to discuss anything to do with the case or the
39 evidence with anyone.
40 A Yes. Yes, My Lady.
41 THE COURT: Because it can affect -- if you do, it can
42 affect the weight that the jury gives to your
43 evidence.
44 A Yes.
45 THE COURT: Thank you. Is there anything we need to
46 address before we adjourn for the day?
47 MR. MYHRE: I don't think so, My Lady.

70
(Jury Out)
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1 MR. LAGEMAAT: No, My Lady.

2 THE COURT: All right, thank you. We'll adjourn.

3

4 (WITNESS STOOD DOWN)

5

6 (PROCEEDINGS ADJOURNED TO JUNE 15, 2017, AT
7 10:00 A.M.)

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11 Transcriber: P. Neumann

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I hereby certify the foregoing to be a true and accurate transcript of the evidence recorded on a sound recording apparatus, transcribed to the best of my skill and ability.



P. Neumann
Court Transcriber