

27178-2
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 - Excluding Testimony of Desiree Capuano)

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**BAN ON PUBLICATION - INHERENT
JURISDICTION**

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**BAN ON PUBLICATION - INHERENT
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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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(Jury Out)
Proceedings

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1 Vancouver, B.C.
2 June 14, 2017
3

4 (JURY OUT)
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6 THE CLERK: In the Supreme Court of British Columbia,
7 at Vancouver, this 14th day of June, 2017,
8 recalling the matter of Her Majesty the Queen
9 against Patrick Henry Fox, My Lady.

10 THE COURT: Yes.

11 MR. MYHRE: So, My Lady, when the jury comes in, I'll
12 just signal that I have no more questions for Ms.
13 Capuano.

14 THE COURT: All right.

15 MR. MYHRE: My Lady, there is perhaps one thing we
16 should put on the record with respect to who was
17 in the courtroom yesterday. Could I just have a
18 quick word with my friend?

19 My Lady, I think it should be on the record
20 that --

21 THE COURT: I wonder if it's better put on the record
22 at a different time --

23 MR. MYHRE: Very well.

24 THE COURT: -- if it's what I'm thinking it is.

25 MR. MYHRE: A second issue. I just wanted to alert
26 Your Ladyship that, after my friend finishes his
27 cross, I think we should stand down to canvass
28 whether there is anything else that Mr. Fox
29 believes needs to be addressed.

30 MR. LAGEMAAT: I would have been asking My Lady's
31 indulgence to do that anyways after my cross, to
32 go meet with Mr. Fox and see if there's anything
33 he feels I've left out. But, in discussions with
34 my friend this morning, it was discussed if we're
35 not in agreement with something he would like me
36 to cross-examine on, and I -- it is my
37 cross-examination, we might ask My Lady to make a
38 decision on that.

39 THE COURT: I see. All right. Well, let's see where
40 we get to --

41 MR. LAGEMAAT: Yes.

42 THE COURT: -- and deal with it step by step.

43 We'll come back to the other matter, Mr.

44 Myhre.

45 As to scheduling, I'm thinking, given that
46 we're a little later starting than we expected,
47 probably one break during the afternoon. I had

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(Jury Out)
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1 raised the possibility of two, but, unless it
2 appears that somebody needs a break -- and Ms.
3 Capuano, you're somebody who may, so you signal if
4 you need one --
5 DESIREE CAPUANO: Thank you.
6 THE COURT: -- we'll just take one afternoon break.
7 All right. Are we ready for the jury?
8 THE ACCUSED: I just want to bring one thing to the
9 court's attention. An issue arose at the jail
10 yesterday, I guess because of the news coverage of
11 the hearing of the trial so far. There is
12 apparently some safety or security concerns
13 regarding me at the jail, so I was moved to
14 segregation, but that might complicate my ability
15 to continue to represent myself somewhat, given
16 what's available in the segregation area. Also,
17 that explains why I appear so dis -- disheveled
18 today. That's all.
19 THE COURT: Well, Mr. Fox, I need to know if you're
20 having difficulty or not. And, if you are in a
21 situation in which you're not able to do what's
22 necessary, I may need to address it.
23 THE ACCUSED: Hmm. It won't be an issue during the
24 cross-examination, but I'm sure immediately after
25 that it will be if the circumstances at the jail
26 haven't changed. One of the main issues is
27 there's no electrical sockets in the cells in the
28 segregation unit, so I can't access any new
29 disclosure. But I will keep the court apprised of
30 any changes in those circumstances.
31 THE COURT: All right. And the issue relates mainly to
32 not having access to electronic devices? Is that
33 what it is?
34 THE ACCUSED: Yeah, that's a substantial part of it.
35 There's some smaller unrelated iss -- well, less
36 significant issues. For example, not being able
37 to shave and come to court in a presentable
38 manner. Oh, also --
39 THE COURT: All right.
40 THE ACCUSED: I'm confined --
41 THE COURT: We'll --
42 THE ACCUSED: -- to the cell --
43 THE COURT: We'll come back to that, but just, at some
44 point, if you're anticipating or experiencing
45 either one of those --
46 THE ACCUSED: Mm-hmm.
47 THE COURT: -- difficulty, then give me the

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1 specifics --
2 THE ACCUSED: Okay.
3 THE COURT: -- and we'll address it. All right.
4 THE ACCUSED: Thank you.
5 THE COURT: Are we ready for the jury?
6 MR. MYHRE: Yes, My Lady.
7 THE COURT: Please.
8 THE SHERIFF: The jury, My Lady.

9
10 (JURY IN)
11
12 (TESTIMONY OF DESIREE CAPUANO FROM
13 1:18:57 P.M. TO AFTERNOON RECESS)
14
15 (PROCEEDINGS ADJOURNED FOR AFTERNOON RECESS)
16 (PROCEEDINGS RECONVENED)
17
18 (TESTIMONY OF DESIREE CAPUANO FROM AFTERNOON
19 RECESS TO END OF DAY)
20
21 (PROCEEDINGS ADJOURNED TO JUNE 15, 2017, AT
22 10:00 A.M.)

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26 Transcriber: S. Goossens

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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.



S. Goossens
Court Transcriber