

27178-2  
Vancouver Registry

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

Vancouver, B.C.  
June 16, 2017

REGINA

v.

PATRICK HENRY FOX

---

PROCEEDINGS AT TRIAL

---

COPY

**BAN ON PUBLICATION - INHERENT  
JURISDICTION**

27178-2  
Vancouver Registry

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

Vancouver, B.C.  
June 16, 2017

REGINA

v.

PATRICK HENRY FOX

---

PROCEEDINGS AT TRIAL

---

COPY

**BAN ON PUBLICATION - INHERENT  
JURISDICTION**

Crown Counsel:

M. Myhre

Appearing on his own behalf:

P. Fox

## INDEX

### WITNESSES FOR THE CROWN:

<b>JASON POTTS .....</b>	<b>7</b>
EXAMINATION IN CHIEF BY MR. MYHRE: .....	7
CROSS-EXAMINATION BY THE ACCUSED: .....	16

## EXHIBITS

<b>EXHIBIT 6: Binder containing printouts of emails from Desiree Capuano from 2015/2016.....</b>	<b>6</b>
<b>EXHIBIT 7: DVD containing recorded statement of Patrick Fox given to Jason Potts on June 16, 2016.....</b>	<b>15</b>
<b>EXHIBIT 8: Binder titled "Statement of Patrick Fox, June 16, 2016" .....</b>	<b>15</b>
<b>EXHIBIT 9: Documents shown to Patrick Fox during interview on June 16, 2016 .....</b>	<b>15</b>

## RULINGS

Nil

1  
(Jury Out)  
Proceedings

BAN ON PUBLICATION - INHERENT JURISDICTION

1 Vancouver, B.C.  
2 June 16, 2017  
3

4 (JURY OUT)  
5

6 THE CLERK: In the Supreme Court of British Columbia,  
7 at Vancouver, this 16th day of June, 2017.  
8 Recalling the matter of Her Majesty the Queen  
9 against Patrick Henry Fox, My Lady.  
10 MR. MYHRE: My Lady, if the court has no issue, the  
11 Crown have no issue, and I understand Mr. Sheriff  
12 would have no issue, with Mr. Fox sitting at  
13 counsel table.  
14 THE COURT: All right. Is that what would you like to  
15 do, Mr. Fox?  
16 THE ACCUSED: Yes, My Lady.  
17 THE COURT: All right. That's probably easier for you  
18 for making notes and so forth. And I understand  
19 there's no difficulty with the sheriffs?  
20 THE SHERIFF: That's fine, My Lady.  
21 THE COURT: All right. Then move forward, Mr. Fox.  
22 MR. MYHRE: My Lady, at the outset, could we address --  
23 I understand Mr. Fox has been having some  
24 difficulties at the pretrial centre in terms of  
25 preparing his defence and preparing for trial, and  
26 so I think we should address that.  
27 THE COURT: All right. Mr. Fox, is this the difficulty  
28 you referred to earlier, that you're in  
29 segregation and you're not able to get enough  
30 access to a computer? Is that the difficulty?  
31 THE ACCUSED: Yes, somewhat. The issue of being in  
32 segregation. Specifically with respect to the  
33 computer, though, the jail has provided me a  
34 laptop for the purpose of accessing my disclosure.  
35 One of the problems is in the jail cell, where I'm  
36 confined 20 -- well, 24 hours a day minus the time  
37 it takes to take a shower, there are no electrical  
38 sockets, and so I have absolutely no way of  
39 actually using this laptop while I'm in there.  
40 There are some other issues as well, like  
41 we're not allowed to have pens in segregation.  
42 There's no table in the cells, so even if I was  
43 able to use the laptop, it's very awkward and very  
44 difficult to take any notes or doing work. I have  
45 no access to the telephone.  
46 The staff that works in the segregation unit,  
47 sometimes it's very difficult or time-consuming

**BAN ON PUBLICATION - INHERENT JURISDICTION**

1           trying to get anything from them. I mean,  
2           literally sometimes it takes days of requesting  
3           and requesting.

4 THE COURT: What kinds of things to do you mean?

5 THE ACCUSED: Well, let's say -- sorry, I'm trying to  
6           think of something that would directly relate to  
7           my ability to prepare my defence. I'm having  
8           difficulty thinking of a specific example of that,  
9           but, say, for example, toilet paper or hygiene  
10          products, one of the things I've been having  
11          difficulty obtaining from them is the forms to  
12          purchase telephone time, and that's something that  
13          I require in order to prepare my defence because  
14          in order to contact my friend in Los Angeles who  
15          has been helping me, I would need to purchase  
16          phone time. That only goes on to our accounts on  
17          Fridays and now that I missed it this week, I  
18          would have to wait until next week to be able to  
19          contact my friend.

20                 And then, of course, the other issue which  
21                 doesn't relate to preparing my defence, but it  
22                 does concern me somewhat, is the ability to appear  
23                 presentable in court, as I have mentioned before.  
24                 As you can see, I haven't been able to shave, and  
25                 I'm afraid that that might give the jury the wrong  
26                 impression. I don't want them to think that I'm  
27                 not taking this seriously when I'm showing up  
28                 every day for this very serious trial, but it  
29                 doesn't look like I've even put the five minutes  
30                 in to prepare. In segregation, there's no way to  
31                 be able to do that. We're not allowed to have  
32                 razors and there's no mirrors.

33                 Oh, and if it helps at all, I actually have a  
34                 copy of the segregation order here, which somewhat  
35                 explains why I was moved to segregation, in case  
36                 there's maybe some belief or concern that it was  
37                 because of something that I had done.

38 THE COURT: Mr. Myhre, have you seen that?

39 MR. MYHRE: I haven't seen it, My Lady, but Mr. Fox has  
40           explained -- I don't need to see it. Mr. Fox,  
41           he's explained that it's basically because there's  
42           been news coverage and there are concerns by  
43           Corrections for his safety.

44                 My Lady, I was going to suggest that at the  
45                 morning break I get in contact with the warden at  
46                 the institution and find out whether there is a --  
47                 a way of addressing Mr. Fox's concerns. Certainly

3  
(Jury Out)  
Proceedings

**BAN ON PUBLICATION - INHERENT JURISDICTION**

1 I accept they're all legitimate.  
2 THE COURT: Would that be a good first step, Mr. Fox?  
3 THE ACCUSED: I believe so, yes.  
4 THE COURT: I would appreciate that, Mr. Myhre.  
5 Clearly something needs to be done. I do not  
6 wish, and probably don't have the jurisdiction, to  
7 interfere with classification decisions made by  
8 the warden, and I would generally respect those  
9 decisions, but the warden may not be aware of the  
10 need, given that Mr. Fox is representing himself,  
11 for him to have fairly easy access to the  
12 equipment and the materials he needs to prepare  
13 his defence and to -- and that means day by day,  
14 it can't all be done in advance of a trial, as  
15 everybody knows who's participated in a trial.  
16 There will be things he'll need to do as we go  
17 along.  
18 Is there anything that might assist while  
19 you're here in the courthouse, Mr. Fox? Mr.  
20 Sheriff, are there shower facilities here,  
21 facilities where Mr. Fox could shave, for  
22 instance?  
23 THE SHERIFF: Yeah, we do have such facilities  
24 downstairs, My Lady. Obviously I'm going to have  
25 to go through my sergeant downstairs to see if he  
26 can have the permission to do that. I don't see  
27 any reason why he wouldn't be able to, but I can't  
28 authorize that myself. And if there's anything  
29 else, just maybe Mr. Fox can assist with that.  
30 THE COURT: Mr. Fox, would you like to be able to do at  
31 lunchtime, say?  
32 THE ACCUSED: Sure, that would definitely be helpful,  
33 yes.  
34 THE COURT: And would you like me to say to the jury  
35 something about your inability to have shaved and  
36 just say that it's because of your circumstances,  
37 not because of any wish to appear disrespectful of  
38 the court?  
39 THE ACCUSED: I would appreciate that very much.  
40 THE COURT: So shall I do that first thing this  
41 morning?  
42 THE ACCUSED: Yes, please.  
43 THE COURT: All right. I was planning in any event to  
44 say something short to the jury about the fact  
45 that you're representing yourself, which is going  
46 to be more of a factor at this stage in the trial  
47 than earlier.

**4**  
**(Jury Out)**  
**Proceedings**

**BAN ON PUBLICATION - INHERENT JURISDICTION**

1 THE ACCUSED: Right.  
2 THE COURT: Obviously you were earlier on, but there  
3 was also Mr. Lagemaat here, and I was simply  
4 planning, and I will say to the jury that they are  
5 not to speculate as to why that is and it has  
6 absolutely no bearing on anything in the trial,  
7 and I can add to it comments about your  
8 circumstances have prevented you shaving and dress  
9 -- presenting yourself in the way you would like  
10 to, and that's out -- out of no disrespect to the  
11 court.  
12 THE ACCUSED: Thank you.  
13 THE COURT: All right. Any concerns, Mr. Myhre?  
14 MR. MYHRE: No, My Lady. So I think when the jury  
15 comes in the first order of business, according to  
16 Madam Registrar, we need to sort out some of the  
17 exhibits. We'll just make sure they're marked  
18 properly.  
19 THE COURT: All right.  
20 MR. MYHRE: My Lady, the second order of business after  
21 you give your instruction.  
22 THE COURT: I understand from Madam Registrar that the  
23 defence binder didn't get marked. I thought it  
24 had been marked as Exhibit 2, but apparently it's  
25 not marked.  
26 MR. MYHRE: I missed that, too.  
27 THE COURT: I'm sorry?  
28 MR. MYHRE: I missed that as well.  
29 THE COURT: All right. So it obviously needs to be  
30 marked, and so what's its number going to be?  
31 We'll do it when the jury's here.  
32 THE CLERK: Exhibit 6, My Lady.  
33 THE COURT: All right. So it will be --  
34 THE CLERK: The two I have is a three-page document,  
35 the birth -- certification of birth.  
36 THE COURT: Yes. All right. Now, what about are there  
37 any other exhibits that should have been marked  
38 and weren't?  
39 THE CLERK: No, just this one, My Lady.  
40 MR. MYHRE: As long as we caught the three that came up  
41 in re-exam.  
42 THE COURT: I think we have Exhibit 4 -- 3 --  
43 THE CLERK: 4 and 5.  
44 THE COURT: -- 4 and --  
45 THE CLERK: 3 and 4 are email chains, and 5 is a  
46 printout of all the emails.  
47 THE COURT: Yes.

**BAN ON PUBLICATION - INHERENT JURISDICTION**

1 MR. MYHRE: And I do have more copies of that one  
2 exhibit.  
3 THE COURT: All right. Thank you. Anything else we  
4 should address before the jury comes in?  
5 THE ACCUSED: Not from me.  
6 THE COURT: All right. Now, Mr. Fox, you know about  
7 the next witness, the audio-recording is going to  
8 be played, so that will be some hours, I  
9 understand, and after that, you'll have an  
10 opportunity to cross-examine the witness. Mr.  
11 Fox, you're aware of what that involves and do you  
12 need -- do you have any questions about that?  
13 THE ACCUSED: No. No, I'm pretty clear on what that  
14 will involve, and I don't anticipate that there  
15 would be much cross-examination required of  
16 Constable Potts.  
17 THE COURT: All right. Thank you.  
18 MR. MYHRE: My Lady, I should add with regards to that  
19 statement, there are a couple blank sections as  
20 they're in our -- I would be proposing to just  
21 fast-forward through those. It will be clear from  
22 the transcript that we won't have missed anything,  
23 but there's one 25-minute portion, it's just blank  
24 space or silence; there's another 2-minute portion  
25 where Mr. Fox is using the washroom, I think we  
26 could probably skip over that; and then there's  
27 another roughly 10-minute portion towards the end.  
28 THE COURT: All right. Do you agree to that?  
29 THE ACCUSED: Yes.  
30 THE COURT: All right. All right. Could we have the  
31 jury, please?  
32 THE SHERIFF: Yes, My Lady.  
33 The jury, My Lady.  
34  
35 (JURY IN)  
36  
37 THE COURT: Good morning. Members of the jury, before  
38 we start with the next witness, I'd like to say  
39 something to you about the fact that, as I  
40 mentioned at the start of the trial, Mr. Fox is  
41 representing himself during this trial. He is  
42 conducting his own defence, except that, as you  
43 saw, Mr. Lagemaat conducted the defence  
44 cross-examination of Ms. Capuano. That  
45 cross-examination of Ms. Capuano's evidence is now  
46 complete and Mr. Lagemaat will have no further  
47 involvement in the trial.



**Proceedings****BAN ON PUBLICATION - INHERENT JURISDICTION**

1           Do not try to guess why Mr. Fox does not have  
2 a lawyer. The fact that Mr. Fox is not  
3 represented by a lawyer has nothing to do with  
4 your decision in this case. It is not evidence  
5 for you to consider in reaching your verdict.  
6 Take nothing from it, nothing at all one way or  
7 another.

8           The other thing I will say is that, as you  
9 may have noticed, today and previous days Mr. Fox  
10 has been unable to shave and unable to present  
11 himself in the way he would like. This is because  
12 of his circumstances, it has nothing to do with  
13 any disrespect for the court, and steps are being  
14 taken to allow Mr. Fox to present himself more in  
15 the way he would like as we go on in this trial.

16           There is a housekeeping matter. We --  
17 counsel and Mr. Fox realized, and Madam Registrar,  
18 the defence binder that you were given, the black  
19 binder, was never marked as an exhibit. It should  
20 have been, I thought it had been, but it wasn't.  
21 That's my oversight. So we need to mark that as  
22 an exhibit and it will be Exhibit 6. I may have  
23 referred to it once or twice as Exhibit 2. That's  
24 my error, and if I did, please make the mental  
25 correction and call it Exhibit 6.

26  
27           **EXHIBIT 6: Binder containing printouts of**  
28           **emails from Desiree Capuano from 2015/2016**  
29

30 THE COURT: I think -- and you'll see Mr. Fox is now  
31 sitting at counsel table, where he will more  
32 easily be able to conduct his defence.

33 MR. MYHRE: My Lady, just to follow up on yesterday, I  
34 was short with one of the emails and so if I could  
35 give these to Mr. Sheriff to hand up if any of the  
36 jury members didn't get them. That was the one  
37 email dated April 20th, 2015, from Ms. Capuano to  
38 Mr. Fox.

39           My Lady, it's the Crown's intention to spend  
40 most of the morning playing an audio-recorded  
41 statement Mr. Fox gave to police and so the  
42 Crown's next witness is Constable Jason Potts.

43 THE COURT: Mr. Myhre, I will say something to the jury  
44 about audio recordings. I can do that when we get  
45 to that point or...  
46  
47

**Proceedings****BAN ON PUBLICATION - INHERENT JURISDICTION**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47

**JASON POTTS**

a witness called for the  
Crown, sworn.

THE CLERK: Please state your full name and spell your  
last name for the record.

A Jason Robert Potts, P-o-t-t-s.

THE COURT: Thank you. You may be seated if you'd  
like.

**EXAMINATION IN CHIEF BY MR. MYHRE:**

Q Constable Potts, you are a member of the Burnaby  
RCMP?

A That is correct.

Q And you have been for the last seven years?

A Correct.

Q And you're on a specific team that is charged with  
interviewing suspects?

A Correct.

Q How long have you been with that unit?

A I've been with that unit for three years.

Q I understand that on June the 16th, 2016, you were  
tasked with interviewing a man you were -- you  
knew as Patrick Fox in relation to a complaint of  
harassment?

A Correct.

Q And you had roughly a three-hour interview with  
Mr. Fox?

A Correct.

Q That video was -- or that interview was video and  
audiotaped?

A Correct.

Q And you subsequently learned that the audio on the  
videotape was of very poor quality?

A Correct.

Q And you've reviewed a transcript that was prepared  
of the audio-recording?

A Yes, I have.

Q And you also referred to -- during the course of  
that interview, you referred to a few different  
documents. You showed them to Mr. Fox and they  
were discussed?

A That's correct.

Q I see that you have a book in front of you that's  
titled "Statement of Patrick Fox, June 16th,  
2016," and you also have a stapled set of

**Jason Potts (for Crown)**  
**in chief by Mr. Myhre**  
**BAN ON PUBLICATION - INHERENT JURISDICTION**

1 documents?

2 A Correct.

3 Q And that stapled set of documents are the  
4 documents that you showed to Mr. Fox during the  
5 interview?

6 A That's correct.

7 MR. MYHRE: My Lady, could we hand copies of these two  
8 things to members of the jury? And we'll be  
9 asking they be marked at the end of the statement.

10 THE COURT: All right. And we'll deal with whether  
11 they become exhibits or not at the end of the  
12 statement.

13 MR. MYHRE: Thank you.

14 THE COURT: Is there one for me, please? Thank you.

15 MR. MYHRE: Thank you.

16 THE SHERIFF: We're short one, counsel, of the  
17 statement.

18 MR. MYHRE:

19 Q Constable Potts, we're going to play the  
20 audio-recording right now, and I would ask that  
21 when we come to a point where you are showing a  
22 document to Mr. Fox, that you just signal me, I'll  
23 stop the audio, and you can tell us which document  
24 is being referred to.

25 A Sure. That's sounds fine.

26 THE COURT: Mr. Myhre, before you play the audio, I  
27 will say something to the jury about how to deal  
28 with audio recordings as evidence.

29 So you're about to hear an audio-recording  
30 of, the Crown says, Mr. Fox speaking with  
31 Constable Potts. Please listen to it very  
32 carefully. You now each have a transcript of the  
33 audio-recording. The transcript is just an aid to  
34 help you follow the recording as it's played. The  
35 transcript is not evidence; only the  
36 audio-recording itself will be evidence. If you  
37 -- if what you read on the transcript differs from  
38 what you hear on the audio-recording, you are to  
39 go by what you hear for yourself and not what you  
40 read in the transcript. And if the speakers you  
41 hear are different from those identified in the  
42 transcript, it's for you to decide who is speaking  
43 and what is said. You decide this from what you  
44 hear on the recording and any other evidence that  
45 is given in the trial about the identity of the  
46 speakers.

47 The audio-recording, assuming it's ultimately

**Jason Potts (for Crown)**  
**in chief by Mr. Myhre**  
**BAN ON PUBLICATION - INHERENT JURISDICTION**

1 marked as an exhibit, will be available to you in  
2 the jury room, where you may listen to it if you  
3 need to during your deliberations. It will be up  
4 to you to decide whether or how often you want to  
5 listen to it or to any part of it again. You may  
6 listen to it as many times as you wish to help you  
7 determine who is speaking and what they are  
8 saying.

9 You may also take the transcript with you to  
10 the jury room for your deliberations to help you  
11 determine what is actually on the audio-recording,  
12 but remember that if you find any differences  
13 between the audio-recording and the transcript,  
14 you must rely on what you hear on the  
15 audio-recording rather than what you see in the  
16 transcript.

17 In listening to the audio-recording, be  
18 careful to distinguish between what Mr. Fox says  
19 and what Constable Potts or anyone else on the  
20 audio-recording are saying. What other people say  
21 -- what Constable Potts or what other people say  
22 might help you figure out what Mr. Fox says and  
23 what his words mean, but Mr. Fox can be held  
24 responsible only for what he actually says, not  
25 for what others say. It's only what Mr. Fox said  
26 that is evidence concerning Mr. Fox. So what  
27 others say may provide a context for understanding  
28 what Mr. Fox says, but only Mr. Fox's words as  
29 understood in that context are evidence of what  
30 Mr. Fox has done or intended to do.

31 So that's my direction on audio recordings.  
32 I will say something similar in the instructions  
33 that I give you at the end of the trial, just to  
34 remind you of this. Thank you for your attention  
35 to that and we can go on, Mr. Myhre.

36 MR. MYHRE:

37 Q And that vein of Your Ladyship's instruction,  
38 Constable Potts, there are some things that you  
39 say in this interview that are not necessarily  
40 your personal views, you say them as part of your  
41 job as an interviewer?

42 A That's correct.

43

44 (AUDIO/VIDEO BEING PLAYED)

45 (AUDIO/VIDEO STOPPED)

46

47 MR. MYHRE: Pardon me, My Lady, I did not reset that.

**Jason Potts (for Crown)**  
**in chief by Mr. Myhre**  
**BAN ON PUBLICATION - INHERENT JURISDICTION**

1

2

(AUDIO/VIDEO BEING PLAYED)

3

(AUDIO/VIDEO STOPPED)

4

5

MR. MYHRE: My Lady, there's about a two-minute silence here, so I'm just going to bump the audio-recording ahead.

6

7

8

THE COURT: Right. Agreed, Mr. Fox?

9

THE ACCUSED: Yes.

10

11

(AUDIO/VIDEO BEING PLAYED)

12

(AUDIO/VIDEO STOPPED)

13

14

MR. MYHRE: My Lady, I just note the time. I wonder if this might be a good time for the break.

15

16

THE COURT: All right, we'll take the break, members of the jury.

17

18

19

(JURY OUT)

20

21

THE COURT: All right. Thank you.

22

THE CLERK: Order in court. This court stands adjourned for the morning recess.

23

24

MR. MYHRE: My Lady, there's something the Crown should alert you to that's coming in this statement and I just want to canvass it. I don't think there are any concerns. But later on in the statement Constable Potts arrests Mr. Fox for the offence of exporting firearms to the United States for which he's not charged on the indictment before the jury. I -- it doesn't seem to me that there would be any prejudice flowing from that. It should be obvious to the jury what he's charged with. Maybe that would warrant a mention in the charge to the jury, but I -- I just raise it just in case Mr. Fox has any concern about it.

25

26

27

28

29

30

31

32

33

34

35

36

37

THE COURT: Is -- does that relate to the events that are charged in Count 2?

38

39

MR. MYHRE: Yes.

40

THE COURT: So the issue is simply that the arrest is for a different offence than the one we now see, but in relation to the same events, is -- and the different offence is probably a more serious one, is it?

41

42

43

44

45

MR. MYHRE: It is, yes. I mean, I'm not sure that would be intuitive to a jury member, but when you look at it there is a three-year minimum for

46

47

**BAN ON PUBLICATION - INHERENT JURISDICTION**

1 exporting firearms, there's no minimum for a s.  
2 93.  
3 THE ACCUSED: Although, to clarify, the RCMP first  
4 charged me with s. 1(4), unlawful exportation of  
5 firearms. The Crown then changed it to unlawful  
6 exportation of firearm knowing it to be unlawful.  
7 That's the one that has the minimum three years.  
8 THE COURT: Can I perhaps just tell the jury that this  
9 is going to happen and it's simply that the  
10 offence that Constable Potts made the arrest for  
11 is a different one from the one we see on the  
12 indictment, but it relates to the same events that  
13 are alleged in the offence we see in the  
14 indictment? Would that be a fair way of dealing  
15 with that?  
16 THE ACCUSED: I'm okay with it. I have no opposition  
17 to the statement being put in because I assume I'm  
18 going to be able to cross-examine Constable Potts  
19 on it afterwards.  
20 THE COURT: Yes.  
21 MR. MYHRE: I'm content with that.  
22 THE COURT: Do I -- is it preferable that I say  
23 something or nothing?  
24 MR. MYHRE: I actually think nothing needs to be said,  
25 but --  
26 THE COURT: All right. Do you --  
27 MR. MYHRE: -- unless Mr. Fox has a concern.  
28 THE COURT: Do you agree, Mr. Fox?  
29 THE ACCUSED: I agree.  
30 THE COURT: All right. Then I will say nothing. Thank  
31 you for alerting me to it, though. All right.  
32 THE CLERK: Order in court. This court stands  
33 adjourned for the morning recess.

34  
35 (WITNESS STOOD DOWN)

36  
37 (PROCEEDINGS ADJOURNED FOR MORNING RECESS)

38 (PROCEEDINGS RECONVENED)

39  
40 **JASON POTTS, recalled.**

41  
42 MR. MYHRE: We're ready to go.  
43 THE COURT: Please.  
44 THE ACCUSED: Okay. Thank you. Okay.  
45 THE SHERIFF: The jury, My Lady.

46  
47 (JURY IN)

**Jason Potts (for Crown)**  
**in chief by Mr. Myhre**  
**BAN ON PUBLICATION - INHERENT JURISDICTION**

1  
2 MR. MYHRE: And, My Lady, I'll pick up just where we  
3 left off.  
4 THE COURT: Thank you.  
5  
6 (AUDIO/VIDEO BEING PLAYED)  
7 (AUDIO/VIDEO STOPPED)  
8  
9 MR. MYHRE: My Lady, I note the time.  
10 THE COURT: All right. We'll take the lunch break,  
11 then, thank you, members of the jury.  
12  
13 (JURY OUT)  
14  
15 THE COURT: Is there anything we need to address before  
16 the lunch hour?  
17 MR. MYHRE: No, My Lady.  
18 THE COURT: Good. Thank you.  
19 THE CLERK: Order in court. This court stands  
20 adjourned till two o'clock p.m.  
21  
22 (WITNESS STOOD DOWN)  
23  
24 (PROCEEDINGS ADJOURNED FOR NOON RECESS)  
25 (PROCEEDINGS RECONVENED)  
26  
27 **JASON POTTS, recalled.**  
28  
29 MR. MYHRE: My Lady, I was just letting Mr. Fox know I  
30 did speak with one of the assistant wardens with  
31 North Fraser and there are going to -- going to  
32 put him in isolation this weekend and have a  
33 discussion with him about protective custody, so I  
34 set out what Mr. Fox's concerns were and I take it  
35 those are options for addressing his concerns.  
36 THE ACCUSED: It's my understanding from what I know of  
37 the isolation custody that that should address  
38 those issues.  
39 THE COURT: All right. Thank you for doing that, Mr.  
40 Myhre, and I hope that works out satisfactorily so  
41 that you can prepare your defence as you need to  
42 do, or in the way that you need to do it. Mr.  
43 Fox, if you have any further difficulties, then  
44 please raise them and I'll -- I'll deal with them  
45 in the best way I can.  
46 THE ACCUSED: Thank you.  
47 THE COURT: All right. Thank you.

**Proceedings****BAN ON PUBLICATION - INHERENT JURISDICTION**

1 MR. MYHRE: Otherwise ready, My Lady.

2 THE COURT: All right. Please.

3 THE SHERIFF: The jury, My Lady.

4

5 (JURY IN)

6

7 MR. MYHRE: So, My Lady, I'll just be continuing on,  
8 and I think we were at page 58 of the transcript.

9

10 (AUDIO/VIDEO BEING PLAYED)

11 (AUDIO/VIDEO STOPPED)

12

13

14 **EXAMINATION IN CHIEF BY MR. MYHRE, CONTINUING:**

15

16 Q I'm just going to stop there. Constable Potts,  
17 are you referring to one of these documents right  
18 at this spot in the interview?

19 A Yes, the first page on that three-page -- the  
20 email there.

21 Q The email from Desiree Capuano to Jean-Phillipe  
22 Dupont?

23 A Correct.

24 Q Thank you.

25

26 (AUDIO/VIDEO BEING PLAYED)

27 (AUDIO/VIDEO STOPPED)

28

29 MR. MYHRE:

30 Q And, Constable, are you referring to another  
31 document at this point?

32 A Yeah, to page 2. It's -- it's like a -- it's a  
33 screenshot from the website. It's got a photo of  
34 James Pendleton underneath.

35

36 (AUDIO/VIDEO BEING PLAYED)

37 (AUDIO/VIDEO STOPPED)

38

39 MR. MYHRE: So, My Lady, I'm just going to advance now  
40 to line 1682 of the transcript. It's about a  
41 10-minute period I understand there's nothing that  
42 happens.

43 THE COURT: All right.

44

45 (AUDIO/VIDEO BEING PLAYED)

46 (AUDIO/VIDEO STOPPED)

47



**Jason Potts (for Crown)**  
**in chief by Mr. Myhre**  
**BAN ON PUBLICATION - INHERENT JURISDICTION**

1 MR. MYHRE: So, My Lady, I'm just going to skip ahead.  
2 There's another blank section and I'm going to  
3 skip ahead to line 1790 of the transcript where  
4 Constable Potts comes back into the room.  
5

6 (AUDIO/VIDEO BEING PLAYED)

7 (AUDIO/VIDEO STOPPED)  
8

9 MR. MYHRE: And, My Lady, I'm just going to advance to  
10 the next line in the transcript. It's  
11 approximately seven minutes on the audio.  
12

13 (AUDIO/VIDEO BEING PLAYED)

14 (AUDIO/VIDEO STOPPED)  
15

16 MR. MYHRE: My Lady, I do note the time. There are six  
17 minutes left in this statement. I probably have  
18 one or two minutes with questions for Constable  
19 Potts after that.

20 THE COURT: Shall we just continue on? All right,  
21 please.  
22

23 (AUDIO/VIDEO BEING PLAYED)

24 (AUDIO/VIDEO STOPPED)  
25

26 MR. MYHRE:

27 Q So, Constable Potts, the third page of the three  
28 stapled documents I handed you, did you actually  
29 show those to Mr. Fox during the interview?

30 A Yeah. I think it was just -- it was in my hand  
31 and he could have seen it at some point, and our  
32 training is anything that, you know, could have  
33 been in view we need to lodge as an exhibit.

34 Q I see. So you don't remember specifically  
35 discussing it?

36 A I don't recall.

37 Q Did that audio accurately capture your interview  
38 with Mr. Fox?

39 A Yes, it did.

40 Q Okay. And would you recognize Mr. Fox if you saw  
41 him again?

42 A I would.

43 Q Do you see him here in the courtroom?

44 A Yes, I do.

45 Q What's he wearing, please?

46 A He's wearing an orange sweater, glasses.

47 Q The person on my left?

**Jason Potts (for Crown)  
in chief by Mr. Myhre  
BAN ON PUBLICATION - INHERENT JURISDICTION**

1 A Yes.

2 MR. MYHRE: My Lady, could we mark the CD as an  
3 exhibit, please?

4 THE COURT: All right. The CD or the audio-recording  
5 will be the next exhibit.

6 THE CLERK: It's Exhibit 7, My Lady.

7 MR. MYHRE: Madam Registrar, I apologize, I don't have  
8 a sleeve.

9

10 **EXHIBIT 7: DVD containing recorded statement**  
11 **of Patrick Fox given to Jason Potts on**  
12 **June 16, 2016**

13

14 MR. MYHRE: Could we mark the transcript as well,  
15 please, My Lady, and the three stapled documents?

16 THE COURT: All right. Transcript, Exhibit 8.

17

18 **EXHIBIT 8: Binder titled "Statement of**  
19 **Patrick Fox, June 16, 2016"**

20

21 THE COURT: And the three stapled documents together,  
22 Exhibit 9.

23

24 **EXHIBIT 9: Documents shown to Patrick Fox**  
25 **during interview on June 16, 2016**

26

27 MR. MYHRE: Those are all my questions for Constable  
28 Potts.

29 THE COURT: All right. Thank you, Crown. So, the  
30 jury, we'll take the afternoon break now. Thank  
31 you.

32

33 (JURY OUT)

34

35 THE COURT: Mr. Fox, do you have questions or concerns  
36 about the cross-examination? And I can ask  
37 Constable Potts to leave the courtroom if you do.

38 THE ACCUSED: No, I don't.

39 THE COURT: All right.

40 THE ACCUSED: I do have a few questions to ask him  
41 afterwards, though.

42 THE COURT: In cross-examination?

43 THE ACCUSED: Yeah.

44 THE COURT: All right. Thank you. We'll take the  
45 afternoon break.

46 THE CLERK: Order in court. This court stands  
47 adjourned for the afternoon recess.

**BAN ON PUBLICATION - INHERENT JURISDICTION**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47

(WITNESS STOOD DOWN)

(PROCEEDINGS ADJOURNED FOR AFTERNOON RECESS)  
(PROCEEDINGS RECONVENED)

**JASON POTTS, recalled.**

THE COURT: Are you ready, Mr. Fox?

THE ACCUSED: I'm ready, yes.

THE COURT: Right. Please.

THE SHERIFF: The jury, My Lady.

(JURY IN)

**CROSS-EXAMINATION BY THE ACCUSED:**

Q Constable Potts, during the interview that we just listened to, there was a statement made by myself that I had sent my firearms or moved my firearms to the United States, right, and that led to you arresting me for s. 104, unlawful exportation of firearms; is that correct?

A Correct.

Q Do you know whatever became of that charge?

A I was advised by Crown that at some point the charge is stayed.

Q Okay. So it's no longer being prosecuted, right?

A I mean, there was never a finding of guilt, the charges just went away, is that fair?

A That's what I'm led to believe.

Q Now, you had -- you had asked in the interview if there would be anything in my computers or on my phone, etc., that the RCMP's techie guys might be able to find that would suggest that I was planning on or that I was going to Arizona?

A I said that, correct.

Q Something to that effect anyway, right. Do you know was any such evidence or anything indicative of that at all found?

A I couldn't say because my role --

Q Right.

A -- was just to interview.

Q Okay.

A I had passed on the information to the lead investigator and didn't follow up on this file afterwards.

**Jason Potts (for Crown)**  
**cross-exam by the Accused**  
**BAN ON PUBLICATION - INHERENT JURISDICTION**

1 Q Okay. So I'll take that as a no, then, because I  
2 was asking if you know of any?  
3 A I don't of any.  
4 Q Okay. And, I'm sorry, how long did you say that  
5 you've been in law enforcement?  
6 A Eight years --  
7 Q Okay.  
8 A -- at this point.  
9 Q During that time, you've conducted some number,  
10 I'm sure, of interviews with suspects?  
11 A Many. Very many.  
12 Q And would you say that you're fairly adept at  
13 identifying or telling when somebody is lying or  
14 withholding information, I mean, just in your own  
15 opinion, your perception of yourself?  
16 THE COURT: Now, Mr. --  
17 THE ACCUSED: Sorry.  
18 THE COURT: -- Fox, I should make sure you realize that  
19 questions to witnesses about whether somebody is,  
20 in their opinion, telling the truth are not  
21 allowed because often it's for the jury to make  
22 that determination.  
23 THE ACCUSED: Right.  
24 THE COURT: So we don't rely on witnesses to give  
25 opinions about people's truthfulness. I don't  
26 know if that's where you're going, but just keep  
27 that in mind.  
28 THE ACCUSED:  
29 Q Do you have any training in the area of conducting  
30 interrogations?  
31 A Yes.  
32 Q Okay. And during the course of this interview  
33 that we had just listened to, did you at any point  
34 have the impression that I was being deceitful and  
35 misleading, withholding information or lying about  
36 any --  
37 THE COURT: Now, that's going to be the same problem,  
38 Mr. Fox.  
39 THE ACCUSED: Okay, thanks. That's all the questions I  
40 have.  
41 THE COURT: Thank you. Mr. Myhre?  
42 MR. MYHRE: Nothing, My Lady.  
43 THE COURT: Thank you very much --  
44 A Thank you, My Lady.  
45 THE COURT: -- Constable Potts.  
46  
47 (WITNESS EXCUSED)

## Proceedings

## BAN ON PUBLICATION - INHERENT JURISDICTION

1  
2 MR. MYHRE: My Lady, the Crown doesn't have any more  
3 witnesses to call today. We've got three for  
4 Monday morning, the final three Crown witnesses.  
5 THE COURT: All right. Members of the jury, I'm going  
6 to ask you to go to the jury room for just a few  
7 minutes and then we'll resume, please.  
8  
9 (JURY OUT)  
10  
11 THE COURT: Since we're obviously nearing the end of  
12 the Crown's case, I thought we should have a quick  
13 discussion about scheduling so that I can give the  
14 jury a rough idea of what to expect, if it's  
15 appropriate to do so.  
16 Mr. Myhre, I can't recall offhand how long  
17 these three witnesses are expected to be.  
18 MR. MYHRE: I'm fairly comfortable they'll be done in  
19 the morning on Monday, My Lady. The Crown will  
20 also be tendering one admission as well as two  
21 affidavits under the *Canada Evidence Act*, but  
22 that's the kind of thing that will only take a few  
23 minutes.  
24 THE COURT: All right. And has Mr. Fox seen those  
25 affidavits?  
26 MR. MYHRE: Yes, and --  
27 THE ACCUSED: I have.  
28 THE COURT: There's no issue about them going in? All  
29 right.  
30 MR. MYHRE: My Lady, just on that subject, I don't  
31 know, in a jury trial, should they each be getting  
32 a copy of those things? It doesn't really seem to  
33 me that they need them.  
34 THE COURT: What's -- what's in the -- what -- what do  
35 they deal with?  
36 MR. MYHRE: Whether Mr. Fox had a licence and what that  
37 licence allowed, whether he possessed firearms and  
38 the nature of those firearms.  
39 THE COURT: How long are the affidavits?  
40 MR. MYHRE: I think one is two pages and one is four  
41 pages. Really all they say is a fact that I don't  
42 think is a big issue in this trial, which is that  
43 Mr. Fox had his licence, it had certain  
44 restrictions and --  
45 THE COURT: Does it set out the restrictions?  
46 MR. MYHRE: One of the documents does, yes.  
47 THE COURT: That might be useful for them to have.

**BAN ON PUBLICATION - INHERENT JURISDICTION**

1 MR. MYHRE: I do -- I can certainly make copies.  
2 THE COURT: I'm just thinking that -- whether there's  
3 defence evidence or not, it might be useful for  
4 them to have that in following what then follows  
5 in the trial to know what the restriction is and  
6 isn't, so I would suggest perhaps those could be  
7 copied, unless there's a reason -- Mr. Fox, unless  
8 you have some objection to the jury having copies  
9 of them?  
10 THE ACCUSED: No, no, I have no objection to that at  
11 all. I'm -- I'm just -- I'm just thinking,  
12 though, I don't believe it's actually restrictions  
13 because, by default, a person is not permitted to  
14 transport their firearms anywhere unless their ATT  
15 authorizes explicitly. I'll -- I'll review it and  
16 -- over the weekend.  
17 THE COURT: All right. Mr. Fox, I've said this a  
18 number of times, that you don't have an obligation  
19 to indicate whether you're calling a defence or  
20 not, in the sense of either giving evidence  
21 yourself or calling witnesses, but you have told  
22 me on previous occasions that you do expect to  
23 testify. Is -- did I get that right and is that  
24 still the case or do you wish to reserve your  
25 right to make that decision when we get to the end  
26 of the Crown's case?  
27 THE ACCUSED: Previously I was intending to testify.  
28 That had a lot to do, though, with my concerns  
29 about the 486.3 appointment. Those concerns no  
30 longer exist and so at this point I don't believe  
31 that it's going to be necessary for me to testify.  
32 I was very happy with Mr. Lagemaat's performance  
33 and there was no evidence that I was adamant about  
34 putting before the jury that he refused -- or that  
35 didn't get put before the jury, which is why I was  
36 going to testify.  
37 THE COURT: I see.  
38 THE ACCUSED: Given my experience, I'm sorry, with Mr.  
39 Hawkins and Mr. [indiscernible] previously in  
40 this case.  
41 THE COURT: All right. Now, the decision whether or  
42 not to testify is probably one of the most  
43 important decisions that an accused person makes  
44 in a trial. Is it a decision that you would like  
45 some assistance with from a defence counsel?  
46 THE ACCUSED: I had spoken briefly with counsel about  
47 it and purely by coincident, I suppose, the

**BAN ON PUBLICATION - INHERENT JURISDICTION**

1 statement which was just played for the jury, in  
2 my opinion, provided the opportunity for me to be  
3 able to provide my story or my side of the story  
4 to the jury, while at the same time not subjecting  
5 me to cross-examination, so --  
6 THE COURT: You don't have to tell me your --  
7 THE ACCUSED: Sure.  
8 THE COURT: -- your considerations, but --  
9 THE ACCUSED: Right.  
10 THE COURT: -- what I want you to understand is that if  
11 you need a short period of time to get some legal  
12 advice to assist you with that decision, I would  
13 consider giving you that short period of time.  
14 THE ACCUSED: Okay. Thank you.  
15 THE COURT: And if you're at a loss about how you would  
16 go about getting legal advice, then I may be able  
17 to assist with some suggestions. So you can  
18 either let me know that now or on Monday.  
19 THE ACCUSED: Okay. I don't believe so, that that will  
20 be necessary, because at this point I do not  
21 intend to testify.  
22 THE COURT: But if you wish time to get some legal  
23 advice to help you determine whether that decision  
24 is in your best interests or not, I'll consider --  
25 I would likely give you a short period of time to  
26 get that legal advice and make sure that you have  
27 avenue you can pursue. So just be aware of that.  
28 THE ACCUSED: Thank you.  
29 THE COURT: So that discussion, I think, ends up in a  
30 place in which the scheduling next week is a  
31 little bit uncertain, which is fine, that's often  
32 the case. I simply wondered whether we could tell  
33 the jury that there's no possibility they would be  
34 deliberating next week, but obviously that's not  
35 the case, there is a possibility they'll be  
36 deliberating next week.  
37 THE ACCUSED: It's my opinion that there's a very  
38 strong possibility that they will be deliberating  
39 next week. There are some witnesses that I am  
40 considering still calling, but even those I am not  
41 sure are going to be necessary at this point. I  
42 mean, it's entirely possible and entirely  
43 fathomable to me at this point that we might just  
44 finish with the Crown's case next week and that I  
45 won't call any evidence.  
46 THE COURT: All right. Subject to anything either you,  
47 Mr. Fox, or you, Mr. Myhre, might -- further might

**BAN ON PUBLICATION - INHERENT JURISDICTION**

1           have to add, I will ask the jury to come back in,  
2           I'll excuse them for the day, I'll tell them that  
3           our schedule next week is uncertain, and that I'll  
4           be able to tell them more either on Monday or on  
5           Tuesday. I think that's the best I can do as far  
6           as giving them any certainty. I will say perhaps  
7           that the case is moving more quickly than we were  
8           expecting. Is that fair?  
9   MR. MYHRE: Yes. My Lady, could I canvass one other --  
10   THE COURT: Yes.  
11   MR. MYHRE: -- logistical issue with evidence on  
12           Monday? I am -- I would like to put the witness  
13           Manvir Mangat on the stand first because he's a --  
14           a --  
15   THE COURT: Can we deal with this after I talk to the  
16           jury? Does it affect the overall timing in any  
17           way?  
18   MR. MYHRE: No, it doesn't.  
19   THE COURT: All right. So could the jury come back in?  
20   THE SHERIFF: The jury, My Lady.

21  
22                           (JURY IN)

23  
24   THE COURT: Thank you. Please have a seat. Members of  
25           the jury, I would like to try and give you the  
26           best estimate as possible about our timing in this  
27           case. There are still some uncertainties in our  
28           timing as we go forward, but what I can tell you  
29           is that we are moving more quickly than was  
30           estimated when this trial was scheduled.  
31           I think it will be on either Monday or  
32           Tuesday that I will be able to give you a much  
33           more precise estimate of roughly when it is that  
34           you would be starting your deliberations, but it  
35           would be foolish of me to try to give you that  
36           estimate now. I think we need to go a little  
37           further in the case and then I'll be able to give  
38           you a better estimate.  
39           So I will excuse you for the day now, ask you  
40           all to be back and ready Monday morning, the usual  
41           time, and thank you for your careful attention all  
42           through the week this first week. Thank you very  
43           much.

44  
45                           (JURY OUT)

46  
47   MR. MYHRE: The second witness is the -- on Monday is



**BAN ON PUBLICATION - INHERENT JURISDICTION**

1 the ATF agent, Frank Spizuoco, and Agent Spizuoco  
2 took pictures of some boxes that he opened down in  
3 California, and so we have a book of those  
4 documents. I would -- just want to canvass the  
5 fact that I want to show Manvir Mangat the first  
6 two or three pages of that book, and so what I  
7 would like to do is have those pictures just  
8 marked as an exhibit for identification in the  
9 morning and then I can show them to Mr. Mangat,  
10 ask him to look at the first three pages, and then  
11 the exhibit will be fully identified by Agent  
12 Spizuoco, who comes after. I just wanted to  
13 canvass that in case there was any issue with  
14 proceeding in that way with those photos.

15 THE COURT: All right.

16 THE ACCUSED: I have no objection.

17 THE COURT: Thank you, Mr. Fox. It's not an unusual  
18 way to proceed, and what we often do in that  
19 situation is mark the exhibit for identification  
20 when it's shown to the first witness who didn't  
21 actually take the photographs, but is being asked  
22 to comment on them in some way, and then when the  
23 second witness comes who actually took the  
24 photographs and can testify about taking them and  
25 can authenticate them, then, assuming that's all  
26 done satisfactorily, then the thing becomes an  
27 exhibit. All right.

28 Now, just looking ahead again, Mr. Fox, if  
29 you do decide to call evidence, you are entitled  
30 to make an opening address to the jury, and as I'm  
31 sure you've read in the various materials you've  
32 been given or looked at, that's not an opportunity  
33 to argue the case, your opportunity to argue the  
34 case comes at the very end in your closing  
35 address. It's -- the opening address is your  
36 opportunity to simply give the jury an overview of  
37 what you expect the evidence to be that you're  
38 planning on calling.

39 So you might want to think about preparing  
40 such an opening if you wish to give one. That's  
41 only if you're calling evidence. If you're not  
42 calling evidence, then the next step would be that  
43 we go to closing addresses. And let's assume that  
44 we do finish the three Crown witnesses by  
45 lunchtime on Monday. I would definitely not see  
46 forcing things on to do closing addresses on  
47 Monday afternoon. I would imagine that both you

**BAN ON PUBLICATION - INHERENT JURISDICTION**

1 and Mr. Myhre would need some time to repair those  
2 closing addresses, and we -- I suppose we could  
3 talk now about roughly how much time you think you  
4 would need, or we can do that once we get to that  
5 stage.

6 There is another stage that probably hasn't  
7 been developed very much in the materials you've  
8 looked at. Have a seat, Mr. Fox. You don't need  
9 to be standing up all the time. But thank you.  
10 And that is that, as you know, at the very end of  
11 the trial I give instructions to the jury and they  
12 are quite detailed, and it's my practice and the  
13 practice of many judges these days to give a  
14 written version of the instructions in the same  
15 way I did with the opening instructions so that  
16 the jury can read along, and it's my practice to  
17 give a draft of those instructions to both sides,  
18 Mr. Myhre, and to you, Mr. Fox, enough in advance  
19 that you have an opportunity to read them and make  
20 comments and suggestions, and there may, indeed,  
21 be entire areas of the instructions that either  
22 should not be included at all or additional  
23 subjects that should be included for instruction  
24 types of evidence, for instance. In those  
25 instructions, too, I will summarize the position  
26 of the Crown and -- and of -- the position of the  
27 defence as best I understand it, and it's very  
28 helpful to me to have each of you review my  
29 summary to make sure that it accurately captures  
30 the position you wish put before the jury.

31 So all of that is to say that it's a process  
32 that does take some time and we need to build that  
33 into the schedule and make sure that you have time  
34 to review what I've drafted and that we have time  
35 for discussion of the charge and for me to make  
36 any revisions that need to be made, and I'm sure  
37 there will be many.

38 Does that give rise to any questions? Mr.  
39 Fox, any concerns?

40 THE ACCUSED: No. No, My Lady.

41 THE COURT: All right. Mr. Myhre?

42 MR. MYHRE: My Lady, I'm just trying to think through  
43 what the timeline might be, then, next week. In  
44 the event Mr. Fox decided not to call evidence, we  
45 would be standing down for the rest of the day,  
46 and then would the expectation be that we would  
47 make our closing arguments on Tuesday? The only

**BAN ON PUBLICATION - INHERENT JURISDICTION**

1           difficulty I see with that is it would be helpful  
2           to have a draft of the charge before we make our  
3           closing addresses, so maybe Tuesday could be a day  
4           to talk about draft charge and Wednesday a day for  
5           closing.

6 THE COURT: That might make sense if that's a schedule  
7           that Mr. Fox can manage.

8 THE ACCUSED: I believe that I can. Sorry --

9 THE COURT: All right.

10 THE ACCUSED: -- it's the first time going through it  
11           so I have no point of reference.

12 THE COURT: And what -- and this is all assuming there  
13           is no defence evidence, and obviously things will  
14           have to change if there is defence evidence, but  
15           what we might do is use some time on Monday  
16           afternoon to talk about things that either should  
17           or should not be in the charge, the elements of  
18           the offence that the Crown's relying on and not  
19           relying on and that type of thing. That would be  
20           helpful to me before I finish a draft that I then  
21           give you.

22           All right. Anything else? Thank you very  
23           much. We'll adjourn.

24 THE CLERK: Order in court. This court stands  
25           adjourned until Monday morning at 10:00 a.m.

26  
27                           (PROCEEDINGS ADJOURNED TO JUNE 19, 2017, AT  
28                           10:00 A.M.)  
29  
30

31  
32 Transcriber: S. Lotz  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47

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. Lotz  
Court Transcriber