

Ex 2

Page 1 of 10  
H. Holmes A.C.

**Probation Order  
(Prison)**

Police File No.  
704:16-25379

Court File No.  
6011:27178-2  
VLC  
(244069-2-KC) Van

IND

Canada: Province of British Columbia

Ban - See Attachment

Primary Enf. Agency:

D.O.B.: November 24, 1973

Proceeded: By Indictment

☐ Interpreter present

Whereas on June 28, 2017 at Vancouver, British Columbia,

**Patrick Henry Fox**

(the "offender") was convicted or found guilty, as the case may be, upon the following charge(s) and on November 10, 2017 the Court adjudged that the offender be imprisoned in the Province of British Columbia as follows:

Count 1, between January 11, 2015 and May 27, 2016, at or near Burnaby BC, did commit an offence of criminal harassment, contrary to section 264 Criminal Code.

**SENTENCE: Jail:** [Jail Term that would have been imposed before Credit Granted: 3 Year(s); Actual Pre-Sentence Time in Custody: 17 Month(s); Credited Pre-Sentence Time in Custody: 25.5 Month(s)]; Victim Surcharge: \$200.00 Due Date: October 10, 2019; DNA Order Secondary; Probation Order 3 Year(s); Prohibition, Firearms, Mandatory Lifetime;

I have read or have had read to me and understand a total of 1 Charge

**VARIED 6011: 27178-2 on FEBRUARY 6, 2019. See Variation Order dated February 6, 2019.**

and in addition thereto, that the said offender comply with the conditions hereinafter prescribed:

Now, therefore, the said offender shall for the period stated above, from the date of expiration of imprisonment, comply with the following conditions, namely, that the said offender shall:

I have read or have had read to me and understand a total of 17 Conditions on 2 Conditions Attachment Pages

Certified a true copy according  
to the records of the Supreme Court  
at Vancouver, B.C.

This 10<sup>th</sup> day of May 2019  
H. Holmes A.C.  
Clerk of the Court

Dated / Fait le November 10, 2017 at / à Vancouver, British Columbia / Colombie-Britannique

I, the undersigned offender, acknowledge that I have received:

- a copy of the Probation Order
- an explanation of the substance of the sections dealing with changes to the Probation Order and failing to comply with the Probation Order (Sec 732.2(3) and (5), and Sec 733.1), and
- an explanation of the procedures for applying for changes to the Probation Order,

and that I understand the terms of this Probation Order and the explanations which I have received.

**DECLINED TO SIGN**

Offender / Contrevenant(e)  
Address / Adresse :

203-3848 Sunset St  
Burnaby, BC, Canada V6G 1T3

Phone Number / Numéro de téléphone :

Je, le(la) contrevenant(e) soussigné(e), reconnais que j'ai reçu :

- une copie de l'Ordonnance de probation
  - une explication du contenu des articles ayant trait aux changements apportés à l'Ordonnance de probation et au défaut de se conformer à l'Ordonnance de probation (Art. 732.2(3) et (5), et Art 733.1), et
  - une explication des procédures à suivre pour faire une demande de changements à l'Ordonnance de probation,
- et que je comprends les conditions de cette Ordonnance de probation et les explications que j'ai reçues.

**H. Holmes**

A Clerk of the Court on behalf of / Un greffier du tribunal au nom du  
The Honourable Mr./Madam Justice / Monsieur/ Madame le(la) juge H  
Holmes, in and for the Province of British Columbia / dans et pour la  
province de la Colombie-Britannique

Probation (Prison)

Page 2 of 10  
H. Holmes ACT

**Probation Order  
(Prison)**

Police File No.  
704:16-25379

Court File No.  
6011:27178-2  
VLC  
(244069-2-KC) Van

IND

Canada: Province of British Columbia

Ban - See Attachment

Primary Enf. Agency:

D.O.B.: November 24, 1973

Proceeded: By Indictment

☐ Interpreter present

Whereas on **June 28, 2017** at **Vancouver**, British Columbia,

**Patrick Henry Fox**

(the "offender") was convicted or found guilty, as the case may be, upon the following charge(s) and on **November 10, 2017** the Court adjudged that the offender be **imprisoned** in the Province of British Columbia as follows:

**Count 1, between January 11, 2015 and May 27, 2016, at or near Burnaby BC, did commit an offence of criminal harassment, contrary to section 264 Criminal Code.**

**SENTENCE: Jail: [Jail Term that would have been imposed before Credit Granted: 3 Year(s); Actual Pre-Sentence Time in Custody: 17 Month(s); Credited Pre-Sentence Time in Custody: 25.5 Month(s)]; Victim Surcharge: \$200.00 Due Date: October 10, 2019; DNA Order Secondary; Probation Order 3 Year(s); Prohibition, Firearms, Mandatory Lifetime;**

I have read or have had read to me and understand a total of 1 Charge

and in addition thereto, that the said offender comply with the conditions hereinafter prescribed:

Now, therefore, the said offender shall for the period stated above, from the date of expiration of imprisonment, comply with the following conditions, namely, that the said offender shall:

I have read or have had read to me and understand a total of 17 Conditions on 2 Conditions Attachment Pages

Dated / Fait le **November 10, 2017** at / à **Vancouver**, British Columbia / Colombie-Britannique

I, the undersigned offender, acknowledge that I have received:

- a copy of the Probation Order
- an explanation of the substance of the sections dealing with changes to the Probation Order and failing to comply with the Probation Order (Sec 732.2(3) and (5), and Sec 733.1), and
- an explanation of the procedures for applying for changes to the Probation Order,

and that I understand the terms of this Probation Order and the explanations which I have received.

**DECLINED TO SIGN**

Offender / Contrevenant(e)  
Address / Adresse :

203-3846 Sunset St  
Burnaby, BC, Canada V5G 1T3

Phone Number / Numéro de téléphone :

Je, le(la) contrevenant(e) soussigné(e), reconnais que j'ai reçu :

- une copie de l'Ordonnance de probation
  - une explication du contenu des articles ayant trait aux changements apportés à l'Ordonnance de probation et au défaut de se conformer à l'Ordonnance de probation (Art. 732.2(3) et (5), et Art 733.1), et
  - une explication des procédés à suivre pour faire une demande de changements à l'Ordonnance de probation,
- et que je comprends les conditions de cette Ordonnance de probation et les explications que j'ai reçues.

**H. Holmes**

A Clerk of the Court on behalf of / Un greffier du tribunal au nom du  
The Honourable Mr./ Madam Justice / Monsieur/ Madame le(la) juge H  
Holmes, in and for the Province of British Columbia / dans et pour la  
province de la Colombie-Britannique

Probation (Prison)

**Ordonnance de probation  
(prison)**

Canada: Province de la Colombie-Britannique

☐ Interprète présent

Interdit -

Org. prim. d'app. de la loi :

D.D.N. : November 24, 1973

Procédé : **par mise en accusation**

Attendu que le **June 28, 2017** à **Vancouver**, Colombie-Britannique,

**Patrick Henry Fox**

(le(la) <<contrevenant(e)>>) a été condamné(e) ou reconnu(e) coupable, selon le cas, de l'(des) infraction(s) suivante(s) et le **November 10, 2017** le tribunal a décidé que le(la) contrevenant(e) soit **incarcéré(e)** dans la province de la Colombie-Britannique comme suit :

**Count 1, between January 11, 2015 and May 27, 2016, at or near Burnaby BC, did commit an offence of criminal harassment, contrary to section 264 Criminal Code.**

**SENTENCE: Jail: [Jail Term that would have been imposed before Credit Granted: 3 Year(s); Actual Pre-Sentence Time in Custody: 17 Month(s); Credited Pre-Sentence Time in Custody: 25.5 Month(s)]; Victim Surcharge: \$200.00 Due Date: October 10, 2019; DNA Order Secondary; Probation Order 3 Year(s); Prohibition, Firearms, Mandatory Lifetime;**

**J'ai lu ou j'ai m'a lu et je comprends 1 inculpation**

et, de plus, que ledit (ladite) contrevenant(e) se conforme aux conditions prescrites suivantes :

Pour ces motifs, ledit (ladite) contrevenant(e) devra pour la période ci-dessus prescrite à compter de la date d'expiration de la sentence d'emprisonnement, se conformer aux conditions suivantes, notamment que ledit (ladite) contrevenant(e) devra :

**J'ai lu ou j'ai m'a lu et je comprends 17 conditions sur 2 pages de l'Annexe des conditions**

Page 3 of 10  
H. Holmes ACJ  
Nu. de dossier de la police Nu. de dossier du greffe  
704:16-25379 6011:27178-2 IND  
VLC  
(244069-2-KC) Van

Probation (prison)

Page 4 of 10  
Hollings A.C.

**Probation Order/  
Ordonnance de probation**

(Prison/ prison)  
Canada: Province of British Columbia  
Province de la Colombie-Britannique

Police File No./  
Nu. de dossier de la police  
704:16-25379

Court File No./  
Nu. de dossier du greffe  
6011:27178-2  
VLC  
(244069-2-KC) Van

D.O.B./ D.D.N. : November 24, 1973

Interdit -

Re/ Objet : Fox

**Conditions Attachment/  
Annexe des conditions**

Condition 1: Keep the peace and be of good behaviour.

Condition 2: Appear before the Court when required to do so by the Court.

Condition 3: Notify the Court or the Probation Officer in advance of any change of name or address, and promptly notify the Court or the Probation Officer of any change of employment or occupation.

POR Condition 4: You must have no contact or communication, directly or indirectly, with Desiree Capuano, James Pendleton, or Sage Capuano, or any of their friends, relatives, employers, or co-workers. Except you may have contact with Gabriel Reiss.

=====

Condition 5: You must report in person to a probation officer at 275 East Cordova ST., Vancouver, B.C., within 48 hours of you release from custody, and after that, you must report at least once every 4 days, in person, as directed by the probation officer.

Condition 6: You must attend, participate in and successfully complete any intake, assessment, counselling or program as directed by the probation officer, including but not limited to attendance at Forensic Psychiatric Services for assessment, counselling, or treatment, except that you should not be required to submit to any treatment or medication prescribed by the Psychiatric Services to which you do not consent. If you do not consent to the treatment or medication, you shall forthwith inform your probation officer as to why you do not consent.

Condition 7: When first reporting to the probation officer, you must inform him or her of your residential address and phone number. You must not change your residence or phone number without written permission from your probation officer given in advance.

Condition 8: You must provide your probation officer with the particulars of your employment including any self-employment. You must inform your probation officer within two business days of any change in your employment.

Condition 9: You must not leave British Columbia unless you have the written permission of the probation officer, and you must carry the permission when you are outside of the province. ~~and you must carry the permission when you are outside of the province.~~ HD

Condition 10: You must not be within 100 metres of the United States border.

Conditions continue on next Conditions Attachment Page/ Suite à la prochaine page de l'Annexe des conditions

Probation (prison)/ Probation (Prison)

**Probation Order/  
Ordonnance de probation**

(Prison/ prison)

Canada: Province of British Columbia  
Province de la Colombie-Britannique

Police File No./  
Nu. de dossier de la police  
704:16-25379

Page 5 of 10  
Hobson ACS

Court File No./  
Nu. de dossier du greffe  
6011:27178-2  
VLC  
(244069-2-KC) Van

D.O.B./ D.D.N. : November 24, 1973

Interdit -

Re/ Objet : Fox

**Conditions Attachment/  
Annexe des conditions**

Conditions continued from previous Conditions Attachment Page/ Suite de la page précédente de l'Annexe des conditions

**Condition 11:** Immediately upon your release from custody, you must attend the Burnaby RCMP Detachment at 6355 Deer Lake Avenue. You must present a copy of this order to a peace officer there, and you must accompany a peace officer to the location of all travel documents in your possession, including any passport, Nexus card, travel visa, or enhanced driver's license. You must surrender all such items to the peace officer and thereafter not obtain any further travel documents.

**Condition 12:** You must not disseminate, distribute, publish or make publicly available in any manner whatsoever, directly or indirectly, information, statements, comments, videos, or photographs which refer to or depict, by name or description, Desiree Capuano, James Pendleton, Sage Capuano, or any of their friends, relatives, employers, or co-workers.

**Condition 13:** Within 24 hours of your release from custody you will take all necessary steps to ensure that any website, social media page, or other publication, which you have authored, created, maintained or contributed to, which contains any information, statements, comments, videos, pictures which refer to or depict, by name or description, Desiree Capuano, James Pendleton, or Sage Capuano, or any of their friends, relatives, employers, or co-workers, including the website published under the domain [www.desireecapuano.com](http://www.desireecapuano.com), is no longer accessible via the internet or by any other means.

**Condition 14:** You must not use the internet or any computer or cellular network except as required to fulfill condition 13, for the purpose of employment, or for sending personal emails.

**Condition 15:** Provide any email address you use, and a list of any email addresses you correspond with to your probation officer.

**CFC Condition 16:** You must not possess, either personally or through another person, any firearm, crossbow, prohibited weapon, restricted weapon, prohibited device, ammunition or explosive substance, anything that resembles a weapon or firearm, any weapon as defined in section 2 of the Criminal Code, or any related authorizations, licences or registration certificates.

**CFC Condition 17:** Immediately upon your release from custody, you must attend the Burnaby RCMP Detachment at 6355 Deer Lake Avenue, you must present a copy of this order to a peace officer there, and you must accompany a peace officer to the location in Canada of all firearms, crossbows, prohibited weapons, restricted weapons, prohibited devices, ammunition or explosive substances and all weapons, imitation weapons including imitation firearms possessed by you or through another person, and any related authorizations, licences, or registration certificates. You must surrender all such items to the peace officer. You are also to advise the peace officer of the location outside of Canada of any of the items described in this condition.

I have read or have had read to me and understand a total of 17 Conditions on 2 Conditions Attachment Pages/ J'ai lu ou J'ai m'a lu et je comprends 17 conditions sur 2 pages de l'Annexe des conditions

Probation (prison)/ Probation (Prison)

Page 6 of 10  
Hobbes AC

**Probation Order/  
Ordonnance de probation**

(Prison/ prison)

Canada: Province of British Columbia

Province de la Colombie-Britannique

☒ Ban

D.O.B./ D.D.N. : **November 24, 1973**

Re/ Objet : **Fox**

**Related File/Ban Attachment/  
Annexe de dossiers connexes/interdit**

Police File/ Dossier de la police	Court File/ Dossier du greffe	Proceeded/ Procédé	Ban/Interdit
704:16-25379	6011:27178-2	IND	Publication CCC 517(1) Publication CCC 486.5(1) Publication CCC 539(1) Inherent Jurisdiction Other
	VLC		
	(244069-2-KC) Van		

Probation (prison)/ Probation (Prison)



## Important Information for a Person Placed on Probation

### 1. Changes to a Probation Order

#### **Criminal Code Section 732.2(3)**

You may apply to change or cancel a condition of your *Probation Order*, or reduce the time you will be on probation. Ask the Court Registry for an *Application to a Judge* form, to make this request.

The probation officer or the prosecutor may also ask to change or cancel a condition of your *Probation Order*, or to reduce the time you will be on probation.

You may have to appear in court, and the Court may issue a *Warrant* or *Summons* to make you appear.

If any changes are made, you will have to sign the changed *Probation Order* and you will receive a copy.

#### **Criminal Code Section 732.2(5) and Section 730(4)**

The prosecutor may ask to have you come back to court if you are convicted of another offence, including breach of probation, as long as:

- you have not appealed that conviction, or
- you are out of time to appeal it, or
- your appeal was dismissed, or
- you do not intend to appeal.

The Court may then:

- revoke a *Suspended Sentence* or a *Conditional Discharge* and give you a different sentence, or
- change the additional conditions, or
- extend your probation by up to one more year.

### 2. Failure to Comply with a Probation Order

#### **Criminal Code Section 733.1**

If you are on probation and fail to comply with the order, you can be charged with "breach of probation". If the Court finds you guilty of a breach of probation, you can be sentenced to:

- a jail term for up to four years, if the Crown proceeds by indictment, or
- a jail term for up to eighteen months, or a fine of up to \$5,000.00, or both if the Crown proceeds by summary conviction.

Your court appearance for a breach charge does not have to be where your *Probation Order* was made. You may appear in the court closest to where the offence happened, or where you were found, arrested, or in custody.

### 3. Changes to Personal Information

If you change your name or address, you must notify the Court or your probation officer of any change in advance. Any changes to other personal information, including your employment or occupation must be reported to the Court or your probation officer. To report any changes, you should ask the Court Registry or your probation officer for a *Notice of Change of Personal Information* form.

**This is an information sheet. In the event of any conflict between this information and any Act(s) or law, the provisions of the Act(s) apply.**

Page 8 of 10  
H. Holmes ACT

## Variation of Order - Adult

In the Supreme Court

Canada: Province of British Columbia

Police File No.  
704:16-25379

Court File No.  
6011:27178-2  
(244069-2-KC) Van  
VLC

☐ Interpreter present  
Amendment No.: 1

Primary Enf. Agency:

D.O.B.: November 24, 1973

Ban - See Attachment

Whereas **Patrick Henry Fox**

was bound by a **Probation Order**

originally made on **November 10, 2017** at **Vancouver Law Courts**

And whereas on **February 6, 2019** by order of **Judge H Holmes** the order was varied as follows:

**Order made that PROBATION varied:**

**Condition #14: "for the purpose of conducting legal research" is added to the the end of condition #14.**

**Condition #12: "This condition does not apply to the filing of documents in legal proceedings or to the use of those documents and information in relation to those legal proceedings" is added to the end of condition #12**

I have read or have had read to me and understand a total of **1** Amendment Detail

All other conditions and previous amendments remain the same.

☐ Previous amendments on file.

I understand the original Order as varied remains in effect and that failure without lawful excuse to comply with that Order as it has been varied is an offence under the *Criminal Code*.

Left without signing

Signature of person subject to order / Signature de la personne faisant

Dated / Fait le **February 6, 2019**

at / à **Vancouver**

**British Columbia / Colombie-Britannique**

Je comprends que, telle que modifiée, l'ordonnance originelle reste en vigueur et que le défaut de me conformer sans excuse légitime à cette ordonnance telle que modifiée constitue une infraction au *Code criminel*.

Signed in the presence of / Signé en présence de :

**D. Raguz** 2019.02.06 16:38:13  
-08'00'

A Clerk of the Court on behalf of / Un greffier du tribunal au nom du The Honourable Mr./ Madam Justice / Monsieur/ Madame le(la) juge H Holmes of the Supreme Court / de la Cour suprême, in and for the Province of British Columbia / dans et pour la province de la Colombie-Britannique

Variation of Order - Adult



Page 9 of 10  
Holmes ACT

## Modification d'une ordonnance - adulte

À la Cour suprême

Canada: Province de la Colombie-Britannique

Nu. de dossier de la police  
704:16-25379

Nu. de dossier du greffe  
6011:27178-2  
(244069-2-KC) Van  
VLC

☐ Interprète présent

Nu. de modification : 1

Org. prim. d'app. de la loi :

D.D.N. : November 24, 1973

Interdit -

Attendu que **Patrick Henry Fox**

était lié(e) par un(e) **Ordonnance de probation**

fait originellement le **November 10, 2017** à **Vancouver Law Courts**

Et attendu que le **February 6, 2019** sur l'ordre du **juge H Holmes** l'ordonnance a été modifiée comme suit :

**Order made that PROBATION varied:**

**Condition #14: "for the purpose of conducting legal research" is added to the the end of condition #14.**

**Condition #12: "This condition does not apply to the filing of documents in legal proceedings or to the use of those documents and information in relation to those legal proceedings" is added to the end of condition #12**

J'ai lu ou j'ai m'a lu et je comprends 1

Toutes autres conditions et modifications antérieures restent inchangées.

☐ Modifications antérieures au dossier.

Modification d'une ordonnance - adulte

Holmes ACJ  
Page 108/10

**Variation of Order - Adult/  
Modification d'une ordonnance - adulte**

In the Supreme Court  
À la Cour suprême  
Canada: Province of British Columbia  
Province de la Colombie-Britannique

☒ Ban

Primary Enf. Agency/ Org. prim. d'app. de la loi:

D.O.B./ D.D.N. : **November 24, 1973**

Amendment No./ Nu. de modification: **1**

Re/ Objet : **Fox**

**Related File/Ban Attachment/  
Annexe de dossiers connexes/interdit**

Police File/ Dossier de la police	Court File/ Dossier du greffe	Ban/ Interdit
704:16-25379	6011:27178-2	Publication CCC 517(1) Publication CCC 539(1) Publication CCC 486.5(1) Inherent Jurisdiction Other
	(244069-2-KC) Van	
	VLC	

Modification d'une ordonnance - adulte/ Variation of Order - Adult