

Factors Contributing to Termination of Chester Bridal's

Legal Representation

1. On 2020-03-27, during my first communication with Mr. Bridal, by telephone, he told me that we should not proceed with the sentencing until AFTER the appeal of the conviction (in the matter of 244069-5-BC) is done. His reasoning was that there would be no point to putting resources toward sentencing proceedings if the conviction was going to be overturned on appeal.

On 2020-04-24 Mr. Bridal requested, in open court, that the sentencing be adjourned until after the appeal was completed. Again, his reasoning was that it didn't make sense to allocate time and resources to sentencing if the conviction was going to be overturned on appeal. The court had to inform Mr. Bridal that wouldn't work because an appeal cannot proceed until AFTER sentencing is complete. You may review this exchange in the DARS recording of the 2020-04-24 hearing.

As soon as Mr. Bridal stated that to me on the phone on 2020-03-27 I had serious concerns about his competence because in BC an appeal cannot commence until AFTER sentencing is complete. Even the most incompetent, inexperienced lawyer would know that.

2. On 2020-04-23 Mr. Bridal advised me to accept a plea to a lesser charge (something about a "peace bond") in the matter of 244069-6-B, even though I had already told him, in my 2020-04-17 letter, that there is absolutely no evidence I committed the acts the Crown is alleging AFTER the probation began (i.e. the acts were committed PRIOR to the probation order commencing on 2019-12-30 and, therefore, cannot possibly constitute breaches of the probation order).

- NOTE: I am disclosing this particular point to you in confidence and I request it be treated as privileged information. I do not want the Crown to know about it until I cross-examine their witnesses at trial.

3. On 2020-03-27 Mr. Bridal told me there is no way to have a mistrial declared, or the verdict reconsidered, between the time of the verdict and the sentencing, and all we can do is try to convince the Crown the conviction is certain to be overturned on appeal, and for the Crown to stop the charges rather than waste time and resources on a futile appeal.

I know that was completely incorrect because I have seen, first hand, cases where a mistrial was declared AFTER the verdict but BEFORE the sentencing (e.g. R. v. Samuel Cellidine, BCSC, 2019).

4. On 2020-03-27 Mr. Bridal stated he would speak with a lawyer from CBSA regarding the issues of burdens of proof and the application of the immigration laws at a port of entry, then use that to encourage Crown Counsel to stay the charges. As of 2020-05-25 Mr. Bridal still has not spoken with a lawyer, or anyone else, from CBSA regarding these matters.

I had explained to Mr. Bridal the circumstances of my interaction with CBSA at the port of entry on 2019-03-15, and about how the immigration laws and the burdens of proof are different "at a port of entry" than they are "within Canada, other than at a port of entry". In addition, I had more thoroughly explained the issues in a 13 page document I wrote and sent to him on 2020-04-05. That 13 page document being essentially the same as the 13 page "Grounds for Appeal" document I forwarded to the LSS Appeals Department on or about 2020-04-07.

Had Mr. Bridal communicated with legal counsel from CBSA they would surely have informed him that what I had stated in those 13 page documents, and what I stated in my submissions in court is exactly correct, and the Court and the Crown and Officer Pelusik are completely incorrect! Yet for some reason, Mr. Bridal has decided NOT to pursue this incredibly simple avenue!

Moreover, the issues in question here are very well and clearly established in case law. Mr. Bridal (and the CSS Appeals Department) can easily query CANLII.ORG (or any other case law repository) and find tons of cases which support my position. It truly baffles me that he would ignore this issue! I can't help but to believe the court's adoption of the Crown's obviously erroneous position on these particular issues is anything other than a miscarriage of justice.

5. As of 2020-05-25 Mr. Bridal has not had ANY contact with Crown Counsel, Chris Johnson, (in the matter of 244069-6-B) even though we were supposed to have a PTC on 2020-05-19.

- Mr. Bridal did not appear for the 2020-05-19 PTC, even though I informed him of it in my 2020-04-12 letter.

The PTC was adjourned to 2020-05-25.

- Mr. Bridal was still not ready for the PTC on 2020-05-25.

6. As of 2020-05-25 Mr. Bridal had not obtained, or even requested from Crown Counsel, the disclosure material in the matter of 244069-6-B. In open court, on 2020-05-25, Mr. Bridal stated he had "not even received the disclosure yet."

it spoke to Mr. Bridal on 2020-03-27, so as of that point he knew Chris Johnson was the assigned Crown Counsel on the case; he knew there was a PTC scheduled for 2020-05-19 and that the trial is scheduled for 2020-07-07. Yet two months went by and he never even once tried to contact Crown Counsel to request the disclosure, or to even let Crown Counsel know he's representing me.

7. On 2020-05-25, Mr. Bridal advised me to persevere, then in open court he requested a "global sentence" for all of the current cases - even though that would delay my ability to appeal the conviction in the matter of 244269-5-BC until the two other trials are completed - sometime AFTER 2020-12-07 (which is when one of the trials is currently scheduled for).

8. Mr. Bridal has not responded to any of my letters to him, and he refuses to communicate in writing. He will only communicate by telephone. This is not acceptable, for the following reasons:

- Mr. Bridal's telephone number is registered as a privileged number with NFPC, so the calls are not recorded, and I have no way of recording them myself from within NFPC. Therefore, there is no way of maintaining an irrefutable record of exactly what was

stated during the conversation.

- Given my very consistent experiences with Tony Capen-aat, Clinton Bauman, David Hopkins, Talia Magden, and Esther Kornfeld, I believe it is critical that all of my communication with any lawyer who is representing me be recorded (either audio or in writing), so there can be no disputes (or denials) about what was said by either party.

For further information, and supporting evidence, about the consistent experiences I've had with LSS funded lawyers please see my website www.DESICAPUANO.COM/LEGAL/RVFOX/.

9. It has been over a month and a half, and Mr. Bridal has still not returned my original document to me as I have requested in my 2020-04-03 letter (the document referenced in item 4, above).

10. On 2020-05-25, on the telephone, Mr. Bridal stated that "it looks like LSS is going to deny [my] appeal application" (in the matter of 244069-5-BC) and once they do "that's it, the appeal process is over". I told Mr. Bridal that if that happens then I intend to apply for funding under section 684. He seemed disturbed or troubled by my response and said something to the effect of "Oh, well I suppose you

could do that."

It got the distinct impression that he was trying to sabotage my ability to appeal, particularly when you also consider his advice that I seek a "global sentence" which would delay my ability to appeal until all of the current cases are completed.

11. At the 2020-05-25 appearance Mr. Bridal told the court he would only need about 5 minutes for his sentencing submissions. Such a statement makes it extremely clear that he does not intend to put ANY effort, at all, into representing my interests with respect to sentencing on the 244069-5-BC matter.