

Patrick Fox
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2022-09-11

Attn: David Layton
BC Prosecution Service
865 Hornby St, 6th Floor
Vancouver, BC V6Z 2G3

Re: R. v. Patrick Fox;
Court of Appeal No. CA48145

Dear Mr. Layton:

1. With respect to my request to have page 28, lines 17-19 of the transcript corrected, that is clearly my mistake and I apologize.
2. In my 2022-09-08 letter I requested you provide me a copy of the transcripts from the FIR hearings in my current matter (244069-10-BC) because the trial Crown had not yet provided them to me. However, on 2022-09-09 I

received them from Mr. Pall, so please disregard that request.

3. I was recently reviewing the transcript of my testimony in 244069-5-3C, and I noticed while cross-examining me Bernice Wolfe stated to the court:

"I gave formal document notice to Mr. Fox by way of letter... that Crown would seek to... tender a certified true copy of the oral ruling of... Justice Holmes..." (2020-03-06 TR p102 l15-20).

Can I take that to mean the Crown is required to provide the defense formal notice of its intention to offer, at trial, official documents such as court rulings/decisions, transcripts, et cetera? In particular, was Johnson required to provide me notice of his intention to rely on the documents he used in his cross-examination of me (namely the 2021-08-10 RQ of Justice Fitch, and the transcript of the sentencing in 244069-6-B)?

This is actually one of the grounds that I was going to leave out of the factum due to space (30 page) limitations, because I was under the impression it would be a disclosure issue and, based on that, I thought the argument was not very strong. But if there was a requirement to

provide me formal notice, then that would make the argument stronger and maybe I should include it.

4. May you please provide me R. v. DOCHERTY, [1989] 2 S.C.R. 941? Which I understand deals with the Crown's requirement to prove SUBJECTIVE mens rea in breach of probation cases. Thanks.

Sincerely,



Patrick Fox