

Rugby death case now demands a coroner's inquest

THERE'S SURELY NO DOUBT that the manslaughter verdict delivered last week in the death of a teen-aged rugby player was the correct one.

After all, a conviction for manslaughter does not require any intent to kill or even to cause serious injury that leads to death. All the Crown needs to prove beyond reasonable doubt was that the accused committed an assault which resulted in death.

And it's because death can sometimes result from even minor assaults that our Criminal Code permits the widest conceivable scope of punishment — everything from a suspended sentence to a life sentence, involving incarceration for at least seven years.

Following a two-week trial, Justice Bruce Duncan was left with little choice but to reject a defence contention that the 18-year-old accused had been acting in self defence when he slammed 15-year-old Manny Castillo's unprotected head to the ground in the dying moments of a high school rugby game in Mississauga two years ago.

The convicted teen, a major junior hockey player, will return to court July 6 for his sentencing hearing at which he could face sentencing as an adult and disclosure of his identity, which now remains protected by the Youth Criminal Justice Act.

In rendering his decision, Justice Duncan rejected the self-defence claim that the accused player only pushed his opponent to the ground to get out of a choking headlock.

"The defendant intentionally applied force that was outside the rules of the game or any standard by which the game is played," the judge said. "Manny did not explicitly consent to

that force. I'm satisfied beyond any doubt no consent can be implied."

Accordingly, the defendant had committed an assault, an unlawful act that had caused death.

The judge described what the defendant did as being a "sucker tackle" and said at its "highest" it was done out of retaliation, not self defence.

The evidence showed the teenager died from a serious head injury a few days after the incident.

As is invariably the case in criminal trials, all the attention was devoted to the cause of death and what actually happened, with no need for the trier of fact to look beyond the case at bar to any contributing factors in the death, such as whether the life might have been saved by speedier medical attention.

Such things remain the prerogative of the coroner's inquest and the jurors who are asked not only to find what caused the death but also to recommend how similar deaths might be prevented in future.

As we see it, this is classically a case where there ought to be an inquest, at which one question to be addressed is whether high school rugby players should be required to use some form of protective headgear.

Certainly, in a society where once you'd never see a helmeted lacrosse or hockey player and where even child bicyclists were seldom seen wearing a helmet, head protections have become not just customary but mandatory.

Although we seldom read of serious injuries from high school rugby games, let alone deaths, relatively inexpensive rugby helmets are being marketed and researchers in Australia have concluded that with some improvements such helmets would prevent concussions.

In the light of the continuing debated about the performance of protective headgear for rugby players, a study was carried out by three members of the School of Safety Science at the University of New South Wales in Sydney.

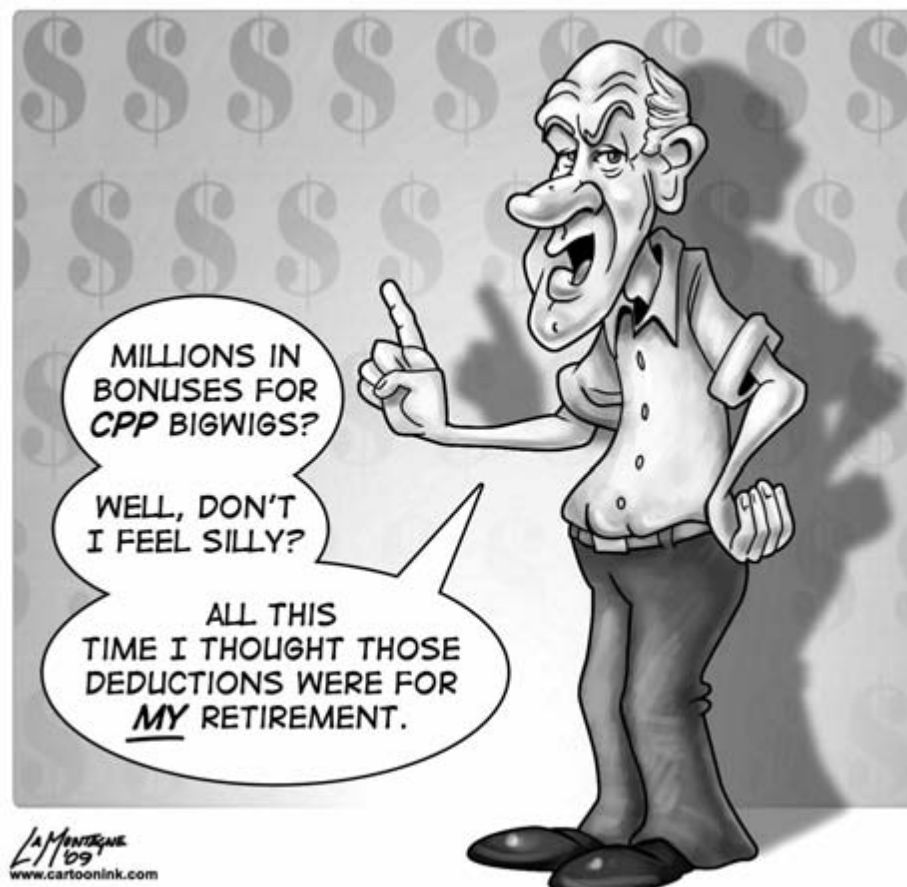
The objective was to examine the impact of foam being incorporated into headgear. Tests on polyethylene foam indicated that an increase in thickness from 10 mm to 16 mm would improve headgear performance. The tests showed that significant reductions in headform acceleration could be achieved with small design changes, but formal field studies would be needed to show how much the changes would reduce the rate or severity of concussions.

As we see it, the situation here is not unlike the fatal skiing accident that befell Natasha Richardson at Mont Tremblant earlier this year.

There, too, there was no rule requiring skiers to wear helmets and fatal skiing accidents are a relative rarity and fatalities from head injuries even more so.

However, the idea of requiring helmets for both skiers and rugby players shouldn't strike anyone as outlandish in an era when we require 15-year-olds to wear helmets while bicycling even on bike paths well removed from vehicular traffic and when use of seatbelts has long been mandatory even in rural areas where the risks of personal-injury accidents is relatively low.

Even if rugby helmets of the type now available wouldn't prevent the possibility of occasional concussions, they would surely reduce the seriousness of any injury and make it far less likely there will be a recurrence of the tragedy that led to the manslaughter conviction.



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Reflections on the battlefields tour

By Marilyn Wright and Steve Brown
It was a whirlwind tour of World War I and II.

From the time we boarded the tour bus at Charles de Gaulle airport in Paris early on November 14, and headed north-east toward Belgium, we were regaled with the sights and stories of this much-embattled landscape. Within hours, we were crossing the Marne and the Canal du Nord. And the wars of the 20th century were making their mark. Hundreds of cemeteries dotted the landscape. It was the policy of the British Army, of which the Canadians formed a part, to bury their dead "where they had fallen." The struggles of the First World War are marked by these tidy cemeteries, strewn across farmer's fields and the towns and villages of north-east France and Belgium.

For those whose bodies were never recovered - and there were thousands - there are four great memorials: Thiepval, Tyne Cot, Menin Gate, and for Canadians, Vimy.

But the memorials were made personal with two stops the first day to visit the little out of the way cemeteries of St. Olle and Sancourt near Cambrai: the first to visit the grave of Earl Hewson, great uncle of student Justin Williams, and Stanley Brown, Steve's great uncle.

We spent three days in and around Ieper, probably the most fought-over site of World War I: four major battles in five years, including the hell that was called Passchendaele. A visit to Essex Farm cemetery where John McCrae wrote "In Flanders Fields" in 1915 was followed by tours of other famous spots: Langemarck, Tyne Cot, Sanctuary Wood and Hill 62. And every time you looked up you could see the towers of the cathedral and Cloth Hall in Ieper: so much mayhem is such a small area.

One of the most moving parts of the whole trip was the Last Post ceremony at the Menin Gate in Ieper. The gate itself is a memorial commemorating 64,000 dead of the British and Empire forces who died around Ieper. At 8 p.m. every night (since 1923) the street is closed to traffic, and the Last Post is played, wreaths are laid, and the people of Ieper and their visitors remembered.

A day in Brugge provided an interesting counterpoint of medieval cultural history: the Flemish masters in the Groeninge museum, the Belfort tower, and canal tour in the rain, and a visit to St. Mary's cathedral to see Michelangelo's Madonna altarpiece (the only one outside Italy).

The visit to Vimy Ridge lingers in the mind - the amazing memorial perched on the ridge; the trenches and craters, the tunnels, and the haunting statuary and the thousands of names carved in the monument of Canadians who died and who have no known grave.

An afternoon's bus ride and the focus shifted to Normandy and the Second World War. The group toured the Invasion sites: Pointe du Hoc, Omaha Beach and the Normandy American Cemetery in the American sector; Longues-sur-Mer with its guns still in place on the cliffs, and Arromanches where the temporary harbor of 1944 is still visible in the water in the British sector. And back in Bayeux, it was a visit to the Bayeux tapestry, an amazing

embroidered tapestry, 370 feet long, recounting the conquest of England by William of Normandy in 1066.

Wednesday, Nov. 19, started with a visit to the Canadian cemetery at Beny-sur-Mer. Soldiers of the Lorne Scots lie among others from across Canada, killed in the landing and fighting inland from Juno Beach. And then it was on to Juno Beach itself, an exploration of the beach itself (which looks a lot like Wasaga) and the amazing museum in the Juno Beach Centre.

During the afternoon at the centre, students met several local dignitaries from Courseulles-sur-Mer and Bernieres-sur-Mer who expressed their appreciation of what Canadian students are doing to remember the significant part Canadians played in World War II, and in particular, memorializing individual members of the Canadian Armed Forces at Juno Beach. Two of the speakers had been young boys when the Canadians landed and liberated their towns and shared personal memories of "D Day."

Each of the students on the trip presented the biography of "their" veteran, all of which were recorded by the staff at the Juno Beach Centre. The proceedings shifted outside where the memorial plaques for the Dufferin county veterans were unveiled. It was quite moving to finally see all 46 plaques in place on kiosk #14.

As the daylight faded, we visited "Canada House" at Bernieres-sur-Mer, the first house in France liberated on D-Day, by the Queen's Own Rifles. And some of the harder souls in the group took a plunge in the waters of the English Channel to celebrate the day. On the way back to Bayeux, we made a detour through Caen to the Abbe d'Ardenne to visit the garden, and learn the story of the 21 Canadian prisoners murdered there in June 1944.

And then it was off to Paris. After a tour of the stunning gardens and royal apartment of the Palace of Versailles, it was into the city. Two more days of intense touring and sightseeing: a visit to the Eiffel Tower at night to see the City of Light, a city tour and a cruise on the Seine, learning to navigate le Metro, visiting Montmartre and Sacre Coeur, the Louvre, Notre Dame, the Left Bank, the Champs Elysees, the Arc de Triomphe - oh yes, and shopping!

As for the details of the last two days, we all invoke Rule #1: What happens in Paris, stays in Paris!

If you are interested in purchasing a copy of the DVD's, please contact Neil Orford at CDDHS during the school week at 519-925-3834 ext 258. The DVD's will be available after June 6th, but all orders must be received before that date. Cost is \$25 per DVD. Proceeds from the sale of these DVD's will go towards the ongoing partnership between CDDHS & the DCMA for the Virtual War Memorial.

For further information on the Virtual War Memorial or if you know of any veterans connected to Dufferin County give us a call or email collectionsassistant@dufferin-museum.com, as we want to make sure that everyone is Remembered!



Huge Canadian flag served as a Juno Beach backdrop for the tour group

CITIZEN MAILBOX

MC2 concerned with Mono development

Mono Council made a decision on May 12th to accept the draft proposal of the developer, Pine Glen Farms, to develop 335 homes on the 70 hectare parcel of land adjacent to the Island Lake Phase 1 & 2 developments. Phase 1 and 2 were also Pine Glen Farms' developments. There are many technical issues to be resolved since the first proposal drafts surfaced in 2003/4 with respect to traffic, public safety, noise,

water, sewage treatment systems, etc. In the end, the technical issues must conform to provincial or municipal or conservation authority regulations, but because of the size of the proposed development, each technical issue is complex, has required special studies, and most are as yet not resolved (e.g., traffic lights, noise barriers, communal sewage ownership, etc). Hopefully, there will not be too many requests for

exemptions.

Within the envelope of these regulations, and within the economics of the project, there was considerable room for Mono Council to choose the size of the development, i.e., the number of homes, and to influence the design of the development. Unfortunately, it appears that Mono Council has been hands off on both of these issues. They received Pine Glen's draft proposal when it was first proposed to build 158 homes and a golf course in 2003. They received the next revision when it went to 302 homes and a golf course. When the province dictated no more individual septic systems for such developments and said they wanted intensification in serviced areas, Mono Council received Pine Glen's proposal for 324 homes, no golf course and 3 parks. At the May 12th, 2009 Council meeting, Pine Glen Farms announced that they had purchased an adjacent property and presented a draft proposal for 335 homes, no golf course and no parks. Mono called a public meeting on the development for that evening at which advocates and opponents presented their views and asked their questions. At 10:30 PM, Mono Council returned to a regular

council meeting and at 10:40 PM made a decision to accept the draft proposal.

This is the largest development in the history of the Town of Mono. Why did Mono Council not suggest a smaller development more in keeping with the adjacent Purple Hill and Island Lake Phases 1 & 2 developments? Despite the size of the development, Mono Council did not explain the reasons behind its decision. It appears though that Mono Council is highly influenced by the recent Places to Grow legislation that states that the Town of Mono should add approximately 1100 additional homes by 2031. By accepting as many homes as possible in Phase 3 of the Island Lake development, the Town would likely have fewer severances of larger properties or farms in the future to deal with. In this way they would, ostensibly, preserve the rural character of the Town, or at least some of the Town. In effect, Mono Council sacrificed the lifestyles of the existing residents of Purple Hill and Island Lake, and the future residents of Island Lake Phase 3, for some undefined version of what it means to live rurally in

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Pleads for more organ donations

I am writing in regards to organ donations and the importance of signing the form that accompanies our drivers' licences. The story I would like to share with you is one of a very special mother/grandmother.

My mother has been waiting for a liver transplant for over a year. The disease she is fighting is Hepatitis C, contracted through blood transfusions.

There are six stages of this deadly disease, which kills the individual's liver. My mother is in stage six, fighting for her life.

In order to prevent this disease from killing my mother, we need to find a compatible match - someone with the same blood type who is willing to donate part of his or her liver.

All of our family members have been tested and, unfortunately, do not match. I decided to write about our situation to create awareness and talk about the process of liver donation.

Anyone between the ages of 18 and 60 can donate part of their liver; it is the only organ

that can regenerate itself. The crucial factor is that your blood type must match the person you are donating to. There are tests that are arranged to determine important factors through Toronto General Hospital.

My mother's love for me gives me strength, her voice always provides me with hope, and her courage to continue to battle this disease with such dignity inspires anyone who meets her.

She is very loved by my family, her husband, brothers, sisters, nieces, nephews and many friends. She is also the most loving grandmother. I will do whatever I can to ensure she is able to keep playing these important roles in her life.

I am providing readers with the transplant co-ordinator's name and phone number, should anyone feel they can help us. Her name is Cailin Macleod, her phone number is 1-416-340-4800, ext. 7594. You must refer to my mother's name which is Mrs. Laura Field.

Michelle White,
Orangeville

Issues with daycare ideas

Councillor Sylvia Bradley likes the idea of having Daycare in Semi-Detached homes and Townhouses and I suppose that would also include Apartments and Condominiums. I have to wonder if she has ever taken the time to notice how close together these homes are.

Can we all imagine the fun it would be to have a number of little children on the other side of the wall of your home 5 days a week 50 or 52 weeks of the year.

Just imagine how enjoyable it would be to arrive home from work at 7 or 8 a.m. and as you're going into your home the little ones are arriving next door batteries all charged up and ready for a full day of fun at the new bylaw enforced totally legal daycare.

My advice would be to go next

door and see if they are hiring part-time care givers because the peace of mind and rest that you need to go back in that night is gone.

Just imagine all the seniors that love it when their grandchildren arrive stay for a while and have fun but are not going to enjoy other peoples children every day of the week. In the real world most of us live in we want our homes to be quiet relaxing places. I think Councillor Bradley should consider asking one of her closest neighbours to open a daycare and with any luck she might get children there that have parents who are required to work weekends and holidays.

I am sure they all would appreciate the opportunity.
Don Kidd
Orangeville

Columnist's stance questioned

Mr. Hoy's defensive and partisan rant regarding the Tory attack ads is also "beside the point", to quote his article. What Mr. Ignatieff has been saying about the government is valid and actionable, and if he can achieve the counter-measures he proposes the Liberals pursue when in power, then that's all that matters.

Ian Scott
Toronto

As usual, Claire Hoy brings in to play his particular right wing insight whereby he wishes to educate us about the righteousness of the Neo-Cons. I guess anyone who reaches out to make a career outside of Canada can be labelled a non-Canadian; Gretzky and all other jocks who choose the US, economists, doctors, nurses, teachers, etc all qualify for this distinction. Of course a second rate economist like Harper who couldn't find a job in the private sector or academia was given an opportunity to shine by the Neo-Con organizations,

is most surely among the most Canadian of all. This is nothing new.

Calling the Grits hypocrites is quite funny. I recall the Tory leader proposing that one province set up a firewall against the rest of Canada. I recall a Tory leader saying on radio that he was aware of a financial arrangement being proposed to an independent MP in order that he side with the Neo-Cons. I remember a Tory leader forming an alliance with the anti-Canadian Bloc to defeat the Grits. And it goes on and on. Hurray for a real Canadian!

Hoy is either ignorant of these misdeeds or is being hypocritical about the Neo-Con attitude towards the democratic process. Their ads can't refer to policy since they themselves do not know what is going on. Again, Hoy being the moderate he is, always reaches out to create controversy no matter how stupid he sounds.

Gilles Fournier
Cobourg