

Orangeville Citizen

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The humblest Citizen of all the land, when clad in armour of a righteous cause, is stronger than all the hosts of Error. - WILLIAM JENNINGS BRYAN

Are over-reaching prosecutors part of the problem?

HARDLY A DAY GOES BY when you don't read or hear about our clogged criminal court system, the legal aid crisis and trials that are dragging on interminably.

There's no doubt that part of the problem lies with defence lawyers who waste time as a result of their inexperience or desire to accumulate billable hours, as well as with unrepresented defendants who have little or no idea how to conduct a cross-examination.

However, we think the Crown itself is part of the problem, with over-zealous Crown prosecutors trying to obtain convictions for a more serious offence than the accused's conduct really merits.

A couple of classic examples have surfaced in recent weeks, one involving a Toronto storekeeper who was charged after he made a citizen's arrest of an habitual criminal, and the other involving a mother currently on trial for murder in the death of one of her children.

The storekeeper, David Chen, apprehended the serial thief when he returned to the store about an hour after a surveillance camera spotted him removing some produce. Mr. Chen and his employees made a citizen's arrest, chasing the thief and holding him against his will while waiting for police to arrive. Toronto police responded by charging the thief with theft while confronting the storekeeper and his helpers with far more serious allegations, including unlawful confinement, assault and even kidnapping (a charge which has since been dropped).

Given the circumstances, Mr. Chen probably wasn't doing anything more than the average observer would have expected of him — certainly not the sort of thing Parliament intended in legislating penalties for such gross mis-

conduct as kidnapping and forcible confinement.

In fact, the only valid purpose in laying any criminal charge would be to have a judge weigh whether the force Mr. Chen and his employees used was excessive. That could have been accomplished by simply laying a charge of common assault and if the judge agreed that the accused had crossed the line, invite the court to give written reasons and grant a conditional discharge.

Instead, all the Crown apparently has offered is a suspended sentence in exchange for a guilty plea that would leave Mr. Chen with a criminal record for activity that at most was an understandable over-reaction to a property crime.

In the other case, Erika Mendieta faces a possible life sentence with no chance of parole for at least 10 years as the result of the death of a two-year-old daughter. Her trial grabbed a lot of attention last week when a former boyfriend testified that he, not she, was responsible for the child's lethal injuries.

Despite the confession, the prosecutor apparently intends to ask the jury to ignore the testimony and convict the 33-year-old mother of second-degree murder in the face of evidence that she called 911 when the child appeared to be dying.

The little girl died on Nov. 23, 2003, 10 days after Ms. Mendieta placed a frantic 911 call from the family home in the former North York.

An autopsy showed that the child died of blunt force trauma to her head. Her body was covered from head to toe with bruises and marks.

Although the little girl was clearly a victim of culpable homicide, the question to be addressed in such cases is

whether there is clear evidence of intent to kill as opposed to a lethal assault brought on by frustration, anger or some other factor that led to a loss of control.

The former live-in boyfriend testified that he had slapped and pushed little Emmily because he couldn't stand the way she and her baby brother were crying, and had also struck the boy, who was not seriously injured. He said Ms. Mendieta was out of the house at the time, picking her other four children up from school.

At this point, it's anyone's guess as to how the Mendieta trial will play out, but we suspect that at least some of the jurors will wind up wondering why the boyfriend was never charged.

But the real questions to be asked are why the Crown went to trial on a charge of second-degree murder rather than manslaughter, and whether it even offered to accept a plea to the lesser offence, which carries a maximum sentence of life but no minimum.

Out in British Columbia, the problem of clogged criminal courts has for years been dealt with effectively by having senior crown attorneys "vet" all serious charges, permitting them to proceed to trial only if there is a strong possibility of conviction. In cases such as the Chen and Mendieta ones, the charges would be reduced or withdrawn.

The result of such a process is the likelihood of a resolution that will be far less costly and time-consuming, either through plea bargains that eliminate the need for a trial or a narrowing of issues that permits a short trial by judge alone rather than a full-fledged jury trial.

Although Ontario supposedly has such a charge-vetting system, there's little evidence that it's being used.



The lying, crying, yelling, screaming, whining, complaining that you pay through the nose for medicine.



Lemmings

The five men who ran the world sat together. It was rare for them to physically meet like this. Generally, their absolute control of the world was cloaked by the divergence of their public stations in life.

Each of them wielded huge influence within their own acknowledged scopes but the truth of their grip on global matters was a carefully guarded secret. Their daily meetings were held electronically and the degree of security around these conversations was not known or understood outside of their tight circle.

Only once in a while, when the wire of crisis threatened to strangle society's precarious balance, did the five of them come together.

There was the man in the pinstriped suit.

There was the man, a king in his own realm, in robes, his head covered according to his land's tradition.

There was the other man in robes, a landless monarch, who nevertheless ruled over millions in many lands.

There was the man who always wore leather suits, a cravat, beautiful boots. There was the silent man, who said little, whose steely eyes watched every nuance, every breath of the others, but his words, however few, carried as much weight as theirs.

"There are too many crummy babies being born," complained the monarch. "We have you to blame for that," the king told him. "You and your prohibitions."

"We must stick to the Old Books," the monarch growled. "It's the only way they'll understand obedience. We must have continuity!"

"Not really," said the pinstripe, crossing his legs. "Only the fittest and best should be procreating. Your people—" and he turned to the silent man, "ought to remember that we actually need women to have the babies at all."

The silent man spoke with venom: "Bah! Women! When are those scientists finally going to make those test tube babies go the whole way?"

It was more or less a rhetorical question, not expecting an answer from any of the others. They shook or nodded their heads, according to their customs, in some degree or another of agreement.

One of them commented quietly: "If there were some way to keep the best of them for their eggs — harvested on a regular basis" — his voice became dreamy — "living comfortable but restricted lives."

"Gentlemen, gentlemen," the king called them back to themselves. There was no pecking order amongst them; any one of them could chair the moment. "I think we should deal with the big issue at hand here."

"No harm in dreaming."
"Perhaps on your own time."

The pinstripe concurred. "For the moment, we do have a serious and immediate problem."

They hardly dared name it but finally one man said it, said it in almost a whisper: "The Lemmings Syndrome."

They groaned and held their heads, all but the silent man who watched them carefully, trying to assess how weak they were going to be about this. Was this the time, he wondered, when he and his people would take over the world? It would be a better place; that was certain. Cleaner, more orderly, certainly less strife — strife was dealt with firmly and immediately in his land. No question about that.

The Lemming Syndrome was so called because, around the world, in every country, territory and town, the people were committing group suicide, but in the way of the lemmings.

The lemmings are rodents who, so it has been reported in Norway, charge together in large numbers and throw themselves off cliffs into the sea, drowning. No one knows why.

Similarly, none of the five men, whose minions told them everything, understood why humans were imitating those dreaded rodents.

The pinstripe reported: "Five hundred successful businessmen and women followed each other off the tallest office building in the city. They took the elevator in shifts to the roof and went off at the same time from every side. It was horrible."

Each of the others had a similar tale: of huge crowds of people, living in terrible conditions, or living seemingly idyllic lives, mindlessly charging to their shared deaths with no word of farewell, no explanations. Like lemmings.

"Some of them are running forward but some are running backwards — it doesn't make any difference and it doesn't make any sense," complained the monarch.

"Suddenly, you want something to make sense, after all these centuries," this sarcasm from the silent man.

"It's not the numbers that worry me," said the pinstripe, "what worries me is that we have not directed it." He paused to look at the other four, one at a time. "Well, have any of you surreptitiously incited these suicides? No doubt, some of your people would obey you — but not all of them would — not like this."

They all denied inventing the Lemmings Syndrome. They had instigated wars, promoted starvation by their policies; they had allowed lawlessness of all kinds; it was all to keep the populations weak minded and preoccupied with their own concerns. Death in large numbers, of course, was necessary to counter the global birth rate.

However, the Lemmings Syndrome was out of their control. They did not know what to do about it.

The man in the leather suit spoke for the first time. Usually loquacious, he had been quite quiet for this entire meeting. He jumped to his feet: "The human race has been driven by all of you to the brink of destruction. They have taken more than they can tolerate."

He leapt to the king and stabbed him in the heart. "You and your arcane tyranny, keeping your people in the dark ages." And the king gasped and died.

So speedily, no one could follow his intent, the leather-suited man jumped onto the landless monarch. "You hoard your wealth of resources, meting them out in small doses so as to keep people impoverished and always at your beck and call." And the monarch died also under the knife in the leather suit's hand.

Without hesitation, he drew his weapon to the throat of the pinstripe. "Your so-called successful business people never knew where their success really came from — it was like a fairy tale all the time and they never knew when it would all end. You kept them terrified of collapse so that they would always seek your approval."

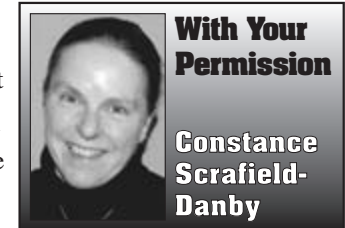
And the pinstripe died as quickly as the others.

The silent man had run from his chair to a door, where he was met by an enormous creature who held him silently and firmly.

"And you!" sneered the leather suit, "you with your contempt for half of the world's people — so, you have no respect for anyone — you ..." He did not bother to finish — he simply finished off the silent man.

"Quite a mess," commented the creature. "Who will you get to lead now — who will be any better?"

The leather suit scratched his head, depressed. "I don't know," he replied. "Do you suppose we could bring back John Lennon..."



With Your Permission

Constance Scrafield-Danby

CITIZEN MAILBOX

Should this really be a 'privacy' issue?

Approximately two weeks ago a long-time resident of Dufferin Oaks had a fall resulting in an injury that would require an operation and a stay in hospital.

While falls happen and require operations to many residents from time to time, this long-time resident was very active at the residence and interacted regularly with visitors on the first floor.

While I am not a resident, my mother is a resident, and I visit her frequently. Anytime I see this long-term resident, I say hello and often have a short visit.

Since the fall I have inquire on their condition at the main reception desk but was told they had no infor-

mation. My mother and others have been inquiring as well, so yesterday I made a point of asking a young staff officer at the desk. I got "I have not heard anything" response, so I left. Today, I again asked, this time a different young staff officer, and was told there was no information.

Now all I was asking was had the resident had their surgery? How were they doing? When were they expected back? I do not believe any of these questions should be considered "Privacy" type questions.

I said to the young staff

member that I could not understand how the staff would have so little interest in a long-time resident to not have any up to date information on their general well being? The staff member said it is a "Privacy" issue. Their instructions were to give "no information."

Our family, friends and possibly ourselves, do or may live in Dufferin Oaks in the future, where I for one believe it should be a "caring, supportive, interactive, friendly" environment which would mean that the very general questions I

asked of the staff would result in an answer along the lines - the resident had their operation, they are doing well/not so well, and will be back soon/next week, etc.

I believe everyone visiting or having any interest in Dufferin Oaks should express their position on this issue. I believe that staff should be directed to provide the general information. To make this happen you will likely have to speak with county representatives on the board to have any impact. I urge you to do that.

Robert W. Anderson
Shelburne

November is Diabetes Awareness Month

Many people believe they know about "diabetes", but did you know there are different types? Type 1 and type 2 are different diseases. So different in fact, that they should have different names to help end the confusion.

VC story thanks

A most timely presentation on those Canadians who were awarded the Victoria Cross.

Bill Bishop's son several years ago penned a book entitled, "Our Bravest and Our Best." He was a most interesting interview. His book chronicles the history of the Victoria Cross along with those Canadians who were awarded the V.C. from earliest years to present day.

Orangeville and area residents should be proud of those who served and those who never returned.

Lest we forget.
Gerry Brosso
Gnanoque, Ont.

When do we show our pride?

Re: Why not just relax...?! November 5 Hoy article

At the end of a rousing piece, Claire Hoy suggests that the controversial visit by Prince Charles and consort Camilla, despite its cost to Canadian taxpayers and the fact that many are not interested in the doings of a jaded, formerly adulterous, middle-aged couple and the fact that this king-to-be will probably have to twiddle his thumbs for another twenty years or so until his mother decides to do the decent thing, "shows we are

pride from whence we came."

My son has type one diabetes. This is sometimes called Juvenile Diabetes. He was diagnosed last year at the age of four. Most people connect diabetes with poor eating habits or inactivity.

That simply is not true. Type one diabetes is an autoimmune disease. That means that without reason and without warning, his own body attacked the healthy cells of his pancreas, destroying the beta cells which produce insulin. We all need insulin to survive. It turns the glucose in the food we eat into usable energy.

And it is not just an issue with when and how much sugar we eat. It is any and all carbohydrates that affect your blood sugar. From the toast you eat in the morning, to the apple you snack on, to the pasta you have at dinner. And yes, the cake you enjoy at dessert.

Type one diabetics can eat it all; they just need to also take a dose of insulin to compensate for it. Type one diabetics cannot

be avoided, cannot be reversed with diet or exercise, it will not go away without a cure.

Daily insulin injections of at least 3 times a day and finger poke tests to check blood sugar levels at least 4 times a day is the regimen for a type one diabetic.

Type two's get all the media attention because there are more of them. However, type one diabetes most often occurs during childhood, so more education and compassion are needed towards type one. The assumption that all diabetics are inactive or unhealthy is damaging to the self esteem and confidence of the children who deal with this disease every moment of the day.

"Jack's Mom"
Andrea Hutchinson
Melancthon

I drive a school bus, and almost every day, when I put on my flashing red lights to let a little fellow off on Highway 10, some Stupid Idiot comes flying by.

Today, he/she was doing in excess of 100 km/h. What is it going to take for these people to realize...? It's going to be some poor little child splattered all over the tarmac.

Last year, some idiot woman in a Jaguar passed me on Airport Road, as I was unloading students, on the inside lane!!!

I am only one driver, every school bus driver out there has similar stories. When you see flashing red lights on my bus, damn well stop!.

Dave Pounds
Orangeville

What is Peace?

Peace feels like hugs from a friend

Peace feels like having something special made just for you

Peace feels like love from your family

Peace feels like a warm gentle touch from your friend

Peace tastes like lollipops and ice cream

Peace tastes like sugar canes

Peace tastes like pancakes and syrup on a Saturday morning

Peace tastes like your favourite dessert

Peace looks like poppies in a field

Peace looks like the sun shining over you

Peace looks like the shining stars at night

Peace looks like a field of flowers

Peace sounds like rain drops falling from the sky

Peace sounds like laughter and happiness

Peace sounds like singing voices

Peace sounds like joy and harmony

Peace smells like fresh air that makes you want to go outside

Peace smells like freshly baked cookies

Peace smells like popcorn

Peace smells like cotton candy at a fair

Peace is being yourself
By Alysha Bryant, 11