

# Judge correctly instructed jury, notes Appeal Court decision

8. He was driving home from a show in Guelph March 27, when the early-morning collision occurred.

Despite having his seatbelt fastened, Larocque was thrown from his vehicle, which was destroyed by the collision's impact.

A three-member Court of Appeal for Ontario dismissed the sentence appeal made three years ago. That sentence came after court heard details about the crash and the events leading up to it.

## Driver fatigue

Halton police officers investigating the collision found that Bhangal had driven more than the legislated number of hours.

Bhangal had fallen asleep at the wheel after driving 16 hours without required sleep breaks.

He maintained two different driving logs — one for American authorities and another

for Canadian authorities. The logs, which keep track of how long a driver has been operating a vehicle and when sleep breaks are taken, had been fixed to make it appear as though he was driving within legal guidelines.

Bhangal appealed the conviction for criminal negligence causing death on the basis that the trial judge: failed to adequately explain to the jury the elements of the charge and how that offence differs from that of dangerous driving causing death; and secondly, failed to adequately relate the evidence to the offence.

He did not appeal his conviction for dangerous driving causing death.

Bhangal retained high-profile criminal lawyer John Rosen, who has defended such notorious murderers as Paul Bernardo and John Papalia, and Lindsay Daviau, who works at a Toronto-based trials and appeals law firm, to

appeal his sentence.

They sought a two- to three-year sentence and a driving prohibition of five years.

The three-member panel that considered the appeal found that Justice Hourigan properly instructed the jury on the elements of criminal negligence causing death and explained the difference between that offence and the lesser offence of dangerous driving causing death.

The panel stated that the judge "explained that the appellant's conduct must show a wanton or reckless disregard for the lives or safety of other people, and that the conduct must be a marked and substantial departure from what a reasonably prudent person would do in the same circumstances."

Furthermore, the Ontario Court of Appeal

found that the judge presiding over Bhangal's case imposed a sentence that, in his opinion, was fit in the particular circumstances of the case.

They based this on the judge's finding that "the appellant had deliberately ignored the driver safety rules, had doctored his log books in an effort to avoid his rest obligations and had put his economic interests ahead of public safety.

Justice Hourigan, said the panel in its decision, "correctly concluded that the appellant's deliberate course of conduct was a significant aggravating factor.

"Further, he found that there was a clear need for specific deterrence because the appellant had received a warning about excess driving only days before the accident."

**PEGGY'S** distinctive ladies fashions

**CUSTOMER APPRECIATION COUPON**

**\$\$ 25.00 \$\$**

Off any Regular Priced Purchase over \$50.00

Thurs. NOV. 24th - Sun. Dec. 4th, ONLY

184 Main St. E. downtown 905-878-1414

1 coupon per person (may not be combined with any other Peggy's offer)

**CLIP and SAVE**

**FABRICLAND** Vogue 1471

**Home & Holiday Sale!**

save up to **50%** off our regular prices and more, on selected merchandise

Formal Glitz Collection of Holiday Fashion Fabrics **40-50% off** our regular price

Sale in effect Nov. 3-30/16, on selected merchandise. See flyer for details!

**...and don't miss our 3 DAY BLACK FRIDAY EVENT!**

**SAVE THE TAX!**

Thurs.-Sat., Nov. 24-26, we'll discount your purchase by 13%. Details in-store!

Follow us on Facebook and Twitter! [www.fabricland.ca](http://www.fabricland.ca)

BRAMPTON: SHOPPERS' WORLD, 499 MAIN ST. S.; BURLINGTON: 3515 FAIRVIEW ST.  
MISSISSAUGA: 3015 WINSTON CHURCHILL BLVD. Please Note: Our Guelph store is now closed.

**HALTON CATHOLIC DISTRICT SCHOOL BOARD** HCSB

**AUDITED FINANCIAL STATEMENTS**

for the year ended August 31, 2016

are available on the Board Website [www.hcdsb.org](http://www.hcdsb.org)

Copies are also available upon request.

J. Michael  
Chair of the Board

P. Dawson  
Director of Education

**ON NOW AT THE BRICK!**

The **BRICK**. PROUDLY CANADIAN SINCE 1971

NOVEMBER 25, 2016

**BLACK FRIDAY SALE**

STARTS FRIDAY, NOV. 25TH 6 AM!

HURRY IN FOR THESE INCREDIBLE BLACK FRIDAY ONE DAY ONLY DEALS!

PLUS DO NOT PAY FOR 2 YEARS WITH NO INTEREST\*

SAVING YOU MORE

78" Myer Leather Look Contemporary Sofa

**SAVING YOU MORE**

For more details go instore or online @thebrick.com.