

# Six months' house arrest for theft from Hoselton's

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There is no definitive way of saying just how much scrap aluminum 50-year-old Ross Carter stole from his employer, though both Crown and defence counsels agreed on a \$2,000 restitution order.

After pleading guilty to theft in Cobourg court this week, the Lakeport resident will also serve six months of house arrest.

The owner of Hoselton Studios in Cramahe Township approached the OPP May 1 about what they suspected was an internal theft that had been going on since the previous November — the theft of aluminum left over from the statues they manufacture and sell, allegedly taken by Mr. Carter and sold by him for his own benefit.

The owner kept a closer watch on the studio and, on May 12, she called 911 to report a break-in. By the time an officer arrived, a quantity of scrap metal had been taken but the owner had been keeping an eye out during the break-in.

She had seen Mr. Carter drive in behind the shop, enter it and remove the metal. She had taken three photographs during this time, in which Mr. Carter was wearing the same clothing and driving a van with the same licence plate as when he was later arrested. Police would also find two crates of metal pieces in his vehicle weighing a total of 150 pounds.

Mr. Carter had been a close friend of the Hoselton family, Crown attorney Mark Moorcroft said. He even acted as a pall bearer for the owner's father. That is why they held off for a time after they first suspected what he was up to.

The uncertainty of how much metal was taken and its value led to the charge of theft under \$5,000. The owner estimated perhaps 17 cases had been taken.

Defence counsel Karl Bernhardt said his client had no prior criminal record he was aware of.

"Ross knew the trust he had breached," Mr. Bernhardt said. "He had stolen from the company controlled by his good friend Gord Hoselton, a fellow who had taken him and had him set up at gift shows in Montreal and Toronto and treated him almost like a son.

"He is ashamed and embarrassed that he stole from this family, from this corporation, from this enterprise that had been so good to him. He has paid a price, and I don't suspect will ever get his standing back."

Mr. Carter has since found other employment in Trenton, so — in order that

he can continue to support his family and make restitution — Mr. Bernhardt argued that any custodial sentence should be served in the community.

"I ask you to do that, believing and knowing that we can craft a conditional sentence here that will not be offensive to general deterrence," he appealed to Mr. Justice Rhys Morgan — "that will not be seen as a get-out-of-jail-free card. I don't think the court need worry about him ever violating that trust again."

Since it was, after all, his first offence, Mr. Justice Morgan agreed with the conditional-sentence option.

"In an earlier day, the court required individuals who stole from their employers to serve a jail sentence," the judge related. "It stood for the proposition that individuals who stole from their employers had breached the trust that existed between employer and employee and, as a mark of general deterrence, it was necessary to separate them from society and put them in jail for a period of time.

"Over the years, there has been a change in the law in Canada with respect to the imposition of jail sentences, particularly when it comes to property. This is your first offence. You are a mature adult. You have pleaded guilty. You have agreed that, on May 12, you stole from your employer," he listed.

"A jail sentence is required to send a message to you and to others that it is not appropriate and does harm to society to steal from your employer.

"The sentencing provisions of the Criminal Code, however, require I review a number of principles. One of them is that I must impose a sentence that is the least restrictive on you — I must at least consider that, taking into account Mr. Bernhardt's submission as to what you have lost in terms of your good name in the community and the harm you have done to yourself when you breached the trust the Hoselton family placed in you."

Mr. Justice Morgan ordered that the \$2,000 in restitution be paid off at the rate of \$100 a month and outlined the only conditions under which Mr. Carter can leave his home — for instance, for medical and legal appointments.

"Mr. Carter, six months of house arrest for you," the judge ordered. "That begins today. You are now in custody, Sir, and your first obligation is to leave here and go home."

## COWIE, NORMA GENEVIEVE

Peacefully at the Lakeridge Health Centre, Bowmanville on Wednesday, February 4th, 2004 in her 83rd year. Beloved wife of the late Harry Cowie. Loving mother of Jane Beaulieu (Gerard) of Oshawa and James Cowie (Sheila) of Bowmanville. Dear grand-mother of Nancy (Glenn), Nikki (Mark), Tricia (Dean), Brian, Steven and Rebecca and great-grandmother of Elise, Liam and Kian. Sister of Lola Fox of Colborne. Friends called at the MacCoubrey Funeral Home, 11 King St. W., Colborne on Saturday, February 7th from 12-2pm., followed by a service in the funeral home at 2pm. Spring interment in Colborne Union Cemetery. If desired donations may be made to the Heart & Stroke Foundation or Canadian Cancer Society. Condolences received at www.maccoubrey.com

## WAKELIN, WILFRED CLARENCE (CLARE)

Passed away at Northumberland Hills Hospital, Cobourg on Monday, February 9, 2004. Clare Wakelin, P.D.D.G.M. Ontario District, Past Master St. John's Lodge #17, Cobourg. Clare was the beloved husband of the late Eveline Jackson. Dear father of Carol Fisher and John Wakelin. Father-in-law of Stan Fisher and Judy Wakelin. Beloved Papa of Nancy Moran, Robin, Sarah and Pamela Wakelin. Brother of the late Phyllis Huddleston, Rena Moseley and Raymond C. Wakelin. Also sadly missed by his many nieces, nephews and their families. Friends will be received at St. Peter's Anglican Church, King Street East at College Street, Cobourg, Thursday from 1pm. until time of Funeral Service at 2pm. Interment, St. Peter's Cemetery, Cobourg. If desired memorial contributions may be made by che-que to St. Peter's Church Building Fund or Northumberland Hills Hospital Foundation. www.allisonfuneralhome.com

## BRYCE, MURIEL (MOORE)

On Thursday, February 5, 2004 in her 93rd year. Muriel was the second daughter of Herbert and Della Moore of Port Hope. Predeceased by her spouses Jack McCallum and Ken Bryce, her brother Arthur Moore, her sister Olive Moore and her nephew Peter Moore. Sadly missed by her sister Evelyn Poole. Remembered by her nieces and nephews Hugh Moore, Louise Baxter, Francis Smales, Allan Moore, Margaret Milne, Marilyn Willis, Nancy Wallace and Elizabeth Alexander. Muriel lived in Leaside and was a former employee of Manufacturers Life Insurance Company and Crown Life. In her later years, Muriel enjoyed assisting at Northlea United Church, the CNIB and attending classes at York University. Muriel was a passionate contract bridge player and loved to travel. The funeral is at Allison's Funeral Home, 103 Mill Street North, Port Hope on Saturday, February 14, 2004. Visitation at 10am. until time of funeral at 11am.

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able. **Robert W. McEwan**, of Presquille Point, born Toronto in 1926, died peacefully February 4th, 2004, at his home at Presquille Point, Brighton, after a long illness. Robert died with great dignity and courage. Robert was and is cherished by his family, his wife forever Mary, daughters, Candyce, Kelly and son Gregory, daughter-in-law Cindy and son-in-law Dirk, his most loved grandchildren, above all else, Summer and Andrew. Robert's greatest gift was to live life fully from his education and friends at Upper Canada College to his profession as a builder and developer in the greater Toronto Area, the Bahamas and around his home near Warkworth and Presquille Point, to his life as a proficient sailor, scuba diver (NAUI instructor #126), parachute jumper, skier, swimmer, pilot and farmer. His greatest gift was his personality and love of friends and family and the best grandfather ever. He was a gracious host who loved all his friends. His beautiful blue eyes and jovial personality never failed to devastate. He will live on forever through the buildings he built and through his family and friends. There will be a cremation, a family private service and a celebration of his life on June 5, at Presquille Point for those who wish to attend. In lieu of flowers, if anyone wishes to acknowledge Bob's life please donate to his favourite charity, the Salvation Army, care of Box 96, Brighton, K0K 1H0, because of their contribution while he was in the Navy.