



Among friends — Steve Bowskill, centre, arrives at court last Thursday and a path is cleared for him by his supporters, carrying placards. By the end of the day, however, the Colborne pharmacist was expressing dismay that the case was to drag on to another date, Sept. 1. Photo by Eileen Argyris

Bowskill goes to court ... but it's not over yet

By Eileen Argyris

It will be a long, hot summer for Steve Bowskill, his family and supporters.

Mr. Bowskill, owner of Downey Pharmacy in Colborne, went to court last Thursday having pled not guilty to two weapons charges — unsafe storage and careless use of a firearm.

Although he and his lawyer, Calvin Martin of Toronto, had expected the case to proceed and conclude in that one day, the Crown had not finished with its parade of witnesses by 4:30 p.m. when Judge John Bark recessed. The trial is to continue Sept. 1 in Brighton.

FACED DOWN CROOKS

The charges against Mr. Bowskill arise from an incident Feb. 17, when his pharmacy was robbed by two men who broke in between 3 and 4 a.m.

Mr. Bowskill heard the noise of their entry from an apartment above the store, and went down — armed — to investigate.

It was the eighth break-in the business had sustained in two years.

Ordered by Mr. Bowskill to stop, the thieves instead fled out a back entrance and toward a waiting getaway van. Mr. Bowskill has admitted to firing his revolver twice at the right rear tire for the purpose of stopping the vehicle.

He then gave chase in his own vehicle and called police from his car's cellu-

lar phone.

At day one of the trial last Thursday, Crown attorney David Thompson called six witnesses, five of them police or police personnel, in an attempt to establish that Mr. Bowskill had acted in a careless manner when he shot off a revolver in the vicinity of residential areas and travelled streets.

But Mr. Martin, the defence lawyer, refuted the Crown's arguments by asking each of the police in turn whether they could hit the tire if they shot at it from a distance of 20 to 30 feet.

Each of them admitted they could, with one officer, Steve Grosjean of the Brighton OPP, saying only that he thought he could hit it, if he weren't stressed.

At this, Mr. Martin remarked that perhaps the young detective should invest in some stress management sessions.

The Crown lost what appeared to be important ground when Judge Bark disallowed two sets of witnesses.

PREVIOUSLY WARNED

One group of witnesses would have testified that Mr. Bowskill has been previously warned about the use of firearms in attempts to stop criminals.

During four of the eight break-ins at his store, the pharmacist has faced down the perpetrators — armed — and persuaded them to remain until police arrived.

The defence attorney objected to the presentation of these witnesses and added, "Mr. Bowskill is not pretending he didn't know what he was doing.... We are saying it is

not a departure from the standards of a reasonable person."

When Mr. Martin further charged that the Crown was trying to "blacken Mr. Bowskill's character," Judge Bark agreed.

The judge compared the charge against Mr. Bowskill — careless use of a firearm — to careless driving.

He noted that it would be immaterial in a charge of careless driving how many times the accused had been warned previously, the issue before the court is whether he was guilty of carelessness in this instance, or not.

Judge Bark ruled the "value of the evidence would be outweighed by its prejudicial effect."

GUN NOT REGISTERED?

Later the Crown attempted to introduce evidence that the gun used by Mr. Bowskill was not a registered weapon, but the judge disallowed that, also.

The defence attorney told the court, "The police are making an issue out of the registration, when they are likely at fault."

He said there had been some question about registration documents being lost.

Although the Crown argued that Mr. Bowskill's failure to make certain that all documentation was in place constituted a form of carelessness, the defence countered that the Crown was attempting to conduct "a trial within a trial."

Mr. Martin noted that having an unregistered weapon was a chargeable offense, but Mr. Bowskill