

Day in court

continued from page 1

has not been charged with that.

The judge ruled that "registration is not an issue."

Next, the Crown wanted to introduce evidence regarding the restrictions placed on police officers in using their firearms, but the defence attorney objected that "Police officers know what their rules are. Mr. Bowskill is not part of that group."

POLICE CAN'T FIRE

Mr. Martin went on to make the point that most people, and most police, don't agree with the restrictions placed on their use of firearms. He argued the restrictions are a "public relations" ploy on the part of "armchair experts" at Queen's Park.

However, Staff Sergeant Ron LeClair, commander of the Brighton detachment, was allowed to read into evidence the section of police regulations that prohibits police from firing at a vehicle "for the sole purpose of stopping it."

KATZENJAMMER KIDS

Mr. Martin countered by saying the regulation had been introduced to prevent a scene "like the Katzenjammer Kids" in which a rain of bullets might pass back and forth between a fleeing vehicle and pursuing police.

The defence attorney elicited an agreement from the sergeant that such scenes formerly took place, innocent passers-by had been wounded or killed, and it was "not a good thing."

Later, the defence lawyer got another police officer, Steve Grosjean, to agree that he would "not be surprised" if the streets of Colborne, including Highway 2 and Percy Street, as well as Victoria Park, were completely empty of vehicles and pedestrians at 3 to 4 a.m. on the night in question in mid-February.

NOT ENOUGH POLICE

Mr. Bowskill's lawyer made another point, emphasizing he did not want to cast "blame on the Ontario Provincial Police," but he hinted that the force does not have the staff it needs to respond quickly in all emergency situations.

Mr. Martin noted that Mr. Bowskill had once chased suspects from the scene of a burglary in his store, cut them off in his car, and then had to wait 45 min-

utes for police to arrive to make an arrest.

The defence lawyer made the point that Mr. Bowskill had been previously advised by Staff Sergeant LeClair that "the OPP can't always come to the rescue."

WITNESS SAW BREAK-IN

Late in the day, the Crown called Garry Connolly of Colborne to the stand. Mr. Connolly, who witnessed the break-in from his apartment at 1 King Street West, told the court he called 911.

Even though Colborne does not have 911 response service, a tape played in the court proved that an operator had answered and connected Mr. Connolly with the OPP.

Under the Crown's questioning, Mr. Connolly claimed to have seen the break-in and the gunfire that occurred later. But under cross-examination by the defence, Mr. Connolly admitted that, during the approximately seven minutes he spent on the phone, he had missed Mr. Bowskill's shots at the tire.

Later on the morning of the robbery, Mr. Connolly testified Mr. Bowskill had admitted to him, "I shouldn't have shot. I'm going to be charged."

UNSAFE STORAGE

On the charge of unsafe storage of a firearm, Constable Steve Grosjean testified that, on the day following the robbery, he had attended at Downey Pharmacy to obtain invoices from Mr. Bowskill for the drugs stolen during the robbery the previous night.

He told the court he also asked Mr. Bowskill at that time to voluntarily turn

over all firearms in his possession.

He said Mr. Bowskill agreed, and immediately reached behind him and produced a loaded shotgun stored in the dispensary area of the pharmacy.

The detective said the gun appeared not to have been locked up.

Under cross-examination by the defence, Det. Grosjean said he did not recall having told Mr. Bowskill that a third person who had been arrested in connection with the robbery had been released and that he was exceedingly angry at having been arrested at all.

"Did Mr. Bowskill just

y 12, 1994

Page 3

dream this?" the defence lawyer asked the officer. Mr. Martin said Mr. Bowskill had feared for his safety when police told him the third man, "a member of a motorcycle gang" had been released.

Mr. Martin then asked Det. Grosjean whether he had indicated to the pharmacist that the firearm had been improperly stored before police seized it.

"No I didn't," the officer admitted. He said he had been "dumbfounded."

The trial on the two charges continues Sept. 1, beginning at 10 a.m. in Brighton court.



GUN CHARGES: Pharmacist Stephen Bowskill, 44, right, talks to reporters outside the Brighton courthouse, where he appeared yesterday.

CP PHOTO

A10 THE TORONTO STAR

ONT

Druggist regretted firing at thieves' van, court told

BRIGHTON (CP) — A pharmacist charged with firing a revolver at a getaway van after two men broke into his drugstore said to a neighbor, "I shouldn't have shot," the neighbor testified yesterday.

Stephen Bowskill, 44, has pleaded not guilty to careless use and unsafe storage of a firearm in the incident late one night in February outside his store in nearby Colborne, 120 kilometres east of Metro.

Bowskill enjoys the support of many local residents, who say charges should be dropped because police response times in the area are slow. He faces a maximum reformatory sentence of two years less a day if convicted.

The neighbor said he spoke with Bowskill shortly after the break-in as the pharmacist, who lives in an apartment above the

store, waited for provincial police to arrive.

"I asked him how he was, and Stephen said, 'Oh damn, I'm going to be charged,'" Gary Connolly told Ontario Court's provincial division.

"I said, 'Why you?' and he said 'I shouldn't have shot.'"

Crown Attorney David Thompson told Judge John Bank in his opening address that Bowskill had been warned previously not to use a gun to protect his business.

Court heard Bowskill, who had been robbed eight times previously and helped apprehend suspects on three occasions, went down to the store after hearing noises. Two bullets were fired into the right rear tire of the van.

Its occupants were later convicted of robbery and sentenced to two years.

Bowskill did not testify yesterday as the prosecution presented part of its case. The trial resumes Sept. 1, when it's expected to wrap up.

About 75 of Bowskill's supporters, some wearing yellow ribbons, packed the courtroom and spilled into the hallways.

"Within our community he's a hero," said Nadia Krajczyk, who organized a petition that has been signed by about 4,600 people. "More of an issue was made of Steven than the people who stole these drugs."

OPP Detective Constable Steve Grosjean, who responded to Bowskill's robbery complaint, said the pharmacist handed him four bullets and two shell casings. He also said he seized a shotgun from the store.

"I guess you could say I was dumbfounded," he testified.