Jason Fields cleared - conviction quashed

Sgt. Jason Field, a veteran of 18 years on the police force was cleared of a charge of using unnecessary violence Monday, when Judge Stanton Hogg quashed his conviction.

He was convicted in December by Halton Police Chief Ken Skerrett, at a hearing held under the Police Act, and the appeal was launched immediately. He had been reduced to a first class constable.

County Judge claimed Police Chlef Skerrett based his decision on an erroneous interpretation of the evidence. He said statement by Sgt. Field was taken by the Police Chief as an admission he struck 20 year old Gary Sparling after a police chase in May, 1977.

The statement in question, according to the transcript of the December hearing came after Roland Sparling, R.R. 2 Acton, father of Gary Sparling said, "I don't know what I'm going to do with his

lad, I'm so worried." Field testified at the first hearing he replied, "I know what I'd do, I'd give him a cuff on the head."

replied, "If you hadn't I would have."

no admission by Fields. John Greenwood, Field's lawyer claimed Sparling Sr. misinterpretated the com-

In his judgement, Judge Hogg pointed out it was not his duty as an appeal court to retry the case, since the first tribunal had the opportunity to listen to the evidence and observe the witnesses. He said his function was to determine whether Field had a fair trial and whether the evidence supported the decision and was admissable.

"I believe the appellant had a fair trial, was represented by experienced counsel, and witnesses were heard." stated the judge. He said the police force is a para-military organization that must be disciplined and senior officers obeyed, for the protection of the public.

He said the evidence of Sparling Jr. and Robert Jurrie, Mountainview Road, Georgetown, a passenger in the car, must be scrutinized.

To which Sparling senior | He stated Sparling had been | on laying a charge. He said drinking, he had committed a crime of driving at excessive Judge Hogg ruled there was speed, running several lights and stop signs, attempting to escape, and lying to police

saying he was not driving. Judge Hogg said the evidence was contradictory, and pointed out a court must exercise great care and caution in weighing such evidence. He said if he were instructing a jury to look with great care at it, and to look for supporting evidence for such witnesses. "In my opinion the Chief of Police did

He said the Police Chief in giving his reasons for his decision said the two witnesses "were not lying all the time," and said the Chief put credence in the father's statement which seemed to back up the charge of being struck.

The judge made no award of costs, leaving each party to pay their own.

John Greenwood, lawyer Act put a limit of six months of duty."

the second charge was beyond the time limit Originally the charge laid in October was one of assault, but was reduced to unnecessary violence in the

second charge. Greenwood claimed the first hearing under Chief Skerrett should not have proceeded. He said an assault charge comes under the criminal code. He claimed the police chief did not have jurisdiction since the matter was not acted upon within six months. He stressed the chief was aware of the objection. Doug McConnachie, lawyer

for Halton Police Commission, claimed Field did not come under the Police Authorities Protection Act when he went beyond the execution of his duty, and claimed if he used unnecessary violence he would be deprived of that protec-

He said, "if the person thinks he is doing the right for Halton Police Association, thing he would be entitled to defending Field, said the the protection of the Act, but I Public Authorities Protection | can't believe of the execution

McConnachie claimed the seen what happened as he sat second charge was not a new in the back of the car, since opinion it indicated the police one, but simply the same one redrafted.

Greenwood sald credibility of the witnesses was the crux of the situation. "It is my submission there are very substantial errors bounding on recklessness. I feel he (Chief Skerrett) abandoned his function in trying this case." He said it must be determined whether

The Judge said it was for him to determine, and reminded the hearing the Chief heard evidence and saw the witnesses. Greenwood said Sparling

or not Field had a fair trial.

lied about driving the car and admitted it, and claimed he was hit hard on the temple twice, but there were no marks according to the testimony of both his mother and father. The only point either noted were his bloodshot eyes, said Greenwood, who stated Sparling admitted to having five beers in one and one half hours.

Greenwood suggested the witness Currie could not have

Sparling was right up against the car, and his head would be been brought about by above the roof. Currie testified at the first hearing said "It indicates to me he he saw Field strike Sparling. | was considering outside in-Greenwood insisted there

conversation Sparling Sr. but that the father had misinterpreted the statement. He pointed out route of the high speed chase Ann Street.

cuts. "It is irresponsible to admitted it. have someone's career afclear evidence."

Continuing, Greenwood said there was an argument ficers should not be convicted lawyers we're here today."

The judge said he did not understand what that meant.

Greenwood said in his chief felt the charges had complaints of lawyers. He terests." Greenwood asked was no admission by Field in | the charge be dismissed and the conviction quashed.

McConnachie said Sparling's evidence was the only evidence he would agree Field took the father over the there should have been no conviction. He said Sparling which ended on a dead-end on lied about driving the car, and claiming the car was Greenwood said Field was stolen. He said Sparling Jr. is wearing rings and claimed if |a confessed liar up to a point there had been substantial but was right about Field blows there would have been using profanity, since Field

"He's not charged with fected by ignoring crystal that," commented the judge. McConnachie said Sporling Jr. was never shaken in his statement that he was struck at the first hearing that of- by Field, only on whether it was a fist or open hand. The on this type of evidence, to Police Commission lawyer which Skerrett replied, "It's said he was not suggesting unfortunate all lawyers don't | Sparling was "hammered". feel this way. It's because of He said Currie's testimony corroborated Sparling's to some extent. He said he phoned Sparling's parents

and said he heard someone say Sparling would be in the hospital before the night was over. "He did phone, the parents stated, and Sparling Sr. went to the hospital before going to the police station." The Judge commented it showed a great tendency to

exaggerate. McConnachie said Currie repeatedly said he saw Field strike Sparling, and said he wondered why Field said nothing when Currie said, "I

saw that, I saw that". Regarding the converstation between the father and Field, McConnachie claimed at the first hearing Sparling Sr. said, "you are twisting my stripes on him."

are you questioning my credibility, I don't get confused easily." He said Sparling Sr. was obviously a fair witness. He

words, I told you what I said,

claimed Fields did not refute the remark or attempt to explain to the father what he said at that time.

"I feel fantastic", was Fields' comment after the verdict. He sald he appreciated the letters support he received, a

"Justice has been done." remarked Al Reulens, President of the Halton Police Association. "This goat came out lily-white, with three

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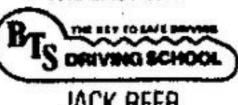
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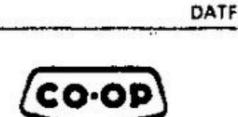
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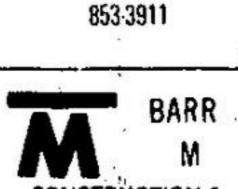
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