



Acton Dominion Hotel murder trial underway

By MAGGIE HANNAH
Herald Special

The opening salvos were fired Monday in Milton Supreme Court before Mr. Justice Coulter Osborne in a murder trial which the crown attorney speculates may last six weeks.

Cosimo Mercuri, 44, of Malton, Michael McCrystal, 49, and Leonard Cripps, 57, both of Acton, pleaded not guilty to the charge of second degree murder in the death of Howard Gibbons in a fire which destroyed Acton's Dominion Hotel Aug. 19, 1979.

Crown attorney Paul Stunt told the jury of four women and eight men he will use circumstantial evidence to prove the trio deliberately set the fire to claim insurance money to solve owner Mercuri's financial difficulties.

The crown won't be saying Mr. Gibbons' death was intentional, Mr. Stunt said, just that the arson was deliberate and since Mr. Gibbons' death resulted from it, that makes it murder.

In his opening remarks, Mr. Stunt said Mr. Mercuri bought

the hotel in March, 1977, for \$275,000. He took out a first mortgage for \$165,000 and a second for \$65,000. Both mortgages were due April 1, 1979. Mr. Mercuri paid only interest on both loans with money coming out of the hotel's shareholder's loan account, an account considered to be part of the hotel equity. That account was in default by the time of the fire.

Mr. Mercuri's business didn't provide sufficient income to cover his debts and he knew he must either sell out or expand the business in order to get out of his financial difficulties, Mr. Stunt said. Although Mr. Mercuri received a building permit in 1978 and called tenders for extensive renovations to his hotel on Acton's Main Street North, he wasn't able to get the money to cover such an expense.

Mr. Mercuri was able to arrange a loan from the federal Business Development Bank for \$200,000 in April, 1979, but that didn't quite cover his mortgages. A second mortgage for \$33,000 had to be arranged.

Mr. Mercuri arranged a private loan which fell due the end of August, 1979. A statement of facts agreed to by the crown and all three defence attorneys said Mr. Mercuri had payments of \$3,000 a month to make as a result of his loans.

The statement also said the Ontario Liquor Licensing Board planned to suspend Mr. Mercuri's lounge licence for 14 days in August.

In the opening statement, Mr. Stunt said Mr. Mercuri tried to use the legal alternatives of sale or expansion to increase his business and when they failed, the crown will show, he tried to hire a professional arsonist to either burn or bomb the building. That, too, went sour when he couldn't raise the man's \$10,000 fee, Mr. Stunt charged. After that, he approached Mr. Cripps and Mr. McCrystal, both of whom were residents and employees of the hotel, and undertook the arson himself with their assistance.

Mr. Stunt said the arson was supposed to clear up Mr. Mercuri's financial woes and

leave him with a nice clean lot on which to build a plaza or a new hotel. Although Mr. Stunt predicted he will call more than 50 witnesses during the trial, only three took the stand Monday.

Halton regional police Sergeant Bruce Richards told the court that records had been seized from the Mercuri home at Lot 25, Con. 2, Oct. 12, 1979, and from a number of banking institutions, legal firms and accounting firms between October, 1979, and February, 1982.

Mr. Mercuri's lawyer, Michael Muldaver, attempted unsuccessfully to make Sgt. Richards admit it is unusual to find records of a business after an arson.

Sgt. Richards said he thought the boxes of business records which he seized had come from the hotel after the fire, but he would offer no comment on when they were removed from the fire scene or why no investigators had taken them before Oct. 12, 1979.

Sgt. Richards also showed the court plans for a plaza made out to Melrose Plaza Apartments and dated March 31, 1979, which he seized from Mr. Mercuri's car in October, 1979. He also seized a set of

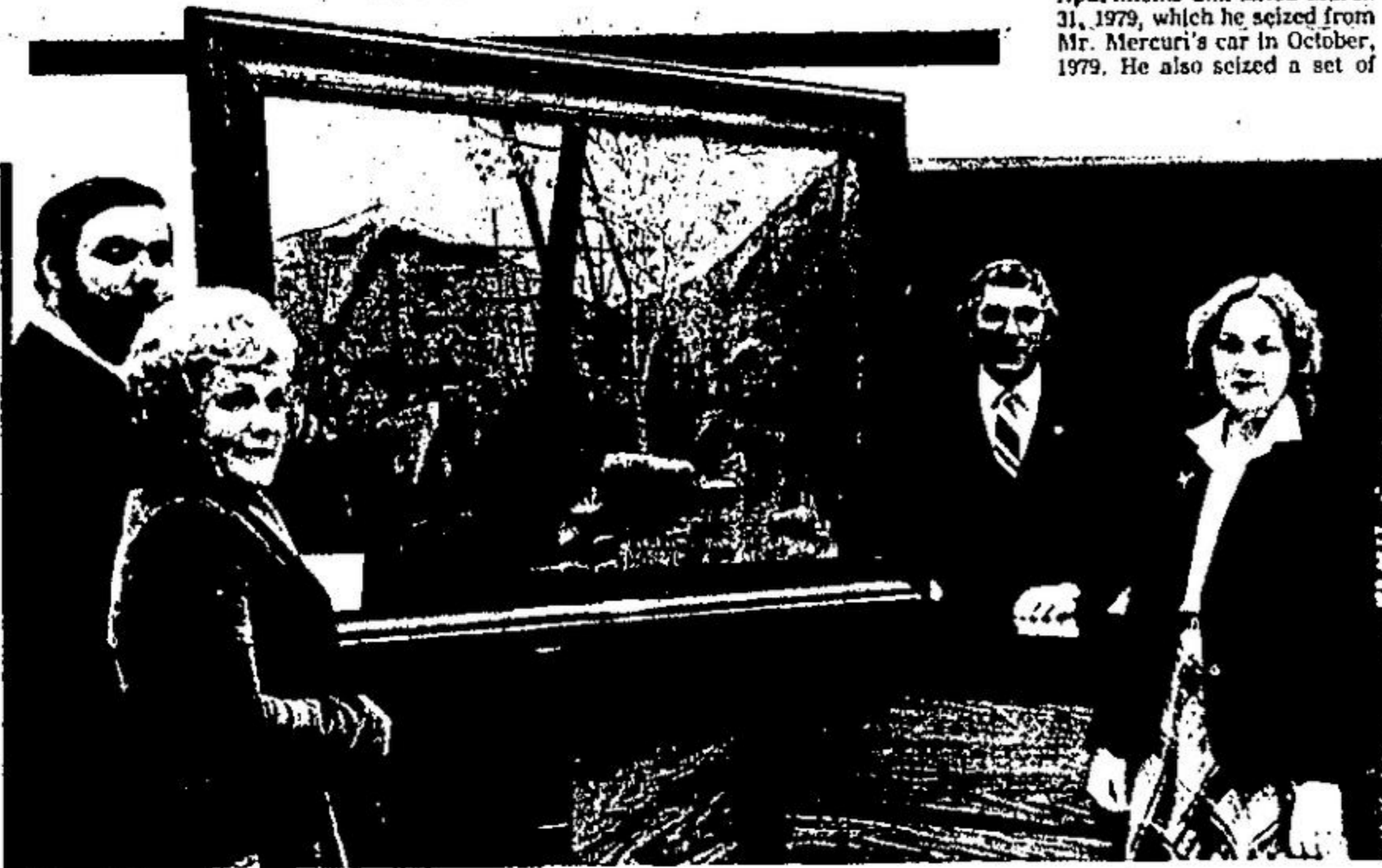
plans prepared by a Guelph architect in January, 1980. A third set of plans entitled Dominion Hotel Acton were also seized.

The crown's second witness, Dr. Gordon Longfield, Halton pathologist, testified that Mr. Gibbons, then 58, died of asphyxiation. The presence of carbon in his nose, windpipe and lungs indicated Mr. Gibbons was alive and breathing at the time of the fire and carbon monoxide from the fire replaced the oxygen in his system, therefore asphyxiating him.

Dr. Longfield also testified that tests showed Mr. Gibbons had 174 millilitres per thousand of ethyl alcohol in his blood when he died. An upper level of 80 millilitres per thousand is the legal limit for drunk driving and at 150 to 175 millilitres, blood alcohol, the average person would be in a stupor, Dr. Longfield said.

The crown's third witness was Halton regional police Constable Bill McGrath, who took photographs for the investigators.

Brampton lawyer John Smith is representing Mr. McCrystal while Milton lawyer Peter McWilliams is representing Mr. Cripps.



This enormous, three-dimensional leather "painting" will hang shortly in the Halton Hills Library-Cultural Centre. A gift from Brampton-based leather worker-artist Rick Berghammer, the piece was presented to the town during a special ceremony at the Georgetown Market Place branch of the Canadian Imperial Bank of Commerce, which has been showing some of Mr. Berghammer's work. Accepting the donation on behalf of Mayor Pete Pomeroy, who was unable to attend, was acting-mayor Dave Whiting, joined by (left to right) Commerce loans officer Donna Vary, Mr. Berghammer and his wife, Kathy. The exhibit at the bank is unique and offers a rare opportunity to view this impressive artistic technique.

(Herald photo)

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Jelinek receives support

From the Ottawa Bureau of The Herald
Halton MP Otto Jelinek says his Oakville constituency office has received numerous calls supporting the Conservative party's blocking of Parliamentary business.

The House of Commons has not conducted any business since 4:30 last Tuesday afternoon as the Tories protest the way the government is presenting the Energy Security Act.

Tory House Leader Erik Nielsen has been receiving calls from all over the country supporting the move, Mr. Jelinek said.

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