

Parole possible in ten years



A little trick lighting was all that was necessary to make the Acton Figure Skating Club's Cheshire Cats (above) "vanish", leaving only their bright stripes and big smiles visible. Clever staging and some talented skating made the club's presentation of "Alice in Wonderland" an evening of sheer delight for

hundreds at the Acton community centre Saturday night. Led by Sharon Campbell, the Cheshire Cats were Junior "B" girls Milka Cavic, Christine Hess, Natalie Mance, Katherine Nikic, Amanda Stamp, Diane Frehs, Amy Jane, Nicole Nibbs, Patricia Pearce and Angela Yaworsky.

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defendants had been ably represented by their counsels and the Crown had prosecuted fairly. He also commended the jurors for a difficult task saying they had had a "long and tiring experience and it shows."

All jurors appeared exhausted as they filed in to announce their verdict. When Mr. Moldaver and Mr. Smith asked that the jury be polled, several jurors' voices were hoarse with strain. Two of the four female jurors needed a supporting arm as they retired to consider recommendations on Mr. Mercuri's parole period.

Mr. McCrystal bowed his head in his hand, fighting tears as Justice Osborne remanded him in custody.

Mr. Smith, who had remained optimistic throughout the 24 hours of the jury's deliberations, shook his head in bewilderment at the verdict.

"DISAPPOINTED"
"I'm disappointed," he said. "I can't understand how they got a guilty verdict."

Mr. Moldaver and Crown Attorney Paul Stunt both refused to comment on the impact of testimony by confessed killer and contract arsonist Cecil Kirby. Mr. Kirby testified that Mr. Mercuri tried to hire him in early August, 1979, to burn his hotel.

This is Mr. Kirby's third appearance as a crown witness and the third successful conviction - since the former motorcycle gang member

worked out a deal with the Ontario attorney general's office to give testimony on cases about which he has knowledge. In return, police provide protection and immunity from prosecution for crimes to which he has confessed.

In his charge to the jury last Monday, Justice Osborne cautioned members to scrutinize and weigh Mr. Kirby's evidence very carefully. He described Mr. Kirby as a character whose reputation and reverence for truth has been condemned and jurors would need corroborating evidence before accepting his statements.

Turning Mr. Kirby a "perfect example of a witness of unsavory character," Justice Osborne said he knew of no legal evidence capable of corroborating Mr. Kirby's testimony.

While warning jurors to be careful in acting on evidence from such a witness, Justice Osborne gave them freedom to act on the evidence if they believed Mr. Kirby.

Testimony by Mr. Mercuri's mistress Gloria Eckstein that they discussed burning the hotel in June and that Mr. Mercuri knew there were people who could burn buildings, supported Mr. Kirby's statements about an unsuccessful attempt to hire him to burn the hotel in August, Justice Osborne said.

"I guess we'll never know whether the jury believed him or not," Mr. Stunt told reporters.

—Courtesy Guelph Mercury

Defence's tape ruled a side issue

Herald Special
A defence attempt to get a tape recorded conversation between police informer Cecil Kirby and his girlfriend entered as evidence in the Dominion Hotel murder trial failed when the judge ruled the tape recording a side issue.

The recording, produced by defence attorney Michael Moldaver was to be used to prove Mr. Kirby, a confessed contract killer and arsonist, wouldn't hesitate to lie to achieve his own ends.

Mr. Kirby is living under police protection in return for his testimony at trials for crimes that he has knowledge of. The Ontario solicitor-general has offered Mr. Kirby immunity for crimes the man has confessed to.

Mr. Moldaver attempted to discredit Mr. Kirby's testimony that Mr. Mercuri tried to hire him to burn the hotel in early August, 1979. The hotel was destroyed in a fire Aug. 19, 1979, and a resident, Howard Gibbons, 59, died in the blaze.

Mr. Kirby said he met Mr. Mercuri at the Case Commission, described in the trial as the headquarters for a Toronto Mafia family. Mr.

Kirby said his former employer Cosimo Comisso, introduced the men and led Mr. Kirby to believe Mr. Mercuri and Mr. Comisso were friends.

Mr. Kirby and the jury were excluded from the Ontario Supreme Court room while Justice Coulter Osborne heard arguments on the admissibility of the tape as evidence on Mr. Kirby's credibility.

Crown Attorney Paul Stunt said the tape had no connection to the case being tried and was linked only to Mr. Kirby's credibility. Mr. Moldaver agreed, but felt it was vitally important the jury hear Mr. Kirby's threats to perjure himself in order to get his girlfriend jailed.

"The tape focuses on what this man is," Mr. Moldaver said. "He'd frame his own mother if he thought there was some advantage to gain from it. The advantage here would be police protection, salary and his apartment. The more people he fingers, the longer he'll get protection. It's fundamental the jury be made aware this man would perjure himself without hesitation."

Justice Osborne finally had

the 15-minute tape played.

Mr. Kirby first pleaded with his estranged girlfriend to see him. After several refusals, he threatened to send her to jail for life as an accomplice in crimes he had committed. When she pointed out she wasn't guilty he said he'd lie and frame her. So long as he tied her to "the people on Lawrence Avenue" (the Comissos), the police would believe anything he said about her, Mr. Kirby said.

"There's not a better liar than I am," Mr. Kirby boasted near the end of the tape.

Although the evidence against Mr. Mercuri also linked him to the Comissos as Mr. Kirby had threatened to link his girlfriend to the Comissos, Justice Osborne decided the tape shouldn't be played to the jury. Instead he decreed a typed transcript of the tape could be shown to Mr. Kirby to refresh his memory of his conversation with his girlfriend in late 1980.

Under cross examination Mr. Kirby first denied the conversation, then admitted he might have threatened his girlfriend.



Tracey Oakley as Tweedle Dee (left) and Simone Christensen as Tweedle Dum portrayed their characters at their humorous best Saturday during two performances of "Alice" by the Acton Figure Skating Club. In their own quaint but absurd way, they offered to help Alice (Colleen Petty) find the elusive White Rabbit (Terri-Lee Jowett), Glenn Pearce, Anne Genoe, Terry Masales and Don Perry made up the carnival committee which staged "Alice" for hundreds of delighted parents and friends.



Canada's 1976 Novice skating champion Kevin Parker, a long-time Acton resident who now lives near Campbellville, was special guest at the carnival. He brought the unmistakable excitement of top-level skating to a fun-filled production by the Acton Figure Skating Club's menagerie of Walrus, Caucasus, Caterpillars and Lobsters.

(Herald photos by Harald Bransch)

Artful 'Sparks'

"Art Sparks", a regional juried art exhibition featuring the work of Halton high school students in the senior grades, runs April 15 to 30 in the Halton Hills Library-Cultural Centre gallery. Come see a collective portrait of the artists as young men and women; your support may launch their careers in art.

Pint size pottery

The Y's Pint Size Pottery program takes place April 23 from 1 to 2 p.m. All 3 to 5 year olds are encouraged to participate in this special program of creating with clay. It is important to pre-register at 89 Mountainview Rd. S. 877-6163.

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