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Teacher convicted of sex offence against minor

Former MDHS teacher returns to court next month for sentencing

By STEPHANIE THIESSEN
The Champion

A former Milton high school teacher has been convicted of sexual assault for having sex with a 13-year-old girl he met on-line. In Ontario Court (provincial division) in

Brampton Wednesday, Judge William Sharpe said Manuel Zarate, 34, of Scarborough, a computer science teacher, should have known that what you see on the Internet isn't necessarily what you get. "The evidence doesn't raise a reasonable doubt about the guilt of the accused," he said.

Mr. Zarate was teaching at Milton District High School when he was charged with sexual assault and sexual interference of a minor in April, 2002. He was suspended with pay and assigned to home duties. The second charge was stayed.

Mr. Zarate admitted from the beginning of the trial that he had sex with a 13-year-

old girl January 18, 2002 at the Halton Motel in Mississauga.

The question throughout the trial was whether Mr. Zarate truthfully thought she was 14 or older after taking all reasonable steps to determine this. In the end, the answer was no, Judge Sharpe said.

"He (Mr. Zarate) admits he didn't try to find out how old (the girl) was," said Judge Sharpe. "The crown established beyond a reasonable doubt that the accused failed to take all reasonable steps to establish her age."

When Mr. Zarate met the Mississauga girl — whose identity is protected under a court ban — on-line, he should have taken steps to find out her age rather than assuming she was over 14 or believing that she was 17, as he testified earlier she told him.

Since Mr. Zarate taught computer classes, he was well enough versed on the Internet to know that what people say in chat rooms can't always be trusted, Judge Sharpe said. "He (testified) that everybody lies on the Internet, and that you shouldn't believe it," he said, adding, "Being a high school teacher, he knows that people lie. He acknowledged he was aware everybody lies on the Internet."

The judge said Mr. Zarate could have asked the girl what school she went to or what her favourite subjects were to determine her age, but, he said, Mr. Zarate admitted he didn't do this. Instead, he said, Mr. Zarate relied on the girl's sexually explicit language in chat rooms to prove she was older than 14.

When the pair decided to meet at the Halton Motel in Mississauga, the judge said there was "no evidence that she was wearing lipstick or other facial aids to make herself look older."

The judge told court that when the girl tried to warn Mr. Zarate that authorities were on to him, Mr. Zarate changed his e-mail provider, purchased a new computer and reformatted his hard drive, making it difficult for police to locate him or gain evidence via the e-mails and chat room messages through which the pair had interacted.

Judge Sharpe said Mr. Zarate's answers to his lawyer while testifying in May were "convoluted and evasive."

Mr. Zarate will appear in Brampton court September 30 for lawyer submissions before the sentencing.

Stephanie Thiessen can be reached at sthiesse@miltoncanadianchampion.com.

Woman charged with fraud

A Milton woman has been charged with committing fraud to the tune of \$92,000 at a local business.

The money was swindled from Blue Beacon of Canada on Steeles Avenue from 2000 to 2002 while the accused was employed as a bookkeeper.

Halton Regional Police first received a complaint in December. Following an investigation, the woman was charged in April and then again with additional fraud charges last month relating to the same matter.

A 47-year-old Martin Street woman is charged with two counts each of forgery, fraud over \$5,000 and uttering forged documents.

She appeared in Ontario Court (provincial division) in Burlington Tuesday and the case was put over until August 12 in Burlington.

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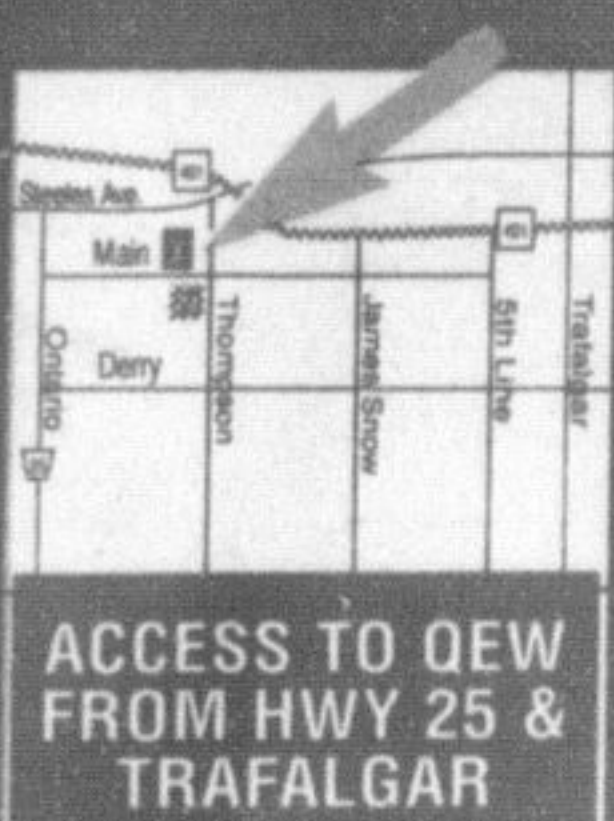
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