

Former teacher gets year in jail

By **STEPHANIE THIESSEN**
The Champion

A former Milton teacher convicted of sexually assaulting a 13-year-old girl was sentenced Wednesday to a year in jail.

"He's the author of his own demise," said defence lawyer Gerald Logan during submissions at Ontario provincial court in Brampton.

Mr. Logan had asked Judge William Sharpe for a conditional sentence in the 15-month range rather than a jail term, but was told that wasn't appropriate.

"Despite you being a teacher, you still conducted yourself in this manner," Judge Sharpe told Manuel Zarate, 34.

Although Judge Sharpe said he took into consideration the fact that the girl was a "willing participant," he told the court that if the girl had known Mr. Zarate's correct age and that he was married, she wouldn't have had sex with him.

Mr. Zarate, 34, was charged in April, 2002 with sexual assault and sexual interference of a minor. In July, Judge Sharpe convicted him of sexual assault. The second charge was stayed. At the time of the incident, Mr. Zarate was a computer science teacher at Milton District High School.

Mr. Zarate admitted throughout the trial that he had consensual sex with a

Mississauga girl — whose name can't be printed because of a court ban — in January, 2002 at Halton Motel in Mississauga after meeting her in an on-line chat room.

But he maintained that he didn't know her real age.

"(Mr. Zarate) succumbed to human frailties and gave in to temptation that led down a slippery path that he's now reached the bottom of. This is a humiliated, broken man," Mr. Logan said of his client.

Crown attorney N. J. Bridge reminded the court that Judge Sharpe had ruled that Mr. Zarate hadn't taken reasonable steps to determine the girl's age.

"As a teacher, he knows (a girl's) age and physical development don't always correspond," Ms Bridge said. "He also knows the vulnerability of a 13-year-old."

She said although there was evidence to suggest the girl consented, that was with a man she thought was 18 and unmarried.

"He lured her there, telling her things like he was 18," court heard. "For him to suggest she was pressuring him and she caused him to (eventually have sex with her) is undermining his responsibility."

Ms Bridge presented Mr. Zarate as unrepentant, reminding the court that he tried to avoid being caught by clearing his computer of e-mails and chat room conversations that had been exchanged between him and the girl.

Earlier Wednesday, Mr. Logan told the court that Mr. Zarate has shown signs of remorse and has taken responsibility for his actions, never denying that the incident occurred.

He said there was no predatory nature involved in the incident.

"There was no coercion or pressure (to the girl to have sex), no position of trust, no luring. It was a mutual agreement between the two parties. Both seemed to be getting a kick out of it," Mr. Logan said.

The penalties Mr. Zarate has already faced should be taken into account, Mr. Logan said — for example, losing his job.

"He taught for four years," Mr. Logan said. "His job ended the day after his arrest. He was barred from his profession indefinitely, I suspect, following his conviction. His chosen career as a teacher has fallen by the wayside."

The public humiliation Mr. Zarate endured resulted in the relocation of his family — he has a wife and a 14-month-old son — Mr. Logan said. And, since Mr. Zarate is a religious man, he's also dealing with personal guilt over his actions, court heard.

Mr. Logan had argued that since Mr. Zarate is the sole provider for his wife and son, he wouldn't be the only person to suffer as a result of a jail term.

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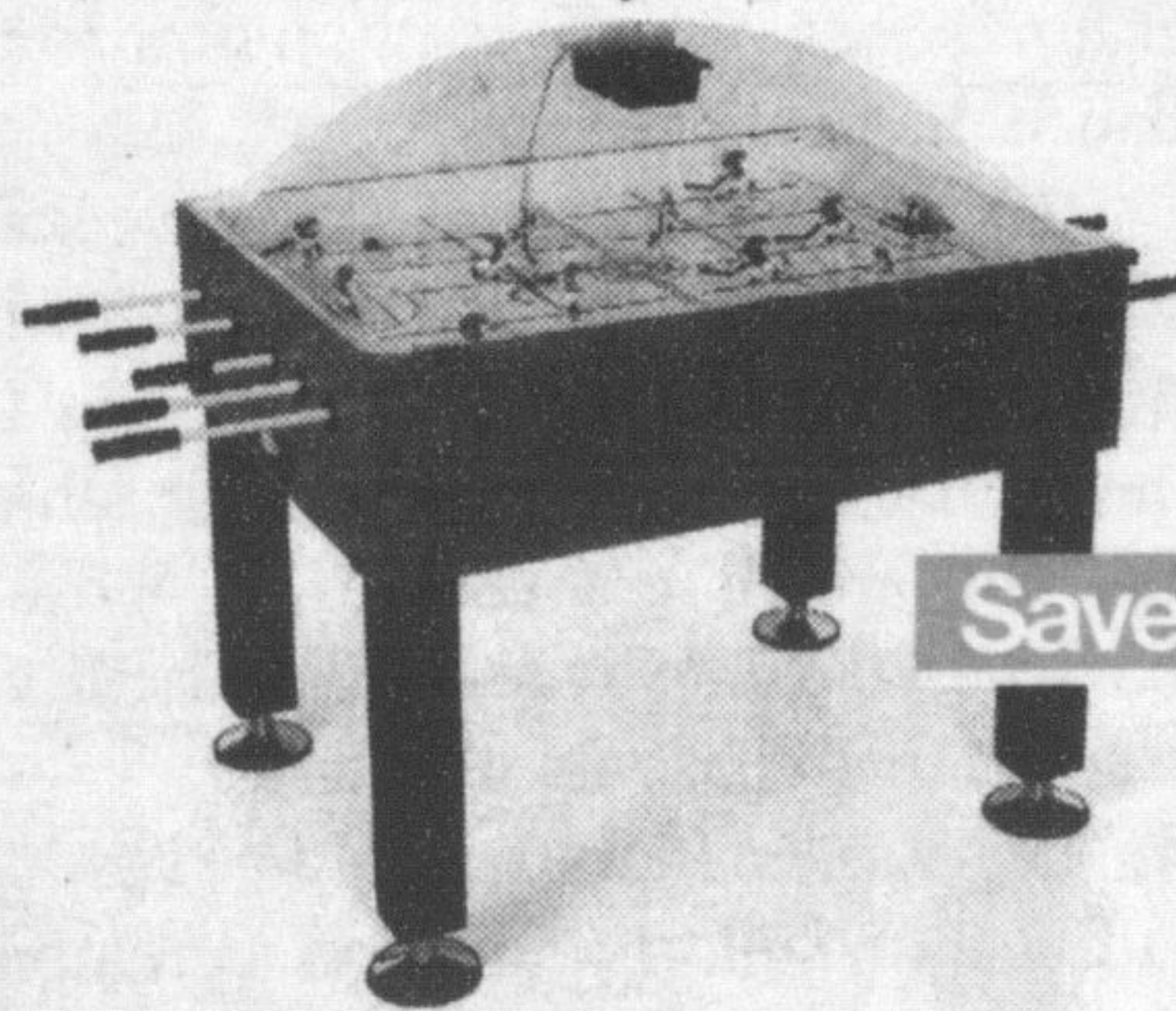
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