

Judge refuses to throw out lengthy tree-cutting trial

By **STEPHANIE THIESSEN**
The Champion

Once again, a justice of the peace has rejected a motion for charges to be dropped in a high-profile tree-cutting case resulting from the clearing of trees on the Milton/Oakville border.

Defence lawyer David Crocker's argument was the case had been before the court for too long — just over two years — denying his client's right to a trial within a reasonable period of time.

But Justice of the Peace Jerry Woloschuk didn't buy it at the day-long court appearance at Ontario Provincial Offences Court in Burlington Friday.

Subtracting delays attributable to the defence, including a vacation taken by the defendant, Justice Woloschuk said he found the "institutional delay" to be about 10 to 11 months, not the almost 20 months previously suggested by Mr. Crocker after taking into account their delays.

"Ten to 11 months is a long time, but it's within a (reasonable) time frame due to the complexity (of the case) and change of council," he said, referring to Mr. Crocker's taking over the case from another lawyer in late 2003.

He added a lack of justices of the peace in the area, specifically in Halton, has definitely added to the

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**JUSTICE OF THE PEACE
JERRY WOLOSCHUK**

length of the trial, with limited court time available.

At the previous court appearance September 19, Mr. Crocker argued his client, Burlington resident George Vastis, had suffered personal prejudice due to the length of the trial.

Mr. Crocker filed a Charter motion requesting the 22 tree cutting charges against Mr. Vastis be stayed due to alleged late disclosure by the Crown and "institutional limitations."

Since there were also 22 identical charges against a numbered company of which Mr. Vastis is president, the trial would've continued even if half the charges had been ordered dropped.

This is the second time this year Mr. Crocker has requested that charges be thrown out. In January, he served a motion requesting a stay of proceedings, citing a lack of disclosure by the Crown. It was rejected in May.

Mr. Vastis was present for just a short time Friday, leaving after he was excused to be with his mother, who suffered a stroke the night before.

Mr. Vastis had testified at his previous appearance that the case had taken a toll on his physical and mental health, and had destroyed some personal relationships as a result of the many media reports.

But Justice Woloschuk said there was no proof Mr. Vastis's personal and health problems resulted specifically from the delay in the trial and not the case in general, despite his passionate account from the witness stand.

"There's little credibility that all his ailments are due to the length of the trial," Justice Woloschuk said, adding, "The court has little control over what the media reports."

A letter from one of Mr. Vastis's health practitioners showed he'd started suffering from neck and shoulder pain as early as 1998, court heard.

And a letter from Mr. Vastis's chiropractor concluded much of

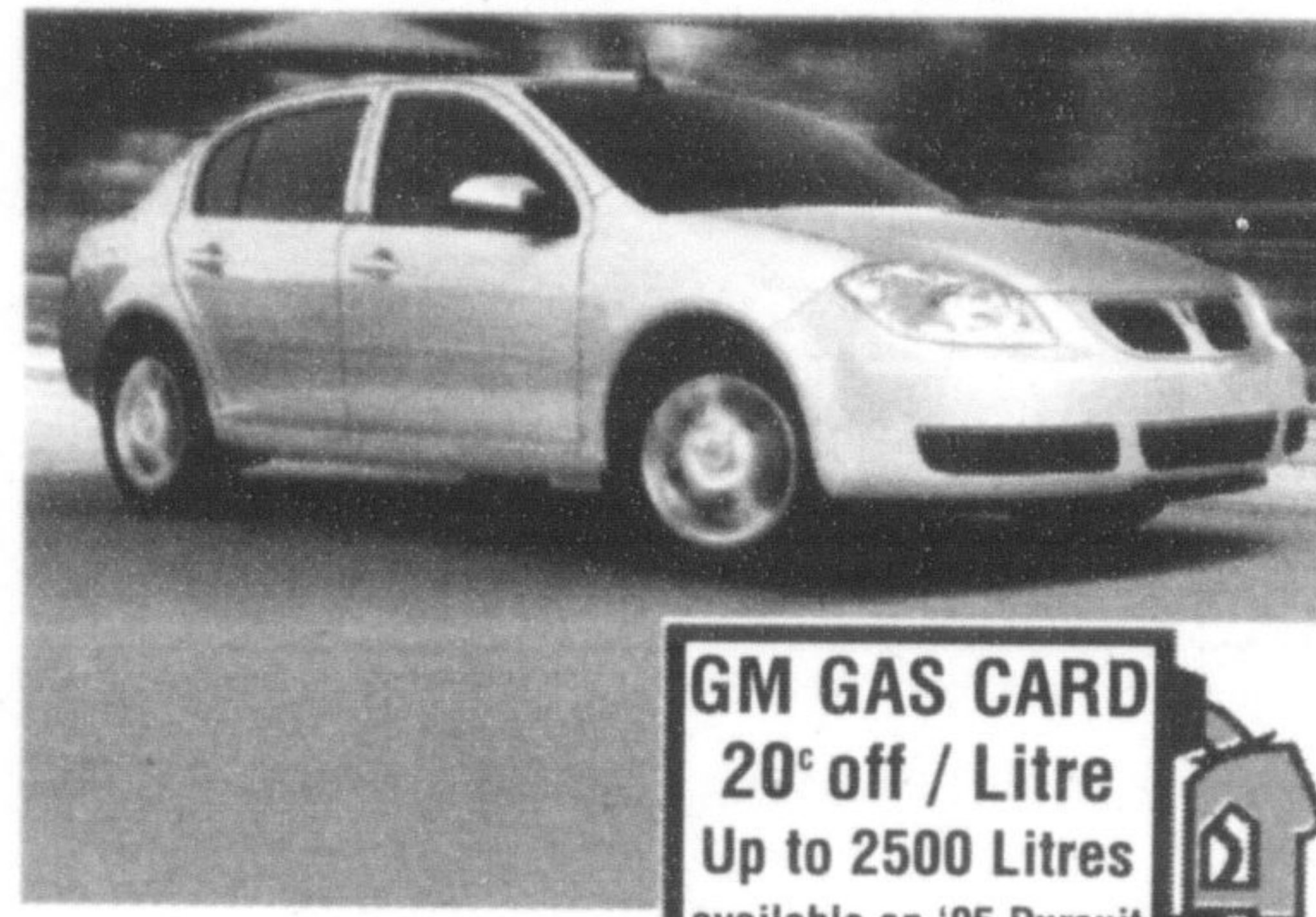
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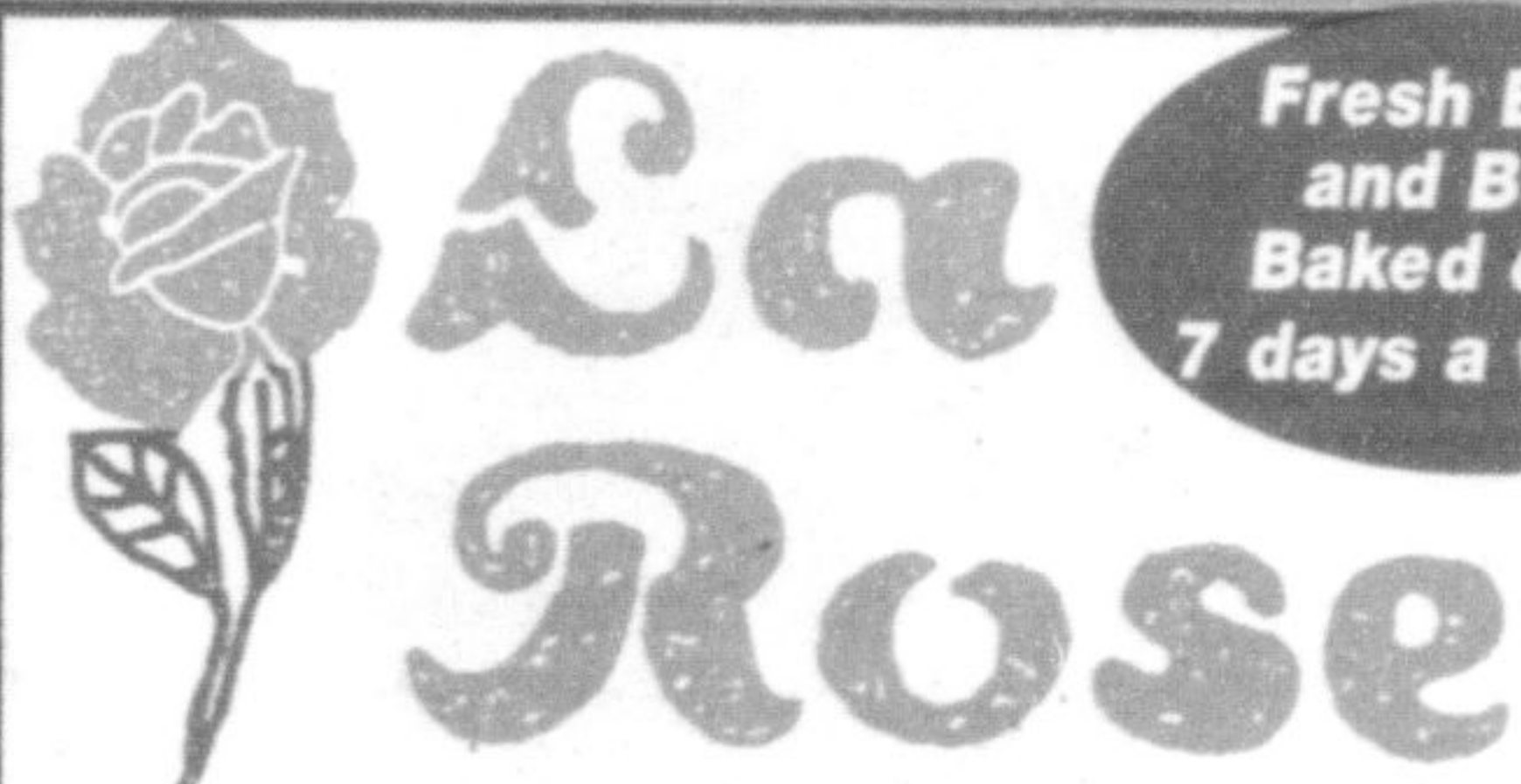
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