

# Jury hears more police testimony

Elizabeth Whelan was alive and conscious and able to speak when police arrived at the Curry Road site early on the morning of June 9, 1979, according to testimony given during Wednesday morning's sitting of the Supreme Court of Ontario, in Barrie.

OPP constable Robert Craig Knudsen, responding to questioning by assistant crown attorney John Madden, described what happened when he arrived at Curry road.

"I saw a green Buick facing south on Curry Road," he said. "I observed a person under the vehicle...the Buick was embedded in sand up to the rear axle — both rear wheels. The person was speaking...calling for help."

He told the jury that the jack from the OPP cruiser (a Dodge) would not fit the Buick's bumper, so he and a fellow police officer removed the jack and tire iron from the Buick after smashing the lock on the trunk.

After the car was raised and the 14-year-old girl was pulled out, Knudsen began speaking to her. "I thought she said her name was Patty," he said.

"Her voice trailed off, and she tried to give me her address and her voice trailed off again and she began gulping...I tried to assist her and to comfort her."

He told court that the ambulance arrived. He remained at the scene.

Jack Raymond King and Kenneth Laurin, casualty care attendants, told court that they placed the girl on a fracture board, and then took her to Huronia District hospital by ambulance.

### Footprints

At the Curry Road site, Constable Knudsen noticed a set of footprints at the front and rear of the Buick. With reference to those footprints, counsel for Garrold Diver suggested to Knudsen that a number of people — police and ambulance attendants — had been on the scene at the time.

Replied Knudsen, "The police officers were all in uniform and I don't recall seeing any of the ambulance drivers wearing running shoes."

Knudsen also told the jury he had seen tree branches under the left rear wheel of the Buick. Later on June 9, Constable Knudsen accompanied by another OPP officer and a tracking dog began a search of Curry Road.

On the West side, near the Buick, Knudsen said he observed a gold chain and several strands of hair in the ditch, as well as a "large wet red area."

Knudsen reported that he worked until 8:45 p.m. searching the ditch and the field on the west side of Curry Road. The search began again the next morning and continued into the late afternoon.

"I turned over one grey tire iron and one black tire iron to the detachment office," said Knudsen. "The grey one had red marks along the shaft."

During Tuesday's sitting of the Supreme Court, medical staff from Huronia District Hospital testified to the girl's condition when she arrived at hospital.

Mary Londry, R.N., who was in charge of the emergency ward said the girl did not appear to be breathing although she swallowed a few times. "She was fully clothed," said Londry. "She wore jeans and a sweater and a pair of running shoes."

### Jeans

After the jeans were cut away from the girl's legs, Mrs. Londry said, she noticed large blistered areas on the inner thighs and on her knees and toes.

Nursing supervisor Margaret O'Beirne testified that the Whelan girl was wearing underclothes. "There was a nick in the panties," she said. She also described a mark across the girl's abdomen, which ran diagonally from the top of her right hip bone. The skin was not broken.

Dr. B. J. Golisky arrived at the hospital very shortly after the ambulance brought the patient in.

He testified that in spite of cardiac massage, an airway and an attempt to introduce air into the girl's lungs, there was no spontaneous respiration or pulse. He pronounced her dead and called the coroner.

On Wednesday afternoon, George Robert Bartold Jr. a motorcycle patrolman on the Fort Lauderdale police force told the jury about the night of June 14, 1979. He said he had noted a gold Datsun, driven by a shirtless Garrold Diver, which went through a red light at a Fort Lauderdale intersection at about 30 miles per hour.

"Mr. Gerow was there too," said Bartold, "and also not wearing a shirt," said Bartold, who said the arrest had taken place around 11 p.m.

"Mr. Gerow began moving around in the front seat and it appeared he was putting something in the glove box."

When Bartold approached the Datsun, it pulled into a Holiday Inn parking lot on South Atlantic Boulevard, according to Bartold's testimony, "Diver told me he didn't have a driver's licence...that he had never had a chance to get one. Mr. Gerow got out of the car, staggering a bit. Mr. Diver told me the car belonged to a relative of Gerow's. He went to get the registration and I noticed what I thought to be a clear plastic bag of marijuana in the glove box."

The officer then placed Diver under arrest for driving without a licence and for possession of marijuana. He then handcuffed Diver to Gerow, who was also placed under arrest on the marijuana charge.

Bartold testified further that he found some hashish in the plastic bag, wrapped in a piece of foil. The plastic bag contained 21.5 grams of marijuana.

Under questioning by Mr. Justice Meyer Lerner, Patrolman Bartold said that the young men were taken to the county jail annex. Bartold said he understood that the charges of possession of marijuana and hashish were dropped later "because they

(Gerow and Diver) were coming up here." Bartold said he never saw the two accused again after they were taken to the jail annex. "The fact that they were from Canada meant nothing to me," said the patrolman. "Neither did the Ontario tags."

## Autopsy performed

Testimony continued Thursday with OPP Const. Keith Giles who pointed out local landmarks on a large map, included with the markings were the Olympia Pool Hall, the Carruther's, Gerow and Diver residences, the town dock, Curry Road, police stations and other specific roads.

Later, Const. Giles told the jury that on Saturday he had gone to Diver's home on Fifth Street to obtain clothing worn the night before by Garrold Diver and Cynthia Diver.

Garrold Diver's clothing - a pair of jeans, a blue and white plaid shirt, socks and two pairs of suede shoes - were shown in court and identified by Const. Giles.

Earlier Giles testified that in an interview with Garrold Diver early Saturday afternoon, Diver had told him he had been at home Friday evening. Diver told Giles in the in-

terview that Neil Gerow had visited him on Friday night leaving his home at 8:30 p.m.

Giles testified that Neil Gerow and his mother had given him a T-shirt, and a pair of blue corduroy jeans which Gerow said he had worn Friday night. These too were introduced in court and Giles identified them.

Neil Gerow also gave Giles a pair of North Star running shoes.

The OPP constable also identified sets of finger and palm prints signed by Gerow and Diver which were shown to the jury.

According to Const. Giles' testimony Gerow told the constable during an interview that he had been at Diver's home, Friday night, from 7 p.m. and had gone for a drive with Diver into Little Lake Park where Diver got into a fight with somebody.

Giles testified that

Gerow told him, he and Diver drove to the dock, got out of the car and smoked a joint.

Gerow told Giles that when they returned Diver's car was missing.

Giles told court that he went to Gerow's house again on June 16 with Const. Griffith; they had a search warrant.

Griffith picked up some denim blue jeans and a small metallic type key, a round-necked T-shirt and a multi-bladed pocket knife.

In other testimony Thursday, OPP Const. Steven John Oschefski told court about accompanying Betty Whelan's body to OPP general headquarters in Toronto with mortician Robert Thorpe.

He said laser tests were performed on her body and that an autopsy was later performed at the chief coroner's office.

## Midland Council Briefs

A request to have Princess Street reconstructed in Midland has been reviewed by the town's public works committee which in turn has recommended to council the street did not have a high priority especially in view of current budget restraints.

### MTC courses

Three public works employees who attended the MTC's training courses completed the same with high standings.

Ken Cave took the municipal traffic technicians course, Bill Scott completed the Scott MacKay Municipal Asphalt Technology program while Ronald Freund completed the Municipal Construction Surveying course.

### Special meeting

A special meeting of council is to be held to review the performance of the town's engineering technician, Ken Cave, who recently completed his first six months with the town.

Purpose of the meeting will be to discuss adjusting the man's salary in light of the above as proposed by the town's continuing committee-salary review meeting.

### Dust control

For the second year in a row Ward 1 alderman Bev Day has been asking that dust control on Hugel Avenue West near the high school be implemented through the use of calcium.

It was pointed out Monday night at a regular council meeting that most of the \$500 allocated for the work is being spent on lanes and unpaved roads in the town, especially along King Street South on the other side of Heritage Drive.

### Garbage containers

Midland will reimburse the town's BIA for any costs associated with the repainting of garbage containers along downtown King Street.

It is understood the Business Improvement Area group plans to use students to do the work.

### William Street

Midland is to undertake restoring that part of William Street South damaged as a result of drainage problems and intends to charge all costs to the persons responsible for creating the headache in the first place.

### Letter of appreciation

A letter of appreciation is to be forwarded by the town to the local OPP detachment and to District 7 headquarters (OPP) in Barrie thanking the OPP for the use of their facilities during the time Midland police were uprooted following last year's town hall fire and had to work out of the civic centre.

Prisoners usually locked in local police cells were kept at the local detachment of the OPP.

### To continue filling tanks

Midland Fire Department will continue filling scuba tanks, at a fee, even though a local company planning to establish here feels MDF would be cutting into their business.

However, it was pointed out Monday that MFD has been in the business for a longer time and has its own costly compressor which filling scuba tanks helps to fund.

The department uses the system itself for filling air bottles firefighters use in connection with wearing Scott Air Masks.



## A song in their hearts

Members of the Georgian Bay Belles of Midland and their counterparts from Barrie are heading to Rochester today for a weekend of barbershop singing and competition.

Wednesday the gals along with their music director Bob Armstrong were turning up for the outing at St. Paul's Church, Midland, where they meet each week.

