

Jury sits in horrified silence as crown describes injuries

BARRIE—During his final summation to the jury on Wednesday, Crown counsel John Murphy told the court at the first degree murder trial of Neil Gerow and Garrold Diver, both of Midland, that the accused pair had committed a number of crimes as well as the one with which they have been charged.

Murphy specified drunkenness, drug abuse, kidnapping, forcible confinement and attempted rape.

The jury sat in horrified silence as Murphy detailed the multitude of injuries that had caused Elizabeth Whelan's death on June 9, 1979.

'She suffered terribly from attempted strangulation, stab wounds, contusions and punctures. Her forearm and hand were swollen and wounded — probably from attempts to ward off blows. She was left to die in agony. Hours later, she was still alive, and able to utter a pitiful cry for help.'

Earlier in the trial, counsel A. J. Bickerton acting for Garrold Diver told jurors to ignore the taped confessions they had heard earlier in the trial. 'Aside from those tapes, there is no other evidence that could satisfy you that Garrold Diver was ever on the scene of the crime.'

Defense

It is the defense position that the taping

were manipulated by police officers in Florida. 'I call it the doctrine of immaculate confession,' he said.

'There are so many discrepancies in the two stories and in what really happened. Diver's voice sounds weak and tired, almost to the point of inaudibility. At one point Diver says 'I don't know what to say'. At another point, a police officer replies, 'that's better' after Diver answers a question.'

Murphy told the jury that the confessions on the tape merely corroborated the Crown's case. Calling Bickerton's dismissal of the tapes 'a desperate tactic,' Murphy told the jury, 'Why would those Florida policemen want to risk their careers by perjuring themselves about a murder up here?'

Tapes

Murphy added that the Crown had sufficient evidence to convict the pair without the addition of the tapes. He referred dramatically to the testimony of Glenn Douglas Wright, who saw 'a green G.M. car, the shape of a Cutlass' on Curry Road at 2 a.m. on June 9.

'I suspect,' said Murphy, 'that Mr. Wright was very close to a murder at that time. Were there three people in the ditch beside his car as it passed? We know that a car passed while the acts were going on.'

Garrold Diver walked home from Curry Road, and arrived at his house about 3:30 a.m. according to his wife's testimony.

Police have established that the walk from the Curry Road death site to Diver's Sixth Street house was about 54 minutes long.

It is the Crown's belief that the girl was beaten — perhaps into unconsciousness — before she was sexually attacked.

In his summation to the jury, Bickerton, acting for Diver, asked the jury to remember that there only appeared to be one set of footprints leading from the death site.

'There are no foot or palm prints at the scene which can be identified as Diver's,' he said.

'There were no blood stains on his clothing. Soil samples taken from his shoes did not match soil samples from the site. There was nothing to show he was there — only those questionable tapes.'

He admitted that his client knows what happened that night. 'But knowing about it doesn't make Garrold Diver a part of the madness that occurred that night on Curry Road. I ask you to find him not guilty.'

Speaking in a soft but persuasive voice, Barry Swadron entered a defense of insanity for his client Neil Gerow.

We have evidence from psychologists and psychiatrists that Gerow has a personality disorder,' he said. 'We heard from family and friends that he was a quiet withdrawn person who did not show feelings — except the emotion of anger. We have been told by a neighbour and by school officials that Neil was different from other young people.'

Trial

Since the beginning of this trial almost six weeks ago, said Swadron to the jury, 'you have had many opportunities to observe Neil Gerow. What does he look like to you?' Throughout the trial, Neil Gerow's face has been a mask of sullen indifference, broken only by a bitter smile when one family member testified as a witness.

Crown attorney John Murphy fought the concept of mental illness as a factor in the crime. 'If you decide that a schizoid personality disorder is a disease of the mind, then you must also determine whether Gerow has this disease and if it affects his ability to commit acts.'

He added that Dr. Elliott Barker had said that drinking and drug use could have contributed more to the situation than the mere personality disorder.

Charting local harbours can be tedious at times

by Murray Moore

Local sailors should have new up-to-date charts of local harbours in three or four years as a result of work being done now by a team from the Canadian Hydrographic Service.

A two-man crew of seaman and coxswain have been traversing Midland Harbour since May 5 taking soundings.

The data on the

resulting echograms are transferred to a field sheet by hydrographer-in-charge Arnold Welmers. The information will be turned into a new chart by a cartographer at the team's headquarters in Burlington.

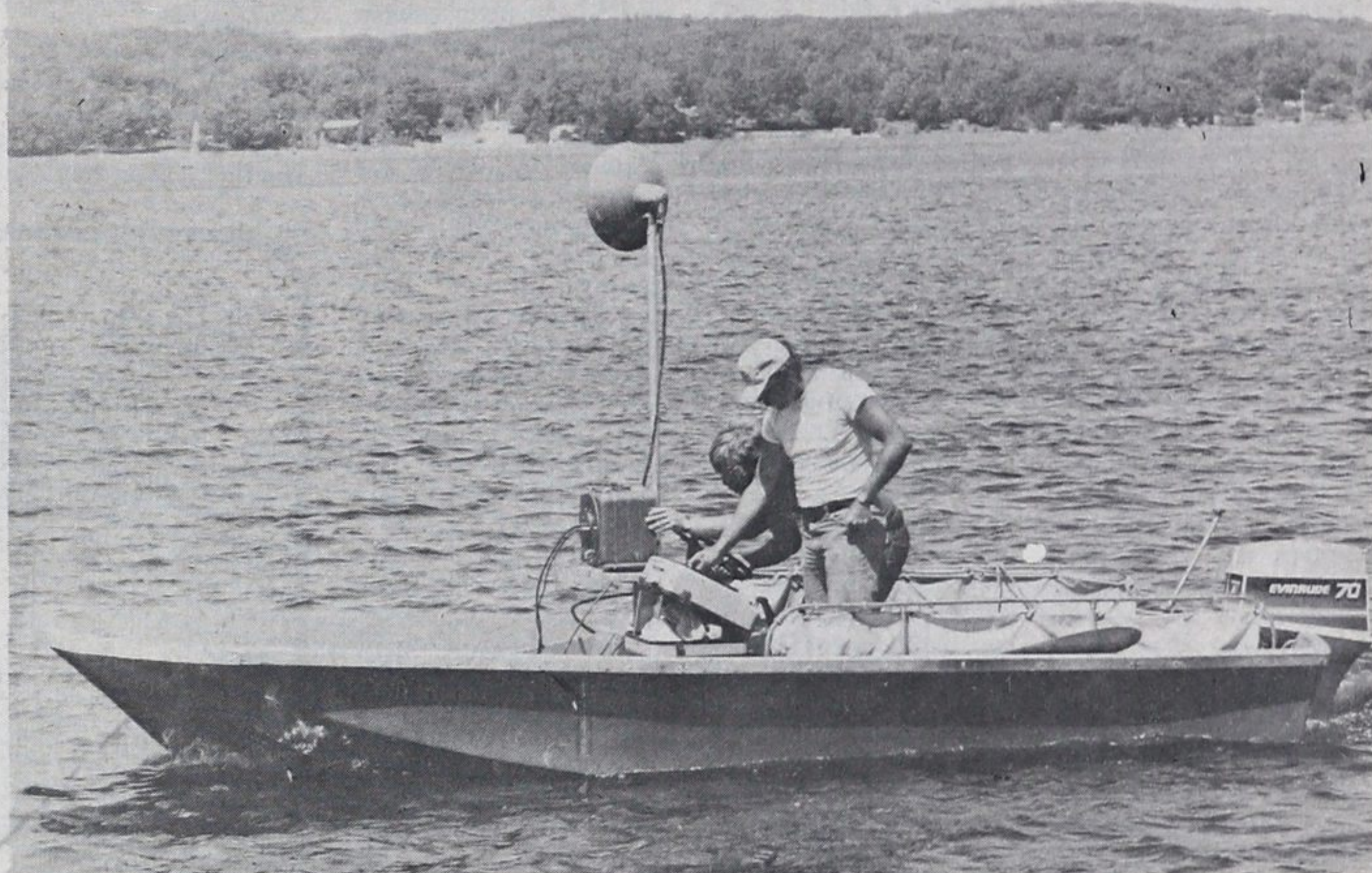
The charts now in use are made from information gathered before the Second World

War. Depths in the chart now in use are given in feet. Charts have been issued by the service in meters for 10 years, and the new chart will be in meters.

As soon as the team finishes with the Midland and Tiffin basins, they will turn to Port McNicoll, Victoria Harbour and Penetanguishene.

Depths have not changed appreciably in Midland Harbour, but the shoreline has changed in places. Wye Heritage Marina is a fairly new addition on the shoreline that will be part of the new chart for Midland and Tiffin Bays.

The new charts will be larger, with more information, and photographs of the harbours. Figures will be minimum depths.



Sounding in SI

These two men are gathering data for a new hydrographic survey of area waters, the first since 1936. Dave Martin and Brian Power (T-shirt) were carrying out soundings by the Midland Bay Sailing Club Wednesday afternoon. The two employees of the Canada Centre for Inland Waters in Burlington

covered most of the province's water systems updating information for cruise charts. They'll be in Port McNicoll, Penetang Bay and the area until October. The new metric charts won't be ready for another three or four years.

St. James to mark its anniversary

The historic little garrison Church of St. James' On-the-Lines, situated on Church Street midway between Penetanguishene and the Naval and Military Establishments and built in 1836, celebrates its 144th anniversary on Sunday, July 27, with a service at 10 a.m.

Guest preacher will be the Ven. Basil Tonks, Archdeacon of Simcoe and Rector of St. Giles', Barrie.

Soldiers from the Naval and Military Establishments will be present at the service and will present a military drill demonstration afterwards on the street in front of the Church. Refreshments will then be served in the Parish Hall.

A cordial invitation is extended to all members of the community, also visitors in the area, to worship with the congregation on this occasion and to share in the fellowship hour afterwards.

The Church was given its name because it was located on the lines of communication between Fort York and the

Penetanguishene Naval and Military Establishments. The front door and aisle were made wide enough to allow the soldiers to march in four abreast and the pews were made by the men themselves.

The first Rector, the Rev. George Hallen, ministered to the needs of the congregation for 36 years.

The present Rector of the Anglican parish of Penetanguishene, which includes All Saints', Peel Street, and St. James' On-the-Lines, is the Rev. M. R. Sinclair.'

Canadians eat

Despite inflation, Canadians are spending no more of their income on food in 1980 that they did 10 years ago. So says the Grocery Products Manufacturers of Canada. Incomes over the decade have risen faster than food prices. Canadians still spend less of their disposable income on food than the citizens of any country except the United States.

Student placement on the rise

More than 50 students were placed in jobs as a result of Opportunity for a Student Week, which was organized by the staff of the Student Employment Centre in Midland during the week of June 23.

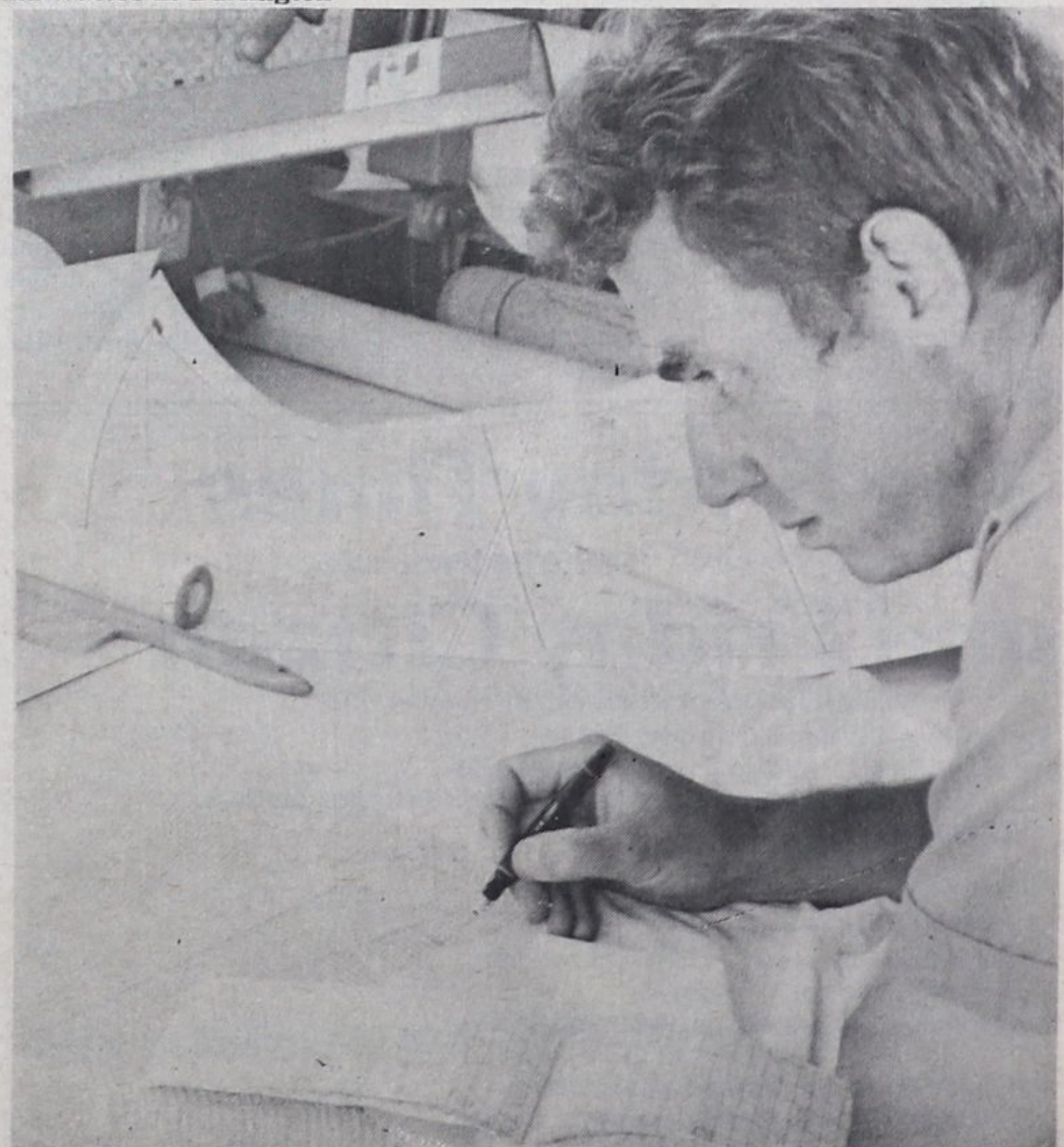
Centre manager Carol Dengis announced this week that the centre has found summer jobs for 421 students, and that the total is 530 if casual labour jobs are counted.

The staff still have a job cut out for them, to find regular work for 600 more students. Dengis hopes to better last year's final count by placing 721 students.

Centre staff members will be at the Penetanguishene Fun Fair and at the Shonecti canoe race to talk to people who have suggestions and to answer questions.

The staff spend time before starting work at 8:30 a.m. and during their lunch hour washing windshields of cars parked on Midland's malls and at fast food drive-ins. Through this activity they spread the word of their existence and even place a few students.

Tourism creates a lot of jobs for summer students to fill in the summer.



Hydrographer Arnold Welmers plotting data