

Diver, Gerow pale, expressionless as foreperson delivers jury's verdict

BARRIE: The sole woman juror acted as foreperson in the Barrie courthouse last Thursday when she delivered verdicts of guilty as charged against Neil Gerow and Garrold Diver.

The 20-year-old Midland men stood pale and expressionless as Mr. Justice Meyer Lerner, before whom the first degree murder trial had been heard, pronounced sentence.

"There is no need for me to make any additional comment," said His Lordship sternly.

"I sentence you to life imprisonment, without eligibility for parole until you have served 25 years of your sentence."

He then brusquely ordered the pair to be removed from the courtroom.

Lawyers A.J. Bickerton, who represented Diver, and Barry Swadron and Susan Himel, who acted for Neil Gerow indicated that they would seek an appeal in the judgment.

Such an appeal must be filed within 30 days. Meanwhile, Gerow and Diver will remain incarcerated in the Barrie jail pending appeal results.

The trial began on May 26 with jury selection and several days of voir dire sessions which were not open to the press. The purpose of voir dire was mainly to determine admissibility of evidence.

Neil Gerow and Garrold Diver entered individual pleas of not guilty to a charge of first degree murder in the death of a 14 year-old Penetanguishene girl, Elizabeth Whelan. The girl's body was found in the early morning hours of June 9, 1979 pinned beneath a car on Curry Road near Midland Point.

The car which was reported stolen the same morning, was registered in the name of Cynthia (Mrs. Garrold) Diver.

Elizabeth Whelan died on the way to Huronia District Hospital.

Crown counsel John Murphy Q.C. introduced more than two dozen witnesses to support his case.

Evidence presented to the jury included the front and rear bumpers of the '71 Buick Skylark underneath which the victim had been found, as well as coloured photographs taken at the death scene, items of clothing from the accused and the victim, and the tire iron which evidence indicated was used as a murder weapon.

Tape recordings

The most dramatic piece of evidence was produced shortly after the trial began in the form of three tape recordings which were alleged to have been made in a Florida jail by the accused. Three members of the Fort Lauderdale police department were brought to Barrie to testify in the trial.

Florida police Sergeant Gene Sedberry described making the tape recordings with Diver and Gerow.

On the recordings, the pair told with little evidence of emotion, about picking up hitchhiking Elizabeth Whelan, "raping" her, stabbing and beating her and finally placing her body beneath the wheels of the car and backing the vehicle over her.

When the car became stuck in the soft earth the two described abandoning it, and walking to their homes in Midland.

According to later testimony, Diver then

woke his wife and told her to call the police and report the car stolen.

Later in the trial it was revealed that on June 9 Diver came to visit Gerow at his house. They had a brief conversation. On Monday following the incident, the two young men fled to the U.S.

They were arrested in Fort Lauderdale several days later when they ran a red light. Diver was driving without a licence and patrolman Robert Bartold of the Fort Lauderdale police told the jury that he found marijuana and hashish in their car.

Later the pair were extradited to Canada.

Medical testimony introduced by Murphy indicated that Elizabeth Whelan died of a stab to the chest associated with blunt force injuries and multiple stab wounds to the head and body.

Pathologist Dr. Hans Sepp testified that Elizabeth Whelan was a virgin when she died.

A.J. Bickerton's defense of Garrold Diver was brief and dramatic. He brought in a single witness, Mrs. Cynthia Diver. Nervous, and at times tearful, the slender young woman admitted under questioning that originally she had lied to protect her husband. Several times she told the jury "I don't believe he did it."

Defence

In his defence of Neil Gerow Lawyer Barry Swadron called neighbours, school officials and friends of Gerow to testify that the young man had always been quiet and solitary, and given to fits of anger. Swadron called psychological and psychiatric experts who testified that Neil Gerow suffered from a

schizoid personality disorder with anti-social features.

The final days of the six week trial were taken up with summations from counsel. Barry Swadron asked the jury to bring back a verdict of not guilty because of insanity for his client. He pointed to Gerow who maintained a surly and impassive expression throughout the trial. "You have had many opportunities to observe the accused in court," he told the jury. "How does he look to you?"

A. J. Bickerton reminded jurors that aside from the Florida tape recordings there was no evidence to prove his client had ever been at the scene of the crime, and asked the jury for a not guilty verdict.

Neither of the two accused took the stand during the trial.

During his final charge to the jury Mr. Justice Meyer Lerner read transcripts of all three Florida tape recordings.

He advised the 12 jurors to take all surrounding evidence into consideration, and reminded them that their conclusion must be unanimous.

The jury went out at 4:43 p.m. on Thursday.

They asked later to hear a portion of one tape in the privacy of the jury room. They brought their verdict in at 9:45 p.m. Thursday evening.

According to one attorney, it was the first time in his experience or memory that tape recordings alleged to be confessions of a crime were admitted as evidence in a trial.

Both lawyers indicated they would take the case to appeal.

Wyevale centennial plans in the works

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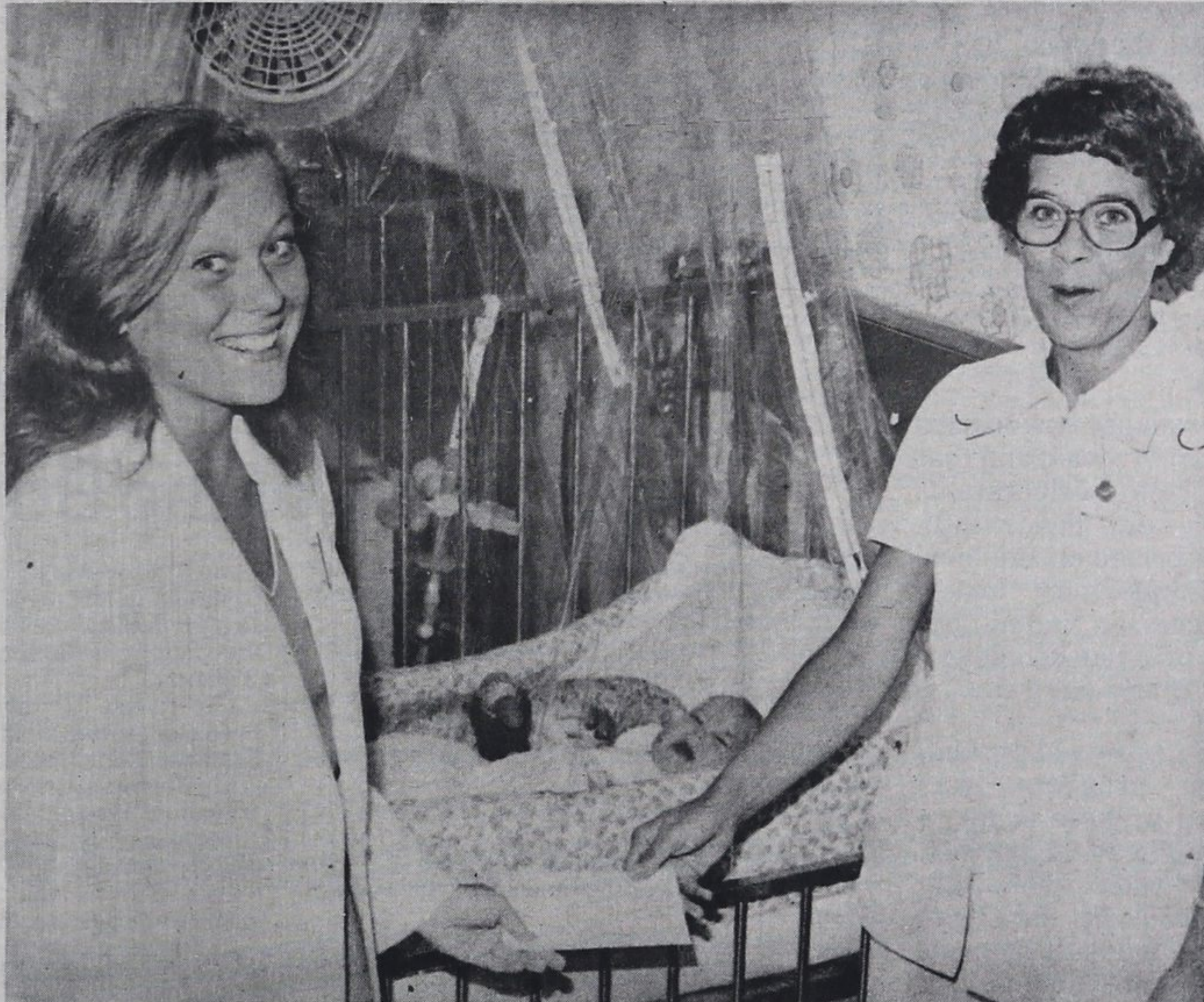
Demonstrations of bellow making, churning, hooking and tatting will commence at 2 p.m. with broomstick lace, spinning, carding, petit point and artex starting at 3 p.m. String art and the caning of chairs will begin at 4 p.m. and displays concerning the history of Wyevale will be set up also.

Outside the school in the park will be more booths, games and various other concessions. A baseball tournament will be held and a fireworks display, sponsored by the recreation department, will go at dusk. A dance will commence at 9 p.m. with the music supplied by the Country Strings.

A quiet Sunday
Sunday in Wyevale has been designed to draw people of the community close together. An outdoor church service will be held and visitors are encouraged to bring a lunch and relax in the park with friends and acquaintances from bygone days.

The Scottish Choir from Scotland will entertain throughout the afternoon as well as Crowe's Orchestra. A display of antique cars and farm machinery will be set up and a social time will follow.

Visitors to the Centennial celebrations are encouraged to register, free of charge, at the park entrance before enjoying the fun and frolic at the Wyevale 100th Anniversary.



Big boost from Elmvale

\$1,200 in proceeds from this year's Elmvale Maple Syrup Festival has gone toward the purchase of a croupette at PGH. Last week, Festival Queen for 1980, Mary Beth Collins presented PGH nurse Mrs. Edna Todd with the croupette cheque. That's four-

month old James Galt in the new equipment. Over the years, Festival proceeds have gone toward the purchase of many pieces of important equipment at the Penetang hospital.

On-the-spot repair work

From July 25 to July 31 a unique vehicle will be parked on the grounds of the Simcoe County Museum and County Archives complex at Midhurst on Highway 26.

A "mobile laboratory" from the Canadian Conservation Institute in Ottawa will spend five working days helping to preserve your heritage.

The box van has been outfitted with a small laboratory enabling the two person staff to undertake on-the-spot repairs of museum or archival materials.

The cleaning, repairing and refurbishing of pictures, maps, small museum articles and archival documents will occupy much of the time of the conservator and trainee manning the van.

Other time will be spent consulting with the staff and board members of the Museum and the Archives on conservation matters.

The end of an era for Great Lakes Boat and Machine

Great Lakes Boat and Machine Company Limited and Sunnyside Marina Limited officially changed hands on July 3 bringing to a close 42 years of ownership by the Roy T. French family.

The premises now occupied by the two businesses has been the site of industry since the turn of the century; the first business being the Canada Iron Foundry which manufactured steam hoists.

During the first world war shells were manufactured by a company known as the Zenith Shell Works.

From 1918 to 1937 the plant, known as Great Lakes Foundry and Machine Company, operated as a custom machine shop under W.W. Nicholson.

In 1938 Roy T. French, who had been associated with the business since 1906, purchased the interests of Mr. Nicholson to found Great Lakes Boat and Machine Company.

He remained active at the business until his death in 1966.

At this time management was undertaken by his son, Alden N. French, who had been employed there since 1940.

The change of ownership is also marked by his retirement.

Sunnyside Marina Limited, established in 1960, has been managed by William French since 1971.

Ownership of the two businesses has been assumed by Thom Lackie of King City, Ont.

Pipes and Drums to perform

Members of Midland Legion Pipes and Drums will be participating in the annual Warriors' Day parade Aug. 16 at the Canadian National Exhibition.

The Midland band, which has 18 members at full strength, will march as part of the Ontario Massed Legion band.

All of the bands that will march Aug. 16 will also appear in the Parade of Pipers Aug. 13.

This year's guest of honour will be Major General Richard Rohmer, CMM, DFC, CD, QC. General Rohmer is the chief of Reserves, Canadian Armed Forces. He will take the salute at the march-past of the veterans, and will address the Warriors' Day luncheon after the parade.

Rohmer is a lawyer and an author as well

as a soldier.

Distribution of free admission tickets to the CNE on Warriors' Day for veterans is by mail only.

Individual veterans must write and include a stamped, addressed envelope to The ticket chairman, Warriors' Day Council, Box 882, Station K, Toronto, Ontario, M4P 2E0.

Veterans should include proof of military service, personal number and the name of their unit.

Tickets will be issued only to veterans and their families, members and families of the Canadian Armed Forces (Regular and Reserves), ex-members of the Canadian Armed Forces, Allied Forces and widows of veterans.