

Guilty weapons verdict surprised county judge

THORNHILL — A generation gap quarrel between John McMurtry, 37, and retired Thornhill businessman John Sumner has resulted in a conviction against Sumner for dangerous use of a firearm.

The trial went before County Court Judge Frank Dunlap.

Sumner 67, was found guilty by a Supreme Court jury Thursday after a trial which attracted wide attention.

McMurtry, whose brother Roy is now the attorney-general, is a philosophy professor at the University of Guelph and lives with Sumner's niece, Jennifer, 28. He was described by Sumner's lawyer as the black sheep member of a distinguished family.

No swim suit
On August 8, 1975, he was swimming in the Sumner swimming pool and had removed his suit when Sumner ordered him off the property.

Sumner, a wing-commander in the RCAF in World War II and officer of the Order of the British Empire, in testimony called McMurtry a "pervert" and said he had defiled the house he and his wife built 30 years ago.

That day his objections to the nudist brought screams of protest from his nieces Jennifer and a sister, Cathy, 30.

McMurtry was visiting at the time in the house of the girls' parents, across the common laneway from John Sumner's home and the swimming pool.

York Regional Police were called first by Sumner to get McMurtry off the property and McMurtry was warned he could be charged with trespassing if he returned.

But when McMurtry appeared in the driveway again, Sumner displayed a loaded .38 calibre revolver in a renewed argument and it was Sumner who was charged.

The jury found him not guilty of pointing a firearm but guilty on the second charge of illegal possession of a weapon for a purpose dangerous to the

public peace. Sumner had a licence to keep the gun.

Judge Frank Dunlap was surprised at the jury's verdict.

In summation, he said the four-day trial disclosed a "somewhat bizarre confrontation between members of what had previously been a pretty happy family group."

Judge Dunlap opted strongly for the defence argument that Sumner feared a physical attack by the younger man, whom Sumner described as berserk and had used the gun only as a reasonable show of force to end an ugly confrontation.

Crown objection
The judge ruled as a question of law that McMurtry was a trespasser. But he retracted this following objections from the Crown attorney.

The judge recalled and redirected the jury that trespass was the juror's responsibility to decide.

A man's home is his castle and reasonable force may be used to eject a trespasser, the judge advised.

The defence defined as an assault a comment McMurtry admitted making to Sumner, "I could drop you, old man."

The Crown said the comment halted an angry threatening advance by Sumner.

For protection
Sumner's permit allowed him to keep the gun as a keepsake and for target practice. He testified he kept it loaded in a kitchen cabinet for 10 years as a protection for his family or property.

The judge told the jury Sumner faced gestures, obscenities and antics that could be interpreted as menacing in the confrontation with McMurtry and Jennifer Sumner.

In redirecting the jury, he added that the younger couple had also testified to facing menace. "They said Sumner had puffed out his chest, clenched his fist and advanced in a threatening fashion."

A police constable testified that Sumner had been drinking and seemed impaired.

But Sumner denied impairment, saying he had one drink of liquor before the original incident and perhaps a second plus a liqueur with dinner later.

Maple ratepayer date

MAPLE — Dumping garbage in Maple will be the subject of a meeting of Maple Ratepayers March 8. There is "sure to be a full house for the environmental hearing at 8 p.m. at St. Andrew's Church.

Maple young people

MAPLE — The communications services, Burning Bush Productions Inc., of the Presbyterian Church in Canada have developed a pilot film called "My Place". This film is geared toward young people. It will be previewed at St. Andrew's Church hall on February 27 at 7:30 p.m. Everyone welcome.

Methodist youth film

RICHMOND HILL — A Billy Graham film titled "Two A Penny" will be shown Sunday at 7 p.m. for the public by Richmond Hill Free Methodist Youth at the church, 212 Hillside Dr.

Teacher dies

MAPLE — Bonnie Hamilton, 26, a teacher at Joseph A. Gibson Public School, died Friday at North York General Hospital of a brain tumor.

Mrs. Hamilton, the former Bonnie Jean Smith, had been teaching Grade 5 since January 1976 at Gibson. She previously taught at Ross Doan Public School, Richmond Hill, and in Newmarket. She was a graduate of Thornhill Secondary School.

She is survived by her husband, William J. Hamilton; her parents, Wib and Jean Smith; her grandparents, Mr. and Mrs. Charles Hook; a brother Robert and a sister, Elizabeth.

The funeral was Monday at Thornhill Presbyterian Church followed by cremation.

Mrs. Hamilton was a cancer society volunteer and donations in her memory to the cancer society would be appreciated.



(Photo by Hogg)

Building the bridge

Jamie Matson, 13, 17 Weeping Willow, Thornhill, builds a bridge for the York Summit Boy Scout hobby show on this week

at the Hillcrest Mall. This is a model but a real bridge 70 feet long will be built during the week.

His only way to stop him

RICHMOND HILL — A Richmond Hill man, who had 11 previous convictions for driving while suspended, was convicted a 12th time when he appeared last week in provincial court here.

As a result, Luigi Camardi of McConvey St., owner of The Blue Moon Pizzeria and Funland, Yonge St., will spend the next three months in jail.

Camardi's lawyer had asked that his client, who pleaded guilty to the charge, be given an "intermittent sentence." Such a sentence is usually served on weekends.

Crown Attorney Paul Culver said that, with the accused's long record of convictions, no other sentence but a custodial one would do.

"He is clearly contemptuous of any sentence you make," Culver told Judge Russell Pearce.

Judge Pearce said that Camardi had made the point that he shouldn't be given the privilege of a custodial sentence.

"His previous convictions show he has no regard for the law," Pearce said. Counsel for the accused said Camardi planned to operate a business closer to his home so he wouldn't need a car.

Bus assault
Robert Woods, 18, of Wales St., Markham, who, along with his brother, caused a commotion, plus some damage, to a TTC bus in Richmond Hill Nov. 27, was convicted of a charge of common assault and one of mischief.

Court was told that Woods, a former resident of Richmond Hill, got on a Yonge St. bus on the night in question, with his brother. The two were both drunk and swearing and were told to get off by the bus driver.

A scuffle ensued and the two were put off, and the bus doors were closed, evidence showed. However, the accused broke the glass in the bus door and the two ran off.

The bus driver and two passengers then gave chase and apprehended them.

Woods was fined \$300 on the first charge and \$100 on the second. He was also ordered to make restitution of \$39.50 for the door, placed on probation and ordered to keep the peace for two years.

Police nab robbery suspects

THORNHILL — A telephone call to police to report a stolen truck, led police to two suspects after a robbery earlier involved the same reported truck.

Police said that someone driving a white pick-up truck pulled up to a Gulf Oil gas station at York Mills Rd. in Toronto, Feb. 20 and ordered \$10 worth of gas.

After getting the gas, they sped off. About 1:30 a.m. the same day, two

men driving a similar truck, went to Servacar, Yonge St., Thornhill, police said.

One of them, saying he had a gun in his pocket, robbed the attendant of \$259. (The amount was listed as \$132 in another report.)

Police later received a call from a man saying his truck, which answered

the description of the one used in the thefts, had been stolen.

A check of the caller and his premises turned up the missing money under a mattress, police said.

Facing charges of robbery, theft under \$200, possession over \$200 and public mischief, are two Downsview men, Karl Woldrich, 23, and Joseph Morrison, 17.

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