

Stephen "Boots" Powless not guilty

By Erin Tully
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Justice Joseph Nadel found Stephen "Boots" Powless not guilty of assault of Gary McHale. After days of evidence brought forth by the Crown, Gary McHale, OPP officers, Jeff Parkinson and Stephen Powless, the judge found that he used reasonable force to separate McHale from Powless' sister.

The assault allegations stemmed from a smoke shop rally initiated by Doug Fleming, on December 1, 2007. The court heard that after a morning filled with small skirmishes, Mr. Powless' sister, Camille Powless, accused Gary McHale of pushing her. Powless heard his sister cry out and responded by trying to separate the two.

Mr. Powless was asked by attorney Sarah Dover to tell the court what his role that morn-

ing was.

"I was security that day. I woke up and texted my cousins to say that this was the day this rally was going to happen," said Powless. "I parked my car at the end of the laneway (of the smoke shop) to make a barrier and prevent vandalism."

Powless told the court about the first incident that he remembered that day.

"Mark Vandermass came walking up with a pipe that had a Canadian flag on it," said Powless. "He was using the pole near my uncle, I had assessed that he had a weapon and was near my uncle. My uncle is elderly and only has one arm, he's a knowledgeable old man and I wanted to protect him."

Powless explained to the court how he witnessed small incidents like that all morning. He said that he wanted to ensure that people on "his side"

stayed as calm as possible.

"I would sit in my car and I was trying to make sure that my people were keeping a cool head because I was aware they (protesters from Caledonia) were trying to provoke things," said Powless.

The court then saw video footage broken down into small segments by Dover. The clips showed McHale and Ms. Powless standing beside each other when she alleged that he pushed her.

Mr. Powless is visible in the footage; his attention is turned towards a car driven by a Native woman. The car had been stopped by Caledonia protesters but was soon free to continue moving.

In the video Ms. Powless yelled for help and alleged that McHale pushed her. Mr. Powless responded by turning and pushing McHale away from his sister.

"I pushed McHale back, a bunch of his followers were pulling me down," said Powless. "I tried to hit him to get him away from my sister with one to three quick rabbit punches."

"Did you make contact?," asked Nadel.

"I'm not sure, people were holding my arms, if I did it was very light," said Powless.

Dover then asked Powless if he had intended to hurt McHale. Mr. Powless made it clear that he only wanted to keep the peace and protect his sister.

"I didn't intend to hurt him, I was just trying to protect my sister," said Powless. "To tell you the truth he causes more unity between my people than anything."

After reviewing the evidence in the three day trial the judge found that Powless used reasonable force to protect his sister.