

IMMAC will return to the cage

By Erin Tully
BRANTFORD

It is a rare occasion that a courtroom breaks out into applause and cheers but that is what happened in a Brantford court last Wednesday.

Bill Monture, president of the Grand River Athletics Corporation and Delby Powless, co-owner of the Iroquois Lacrosse Arena, had their charges (pertaining to mixed martial arts fights) dropped.

The Crown had initially charged five men with their involvement in the Iroquois Mixed Martial Arts Championships (IMMAC) held at the Iroquois Lacrosse Arena

(ILA).

Charges were eventually dropped against Jason King (CEO and matchmaker of the Grand River Athletic Corporation), James P and Dave Mair (Canadian Olympic wrestling coach).

"They (the Crown) didn't even know who they were charging or why," said King. "They just looked at the IMMAC website and picked names. They didn't know what role the people played."

Eventually charges against King, James P and Mair were dropped.

Monture and Powless still faced charges under section 83 of the Canadian Criminal Code for

'prize fighting'.

Other province's interpretation of section 83 has left room for professional mixed martial arts fights to run in their jurisdiction.

Ken Hayashi, Ontario Athletics Commissioner, has said that in order for him to support MMA fights in Ontario the federal legislation would have to change.

It was Mr. Hayashi who initiated the complaint to the Six Nations police about the fights.

The night in question at the Brantford court was the first IMMAC fight in November of 2007.

The ILA was packed with

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Charges dismissed

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MMA fans and two hometown men; Chuck Monture and Todd Kick represented Six Nations.

The drug and alcohol free event ran smoothly and proved to the Corporation and Grand River Athletic Commission that the fights were a lucrative idea.

"MMA is the fastest growing sport in North America and we want to be a part of that," said King. "This is a good opportunity for us (Six Nations) as a community but also surrounding communities. The amount of tourism that these fights can bring can benefit everyone."

Although the Crown may not have agreed that running fights in Ontario is legal, they offered no evidence to prove otherwise.

Monture and Powless arrived at the Brantford court with lawyer Dean Paquette ready to defend their case.

Much to everyone's surprise the Crown offered no evidence. Their star witness Ken Hayashi did not attend the proceedings.

Larry Brock, Crown attorney said that Hayashi's office had not been served a summons to appear in court until approximately 4 days prior to the case.

Hayashi had a prior engage-

ment in New Orleans at the North American Boxing Commissioners annual meeting.

Justice Martha Zivolak asked for an explanation for their tardiness.

"There is no legit reason or excuse why service was so late," replied Brock.

Brock asked the judge for an adjournment until they could gather evidence and witnesses.

Defense lawyer Paquette immediately responded saying that they have had ample time to prepare an argument given the charges were almost two years old.

"I am opposed to an adjournment, I just found out about this proposed adjournment shortly after five last night," said Paquette. "The event is question goes back to November 2007."

He told the court that these charges had been hanging over them men long enough and it was mentally exhausting as well as financially.

Justice Zivolak agreed and said that an adjournment would be prejudice against Monture and Powless. "The Crown today is not in a position to proceed with no acceptable reason," said Zivolak. "Clearly the charges the men face have a tremendous effect on their lives. It would appear that the individuals before the court have done what they had



Bill Monture (Grand River Athletics Corporation president), Jason King (CEO and Matchmaker of the Corporation), Wes Elliot and Chuck Monture (Team Iroquois coach) attended Bill's court date on Wednesday in Brantford. Bill Monture and Delby Powless were charged with their involvement with the Iroquois Mixed Martial Arts Championship, held at the ILA. Bill and Chuck Monture and Jason King have been involved with the fights since conception. (Photo by Erin Tully)



Bill Monture and Delby Powless had a small entourage of family and friends who supported the Iroquois Mixed Martial Arts Championships held at the ILA. Their applause and cheers filled the courtroom as Justice Zivolak announced that because there was no evidence offered by the Crown that their charges were dismissed. (Photo by Erin Tully)

to do; they are here ready to defend.

At this point the only result from granting an adjournment would be prejudice to the defendants."

The justice took into consideration not only the monetary hardship the men faced for having to have a lawyer retained but also the mental hardship for having the 'charges looming over them'. She concluded that the court could not indulge the prosecution with an adjournment.

"There is no evidence for me to consider, charges are dismissed," said Zivolak.

Applause broke out from the crowd of approximately

20 IMMAC supporters in the courtroom.

Outside the courtroom Monture said that he felt a huge relief taken off his shoulders.

"I feel awesome, this is great, it was a long time coming," said Monture.

He said that he was close to \$100,000 in the red because he had to wait for this judgment before proceeding with more fights.

Monture, family and friends gathered outside the courtroom and talked with a sense of pride that although the court didn't 'ok' the fights, they stuck to their Haudenosaunee law and say it was a victory.

Monture said that through the long ordeal he never wavered from his right as a Haudenosaunee man to follow his government and assert his rights.

"This (the fights) has no place in the Ontario or federal courts, this is not their jurisdiction," said Monture. "We have a letter from the Haudenosaunee Confederacy Chiefs Council that says we are under their jurisdiction and they don't say the fights are illegal."

Monture also thanked the community for all their support.

"I really want to thank my family and friends and all our

supporters in and around our community," said Monture. "They stuck by us and I appreciate that."

King, who was there as a supporter summed up his feelings with one word, "vindicated".

King said that the fights are back and going to be better than ever. With a new life breathed into the Corporation and Commission a commitment has sparked to run a fight as soon as October.

"Our fans and fighters want us back," said King. "They didn't ever leave, they were just waiting this court case out like we were, and we are back and ready to do it again."

Ontario

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(Provincial Division)

Ministry of the Attorney General

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