

## Markham man still on trial for fatal accident

By PAULA CROWELL  
Staff Reporter

A Markham man facing trial on charges including criminal negligence causing death was described as staggering and unsteady by a police officer who attended to him.

Tyron Kerrutt, 47, was taken to the Oak Ridges office of Ontario Provincial Police about one hour after a head-on collision on Hwy 48 between 18th and 19th Aves.

The accident caused the death of six-year-old Neale Hagan of Scarborough.

OPP Constable Dan Johnson testified at the provincial court trial that a smell of alcohol pervaded from Mr. Kerrutt while the two were sitting in the back seat of a police cruiser on the way to the station. He added that once there, Mr. Kerrutt could not find the door handle of the police station.

Mr. Johnson said the open side of the door is clearly marked with a large horseshoe-shaped handle compared to the hinged side which has no distinguishing features.

The officer said he told Mr. Kerrutt to move to the right side of the door to open it but his comment went unacknowledged and the man did not move.

"I physically moved him to the right so the door could be swung open," he said.

He added that Mr. Kerrutt's speech was slurred somewhat, and that his response to

questions requiring a yes or no answer were no more than grunts.

Mr. Kerrutt is also charged with failing to remain at the scene of an accident, trespassing by night, failing to surrender a driver's licence and failing a breathalyzer.

He was convicted of a charge of impaired driving last January.

During Thursday's testimony Mr. Johnson said Mr. Kerrutt was given the breathalyzer test and subsequently asked to comb his hair onto a sheet of paper and remove his clothing and shoes.

Defence lawyer David Hobson commented that the investigation seemed exceptionally thorough on a man whose only charge at that point was impaired driving.

He suggested to Mr. Johnson, "The taking of the clothing and samplings of hair is not part of the normal investigation for an impaired driver. It was to satisfy yourselves that Mr. Kerrutt, on independent forensic examination, would be the driver of the vehicle."

The police officer agreed with this comment.

The accident for which he is charged took place Sunday, Sept. 15, 1985 on Hwy 48. A northbound station wagon crossed the centre line and hit a southbound vehicle carrying two passengers.

Neale Hagan died as a result of his injuries. His father William and driver John Jones were also injured in the crash.

## December trial for driver

By KEVIN HANN

A 28-year-old man facing six charges in connection with a fatal motor vehicle accident in January will go to trial in December.

Richard John McMerty is charged with four counts of dangerous driving causing death, one count of dangerous driving causing bodily harm and refusing to provide police with a breath sample to determine the amount of alcohol in his blood. He will be tried on all six charges by judge and jury, according to the District Court Crown Attorney's office.

The charges stem from a Jan. 18 accident which claimed the lives of four Markham-area people. According to police reports, a transport truck and mini-van collided at the intersection of Brock Road and Finch Avenue. Four people in the mini-van died, while one passenger and the driver of the transport cab survived.

Sheri Lynn Gerrard 15, father Thomas Gerrard, 42, Rena Grunert, 16, and mother Renata Grunert, 40, were killed in the collision. Police reports say all four were returning home from a swim meet at Pickering Recreation Complex when the accident occurred.

On June 4, 1986, court placed a ban on publication of testimony given during the first day of McMerty's preliminary hearing in Ajax Provincial Court.

According to new provisions in the Canadian Criminal Code, a person convicted of dangerous driving causing death faces a maximum of 14 years imprisonment. For dangerous driving causing bodily harm, the maximum sentence is 10 years. Both convictions also carry a 10-year restriction from driving.

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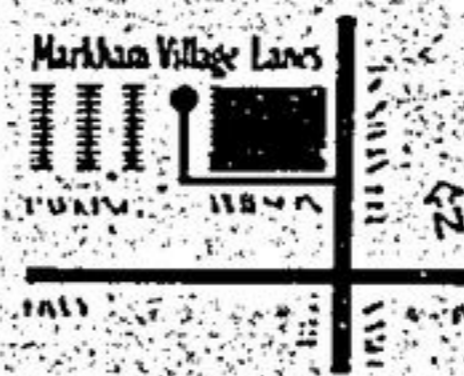
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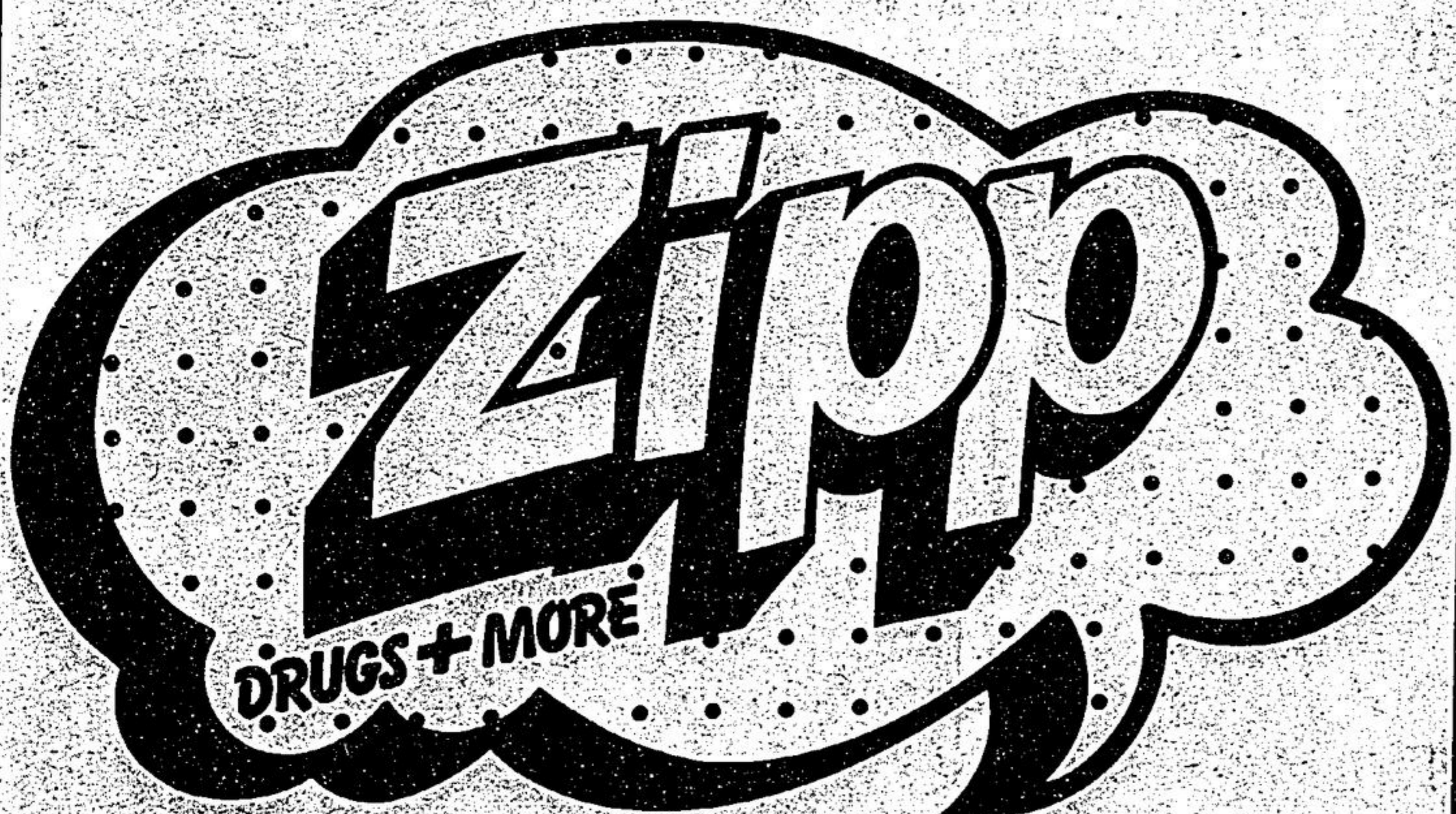
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