

Markham man's blood had 13 ounces alcohol, fatal mishap trial told

By PAULA CROWELL
Staff Reporter

A Markham man, on trial for involvement in a head-on collision which took the life of a six-year-old last year, had the equivalent of 13 ounces of liquor in his bloodstream at the time of the accident, an expert witness estimates.

Rita Charlebois, a specialist at the Centre of Forensic Sciences in Toronto, calculated how much alcohol would be in the blood stream of a man weighing 130 pounds if he registered a breathalyzer reading of 260 mg per 100 ml of blood.

She was testifying for the Crown in the trial of Tyron Kerrutt, 47, of Markham.

Mr. Kerrutt is charged with criminal negligence causing death, failing to remain, trespassing by night, failing a breathalyzer and failing to surrender a driver's licence.

His charges are in connection with an accident which took place Sept. 15, 1985 on Hwy 48 between Major Mackenzie Dr. and 18th Ave.

Mr. Kerrutt was convicted and sentenced to 30 days on an impaired driving charge last January involving the same accident.

Ontario Provincial Police say the accident involved a station wagon which was travelling northbound on Hwy 48 at about 10:30 p.m. It crossed the centre line and collided head on with a

southbound sedan.

The backseat passenger in the sedan, six-year-old Neale Hagan of Scarborough, died as a result of his injuries en route to hospital. His father William and driver John Jones were also injured in the crash.

Mr. Kerrutt was found in a farm building near the accident shortly after it took place. Police say a suspect was seen leaving the scene on foot.

In earlier testimony OPP Constable Patrick Hebert told the court he performed a breathalyzer test on Mr. Kerrutt at the Oak Ridges office.

Mr. Hebert, who has done about 300 such tests, said it showed the accused had a blood alcohol level of 262 mg per 100 ml of blood — more than three times the legal limit of 80 mg.

A subsequent test done about half an hour later showed a reading of 260 mg.

Ms. Charlebois, who works in the alcohol section of the toxicology department made her estimates of how much alcohol would be in a person's system if that person weighed 130 pounds and had registered 260 mg of alcohol per 100 ml of blood, figures which match Mr. Kerrutt.

She admitted that tolerance plays a part in a person's ability to control the effects of alcohol, but added, "There's no doubt in my mind that anyone, regardless of

tolerance would be impaired to some degree," with that amount of alcohol in the bloodstream.

Ms. Charlebois continued that a person's ability to drive with that much alcohol in the system is impaired.

"While driving it's very difficult for a person under the influence to concentrate on more than one thing at a time. Their ability to judge distance is reduced and reaction time is reduced."

Defence lawyer David Hobson asked Ms. Charlebois if a person under the influence of alcohol is more likely to tell the truth.

She replied, "I don't rely too much on people who've had too much to drink. They say whatever they feel on the spur of the moment and their memory is impaired."

Mr. Hobson continued his cross examination along that line.

The witness told him a drunk person might tell the truth but, "only if they remember. Sometimes they think it's the truth (that they're saying) and it's not because they're lying but because they don't remember and they don't care."

Mr. Hobson was referring to Mr. Kerrutt's statement to police and other emergency officials at the scene that he was not driving the station wagon involved in the accident.

The trial continues.



Distemper, which can be mistaken for rabies, seems to be on the upswing among raccoons in the area, according to Animal Control Officer Jim Ryan.

— Roberta Di Maio

Distemper reaches epidemic levels

Markham's raccoon population is suffering an epidemic of distemper, a disease that is fatal and shows all the symptoms of rabies, according to Jim Ryan, animal control officer.

Mr. Ryan said six raccoons with the illness have been picked up within the last week and more are expected. Three of the animals were brought to the Ministry of Agriculture for tests because they had come into contact with dogs.

But according to Mr. Ryan, raccoons rarely contract rabies.

"When a raccoon has distemper he'll lie very still and won't run away from people, but may bite if someone tries to touch it. It will sometimes convulse and froth at the mouth. People think it's rabies but it's not," explained Mr. Ryan.

While the disease is not fatal

for dogs, it does endanger cats that have not been vaccinated against distemper. The disease is airborne and can be contracted through the lungs or by contact with an area that has been infected by a diseased animal. The virus can linger up to an hour after the animal has gone.

Mr. Ryan says the disease is at an epidemic level because land development north of Steeles Ave. has pushed wildlife northward, increasing the population density of wild animals in the area.

He warns that children should not try to approach any raccoon and asks that anyone seeing an animal they believe to have distemper call the animal control office at 887-5012 or the Ministry of Natural Resources.

An essay contest

Christmas is coming and with it an expanded essay-writing contest from the Weekender and Markville Shopping Centre.

The three previous yuletide competitions were limited to the Markham Economist & Sun. This year, it's being thrown open to Weekender readers in Whitchurch-Stouffville, Uxbridge and Clarendon, too.

What we're looking for are submissions from area youths detailing their most memorable Christmas. There's a 250-word limit for 7 to 12-year-olds,

and a 350-word maximum for 13 to 18-year-olds.

The two winners get \$50 Markville gift certificates, while \$25 certificates go to the two runner-ups in each age group.

Entries should be dropped off at either the Economist and Sun (9 Heritage Road, Markham) or the Tribune (54 Main St., Stouffville) no later than 5 p.m. Friday, Dec. 12.

Winning essays will be published in the Dec. 20 Weekender. School entries are also welcome. Now start writing!

Strip bylaw is approved

By STEVE HOUSTON
Staff Reporter

In what could be the final blow to Markham's controversial Studio 134, the Ontario Municipal Board (OMB) this week upheld a town zoning bylaw restricting such clubs to certain areas in Markham.

The decision came a month after the Supreme Court of Canada upheld an Oshawa licensing bylaw disputed by a club owner there seeking exemption because his business was already established.

The Markham bylaw allows "adult entertainment parlors" to operate only in the Langstaff and Mount Joy industrial areas of the town.

Town Solicitor Ray Kallio said both the zoning and licencing bylaws are complementary to each other to reinforce the town's legal position on where the clubs will be permitted.

And the town of Markham, posing arguments similar to Oshawa Solicitor Robert Holland's, said the town wants strip clubs separated from residential areas and schools.

"The ruling on the Oshawa case shows municipalities have the right to say the number (of clubs allowed) and where they will go," said Mr. Kallio.

He did not indicate the town's immediate intentions regarding Studio 134 in Sherwood Plaza but will await council direction on the matter.

Mayor Carole Bell said she is "overwhelmed" with the decision and noted members knew "this was the way we had to go."

In 1983, the town passed a bylaw forbidding strip clubs in Markham and had it struck down by the Ontario Court of Appeals. The court said the town was attempting to legislate morality — a federal jurisdiction.

The successful bylaw designating strip clubs to two town districts was passed in February this year.

"There are now two areas in the town of Markham," noted Mayor Bell. "I would suggest that any (strip club) should go in those areas."

Ed and Claudette



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J.N.R.D. 1/86

Counselling plan for board staff

Help is on the way for troubled employees at the public school board.

On Monday, trustees at the York Region Board of Education agreed to hire Warren Shepell and Associates Inc. to provide an employee assistance program starting July 1, 1987. The annual cost is \$75,000.

Bill McVicar, superintendent of human resources, said the firm will be available to help employees suffering from physical or emotional problems.

Services provided include marital, family and financial counselling, as well as help for any substance abuse such as alcohol. The service is also available to employees' families.

Mr. McVicar said surveys reveal that on the average, five per cent of employees at any work-


place suffer personal problems to the extent that it affects their job performance.

He noted that with 4,200 employees, the York Region Board of Education can't possibly serve them properly under the present program.

Warren Shepell and Associates have extensive experience with school boards and provide a 24-hour hotline and a number of workshops.

Mr. McVicar explained that as well as helping troubled employees, Warren Shepell and Associates also train supervisory staff to recognize symptoms. They can then get to a problem early and ward off any long-term affects.

The program was given the go-ahead by trustees, but is subject to budget approval.



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