

Truck driver pleads guilty in fatal crash

By KEVIN HANN

A Mississauga man has been convicted on six charges stemming from a fatal Pickering crash which claimed the lives of four Markham area residents last January.

Richard John McMerty, 29, of Sheridan Park, pleaded guilty to four counts of dangerous driving causing death and one count of dangerous driving causing bodily harm.

He has also been found guilty of failing to provide police with a breath sample to determine the amount of alcohol in his blood.

Recounting preliminary hearing testimony, Crown attorney Ed Bradley told Whitby District Court this past Wednesday the transport cab Mr. McMerty was driving, a 1984 Mack, ran two stop signs before slamming into the side of a 1984 Toyota mini-van carrying five people. The second stop sign, at Brock Rd. and Finch Ave. where the collision occurred, was an oversized one.

Killed in the crash were driver Thomas Henry Gerrard, 42, daughter Sheri Lynn, 15, Renata Maria Grunert, 40, and daughter Rena, 16. Judy Gerrard, wife of the driver, spent eight days in hospital with rib injuries and burns. Mr. McMerty escaped with a minor cut to his hand.

Mr. Bradley said John and Darlene Walton were headed to Ajax the night of the accident, travelling east on Finch Ave., when they saw a white Mack transport roll past a stop sign at Rosefield Rd. and Finch Ave.

The truck entered the west-bound lane and travelled east for approximately 250 metres, before pulling to the south soft shoulder near Valley Farm Rd. The Waltons did not witness the accident.

The two teenagers killed in the crash were members of the Markham Aquatic Club, participating in a swim meet at Pickering Recreation Complex that day. All five occupants were returning home when the accident occurred around 9:45 p.m.

"As the van came to the intersection (of Brock Rd. and Finch Ave.) it became evident the truck was not going to stop," said Mr. Bradley.

The truck slammed into the driver's side, and both vehicles ended up at the northeast corner

of the intersection; the truck landed in a ditch.

The van was literally "ripped open" by the truck, which sustained heavy damage, said Mr. Bradley.

Durham Regional Police constable Jamie Grant arrived at the accident scene at 9:52 p.m.

"There were four people spread around the van. I found Mr. Gerrard, who was still alive at the time, breathing," he said. "I went to check the other three. We had to lift up the side of the van to get at Mrs. Grunert; only her legs were visible."

After assisting rescue operations by ambulance and fire crews for eight to nine minutes, Mr. Grant located a man hunched over at the rear of the transport.

He confronted him, and determined he was the driver. When questioned about the accident, Mr. Grant said Mr. McMerty replied, "Just leave me alone. I just pulled two bodies out. Can't you see I'm upset?"

When asked a second time, Mr. Grant said Mr. McMerty responded, "Leave me alone, don't you have any morals?"

Mr. Grant testified he detected alcohol on Mr. McMerty's breath, and that his eyes were "slightly glassy." He then called for a roadside ALERT breathalyzer machine to be brought to the scene.

When the machine arrived, Mr. Grant said he explained its use several times to Mr. McMerty, who, when asked to blow into the machine, "only pretended to blow."

After several attempts, Mr. Grant said he demonstrated the machine by blowing himself, then handed the machine to Mr. McMerty again. After Mr. McMerty failed to produce a sample, Mr. Grant warned him he'd be arrested for refusing to comply.

Mr. Grant said Mr. McMerty answered, "Look, I smoke for a living, I can't blow like you." At 10:19 p.m., Mr. Grant arrested Mr. McMerty who, when asked whether he understood his rights, did not respond.

On the witness stand Mr. McMerty, married with one child, said he smoked more than two packs of cigarettes a day, and had trouble catching breath after the

accident. He charged the officer was rushing him and berating him with abusive language. Mr. Grant denied the accusations.

Between noon and 1 p.m. that day, Mr. McMerty said he had about three beers at a friend's house in Scarborough. He later visited a co-worker's house in Pickering, but did not consume any alcohol there.

After the crash, Mr. McMerty went straight to the other vehicle.

"It was quite a mess. I went to the driver's side and got out one person," he recalled.

"I was bent over and just wanted to get myself together. It seemed like (Grant) was asking questions too quickly," said Mr. McMerty. "It was just push, push, push. I told him, 'Can't you see what just happened here.'"

Defence lawyer Doug Wright contended Mr. McMerty's inability to follow through on Mr. Grant's instructions might be attributed somewhat to the "violent impact." Mr. McMerty said his head hit the windshield and that he was thrown to the passenger side, breaking the stickshift as he tumbled.

"It was a tragic and physically violent accident," said Mr. Wright in his summation. "It would be most unusual if (McMerty) were not upset. It's almost unthinkable any person would not be upset."

Judge W.E.C. Colter found Mr. McMerty guilty for failing to provide a breath sample to police. He's been remanded out of custody, and will be sentenced on all six convictions in Whitby District Court on Friday, Jan. 9, at 10 a.m.

According to provisions in the Canadian Criminal Code, a person convicted of dangerous driving causing death faces a maximum of 14 years imprisonment on each count.

For dangerous driving causing bodily harm, the maximum sentence is 10 years in jail. Both convictions carry a 10-year restriction from driving.



Christmas gift

Unionville Kiwanis Club and the Salvation Army are teaming up to help the needy this Christmas. The huddles, manned by Kiwanians, will be on display at Markville Shopping Centre. Shown here (left to right) are Lt. Rick Embree, Dennis Robbins, Jim Tabbernor and Louise Embree.

— Sjoerd Witteveen

Teachers to vote on a final offer

York Region's Catholic teachers will vote on the school board's final offer, thus setting the stage for possible strike action.

The vote is the next move for the York unit of the Ontario English Teachers' Association (OECTA). If teachers reject the offer, they are in a legal position to strike.

Negotiations between OECTA and the York Region Roman Catholic school board broke down last month when the teachers' negotiating team rejected the board's final offer.

Marshall Jarvis, president of OECTA's York chapter, declined comment until he has met with his executive.

The teachers say their demands for more lesson preparation time and smaller class sizes are not being met by the board.

But in an advertisement published in the Economist and Sun

and Stouffville Tribune on Wednesday, the board states that money is the issue and not pupil-teacher ratios and preparation time.

School board chairman Celeste Pelliccione said the board has made "a strong commitment to reducing class sizes and has agreed to the pupil-teacher ratio exactly."

She suggested that future concerns of teachers could be expressed at a liaison committee with each side represented.

"I'd like to encourage them to make their presentations at the liaison committee," said Mrs. Pelliccione. "I don't think everything has to be dealt with through (contract) negotiations."

Mr. Jarvis said teachers will make a formal response to the board's advertisement on Monday. The teachers have been without a contract since last Aug. 31.

Minimum lot size proposal has developers up in arms

A Whitchurch-Stouffville planning proposal that would increase lot sizes for suburban residential subdivisions to a minimum of two acres was criticized by would-be developers at a public meeting Dec. 2.

At present, the minimum lot size is 30,000 square feet or two people per acre.

While the new two-acre minimum decision isn't yet law, the Town has adopted it as an unofficial policy.

Mayor Fran Sainsbury informed the Latham Hall audience that environmental concerns plus too high a density in certain areas had prompted the move.

Developers, however, argued that in the case of estate residential, a one-acre lot would be sufficient to accommodate a 4,000 square foot home as well as adequate landscaping.

They argued that by expanding the minimum to two acres, the houses would not be affordable and growth would be discouraged.

Francis and Rosalbino Cairo, proponents of a 12-lot estate residential subdivision on the northwest corner of Hwy. 47 and the Bloomington Road, (Lincolnville),

claimed the environment can support smaller lots. The properties would be serviced by individual drilled wells and septic tanks.

"I think we should stick to our guns," said Councillor Wilf Morley.

Councillor Jim Sanders went a step further, claiming that in light of well water problems at Ballantrae, the Lincolnville proposal

shouldn't even be considered.

Mayor Sainsbury said troubles experienced at Ballantrae were due to old technology. New development, she stated, such as the one proposed for Lincolnville, would be the beneficiary of updated facilities.

Because of objections, town planners agreed to delay implementation of the resolution until further review.

Ed and Claudette



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