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## Defense claims cruiser lights turned off prior to ATV crash

By DIANA BOEHM and BRUCE STAPLEY

A series of photos taken at the scene of a 1986 ATV accident were submitted by the crown Friday when the trial of a 40-year-old Stouffville-area man began in Whitby District Court.

The photographs, which showed the point of impact and damage done to the two vehicles involved, were taken by Durham Regional Police Constable David Robinet.

Cst. Robinet described the pictures as the first witness called by Crown Attorney Tom Fitzgerald at the trial of Dennis Smith.

"It was reasonable light for a rural area. The road was clear and dry," Cst. Robinet testified about conditions at the time of the collision between Smith's all-terrain vehicle and a Durham police cruiser. "When I arrived at the scene, a three-wheeled vehicle was lying upside down on the north shoulder of the road."

Smith, who lost a leg in the accident, is charged with dangerous driving causing bodily harm, im-

paired driving and driving with a blood alcohol level more than the legal limit. He has pleaded not guilty to all three charges and elected trial by judge and jury.

The incident occurred in the early morning of April 27, 1986. Police Constables Paul Mooney and Richard Bates were called to Conc. 8, in north Pickering near the York-Durham line, to investigate complaints of loud noises.

In his opening remarks to the court, Mr. Fitzgerald explained that on arrival at the scene, the officers saw an all-terrain vehicle (ATV) which resembled a three-wheeled motorcycle.

They attempted to follow the vehicle but soon lost sight of it, court heard. As they were leaving the area, the policemen were flagged down by an area resident, Robert Demerchant.

The officers left the engine of their marked police cruiser running but turned the headlights off, according to Mr. Fitzgerald. While Mr. Demerchant was speaking to them, the policemen caught sight of an off-road vehicle moving toward them.

The cruiser lights were switched on and Cst. Mooney and Bates travelled approximately 100 metres down the centre of the road, positioning the car to block the oncoming ATV, allegedly driven by Smith.

A subsequent collision resulted in the loss of Smith's left leg below the knee, and seriously injured a passenger on the ATV, Sherri Wannop.

It is illegal to drive an off-road vehicle on a public roadway, such as Conc. 8, or to carry a passenger. These two factors, as well as driving impaired and exceeding the speed limit, comprise the dangerous driving charge, Mr. Fitzgerald told the court.

"Smith was operating a vehicle in a manner which was dangerous to the public," Mr. Fitzgerald told the jury. "Don't sympathize with

Mr. Smith's plight. He is the author of his own misfortune."

Members of the Durham force took the stand Monday, as the continued trial before Judge E.R. Lovekin.

Smith, of R.R. 3, Claremont, showed no emotion in the prisoner's box as his defence lawyer, Russell Silverstein, grilled police witnesses about the necessity of the roadblock used by the cruiser that collided with the accused man's ATV.

"It's a common manoeuvre to stop vehicles that have tried to evade police," replied Cst. Archie MacKinnon, the investigating

officer, when asked whether the police car had intentionally cut-off the vehicle driven by Smith.

"Were the officers not aware that they were running the risk of collision with a vehicle which provided no protection for its occupants?" Mr. Silverstein continued.

"Yes," Cst. MacKinnon conceded.

The defence attorney went on to express his amazement at the use of such a procedure, describing it as dangerous and uncalled for. He suggested that Cst. Mooney, the driver of the cruiser, had second guessed himself after realizing

the nature of the injuries suffered by Mr. Smith and his female passenger.

Cst. MacKinnon denied that the officer had expressed such feelings.

Mr. Silverstein tried to prove the cruiser's headlights had not been turned on until seconds before the collision, suggesting there is an "unwritten policy" among Durham Regional Police officers that sees them stalk offenders with car lights out to avoid being noticed.

Both Cst. MacKinnon and Robinet, the other investigating officer on the witness stand,

claimed no such policy exists.

Cst. MacKinnon said Smith was "loud, upset and mouthing profanities. I thought 'this guy is drunk.'"

However, ambulance attendants Hugh McIsaac and Brian Donohue both testified the injured driver was alert, co-operative and in control. Mr. Donohue, though, said he could definitely smell beer on Smith's breath.

Area resident Robert Demerchant claimed: "The gentleman (Smith) was upset, calling the officers the Dukes of Hazard."

The trial continues.

### Get set

This year, Daylight Saving Time comes three weeks earlier than usual.

The date is Sunday, April 5 at 2 a.m.

Residents are advised to move their clocks and watches AHEAD one hour before retiring April 4.

The time change will remain in effect until Oct. 25 at 2 a.m.

Amendment to the Time Act was approved through an all-party agreement in the Ontario Legislature earlier this year. Whitchurch-Stouffville Council was informed of the change by the Minister of Municipal Affairs, The Hon. Bernard Grandmaître, March 16.

### Forsyth farm

## Tired of hassle 45 acres sold

STOUFFVILLE — Farmer Floyd Forsyth of R.R. 3, Stouffville, wants no part of the land development business.

Rather than spend additional time and money in a bid for subdivision approval, Mr. Forsyth has sold a 45-acre parcel immediately adjacent to Stouffville's north boundary.

Closing date on the deal is May 15. The purchase price was not disclosed.

"Too much of a hassle," Mr. Forsyth told The Tribune with re-

spect to re-zoning the land to suburban estate residential. If and when development is approved, the lots will be serviced by septic tanks and likely Town water similar to Westfield Estates, east of Hwy. 47.

Mr. and Mrs. Forsyth will continue live in their present farm house and work the remaining 41 acres. Mr. Forsyth will also crop the original 45 acres until development occurs. The Tribune was told.



Eugene and Laura Paisley stand outside their century-old home at Laurenda, north-east of Lincolnville in Uxbridge Township. The beautiful 218-acre farm has been sold with the transaction expected to close in June. Son Gary is seeking a replacement property. Gene and Laura may move to Stouffville. —Jim Thomas

### Eugene Paisley farm

## Scenic property sold

Uxbridge — A 218-acre property, the farm of Eugene and Laura Paisley and son Gary, has been sold.

The scenic site, on the north-east corner of Hwy. 47 and the Uxbridge Road, has long been regarded as one of the most immaculate and well-kept farms in the area.

Gene or Kirk, to his friends, had lived there since age 16. He was married four years later.

Gene's father, the late Matt Paisley, acquired the property in the early 1900s to accommodate feeder cattle. It was then only 35 acres. Gene added the 180-acre parcel through acquisition of the Clarence McDowell and Vernon Brethou's farms.

A daughter and son-in-law, Brenda and David Mensahl live in a new home on Hwy. 47. Son Gary assists his father with the farm's operation. Another son, Grant, lives at 11 Goodwood. Gary is currently looking for another property. The 100-year-old Holstein

herd, numbering 130, will be moved along with all machinery. No auction sale is planned, Gene said.

Mr. and Mrs. Paisley expect to remain in the century-old farmhouse until November. There is no sure what the purchaser has in mind.

"It's development property," Gene says. "It has great potential." Laurenda, as the location is known, is one of only two original family farms left between Stouffville and Uxbridge, Gene claims. The other is the Boyd family's.

Gene and his father are currently seeking a replacement property, possibly in the Gunnington, Woodville, Peterborough area. Gene and Laura may move to Stouffville.

"I'll sure be a charge," Gene admits, "but I want to do it. I'll keep wondering what it'll do after breakfast." The deal is set to close in June.



David and Mary Houck of R.R. 2, Gormley admire the beautiful grandfather clock presented to them Saturday. The Appreciation Night at Markham Fairgrounds honored David's year as president of Holstein Canada, 1986-87. Mr. Houck is herd superintendent at Romandale Farms, R.R. 17, Unionville. —Jim Thomas

## Holstein cattlemen honor their president

MARKHAM — They came from all across the country with a single purpose in mind; to express their thanks to David Houck, President of Holstein Canada, 1986-87.

It was David Houck Appreciation Night at Markham Fairgrounds, Saturday. Close to 500 people attended.

Mr. Houck, herd superintendent at Romandale Farms for the past 33 years, was praised by many speakers for his contributions to the Holstein industry.

The guest of honor was accompanied by wife Mary; two sons David and John; his father Jack; brothers Jack and Don and sister Edith. Eldred King, Chairman of the Region of York and himself, a knowledgeable Holstein man, was Master of Ceremonies. He referred to Mr. and Mrs. Houck as "a most illustrious couple."

They were presented with a beautiful grandfather clock. Glen Atkinson, representing the York Region Holstein Association, made the presentation. Mrs. Houck received a bouquet of red roses from Patti Alsop, Club President.

It was an evening of both spoofs and praise. Following the presentations of gifts, Mr. and Mrs. Houck were escorted through an

honor guard of brooms, forks and shovels raised by the Romandale show crew. At the end of the line, they were met by members of the Romandale fraternity, Steve, George and Tony, the latter a federal M.P.

"I've never met a more honest, devoted and loyal person," Steven Roman said of his herd superintendent. Then, turning to

Mrs. Houck, he commented: "If Mary was a Catholic, I'm sure she'd be a saint."

Mr. Houck returned the compliment, describing Mr. Roman as "one of the best cowmen in Canada."

He added that the occasion would be an evening he'd never forget. "It's been beyond my fondest expectations," he concluded.

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**KARL WINTERSTEIN**  
 PHOTO BY [unreadable]