

Weekender

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Driver guilty in accident

BY SEAN RYAN

An R.R. 3, Claremont man has been found guilty of dangerous driving causing bodily harm and two other impaired driving offences related to a 1986 ATV accident.

A Whitby District Court jury convicted Dennis Smith on all three charges stemming from the collision between the off-road vehicle he was driving and a Durham Regional Police cruiser.

An eight-man, four-woman jury deliberated for nearly five hours before returning a verdict Tuesday at 9:05 p.m.

Judge E.R. Lovekin will sentence the 40-year-old Smith in Whitby Friday, May 22, at 10 a.m.

Smith's defence lawyer, Russell Silverstein, maintained throughout the seven-day trial that police acted wrongfully in their pursuit of Smith's ATV in north Pickering the night of April 27, 1986. Mr. Silverstein said he hasn't decided whether to appeal the court decision.

Smith lost part of his left when

the three-wheeled vehicle struck the front of a marked police car and landed in a ditch. A passenger on the ATV, Sherri Wannop, suffered severe internal injuries.

In his final submission to the jury, Mr. Silverstein said there was a certain "cowboy" atmosphere in the police cruiser that evening.

He argued that evidence indicated Cst. Richard Bates and Paul Mooy, while not meaning to collide with the ATV, were emphatically eager to apprehend the driver.

However, Crown attorney Tom Fitzgerald claimed evidence brought out during the trial clearly showed Dennis Smith was guilty as charged.

Mr. Fitzgerald asked members of the jury if they, as "reasonable and prudent" people, would drive an ATV in an impaired state with a passenger?

The Crown stressed it is wrong to place any blame on police in this instance.



Battling for the cup

It's no-holds-barred, fight-to-the-death time for house league hockey players in the Town of Markham. All of them — we're talking more than 2,300 — are involved in the annual Markham Hockey Week tournament, with the Mayor's Cup as the big prize. Here, Minor Novice opponents

Boyd Major of Markham's George's Auto (left) and Unionville's Steve Traianou of Nielson Ratings go arm to arm in a mock battle. Presiding is referee Carrie Lanning. The competition wraps up April 12. By then 188 games will have been played. — Sjoerd Witteveen

Officer demoted

A Metro policewoman who staged an armed siege at her family's Uxbridge Twp. horse farm two summers ago, has been demoted from first to third-class constable.

A police discipline board cited exceptional medical and emotional circumstances in its decision to demote — but not dismiss — Hillary Hogg.

Cst. Hogg, a 10-year force veteran who lives at Positive Outlook Farm near Coppins Corners, earlier pleaded guilty to a charge of discreditable conduct under the Ontario Police Act.

The officer was placed on probation for two years last May when granted a conditional discharge in Oshawa Provincial Court last May. She has since returned to duty on the front desk at 43 Division in Scarborough.

Hogg, 30, will drop in rank to third-class constable as the result of Monday's ruling by Superintendent Bernard Nadeau.

In his decision, Supt. Nadeau said it's lucky Cst. Hogg didn't kill someone when she fired random shots into the farmhouse where her parents and aunt were hiding.

"This is the most serious example of discreditable conduct that I have ever seen before the tribunal," he said. "The only appropriate penalty under normal circumstances would be dismissal."

"However, because of all the evidence, it would be unfair to impose that penalty," Supt. Nadeau added.

Cst. Hogg was suffering physical and emotional strain Aug. 4, 1985, when she fired the shots and then proceeded to hold Durham Regional Police at bay for 12 hours before surrendering, the one-man tribunal heard. She was on sick leave at the time after suffering a severe leg injury while chasing two suspects near the Scarborough Bluffs.

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