

THE TRIBUNE

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Manslaughter charge dropped

■ York Region detective leaves court a free man as judge rules not enough evidence to go to trial.

KATHLEEN GRIFFIN
Staff Reporter

Det. Bob Wiche is a free man. A manslaughter charge against the York Regional Police officer was tossed out of court yesterday due to

lack of evidence. Justice Terrence Whetung found that there was insufficient evidence to bind Wiche over for trial. He discharged the case at Newmarket Provincial Court-house yesterday. "He is delighted and relieved," said

Wiche's lawyer David Humphrey outside the courthouse, moments after the decision. "I have always wondered why the (Special Investigations Unit) laid the charge, I wonder even more now especially since I had a chance to test the evidence under cross examination." Shaheen Kamadia, mother of 16-year-old Faraz Suleman who was shot by Wiche on June 19, 1996 in Markham, said she was not surprised by the decision. "I'm obviously disappointed," she

said. "I will have the Crown review the technical and legal aspects and I will get legal advice on my position." Wiche is still recovering from five stab wounds to his neck and back from a June 9 attack in the courthouse during the first day of the preliminary hearing. The accused, a 15-year-old who cannot be named under the Young Offenders Act, is charged with attempted murder and aggravated assault. The decision hinged on whether Wiche intentionally discharged his weapon, said Whetung.



Shaheen Kamadia leaves the courthouse yesterday after charges were dismissed against the police officer who fatally shot her son.

Photo by ROB ALARY



Court heard Kamadia had been trying to arrange the surrender of her son to police after she was advised a warrant for his arrest had been issued. Suleman was a suspect in several gunpoint carjackings.

way out of the courtroom, but refused comment.

Police officers saw a Jeep Cherokee drive away from a Markham donut shop parking lot as they arrived and suspected it was Suleman driving the stolen vehicle. They followed.

Fred Stojanovic, vice-president of the York Regional Police Association, said the right decision was made.

Suleman's friend and passenger in the Jeep testified Suleman stopped the Jeep on Trafford Cr. but before the two could escape the truck, Wiche was on the driver's side of the Jeep while Det. Dan Kierstead ran to the passenger side. Suleman put the Jeep in reverse, but was blocked in by a police car. He then put the truck in drive and accelerated, striking Wiche so hard he ended up on the Jeep's hood.

"Personally, I feel he has been vindicated. He made the proper judgement call at the time and that decision was vindicated by the courts," he said.

Evidence, including spent bullet casings, damage to the truck and minor injuries to Wiche's shoulder, could not place exactly where the officer was when the shot was fired.

Acting Police Chief Peter Scott said the whole affair has been a tragedy and the police department takes no delight in any of it, including yesterday's decision.

"In the absence of evidence of the intentional discharge of the firearm, the accused cannot be committed to trial."

"This event has caused controversy and created a deep divide between the police and elements within the community," he said in a release. "I would urge all those touched by these events to put them behind and move forward."

Reaction was immediate. Wiche's family erupted into applause. Suleman supporters were stunned and silent.

And Wiche is on his way to the cottage.

Members of Wiche's family had tears in their eyes as they made their

"He just wants to go home, go to the cottage and decompress," said Humphrey. "It has been very difficult on his family - his wife really said it best when she told me she just hoped her kids would learn to start smiling again."

KIDS WILL BE KIDS: Alice Donoghue, 6, clammers onto the goat in front of the Stouffville Library on Thursday as Mark Robbins, 6, finds a spot on the big bear. Photo by SJOERD WITTEVEEN

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