

Jury to decide cause of death

From page 1

Members of an inquest jury cannot make a legal finding or assign criminal fault. Instead, they must answer five basic questions and can make recommendations to prevent a similar death in future.

Answers to the first four questions — who died, when, where and how — are obvious in this case. It's the "by what means" query that has McLeod seeking a court review.

Working under the Vital Statistics Act, a coroner's jury must find the cause of death to be natural, homicide, suicide, accidental or undetermined.

Death by suicide or natural causes does not apply in the Suleman case, leaving the jury with three choices.

But McLeod explained there are three types of homicide — murder, manslaughter and self-defense. All three require a legal finding, two lay blame.

Only one finding doesn't involve culpability and that's self-defense. But self-defense is a legal finding, McLeod said, explaining the definition of the word homicide is part of the problem.

McLeod will also ask the Divisional Court to allow the jury to consider Justices Timothy Whetung's reasons for dismissing a manslaughter charge against Wiche after a preliminary hearing in August 1997.

The jury is aware criminal charges were thrown out but has not been privy to specific reasons. Lucas ruled early on the inquest has heard different, more in-depth evidence than the criminal court and that Whetung's decision could carry enough weight to influence the jury's decision.

Last week at the Inquest

Police lawyer Rod McLeod flew University of Colorado kinesiologist Dr. Roger Enoke to testify Thursday at a cost of more than \$3,000 US.

Enoke said it's a 95 per cent scientific certainty that if Wiche had lost his balance, he would have involuntarily clenched his fist, causing the gun to go off. He based his opinion on facts given to him by McLeod.

Under cross-examination by Paul Copeland, representing Suleman's mother Shaheen Kamadia, Enoke agreed his opinion doesn't exclude the possibility the shot was fired deliberately.

York boards keep pace with population growth

From page 1

to co-ordinate housing and school construction, would have had a bigger impact before the new funding formula was introduced.

"I'm not sure this represents a major gain. It would have been significant a few years ago when government had to approve all new school projects, but now school boards get money based on the number of students. It would be awfully hard for any school board to argue it can't put a school in a subdivision," said Crothers.

But Peel school board chairperson Janet McDougald said her community has such a backlog the funding formula can't keep pace.

"The money we will receive over the next five years will barely keep up. We grow by 2,500 students per year and that equals five elementary schools. Right now, we are able to fund four schools a year so we can't keep up with our new growth."

York's public board also grows by between 2,500 and 3,000 students, but Crothers insists as long as the province keeps its promise to fund schools over 25 years, those students will be accommodated.

A decade of caring at
Markham Stouffville Hospital
1990 - 2000

Markham Stouffville Hospital, its Board of Directors, Hospital and Medical Staff, and Volunteers wish you all the best for the Holiday Season.

We thank you for your continued support over the past decades.



For information on our programs and services, please visit our website at:
WWW.MSH.ON.CA



We wish you a Festive Special.



'Tis the Season for a rotisserie quarter chicken, savoury stuffing, our special cranberries, choice of side dish and a 100 gram Toblerone Bar.

\$799

SWISS CHALET
ROTISSERIE & GRILL

**319 Hwy. #47 S.
Uxbridge**

**5284 Hwy. #7
Markham**

TOBLERONE

Happy Holidays
From Our Family to Yours

ALL GOOD SAVINGS
• Tax included
• Free delivery
• 5 monthly payments
• Open 7 days a week
• Free Gift!

WE'RE CELEBRATING 50 YEARS IN MARKHAM - 1950-2000
and we're having the very best Christmas Sale!
Don't waste your money - hurry in to Toromark today!

Leather Recliner
\$999
only
294-2581

Chesterfield Suite \$999
Canadian Made
2 piece
TOROMARK FURNITURE
Hwy. #7, just west of Hwy. #48 in the IGA Plaza

Recliner Chairs
\$50 off
in stock
477-2055