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Judge stays strip club charges

Bawdy house law called unclear in lawyer's constitutional challenge

BY GIANNI COLAVECCHIA
Staff Writer

Bawdy house charges against the owners of the Fantasia and Bunnies strip clubs are on hold.

Justice William Gorewich of the Ontario Court of Justice has stayed charges against Riccardo DiGiuseppe, Aldo Vitale and six others in connection with the Richmond Hill and Markham clubs.

The decision, which came last week during a trial in Newmarket court, centres on two charges of keeping a bawdy house and one charge of conspiring to keep one.

Lawyer Morris Manning had filed a constitutional challenge in the case, saying section 210 of Canada's Criminal Code — which makes it a criminal offence to keep a bawdy house — does

not explicitly state what constitutes indecent activity in places such as strip joints.

"It's vague and uncertain and the judge agreed," Manning said. "I agreed with the judge: it's an important point of law."

DiGiuseppe and the other men at the centre of the case were in court June 23, nearly two years after an 11-month prostitution and proceeds-of-crime investigation.

The probe saw police charge 115 people in the clubs with prostitution-related charges.

The only way officials can revisit the three charges is to file an appeal with the Ontario Court of Appeal.

Saying the decision did not deal with the facts of the case, assistant Crown attorney Robert Scott said he intends to request an appeal.

"The courts have not been enough of an assistance to tell the public and police where the line should be drawn between legal and illegal behaviour," he said.

One case in Toronto has had lawyers arguing similar issues and will go before the appeals court, he added.

Lawyers will know in about a month's time whether the appeal is to go forward.

Justice Gorewich is to release in the coming weeks his reasons for the stay of charges.

Meanwhile, Bunnies has re-opened under new management after it lost its liquor licence and had its business licence pulled over criminal charges.

While a formal grand opening is planned, the club has been open for business more than a week, said manager John May.

**Ding! Ding! Ding! Ding! Ding!
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