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# Crown seeks 20 years for deaths of mother, sister

BY JEFF MITCHELL  
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The Crown has called for a 20-year prison sentence for a Stouffville-area man found criminally responsible for the deaths of his mother and sister.

Kevin Plein is deserving of harsh punishment for his failure to assist two vulnerable women who died 10 months apart while in his care, prosecutor Kristen Pollock told a judge in Oshawa last week.

"While his mother and sister lay dying, Kevin Plein stood by, watched, and did nothing," Pollock told Superior Court Justice Hugh O'Connell. "The courts should send a message that abuse or neglect of the most vulnerable members of our community will not be tolerated."

Plein, 51, was convicted in June of criminal negligence causing death in the death of his sister, Cindy, and manslaughter in the death of Erika, his mother.

The family's home was in the community of Altona, just south-east of Stouffville.

Cindy, 48, died in June 2009 after severe burns she suffered in a kitchen accident went untreated and became infected. Erika was 72 when she died in April 2010 of

starvation; court heard she weighed between 60 and 70 pounds at the time of her death.

*"He had the chance to do something to help them. And he chose repeatedly not to."*

Neither woman received the care she needed, although it was available if only Plein had sought it out, Pollock said. In fact, the prosecutor said, Mr. Plein rebuffed offers of assistance from acquaintances and community care organizations.

"He actively kept his mother and sister away from anyone who could help them," Pollock said.

She urged Justice O'Connell to impose a nine-year sentence for the criminal negligence charge, and a consecutive 11-year term for the manslaughter conviction.

Defence lawyer David Hodson recommended the maximum reformatory term of two years less a day in addition to the time Plein has spent in custody since his arrest in 2010. Alternatively, he suggested a penitentiary term in the range of three to four years.

Hodson described his client as a lonesome and unsophisticated man who faces life with no friends, home or job upon his release.

"We're not talking about a cognitively complex individual," he said. "He's no rocket scientist."

Justice O'Connell admitted he's wrestled with the grotesque evidence presented during the trial. Cindy, who lived with cognitive and physical limitations, suffered horrific burns to much of her upper body after her nightgown caught fire during a kitchen accident. But no medical help was sought; she lay for more than 10 days on a filthy bed until dying of sepsis. A burn expert who testified at trial said she would have endured "excruciating" pain.

Erika Plein was a frail woman whose health issues, including failing eyesight, greatly limited her mobility and confined her to the family home, court heard. Paramedics responding to a 911 call at the house were shocked at her emaciated and filthy state. It was determined she starved to death.

Pictures entered into evidence during the trial showed both women in ghastly condition — Erika wasted and skeletal, Cindy with shocking and extensive burns.

Pollock called Plein's lack of

response "depraved". The judge said he's been presented with no psychological profile that might begin to explain the man's apparent detachment from the plight of his family members.

"This is — wow — one's bad enough," Justice O'Connell observed at one point. "But two?"

"I'm just trying to get my human arms around it," the judge said. "I don't know what's going on behind (Plein's) eyes."

Hodson suggested — as he did throughout the trial — that Plein was simply overwhelmed by the responsibility of caring for two vulnerable women.

Plein lived in the shadow of a domineering father who died in 2006, leaving him in charge of the household, court heard.

"For years he looked after these people," Hodson said. "For whatever reason, life became too much."

Pollock placed the blame squarely on Plein.

"He had the chance to do something to help them," she said. "And he chose repeatedly not to."

Plein did not testify during his trial and last week deferred an opportunity to address the court until his next appearance. That's scheduled for Jan. 8, when Justice O'Connell pronounces sentence.



## Accessibility Advisory Committee volunteers needed

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If you are interested and have expertise in accessibility issues, are a York Region resident with a disability or an individual working with residents with disabilities in York Region, you are encouraged to apply. Applications are available at [www.york.ca/accessibilityplanning](http://www.york.ca/accessibilityplanning) and are due December 5.

For more information, please contact [AODA@york.ca](mailto:AODA@york.ca)

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## ATV riders rip up Stouffville Rd. golf course

People riding ATVs across Spring Lakes Golf Course last weekend caused between \$15,000 and \$20,000 worth of damage, according to police.

The joy riding took place between Friday night and Saturday morning. The ATVs entered the course, at Stouffville Road and Hwy. 48, by removing a post at its front gate, according to police.

They then proceeded to cause "significant damage to pretty much the entire golf course," according to York Regional Police Const. Andy Pattenden.

— Sandra Bolan

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