

Mr. Martin Minuk
Crown Attorney,

DEC 18 2006

DEC. 14, 2006

Dear Sir,

We know you are aware that we are very unhappy about the excessive delay in this case, a case that should be providing a little justice and relief to us as victims. So, frustration compels us to tell you again. This additional delay should have been just a few months, perhaps six, but a delay of well over a year is truly absurd. At the very least, we hope this delay was worthwhile and you have been successful in obtaining more evidence. Certainly substantial evidence must have been uncovered by a police investigation before Mr Zenk could have been suspended from his job without pay. And during this long delay, he is free to go about his business, even to continue driving impaired. And, since our system has proved to be so unreliable, what guarantee is there that he hasn't skipped the country?

We were also most distressed by your accounting of the many difficulties faced in proving dangerous driving. Certainly when someone ploughs headlong into a bright yellow car that is stopped at a red light with such force as to totally crumple that car, driving the car in front of it clear across the intersection, sending things flying in all directions, fracturing the skull and breaking the neck of the driver of the first car, that is dangerous driving. One report even stated that our daughter's body was hurled up into the air, and she was known for wearing her seatbelt. For anyone to suggest that this could be considered a simple misdemeanor because of some distraction, especially some frivolous distraction caused by the perpetrator himself, is very demeaning. The dictionary describes the meaning of the word dangerous as unsafe. Most people would agree that performing all sorts of actions that distract one's attention from controlling the 2 or 3 ton heap of metal that he is propelling would be unsafe and therefore dangerous. If our courts have become so completely mechanical like some unfeeling computer and only process so called facts that are fed to them, then there is no hope of arriving at true justice. One has to wonder why we need human judges! Why not just use computers which would certainly be less costly? But, computers cannot provide fair decisions. Surely, some common sense still prevails.

You also informed us that the courts are very fond of precedents. Therefore, the enclosed newspaper article reports a case that should be very beneficial in that regard. Simply not stopping at a Stop Sign was ruled as dangerous driving even though there was no evidence of impairment or speeding. Surely then, not stopping at a red light that is preceded by blinking amber lights with cars lined up at that red light, but still ploughing headlong into one of those stopped car is most assuredly dangerous driving and / or criminal negligence. Considering such actions lightly helps to promote the view that safety is not the driver's responsibility. These extremely lenient sentences that our courts have been handing out along with the excessively long delays have only served to down play the most serious nature of careless or dangerous driving. That is verified clearly in this article. This person did not consider his actions to be criminal even though he killed three people! In an attempt to escape responsibility (and his sentence was just a conditional one), he appealed to get his offence lowered to a simple misdemeanor claiming his actions were normal and common to all drivers. That certainly should stress the very real need for drastic changes to the very bad attitudes of many regarding the dangers of driving a 2 or 3 ton vehicle that becomes a lethal weapon when not properly controlled. And the statement implying that this person showed remorse is truly laughable. Real remorse is a regret brought on by guilt,

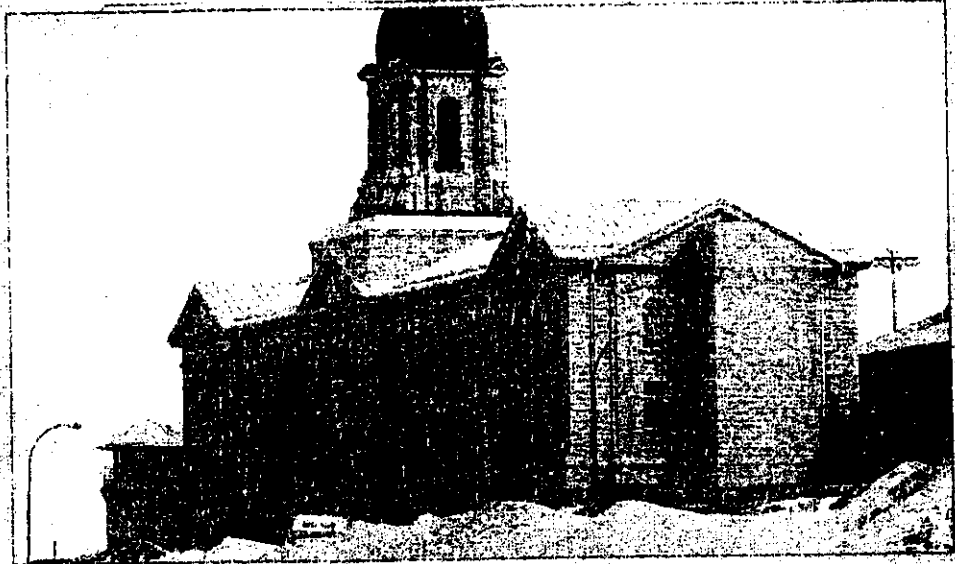
accepting responsibility for one's actions and feeling sorry for them, not trying to justify those actions and manipulating others to feel sorry for him. How could he regret actions that he does not consider to be wrong? Also, viewing victims as some abstract far off in the background is a huge part of the problem. Keeping victims under that proverbial carpet means no one needs to deal with them. "Out of sight " is certainly "out of mind." It reminds us of the complaints made by some who are involved with child abuse cases. Their complaint was that some judges were refusing to view the videos presented as evidence of the crime. How can any judge hand down a fitting sentence to any crime when he refuses to look at the evidence that shows how horrific that crime truly was? Any who think feelings have no place in these decisions are unequivocally wrong. Being totally objective and unfeeling is just as prejudicial as allowing only emotions to determine guilt and pronounce sentences, except in the opposite direction, just like reverse discrimination. Our courts appear to be totally oblivious to the horrific consequences these crimes produce. This crime was a crime committed against us, ---the victims, not against the courts. We cannot even imagine anything worse that anyone could have done to us aside from deliberate murder or torture. Our daughter, who was stolen from us by a reckless criminal drunk, was also a mother, a wife, a sister, an aunt, a niece, and a cousin, indicating the vast number of victims left devastated in the aftermath of each one of these crimes. Ravaging effects continue to haunt victims for the rest of their lives like a horrific nightmare that one can never wake up from. But since victims are swept under that "carpet", all of that remains invisible and so our system doesn't feel a need to show them any consideration. Just as with the child abuse cases, if they looked at all the circumstances, they would have to feel something and feelings are avoided like the plague. In fact, the charges in many of these impaired or dangerous driving causing death cases should in actuality be manslaughter or vehicular homicide if true justice was really the objective. After all, those actions killed another human being!! Whether it was carelessness, recklessness, impairment, or whatever, another person's life was destroyed --- permanently! Surely, there should be some accountability for that! Some would even say "There are no accidents". As an illustration, I could wildly fire a gun near a crowd of people, arguing that "I didn't intend to kill anyone, I was just blowing off steam". Then I only get charged with a simple misdemeanor, like possession of a firearm? That is how ridiculous the attitudes toward these impaired and dangerous driving cases have become. What is the criteria for deciding what constitutes a serious crime? Shouldn't destroying another's life be about as serious as it can get? In addition, it is evident that refusing the breathalyzer should invoke a charge like obstruction of justice instead of a simple offence that can be disposed of with a fine. Especially in this case. As a police officer, this person would have been fully aware of how significantly the lack of a breath sample would affect the prospect of proving his impaired driving. Tampering with any other type of evidence would certainly trigger such a charge. The breathalyzer would only bring the truth to light. Whether an offender was impaired or not, that would be affirmed by this test. So his refusal should actually attest to his guilt! An offender's attitudes influence his actions and therefore they should contribute to the determination of guilt and to the severity of his sentence. Again, this person would have been fully aware of the horrors that result from impaired or reckless driving either by his training and / or his duties as a police officer. He very likely charged others with this very same crime. Therefore, his actions betray a total disrespect for the laws he was paid to uphold, and for the sanctity of another's life. It is quite perverse that so many who make

and enforce our laws also betray such an utter disrespect for life and appear to only have the ability to empathize with or relate to the criminals, providing just lip service to victims. Such views can never result in an equal balance of justice. We realize that no one can truly empathize with victims or even wants to fully relate to them, since that is just to unpleasant an experience to imagine. But, shouldn't that difficulty in itself make us all very acutely aware of how horrific these crimes truly are and why no one can grasp the concept that this can happen to me? But, doing that would be the only way true justice could ever be done. When we see our M.P.s revealing that their main concern is whether the poor criminals will get to go out for Halloween, it's no great wonder that true justice is never provided to victims. When our courts impose next to nothing sentences and that is what the "house arrest" sentences really are when a life is involved, they betray victims and victimize them again and again. These "nothing" sentences portray to us that our stolen loved one's life is seen as some unimportant triviality by those in authority and her life is not considered anywhere near as important as the life of the person who recklessly and wantonly destroyed her along with the lives of numerous others of whom she was a part. This betrayal is quite synonymous with the kind of betrayal an abused child would feel toward a parent who refuses to even acknowledge, let alone seek retribution for a crime that was committed against that child by the other parent or by some other family member. Justice is supposed to be fair and righteous. Therefore, it can never be arrived at without feeling. True justice most assuredly must have the consequences fit the crime, and again, that would require a full and total comprehension of the horrors of that crime. When the pendulum is allowed to swing in the complete opposite direction because this unfeeling objectiveness has become a "God", there could never be that equal balance that the Scales of Justice presume to represent. Justifying their actions, and thereby condoning the crimes of impaired and / or dangerous drivers, as our courts have been doing, has only served to reaffirm to them that their actions are not very serious, as was so clearly revealed in this enclosed newspaper article. In fact, such rulings give impaired or reckless drivers a "legal license to kill". We most sincerely pray that this case will not contribute to the "engraving" of this most ludicrous precedent "in stone."

Sincerely,

Victoria Swinson
Brian Swinson

PARENTS OF CRYSTAL
TAMAN
KILLED ON FEB 25, 200



JULIE BRYCE/WINNipeg FREE PRESS ARCHIVE

LETTER OF THE DAY

Change justice system

Every time I read about a gun crime, an arson crime, or any other crime committed in this city, I wonder what will happen to the person who committed the crime.

Too many criminals in this city get off way too easily. Many people wonder how they can just thumb their noses at the law. They seem to not have no fear of the justice system.

I read about justice systems in America and other parts of the world and though they do have similar problems, the way they deal with the perpetrators is far more assertive and effective. For example, one judge in Texas doesn't just put the offender in jail, he sentences them to a shame punishment. A drunk driver that killed two people on a busy street gets 10 years in prison. But instead of serving all 10 years in a tight, cramped cell he spends four hours every day standing on the spot where he killed the people carrying a large sign that reads: "I drove drunk and

killed two innocent people. My name is..."

He must also carry pictures of the victims and participate in A.A. discussions to inform people of the dangers of driving drunk. To me, this seems like a far more useful way to sentence someone. The people that commit these crimes do need to be punished but they can't just be forgotten about. We need to punish them in a way that makes them remember what they have done, but also gives them a way to contribute to society. Each must be made to, first pay for their crime, and second be reincorporated back into the community.

This country's justice system must be changed. We need to let the criminals know that the streets do not belong to them. They must understand that if they are going to commit a crime they should be prepared to face the consequences. But a slap on the wrist, a promise to return at a later date, or a night in jail will never suffice as consequences.

SEAN IRVING
Winnipeg

Please note
this much
more fitting
penalty than
our courts
ever think
to pronounce.

WINNIPEG FREE PRESS, SATURDAY, FEBRUARY 23, 2006

CITY

THE COURTS

Appeal denied in triple fatality

By Mike Moloney

THE Manitoba Court of Appeal refused yesterday to overturn criminal convictions against a Winnipeg university student who ran a stop sign and killed three people in a van.

Charles Manty, 21, was found guilty of three counts of dangerous driving causing death during his trial last year. Manty had pleaded not guilty on the grounds that his inattention to the road wasn't a "marked departure" from a person's normal driving habits.

He claimed he made the kind of tragic error that anyone could make and shouldn't be punished criminally. Instead, he was seeking a lesser conviction under the Highway Traffic Act.

The province's highest court agreed yesterday with Queen's Bench Justice Colleen Sliche, who ruled that Manty's

failure to stop amounts to dangerous driving, even though other factors, such as speeding or alcohol consumption, weren't present.

"We must remember a motor vehicle is a dangerous instrument capable of bodily harm or destruction. It demands a certain level of respect and attentiveness," Sliche said in her ruling.

Manty was spared a jail term and instead handed a two-year suspended sentence that also requires him to perform 100 hours of community service work by speaking to young drivers about the importance of paying attention to the road.

The Crown was seeking an 18-month jail term for Manty, who has a previous record and expressed deep remorse for his actions.

Manty — who is pursuing a bachelor of commerce degree at the University of Manitoba — was on his way to a

rural Manitoba Bible camp in September 2002 when the accident occurred near Beausejour.

Manty missed his turnoff, drove through a lighted stop sign and collided with a southbound Ford Windstar at about 10:30 p.m. at the intersection of provincial highways 41 and 12.

Lena Kowalle, 82, and her daughter, Norma Woloshyn, 63, and Darlene Zirk, 51 were killed instantly as they were returning from a family gathering. Their deaths sent shockwaves through their home community of Tyn dall.

The driver of the Windstar, Sten Woloshyn, Norma's husband, was taken to Beausejour District Hospital and has since recovered.

Manty and a teen passenger in his car were hospitalized briefly but weren't seriously hurt.