

Mr. Vic Toews, M.P. / Provencher
Minister of Justice/Canada

August 29, 2006

Dear Sir;

As a follow up to my previous letter to you regarding justice, or to be more accurate the lack of justice in our system, please take note of the enclosed newspaper articles showing that the impaired driving situation is not improving. Also please find enclosed a letter to the editor of a local newspaper which indicates many concerned people are discerning that a very large contributing factor to the problems we are seeing with justice are the attitudes of judges who are caught up in only their own wisdom and therefore completely out of touch with reality. I sincerely hope that you will personally read this letter in full to get a complete picture of the total devastation victims are subjected to by the way in which our system deals with their cases. I was happy to hear of the proposed changes to some of our laws, but there is still much resistance to such changes. Therefore very aggressive and persistent action is required by someone in authority if true Justice is ever to become a reality.

Most of my fears have been confirmed regarding the outcome of the case against the person who in a split second snuffed out our daughter's life through an irresponsible criminal act. We have been informed that he will probably get a conditional sentence if indeed he is even found guilty. The fact that our Federal Government is attempting to pass a law that would not allow conditional sentences for "impaired driving causing death" appears to be totally irrelevant as the crime that destroyed our loved one was committed at a time when a totally different precedent had been set. We've been told that conditional sentences (house arrest) have actually become law in these cases because the appeal courts have consistently handed down such sentences and have reversed any stronger ones that may have been handed out by a lower court judge. Therefore, all judges now hand out these lenient sentences as they are afraid of being reversed by the appeals court. Since it is much easier to concede than fight for what is right, they persist in this wishy washy sentencing. After all, their reputation is now at stake. Anyone with even an ounce of common sense should be able to see that precedents cannot properly apply in all cases of similar charges as each case has it's own individual extenuating circumstances. The Crown Attorney who is actually a defense lawyer was appointed to this case only to provide a public perception of impartiality since the accused was a police officer. He also appears to have been indoctrinated with these same views and therefore does not show much initiative to fight hard even to win this case let alone push for a stronger sentence. I am afraid that a plea bargain will be his end result. So in fact, the courts are giving impaired drivers a legal license to commit murder. Some have even been known to comment that if you wish to kill some- one and get away with it, that would be the way to do it.

The case against the accused of this crime that destroyed our daughter's life appears quite fragile, largely because he was allowed to refuse the breathalyzer thus making his degree of impairment, or even that he was impaired impossible to prove in a court of law. We've been told that dangerous driving, one of the charges laid against him is also difficult to prove. The fact that this person who rammed into our daughter didn't even brake now benefits him as we are told that the only way to gauge his speed is by the skid marks. But, since he didn't brake there are no skid marks to gauge. Also, we informed the Crown Attorney of some information regarding the timing of the lights at the scene which didn't coincide with his information. He informed us that we cannot bring this information forward. So, our view that the courts are interested in finding the truth appears to be a misnomer. Instead our courts prefer to accept false information and often refuse to hear the truth because it isn't consistent with their views or not from the right source. As a result, we often hear of innocent ones who are falsely convicted and countless guilty ones who go free because they have learned how to play the system. That now appears to be the situation in our case. The person that killed our daughter was an off duty police officer. As a result of his position he would know that refusing the breathalyzer would most likely prevent his conviction of impaired driving causing death²¹⁴¹

I know that anyone can refuse this test, but most ordinary people do not realize how significant that could be and are afraid to refuse. As I had stated previously, no one should have such a right, especially when they have just killed some one. In such a situation, the perpetrator of an alleged crime should be taken into custody and a blood test ordered. We've been informed however, that we cannot invade another's body in that way, but, what did this person do to our daughter's body? He destroyed her completely and permanently, so why should he retain a right to personal privacy? The atrocity of killing another human being should certainly be considered more serious than forcing someone to submit to a test. His refusal should actually attest to his guilt, as why else would he refuse? If he was not impaired the breathalyzer would simply have confirmed that fact. Our provincial Justice Minister brags that Mb.'s legal limit of impairment is under .05, but without testing even .20 couldn't be proven. Therefore such a law serves only to deceive the public into thinking that our system is working well.

So, the situation is this, #1) this person is able to prevent his conviction of impaired driving causing death by committing another crime (refusing the breathalyzer) which in turn brings only the penalty of a fine. #2) Proving dangerous driving is difficult because this person recklessly neglected to brake even though there is a reduction in the speed limit just before the area where he rammed into our daughter, blinking amber lights that warn of the upcoming red light, the red light itself, and several cars stopped at that red light. You would think common sense should tell us that when some one ploughs 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 would be dangerous driving. And certainly a good idea of his speed could be discerned from the force of that impact. If the so-called experts that investigate these "accident" scenes cannot discern that, they are as incompetent as the rest of our justice system. In this case we were given the excuse that since it occurred on a highway, the speed was naturally high. However, in view of a drop in the speed limit just before approaching that area, the warning amber lights, the red lights, and the numerous other conditions which any sober person should have been able to see, his neglecting to brake is most certainly criminal negligence. But, we have also been told that there are many rear end collisions that are not considered dangerous driving since a driver can simply be distracted by something like tuning his radio, reaching for a cd, talking on his cell phone, lighting a cigarette, etc. In my view all of these distractions are dangerous while one is propelling a heap of metal that weighs several tons therefore making it a lethal weapon. I consider it immoral that our courts would consider such distractions as ordinary and acceptable even though they can result in killing someone. In some rare cases a true unintentional distraction could cause an actual accident, but to accept the view that all sorts of so-called distractions, especially those deliberately caused by the driver himself, are acceptable and cause our courts to neglect holding that driver responsible for killing an innocent person is indeed immoral. The dictionary describes the meaning of dangerous as unsafe. I think anyone with a sound mind would agree that performing all kinds of actions that distract our attention from controlling the 2 or 3 ton vehicle we are propelling is unsafe. Therefore, that is dangerous driving. Should every single action require a specific law against it in order for it to be considered a contributing factor? I find it quite noteworthy that our insurance company can always find someone responsible for any collision. I have yet to hear of them finding that a mishap was just an accident with no one at fault even though they are a "no fault" insurance. The only "no fault" they apply is the portion that prohibits victims from suing the criminal in order to hold him legally liable for his actions. Our system places no value whatsoever on innocent lives and the victims' plight is never given any relevance. #3) Our courts often refuse to hear evidence that could bring the truth to light and consider only the plight of the accused. In view of such situations, how much chance do you think there is that this person who wantonly killed our daughter, ripping her away from her family permanently will pay for this crime he has committed? I know the premise that states a person is innocent until proven guilty. In this case however, there is no doubt that this person slammed into our daughter's car at a red light killing her. This is shown by police 2142

reports, the vehicles involved and by witnesses. The problem arises from the fact that our courts appear to be very resistant to holding impaired or reckless drivers accountable for their actions. Excuses as to why such actions might be justified are put forward even by the prosecution. I can understand the defense providing all sorts of excuses in an effort to escape responsibility. But, when the judges and prosecutors look for such excuses, it is clear that they have no empathy whatsoever for victims and are only receptive to the plight of the accused. As a police officer the accused in our case would have been trained in the dangers of impaired driving and would have seen the tragedies that result from such actions in his duties. He probably charged others with this very same offence. That makes his actions deliberate and reckless. Yet, such truth is being ignored. The Crown Attorney seems resistant to even stating that this person was a police officer. I certainly consider such information to be relevant providing insight into his actions. Also, these cases take years to even get to court. Witnesses and other evidence are discredited by the defense after years elapse. Can you see why I am distressed by these circumstances, and feel further victimized by our system as if losing our daughter through such a horrific crime is not victimization enough? But, frivolous cases such as, "can girls play on a boys' hockey team" get to court very quickly as we have just seen. Where are the court's priorities? Obtaining true justice will require countless changes to asinine laws as well as to the arrogant attitudes of many besides the criminals.

I had previously written two letters to our Provincial Justice Minister (for all the good that did) and now this is my second letter to you. All I have received in return is an acknowledgment from both offices of receipt of my initial letter. This is a classic example of the right hand not knowing what the left hand is doing. As I stated previously, I want you personally to read my concerns and seriously consider all of the changes that I am suggesting. I was happy to hear about the proposals initiated by your government but these won't be of any value unless they are actually enforced. That calls for some one who has the power and authority to aggressively and persistently fight to bring such just laws into fruition as so far they have had no effect. The powers that be still promote this wishy washy justice even though they are aware that the public in general and the proposed laws do not agree with them. They have the ability and the discretion to do otherwise in many cases but it appears that arrogance prevents them from doing so as that would be tantamount to admitting their errors. Anyone who has never experienced it cannot truly understand the depth of grief and the tremendous impact such tragic and reckless destruction of their loved one brings to victims. It is there every single day of their lives. In our situation, our daughter's children were just in their 20's, (20, 21, and 22 to be exact). As a matter of fact, our grandson turned 20 the day after his mother's tragic death. Although they are considered adults the emotional upheaval and stress have been unbearable. There has been such fallout from the emotional devastation and other circumstances surrounding their mother's violent death that family relationships have been damaged to the point of no repair. No one has or even cares to have insight into the background of the victims lives to see the considerable suffering that continues to plague them for the rest of their lives. But the crimes that launch this fallout with the same force as a rocket's blastoff, are treated like simple misdemeanors. The powers that be often use the victims as an excuse for the plea bargains that allow criminals to get off even easier than the slap on the wrist sentences the courts presently dole out. They claim they are saving the victims from going through a painful trial. That is utter nonsense. Such decisions are totally self serving. Victims feel their pain every single day as they cannot remember their loved one without also recalling the horrible tragedy that took their life. The only dreams I have been able to have of my beautiful daughter since February 25, 2005 have been nightmares, only to awaken to their horrific reality. I'm sure you can recall the relief you felt upon awakening from a terrible nightmare to realize that it was just a dream. Victims who have had loved ones destroyed by such a horrific tragedy will never feel such relief. We must live this nightmare every single day, a nightmare that is far more horrible than any dream could ever be. Therefore, claiming that avoiding a trial would save us pain is ridiculous, making sense only to those who have no real clue as to the unjust atrocities of these cases. The only little comfort victims can get is the feeling that some justice would be done, that fair retribution would be doled out for a crime that

destroyed a vital, vibrant life. Only such justice could even presume to show us that our loved one's life was considered of some value by our system. The present sentencing reveals the view that our daughter was just an unimportant triviality, much less important than the person who recklessly snuffed out her life. If victim's lives have no value, we are betrayed by a system that advocates justice but provides only the opposite. Our society is being demoralized by sentences that devalue innocent people's lives, and by such views as were expressed by the so-called learned judges in the enclosed article. As a society we are accepting pornography because it is felt that individuals have the right to read and view whatever they wish. Censorship of any kind is avoided like the plague even though it is clear that many horrific crimes have been initiated and promoted by pornography. Instead, they try to brainwash the public into thinking that crime is down. In which galaxy I would like to know. They also try to claim that punishment is not a deterrent. What garbage! All actions have consequences. Common sense clearly shows that if the consequences of any action are not unpleasant, it is almost sure to be repeated by the perpetrator as well as by others who see they can get away with it. Even if the loss of just one life was deterred, it would be worthwhile. But it appears those in authority could see that only if it happened to them personally. Statistics show that more loss of life occurs from vehicle collisions than from the dreaded aids. We are openly accepting impairment of ourselves which in turn allows us to destroy other's lives with impunity. We are even gradually accepting child abuse because the child may not have said NO clearly, as was stated by one of those learned judges. We have just heard of a case where a judge allowed persons found in possession of huge amounts of drugs to go free because police suspicion only doesn't allow them to search a person's vehicle. What stupidity! What if a dead body was discovered in that car? Should murderers be set free because police suspicions aren't considered valid? The results prove the suspicion valid. The truth that is uncovered even by error should not simply be discarded allowing criminals to go free. I have always understood that truth is the basis of justice, so without that truth, what do we have? The decisions judges are promoting serve only to help criminals to the detriment of their victims. Do you see any justice in these situations that I have related? I also find the secrecy and publication bans surrounding most cases distressing, as again, they only protect the criminal and keep an otherwise outraged public in the dark. Being given the freedom to speak out only after an unjust sentence has been pronounced is to late to be of any real value. Accepting the view that only those directly dealing with these cases know what is right and proper shows the kind of perverted justice that results. Public pressure is what brings change. Such pressure is suppressed by these bans. I was brought up to respect justice so when I hear the results of many of these cases, I literally feel sick to my stomach. I most certainly can't respect a system that betrays us so completely. Such feelings of betrayal can only be compared to the feelings an abused child would have toward a parent who refuses to even acknowledge, let alone seek some retribution for a crime committed against that child by the other parent or by some other family member. I sincerely hope you will fully investigate to see that these are not just the ravings of a grieving mother. If you do, you will find many, many other victims that feel the same as I do, but have been silenced and beaten down by similar circumstances and by the unjust outcomes of their cases. In fact, I'm positive that you would find many more betrayed victims than there are coddled criminals, since each crime affects numerous more victims than the one perpetrator who caused all their great sufferings. I'm sure we all pray that our desperate plight would strengthen your resolve to revamp a completely corrupted system. At present all the prevailing inclinations seem to resist such changes. Perhaps sharing this letter with those who will be voting on the new laws could help them see the atrocious circumstances victims are forced to endure. Maybe they would develop some empathy for victims which is a necessity to providing fairness or true justice. If our Justice and other Ministers cannot change the existing degrading situations, who can? We have become a country of moral degenerates led by a group of arrogant judges and legislators over whom no one has any authority. And these are never held accountable for their errors. It is still the innocent victims who suffer the consequences of someone else's crimes, crimes condoned by someone else's erroneous decisions.