



**PUBLISHER'S CORNER**  
by Dave Burket

**Corrections at the top:** You know how the last two, going on three years have sort of blended together? True enough, but it's not actually 2020, which is what we claimed last week via a Kinsmen ad for their upcoming home and garden show. Oops! At least half the sponsorship was correct, though—Darcy Richardson, with Revel Realty, onboard again from 2020. We do apologize to the Kinsmen and to this year's additional sponsor, Salumatics, for the mix-up. The absolutely correct ad is on page 3 this week, and be sure to check out the show at the MCC on April 9 and 10...**Wait, we're not done:** Our contributing news editor Don Rickers is a man of many talents and is outstanding in his field. Unfortunately, last week he was out standing in the wrong field. John and Joyce Sonneveld, who live on River Road in south Pelham, where they farm and rent out acreage, contacted the Voice to point out that the photo accompanying the article about developer Montemurro and builder Bettiol was in error. In fact, the photo was of land owned by the Sonnevelds. The Mariman Estates development is further south, at Farr and River Road. "We're really against that subdivision," said Joyce. "I don't want people to get the impression it's happening on our field, that we're taking good agricultural land out of production to build houses, or that we even condone it." John added that there is no drainage plan for the site, and lamented the loss of so much agricultural acreage every day across the province to development. You'll get no argument from us on that one...**The tipping point:** Over the weekend, my wife and I watched a documentary about Lyndon Johnson, the US President of considerable accomplishment who unfortunately oversaw the Vietnam War debacle, and whose legacy has been tainted as a result. When the CBS News anchor Walter Cronkite came back from an assignment to Vietnam and pronounced the war at best a stalemate, Johnson famously lamented that if he'd lost Cronkite then he'd lost the war. I was reminded of this when reading Vilma Moretti's letter to the editor this week, p.5, in which the former owner of Keith's Restaurant and longtime community fixture has a suggestion for the so-called "freedom convoy" folks. I opined to my much better half that if a cause has lost Vilma Moretti, who notably steers a neutral course, then that cause is lost...**So much support:** This week's issue carries ample evidence of local support for Ukrainians in their fight for survival against an actual fascist tyrant. Now a Leger poll confirms what's been clear on social media: Putin has his supporters among various zealots. Among Conservatives, 5 percent favour Putin. Among People's Party of Canada members, 12 percent. Almost equally nauseating? Some 19 percent—nearly 1 in 5—Green Party members favour neither side. How is this morally possible?...**Ending with a hot tip:** Note to self—stop parking next to Dodge Journeys (p.20)...**Hold on, soothing bonus tip:** All Carina Organics hair and skin products now on sale at PharmaChoice (ad, p.7). See you next week. ♦

# Plea deal in Clapp murder case

BY VOICE STAFF

One of two defendants arrested by police for the 2020 murder of Fenwick resident and business owner Earl Clapp has reached a plea deal with the Crown.

In a lengthy hearing held in a St. Catharines courtroom last Wednesday, a lawyer for Matthew MacInnes and Crown prosecutors hammered out an agreement that saw MacInnes walk free later that day.

An agreed statement of facts was read out before Justice Deborah Calderwood. These details are subject to a publication ban. MacInnes affirmed that the statement was correct.

MacInnes then entered guilty pleas to weapons and drug possession for the purpose of trafficking charges laid prior to Clapp's death, which occurred on October 2, 2020, after Clapp apparently interrupted MacInnes and Jason Lusted attempting to steal a trailer from Clapp's property. The 74-year-old was struck by a vehicle and dragged 1.5 km to where he was found on Highway 20, west of Cream Street.

At the time of Clapp's death, MacInnes was on recognizance—or court-imposed conditions—for these previous charges, one condition being that MacInnes was to remain at home at night.



Matthew MacInnes. FACEBOOK

MacInnes also pleaded guilty to a charge of attempted theft of property worth more than \$5000—the incident in Fenwick on October 2. The Crown then dropped its charge of second-degree murder.

Using a complex formula agreed to by all parties, Justice Calderwood then sentenced MacInnes for his past crimes and the attempted theft to a jail term equivalent to the time he had already served since being arrested for Clapp's murder—the 515 days between October 10, 2020 and last Wednesday.

It is anticipated that MacInnes's testimony will now be used in the prosecution of Jason Lusted during the latter's preliminary hearing, which begins Monday, March 21 at 10 AM at the St. Catharines courthouse. It is open to the public.



## What's That SIREN Pelham Fire Department Weekly Calls

The Pelham Fire Department responded to 11 calls for assistance from Friday, March 4 to Friday, March 11.

- Friday, March 4**  
Medical assistance, Station 1
- Saturday, March 5**  
Motor vehicle collision, Twenty Rd., Station 3
- Monday, March 7**  
Motor vehicle collision, Twenty Rd., Station 3  
Medical assistance, Station 1
- Tuesday, March 8**  
Motor vehicle collision, Canboro Rd., Station 2  
Smoke in the building, Berkhout Ter., Station 1  
Odour investigation, Emmett St., Station 1
- Wednesday, March 9**  
Detector activation, Marlene Stewart Dr., Station 1
- Thursday, March 10**  
Odour Investigation, Effingham St., Station 1  
Vehicle fire, Victoria Ave., Station 3
- Friday, March 11**  
Vehicle fire, Highway 20 E, Station 1

## NRPS impaired driving charges

In an effort to bring further attention and deterrence to driving while impaired by alcohol or drugs, the Niagara Regional Police Service reports the names of those people who are charged with an alleged criminal impaired driving offence in the Region. None of the following charges have been proved in court. In addition to being charged, these individuals are also bound by a Ministry of Transportation 90-Day Administrative Driver's License Suspension and are prohibited from operating a motor vehicle on a roadway. The public is encouraged to contact the Niagara Regional Police Service Traffic Safety Hotline or Crime Stoppers to report those who are driving in contravention of the suspension. The following individuals have been charged criminally with impaired driving by alcohol or drugs, driving with a blood alcohol concentration above 80 mgs of alcohol in 100 ml of blood, or refusing to provide a breath / blood sample.

- Devin J. ATACK, 19, Welland
- Christopher R. BOIVIN, 31, Niagara Falls
- Rebecca J. JOHNSTON, 33, St. Catharines
- Gerald J. WHITE, 76, Niagara Falls
- Taylor P. MENDER, 28, Welland
- John N. RUSSELL, 60, Welland
- Thomas R. COBURN, 32, St. Catharines
- Kayla P. ROSE, 30, Niagara Falls
- Mary E. HICKS, 39, St. Catharines
- Adekunle O. ADEBOWALE, 39, Lincoln
- Sibusiso T. MTSHEDE, 36, Fort Erie
- Varinder K. MASIH, 61, St. Catharines
- Scott D. PARSON, 42, St. Catharines

The Niagara Regional Police Service is committed to reducing impaired driving offences through education and the apprehension of offenders through enforcement programs like RIDE. Impaired driving is still the leading cause of criminal deaths in Canada and destroys thousands of lives every year.

**Voice on vacation!**

**VACATION TIME MACHINE APRIL 22 2015**

Rick and Brenda Page relaxing in Punta Cana. ¡Las playas son hermosas!

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- Fenwick Pie Company
- McDonald's
- Duffin Appleworks
- Fonthill Legion
- Semenuk's Gas Bar
- Shoppers Drug Mart
- Tim Horton's
- Giant Tiger
- Fonthill LCBO
- Zee Lube Express Care
- Food Basics
- Minor Bros Stores
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**PUBLISHER'S CORNER**  
by Dave Burket

**Back at home:** As seen on this week's cover, the Kinsmen Home and Garden Show was back at the MCC this weekend. Late Sunday, Kinsmen President Len Doyle told us that roughly 1800 visitors in total came through, which he said was pretty good considering that many folks are still reluctant to be out mingling in enclosed spaces. As I walked through the event on Saturday, masking was disappointingly low. Among vendors it was 50-50, and only about 30 percent of visitors were masked. (And then, two years into this, there were still those with masks down below their noses. In the immortal words of that Fire Station 1 sign, you can't fix stupid)...**Speaking of council's vaccine vote:** Do be sure to read John Chick's council coverage this week, p.3, in which the Gang of Four regroups. Despite the Town's own staff strongly recommending that the Town continue to require them to be vaccinated—again, staff was requesting this for *themselves*, not for the public, not for vendors—epidemiologists Haun, Kore, Hildebrandt, and Stewart decided they knew better. This is particularly ill-timed considering that two years ago this Wednesday their colleague Mike Cioffi, quite possibly made ill with the virus inside council chambers, passed away...**While we're in the virtual room:** See also council's handling of parking and planning issues. As an independent study makes clear, the location where businesses actually do need parking—Ridgeville—is still waiting for a simple solution that's right in front of council's eyes. And as seen in their interminable Forest Park subdivision debate (the meeting lasted 3.5 hours, as did *Lawrence of Arabia*, which at least had awesome visuals and an intermission), some councillors, also nearly four years into their term, do not seem to understand basic planning processes. Believe me, if empty-headed ol' me can get this stuff, anyone can...**Brain freezes are back!** Peter Piper's Parlour, site of Fonthill's most delicious range of ice cream, reopens this Wednesday (ad, p.9), just in time to treat your favourite Easter Bunny...**But keep Thumper inside:** A reader called our office to advise we alert residents in the vicinity of Deerpark Crescent to be on the lookout for hungry foxes with an appetite for Fidos. We've seen them, too, in greater numbers this year than last...**Double thumbs-up:** Some entertainment recommendations for you. "Son of a Critch" and "Run the Burbs," both half-hour sitcoms on CBC, available anytime through their Gem app, both clever and not overly taxing. The new HBO series, "Julia," based on pioneering TV cook Julia Child, is well worth a look (available on demand through Crave). Finally, although my wife and I were mere tots during the show's heyday, we are quite enjoying old episodes of "Password" on YouTube. Currently working our way through 1967. Funny thing about words. They're pretty much the same now as they were 60 years ago, although the clues can sometimes be head-scratchers. Would you believe "Aqaba" for "gulf"? There was some unpleasantness happening that week in 1967. Have a Google. See you next week. ♦

# Manslaughter plea

## Second deal with Crown sees Earl Clapp murder prosecution approaching conclusion

BY DON RICKERS  
CONTRIBUTING NEWS EDITOR

Ontario Court of Justice proceedings stemming from the tragic death of Pelham resident Earl Clapp, in the fall of 2020, are approaching an end.

Jason Lusted, 50, and co-accused Mathew MacInnes, 40, were both initially charged with second-degree murder in the case. Lusted pleaded guilty to manslaughter in a St. Catharines courtroom on Thursday, which was accepted by Justice Joseph DeFilippis, the presiding judge.

Toronto attorneys Andrew Furgiele and Cara Barbisan were present in court defending Lusted. Robert Mahler represented the Crown.

Co-accused MacInnes, of West Lincoln, had his second-degree murder charge withdrawn in March after he pleaded guilty to several less-serious charges, including attempted theft over \$5000, and had been expected to provide testimony for the prosecution. He was sentenced to time served, having been behind bars 515 days since his arrest, and was released from custody. Details of his plea bargain with the Crown are subject to a publication ban for the time being.

Lusted understood that by pleading guilty, he was giving

up his right to a trial, and to challenge evidence in the case. He also understood that there will be a sentencing range put before the judge, who will have the ultimate determination on sentencing.

A statement of facts, agreed to by both Lusted's lawyers and the Crown, was read aloud in the courtroom.

On October 2, 2020, Earl Clapp, 74, was killed while interrupting a robbery in progress on his rural property in Fenwick. Clapp had three metal utility trailers behind a locked gate, just south of his residence, which were the target of Lusted.

Clapp was awakened by noise from a power tool that Lusted used in an attempt to cut free one of the locked trailers. Lusted was warned by his lookout that a man was coming down the road in their direction. In an attempt to flee the scene, Lusted's black Ford Expedition made a deliberate right turn toward Clapp, colliding with him and trapping him under the vehicle. Lusted, whose license was suspended at the time of the crime, did not stop the vehicle, and continued to drive almost two kilometres

See DEAL Page 16



### What's That SIREN Pelham Fire Department Weekly Calls

The Pelham Fire Department responded to eight calls for assistance from Friday, April 1 to Friday, April 8.

**Friday, April 1**  
Medical assistance, Station 1

**Saturday, April 2**  
Medical assistance, Station 1

**Sunday, April 3**  
Medical assistance, Station 2

Medical assistance, Station 1

**Monday, April 4**  
Medical assistance, Station 1

Medical assistance, Station 1

**Tuesday, April 5**  
Vehicle fire, Chantler Rd., Station 2

**Thursday, April 7**  
Medical assistance, Station 1



# NRPS impaired driving charges

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- Christopher M. JENSEN, 35, Thorold
- Stephen J. VAUTOUR, 34, Hamilton
- Gerald S. SPERO, 55, St. Catharines
- Brian A. RUGGIERO, 51, St. Catharines
- Jason T. MURRAY(GILDERS), 38, St. Catharines
- Jamie R. TSANOFF, 31, Welland

The Niagara Regional Police Service is committed to reducing impaired driving offences through education and the apprehension of offenders through enforcement programs like RIDE. Impaired driving is still the leading cause of criminal deaths in Canada and destroys thousands of lives every year.

**Voice on vacation!**

Boston and Lily Butters, in their very stylish Crocs, vacationing in Clearwater, Florida!

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**OBITUARY**



**PETERS,  
Veronica (Ronnie)**

It is with the heaviest of hearts that the family of Veronica (Ronnie) Peters announce her unexpected passing after a lengthy and courageous battle with multiple health issues on April 2, 2022, at the age of 77. Beloved wife of Don Peters of almost 59 years. Loving mother of Kim Molnar, Steven Peters, and Kevin Peters (Anne-Marie). Devoted Gramma of Sarah, Michael, and Alexandria (Andie). Ronnie was predeceased by her cherished son Steven and her parents Julia and Matthew Malesky. She was the "baby" of five sisters: the late Ann Bialik (the late George), Susan Sunega (the late Joe), Mary Babela (the late Paul), and Elizabeth Reusch (the late Ernie). She was also a loved Auntie and friend that will be fondly remembered by all her nieces, nephews, and friends. As a florist, Ronnie turned a creative hand to everything she did. Whether arranging flowers, making meals and gifts for those she loved, or bringing people together — Ronnie's creative talent, and kindness, could transform the ordinary into something beautiful. She was a cherished Mom to her children (and her pets) and devoted wife to Don. Don and Ronnie called each other "Bob and Emily" and while she would say Bob was her greatest annoyance, he was also her love. She was a kind-hearted, gentle, and beautiful woman and her loss leaves a hole in our hearts. In lieu of flowers, please donate to a charity of your choice in Ronnie's memory. A small gathering of family and friends will take place to celebrate her life.



Pelham Soccer's new hire, Tuukka Salonen. SUPPLIED

## Pelham Soccer hires new Technical Director

BY DON RICKERS  
CONTRIBUTING NEWS EDITOR

Pelham Soccer President Erin Pasma has announced that the club has hired its first Technical Director, Tuukka Salonen. "This is a new role, a new endeavor," she said. "The club started talking about it a couple years ago, and decided that this is the way to go. Tuukka will be working with all the teams and coaches throughout our system. He will be a great asset not just for our more competitive players, but for all players, who will be able to tap into his expertise."

Salonen played professionally for TPS Turku, TSG Hoffenheim, FSV Frankfurt, Chemnitzer FC, and KFC Uerdingen. Born in Finland, he spent many years competing in Germany before relocated to Canada in 2011. He has been training Canadian youth players since then. Pasma said that he will be running various clinics for Pelham Soccer Club players.

His coaching philosophy centres on the development model created by Horst Wein, the late master coach from Germany who was revered as the world's foremost authority on developing youth soccer players. Salonen plans to introduce FU-Niño, created by Wein, which features three-on-three games that develop passing options, on-field perception, decision making, and generally lays a solid foundation for game intelligence.

"We are so excited to have Tuukka join us," said Pasma. "The 700 boys and girls in our club, spread across 15 travel teams and 40 house-league teams, will surely benefit from Tuukka's experience."

Pelham Soccer covers a wide spectrum of player ages. "We start at age three, and plan to expand it this year to age 23," said Pasma. "We even have a senior ladies team."

Home games are mainly played at Glynn A. Green Public School in Fonthill, and at Centennial Park in Fenwick. The synthetic turf field at E. L. Crossley is also a resource.

**DEAL**

continued from Page 2

at a high speed with Clapp pinned underneath. Clapp's body was discovered by a passing motorist on Highway 20 just before 3 AM.

Arrested and charged with Clapp's murder on October 10, 2020, Lusted testified that he was "dope sick," or experiencing drug withdrawal, during the commission of the crime. The pair had purchased fentanyl and crystal methamphetamine the night the two drove around Pelham in search of a trailer to steal.

Lusted's criminal record includes another murder case. In 2006, he was implicated in the death of a Ham-

ilton resident, and pleaded guilty to accessory after the fact in connection with that fatal execution-style shooting, by helping to burn the victim's body. He was sentenced to ten years, and was granted day parole in 2015.

As of 2014, Lusted had accumulated 40 convictions, including assault, thefts, impersonation, and parole violations. In his own words at a previous trial, he declared, "I'm not sitting up here telling you or the jury or anybody that I'm a choir boy. I'm a career criminal."

Victim impact statements are expected to be presented on Tuesday, June 7, when Lusted is back in St. Catharines court for sentencing.

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# Voice RECIPE OF THE WEEK

## Charoset



Passover is steeped in tradition. Many of these traditions involve symbolic foods which tell the story of the Israelites and their miraculous exodus from Egyptian slavery.

One such food is charoset (also spelled haroset), which symbolizes the mortar the Israelites used to build bricks when they were slaves in Egypt. Charoset is a fruit relish used on small sandwiches made from matzoh and bitter herbs. The bittersweet taste is supposed to teach the bitterness of bondage and the sweetness of freedom.

Passover celebrants can make their own charoset by following this recipe, courtesy of Israel My Glory magazine.

### Charoset

Makes 15 tablespoons

- 1 large apple, any variety
- 1/2 cup chopped nuts
- 2 tablespoons honey
- 1 teaspoon cinnamon
- Small amount of lemon juice (optional)

The easiest method is to put the apples and nuts into a food processor and pulse until finely diced. Sprinkle enough lemon juice on the mixture to keep the apples from turning brown. Then mix in the other ingredients. Some people also mix in a little grape juice or wine. The recipe is very forgiving, so the measurements do not have to be exact.

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REVEL

Vol.26 No.23 ★★★

JUNE 15 2022

Published every Wednesday

## Remembering a husband, father, and friend



The community gathers to celebrate the life of Earl Clapp

Tillie Clapp, flanked by her daughters Elisha and Jody, in the lush backyard that their husband and father, Earl, planted and landscaped. Story, page 11.

DON RICKERS

Harold Black Park | 1 PM Celebration begins | 4:30 - 10 PM Live Music | 10 PM - Fireworks Show



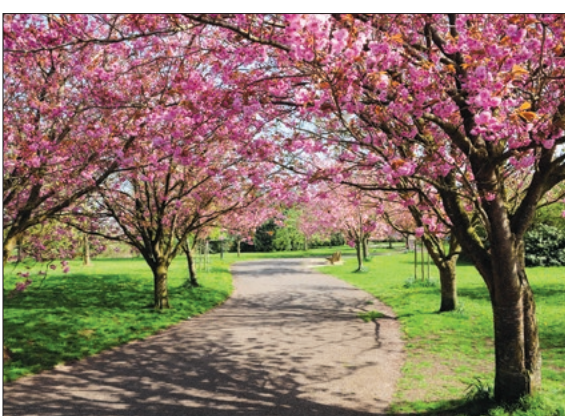
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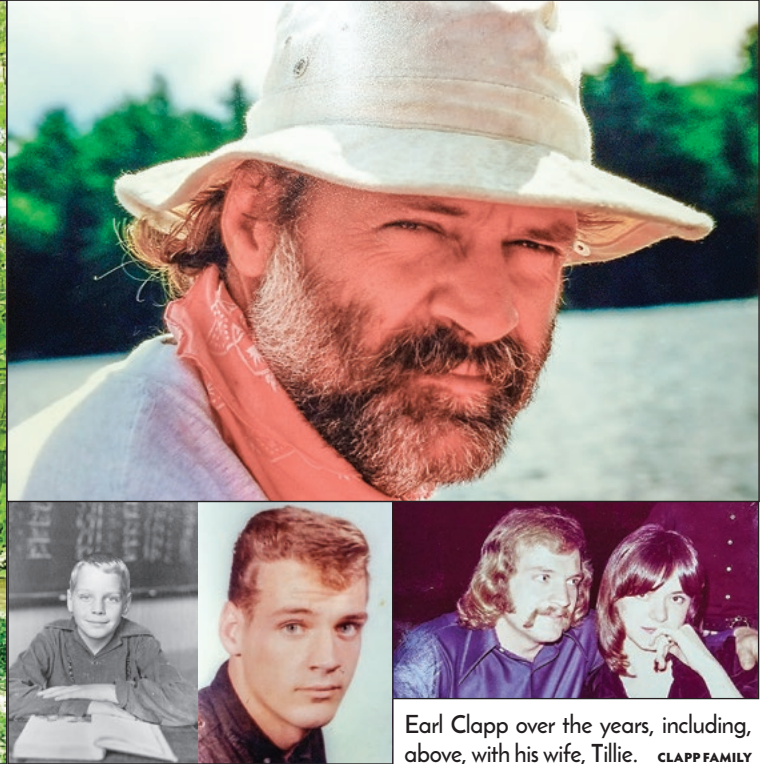
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# Big turnout for Earl Clapp Celebration of Life



Earl Clapp over the years, including, above, with his wife, Tillie. CLAPP FAMILY

**BY DON RICKERS**  
CONTRIBUTING NEWS EDITOR

A celebration of Earl Clapp was an afternoon of celebration on Centre Street in Fenwick last Saturday, as Tillie Clapp, alongside her daughters Elisha and Jody, hosted a family tribute to her late husband, Earl, whose life was taken in a senseless robbery attempt almost two years ago.

Tillie, who was overwhelmed by the support of friends and strangers alike during the difficult time that followed Earl's death, was pleased at the dozens of well-wishers who attended the memorial gathering. She is con-

vinced that a big part of the community rallying around her family in distress was due to a sense of violation that all in Pelham felt, given the violent circumstances of Earl's death.

A sentencing hearing for Jason Lusted, who pleaded guilty to manslaughter for his part in Earl's death, will occur in August.

With border restrictions now relaxed after the pandemic, Elisha is able to leave her home near Buffalo to visit her mother and sister in Niagara with greater regularity.

"It's been tough being separated," she said. "My kids have especially missed their grandma. It's been an ordeal, but we are all

doing better, now that we are back together."

They say that time heals all wounds, but Jody attributes her family's support from friends in the community as the real tonic, helping them move forward with their lives.

"Seeing my sister has been awesome," said Jody, "and when her kids come to visit, their laughter just changes the whole atmosphere."

Tillie spoke to the Voice while sitting in Earl's favorite chair beside the house, where he routinely enjoyed a morning coffee watching the sunrise, and a glass of wine as the sun set in the west behind the

treeline.

"People have asked me if I'm planning to move," said Tillie. "But I truly feel Earl's spirit as I gaze out at the garden. It's a beautiful place, and I've decided that I want to hang on to it as long as I can — hopefully for at least the next 10 years — to share it with my daughters and grandkids."

Pointing to a wooden area on the property, Tillie said, "There's a tree house down there that the grandkids built with Earl. And it wasn't that he built it and they watched. He had them pick the trees, measure, go to the lumber yard, carry the lumber, and taught them how to hammer and use a

power drill. Earl was an extraordinary grandfather. I get the angriest when I think that I had him for 58 years, and the grandkids should have been able to have him for longer."

Tillie looked around and continued after a pause.

"I can hear Earl telling me, 'My life got cut short, but you still have one, so go and enjoy it with those grandchildren. So last summer I took them to the cottage, and we did some fishing. The kids wouldn't put the worms on the hooks, which is a job Earl always did. So I ended up putting the worms on the hooks,'" she said with a smile.

## HAPPY Father's Day!

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# The Voice



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# Earl Clapp's killer sentenced to 14 years

“His life is defined by a complete disregard for the law, court orders, and public safety”

**BY DON RICKERS**  
CONTRIBUTING NEWS EDITOR

Last Thursday afternoon, justice was served in courtroom number six at the Robert S.K. Welch Courthouse in St. Catharines, as Justice Joseph DeFilippis sentenced career criminal Jason Lusted to 14 more years of incarceration. Lusted had pleaded guilty to manslaughter in the October 2020 death of Pelham resident Earl Clapp.

Justice DeFilippis recounted the irrefutable facts of the case in his written decision.

Earl Clapp was a 74-year-old Fenwick resident who owned and operated a farm metal products business from his property on Centre Street. The evening of October 2 2020, Lusted and his co-accused, Matthew McInnes, drove in Lusted's Ford Expedition (which has never been located) to Clapp's address, with the intention of stealing his trailers from a locked enclosure. The pair had purchased illicit drugs earlier that evening. Noise from the power tools they were using in the theft awakened Clapp, and he went outside to investigate. In his bid to escape, Lusted drove his Expedition in a swerving path towards Clapp, which collided with Clapp and caused him to be trapped under the vehicle. Lusted sped off, dragging Clapp for almost two kilometres. His body was found by a passing motorist on Highway 20 at about 3 AM.

MacInnes, 40, pleaded guilty in March on lesser charges of theft, and testified for the Crown against Lusted at the trial.

Lusted did not have a gentle upbringing, as DeFilippis noted in his judgment.

At age nine, he became a Crown ward at the request of his parents (an alcoholic mother and abusive father), due to his uncontrollable behaviour. He was placed in care for psychiatric treatment, and lived in group homes until he was 16. Lusted had a history of learning disabilities, depression, and drug addiction, and never achieved stable employment. Over a 30-year period beginning in 1986, he accumulated 65 convictions for a wide variety of offences, and had been sentenced to penitentiary seven times, including a six-and-a-half-year term for being an accessory after the fact to murder. On five occasions, Lusted was found guilty of dangerous driving, with three of those offences involving flight from police pursuit. He had six convictions for driv-

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Earl Clapp's ashes lie beneath a Buddha and memorial candle in the family's garden on Centre Street, near a porch where he and his family and friends used to sit, enjoy coffee or wine, have conversation, and watch the sunset.

DON RICKERS

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**CLAPP**

*continued from Page 1*

ing while under suspension. DeFilippis noted that Lusted had offered previously in court a tearful apology for the suffering he had caused to the deceased's family and friends.

"He acknowledged that his selfish act in defiance of the law caused the suffering to the Clapp family and the community, and that he was deeply tormented by what he did," wrote DeFilippis in his judgment. "The imposition of sentence is governed by part 23 of the Criminal Code. The fundamental purpose of sentencing is to protect society...and the maintenance of a peaceful and safe society by imposing just sanctions...proportional to the gravity of the offence and the degree of responsibility of the offender."

Manslaughter is defined as culpable homicide in Canada, with a maximum penalty of life imprisonment. Unlike with murder, there is no minimum penalty.

"In this case, I find that the position advanced by the Crown [of a lengthy sentence] is a measured response to the offence and the offender," wrote DeFilippis. "Mr. Clapp died in horrific circumstances. Mr. Lusted has lived a life of persistent criminality that began when he was a youth and continued with few gaps until age 50 when he was arrested for causing the death of Mr. Clapp. His life is defined by a complete disregard for the law, court orders, and public safety. His unnecessary, selfish, and deadly action of driving dangerously and fleeing the scene of a crime comes with a history of such misconduct. His moral blameworthiness is high. I accept the sincerity of the defendant's apology, but it comes too late to materially affect my decision on sentence. My focus must be on denunciation and deterrence."



Earl Clapp and his granddaughter Ella, then age 7, about to head out on a bike ride in 2020. CLAPP FAMILY

Lusted will serve his sentence at the penitentiary in Bath, Ontario, at the recommendation of the Crown, given that the facility has rehabilitation programs that Lusted requested. He must provide a sample of his DNA, is prohibited from possessing firearms and other weapons, and his driving privileges are suspended for 20 years. Lusted must also not attempt to communicate with the Clapp family while serving the sentence.

"I could not do justice to the 76 victim impact statements — from family,

friends, and business associates — by attempting to summarize them," wrote DeFilippis. "I hope it will suffice to simply note now, as I did during the sentencing hearing, that these statements paint a picture of remarkable man. Mr. Clapp was loved as a husband, father, and grandfather, valued as a friend, and trusted in business."

Lusted was supposed to appear in person for sentencing, but there was a breakdown in communication with the authorities at Maplehurst Correctional Complex in Milton, and he

wasn't present for his 2 PM court appearance. After a long delay, Lusted was connected to the courtroom via Zoom, and his sentence was delivered by DeFilippis.

Earl's widow, Tillie Clapp, and her family retreated to the sanctity of home after the sentencing.

"We had a little bit of quiet time outdoors, and watched the sun go down, the way we always used to do with Earl. It was therapeutic," said Clapp, adding that DeFilippis' judgment, meting out a sentence that was close to the maximum allowed by law, renewed her

*"Police are often criticized, but my respect for them went up a million-fold"*

faith in the judicial system.

"I thought the judge's comments were very insightful, as he described how heinous the crime was," said Clapp. "His words were like a salve on our family's wound."

Clapp is aware that Canadian law allows for parole consideration after two thirds of a sentence has been served. How does she feel about the possibility of her husband's murderer being released in less than ten years?

"Well, I'm 76 now, but if I'm still alive, I will go to the parole hearing," she said. "I will remind them that the original charge was second-degree murder. The charge was downgraded to manslaughter, as oftentimes happens. The criminal pleads guilty to save everyone a lot of heartache, time, and money. But I will remind them of the 76 victim impact statements at the parole hearing, to demonstrate the magnitude of loss this was to them. I'm so thankful to all of those people that showed up in court that day to her the victim impact statements... the community outrage was very clear. It had a significant impact on Justice DeFilippis, and that's why he ruled in at the higher end of the possible sentences."

DeFilippis noted in his remarks that, given Lusted's long history of criminality, he is not optimistic at the prospect of rehabilitation.

"This isn't about revenge. And it isn't even just about punishment. It's about protecting the community," said Clapp. "We know this guy's track record, and if he's on the streets, it's just going to happen again."

As she emerged from the courtroom after sentencing, Clapp met with the two lead detectives who had worked quickly and tirelessly with their team to find Earl's killers.

"The entire homicide team that worked on this case came to court," said Tillie. "It's easy to get immersed in our pain, but I will always remember how, with no camera evidence or witnesses, they caught the two men in eight days. Police are often criticized, but my respect for them went up a million-fold."

Lusted will be eligible to apply for parole at the one-third and two-thirds intervals of his sentence. Due to his lengthy record of criminality, he is unlikely to get parole at the one-third mark, but there is a greater chance that he will be successful after less than ten years of his sentence have been served, assuming satisfactory behaviour in prison. Lusted was given credit for incarceration already served, plus credit for the "hardship" of being in jail during Covid lockdowns.

Had Indigenous heritage (as Lusted asserted) been confirmed, he would have received addition credits under Gladue principles, which attempt to quantify the degree to which systemic racism may have impacted a defendant's life. But Indigenous lineage was not proven to the satisfaction of the court.

"We knew all along that no sentence, lengthy or not, would bring Earl back," said Clapp. "We don't interpret the length of the sentence as representing Earl's value to our family, his friends, or to our community."

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