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Monette laughs along at church fundraiser roast

BY BRIER DODGE
 brier.dodge@metroland.com

He may need to consider changing his name to Bob Moo-nette after all the jokes about his fight to keep the iconic cow on the roof of an Orléans cheese shop. "He saved the cow for goodness sakes," said Mayor Jim Watson, prompting Coun. Shad Qadri to suggest the Moo-nette moniker.

See FUN, page 6

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Waiting for Justice



METRO CREATIVE

Everything changed for the Wassill family in May of 2013. A confrontation that month led to 20-year-old Michael Wassill being stabbed with a box cutter, allegedly by the ex-boyfriend of a female friend of his. Michael was rushed to hospital. Ever since then, his family has been living a nightmare as the case against the accused in his death slowly makes its way through the Canadian justice system.

At first his family thought he'd recover, but on May 23, 2013, he died in hospital.

BRIER DODGE'S SPECIAL REPORT: WAITING FOR JUSTICE SEE PAGE 12

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Waiting for justice

An Ottawa family is living a nightmare as they await justice in the Canadian legal system

BY BRIER DODGE
brier.dodge@metroland.com

Everything changed for the Wassill family in May of 2013.

A confrontation that month led to 20-year-old Michael Wassill being stabbed with a box cutter, allegedly by the ex-boyfriend of a female friend of his. Michael was rushed to hospital.

At first his family thought he'd recover, but on May 23, 2013, he died in his Ottawa Civic hospital bed.

Ever since then, his family has been living a nightmare.

Not only is Michael dead, but the family's wait for the trial for the then 20-year-old arrested in relation to his murder has dragged on and on. A court date has been set for 2017.

"It's such a long period of time, and the grief never goes away," said Betty-Ann Wassill, Michael's mother. "Going through the trial is going to bring it all back."

The Wassill family isn't alone when it comes to a long wait for justice in the death of their son.

While their wait is longer than most, the Canadian average sees most murder cases last more than a year. It can be a difficult emotional burden on friends and family of serious crime victims.

There are things Betty-Ann isn't allowed to say about the case, and people she's not allowed to talk to about it.

But as the reported facts go, Michael was at his father's Fernleaf Crescent home in Orléans while his dad was away in Jordan on a work trip. A female friend of Michael's had been staying there for a few weeks too.

On May 15, 2013, an ex-boyfriend of the girl's, who she claims had been stalking her, showed up and what would end up being a deadly confrontation ensued, Michael's uncle Paul Champ told media at the time.

Michael was stabbed with a box cutter, taken to hospital and his family remained hope-



SUBMITTED/WASSILL FAMILY

Michael Wassill died on May 23, 2013. The accused in his murder case still has not been to trial, which is scheduled for January, 2017. At right: Michael Wassill's grave site.

"It's such a long period of time, and the grief never goes away. Going through the trial is going to bring it all back."

BETTY-ANN WASSILL, MICHAEL'S MOTHER

ful he would survive. But on May 19, 2013, they found out he was brain dead. There was nothing anyone could do.

Police quickly arrested Carson Morin, 20 at the time, who Betty-Ann refers to as "the accused" throughout her interview with Metroland Media. She calls Michael's death "the incident" or "the event."

Morin was originally charged with attempted murder and possessing a weapon dangerous to public peace, but after Michael died, the charge was upgraded to second-degree murder. Following further investigation, police upped the charge again – to first degree murder.

Before Michael died, his family was already bracing themselves for a long legal ordeal.

"The night of the event the police were at the hospital. Even then, they were saying 'just be prepared, the legal proceedings could take years.'" Betty-Ann said.

Morin's lawyer Natasha J. Calvino received a request for comment for this story and, citing the need to have permission from Morin, did not comment.

But even though Morin was arrested almost immediately in the aftermath of the incident, the case isn't scheduled to go to trial until January 2017.

Michael's family's frustration partially comes from how that timeline, accelerated compared to some cases that take months to solve or before charges are laid, has resulted in such a long wait.

Betty-Ann, her two daugh-



ters, Michael's father, his friends: they all want to move on and put this behind them, but there's a dark shadow following them around.

They're not alone.

On average, it took 451 days to complete a homicide case in 2013/14, according to the most recent Statistics Canada data. But it's tough to use averages for such cases, because abnormalities — such as cases wrapped up extremely quickly, such as a murder-suicide — can skew the data.

So you end up with families like the Wassills, often waiting years for a case to make its way through the justice system.

WAITING IN LIMBO

"You're sort of in this limbo of waiting," said Heidi Illingworth, executive director of the Canadian Resource Centre for Victims of Crime. "It just leaves people hanging, and they're really just yearning for justice."

It's common for trials to take years, she said, especially when it comes to homicide cases.

Those accused of a crime in Canada are offered constitutional protection under the Charter of Rights, both for a fair and a speedy trial.

"At the moment, the concerns for suspects trump everything for victims," said Irvin Waller, a University of Ottawa law professor and president of the International Organization for Victim As-

sistance.

"The system isn't designed around them, around victims, he said."

Delays in the court system have long been documented, and involve a complex web of issues within the justice system.

A 2016 Senate Committee on Legal and Constitutional Affairs, in preparation for an interim report that was released in August called 'Delaying Justice is Denying Justice: An Urgent Need to Address Lengthy Court Delays in Canada', heard from numerous justice experts, judges, and lawyers, including Illingworth, who told the committee the Wassill family's story.

See ISSUE, page 13

Issue of court delays being examined

Continued from page 12

The committee was told that among the reasons for delays in the court system are the mandatory minimums sentencing system that results in more court appearances, that judges are too lenient in allowing delays when asked for, and the courts are not using modern technology as much as they could which leads to more in-person court appearances than would be needed if technology was used more.

"We generally shun the use of technology as a method to enhance the effective use of court time," Raymond Wyant, former chief judge to the provincial court of Manitoba, is quoted as saying in the committee's transcripts.

VIDEO SYSTEM

But there are clear and established frameworks in other countries to help protect victims through the process. Wyant cited a video system used in France, that both speed up the court process, and in some cases allowed witnesses to be spared travel.

In the United States, the federal Crime Victims' Rights Act was enacted in 2004.

The act was named for five American murder victims whose families were denied some, or all of the eight rights covered in

the act during the course of their cases.

Included in the act is the right to proceed without unreasonable delays.

"We are just so far behind other advanced countries, and we need to move on that," the University of Ottawa's Waller said.

"We generally shun the use of technology as a method to enhance the effective use of court time."

RAYMOND WYANT, FORMER CHIEF JUDGE MANITOBA PROVINCIAL COURT

As the Wassill family approached the end of 2013, they were faced with Morin's bail application as he requested to be released for Christmas.

But after emotionally preparing to face him in court, the bail hearing didn't happen, and his lawyer asked for a delay.

As the case has continued, Michael's family and friends have continued to be frustrated by the delays, and the length between them. They attended a preliminary hearing in November 2014, Betty-Ann said, and hoped for court dates to be set for a seven-week trial. They were told the case

would be heard at the earliest in May 2016.

Morin's legal team asked to push the dates back further, and the family thought there would be a September 2016 trial.

In the end, the date was finally set for Jan. 23, 2017.

"We're still not clear; how did it jump from September to January?" Betty-Ann said, pointing to scheduling issues among various lawyers' schedules.

"They knew all along this was coming down the pipeline."

She believes Ottawa Police and the courts have offered her family every right they have to under the current victim's rights situation, but she struggles with why they, the victim's family, haven't had the right to push for fewer delays, and a quicker trial in the Canadian justice system.

FAIR FOR VICTIMS?

"We do concern ourselves with what the police do, what the Crown does and what the accused has done in the court, but we never actually take into consideration that this isn't fair for the victims," Senator Vern White, former Ottawa police chief, said in the standing committee hearings transcripts.

See FAMILY, page 14

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Family wants closure more than three years after killing

Continued from page 13

Senator Bob Runciman, who has previously served as Ontario's provincial minister of public safety and security and as solicitor general and who now leads the committee, told Metroland Media that one of the most significant things he heard in the presentations to the committee was the need for better court management, and "laying down the law" when it comes to justifying lawyers' requests for "adjournment after adjournment."

"For me, that's a sore thumb out there, that some judges are managing their courts much more effectively,"

Runciman said.

Now, almost three-and-a-half years later, and still waiting for a trial, Michael's family still haven't had any closure. Betty-Ann feels empathy for Michael's friends who will be called on as witnesses and will have to rehash the events and memories of a traumatic day back in 2013.

She worries others will struggle to balance wanting to be in court with having careers that may not afford them the time off, or the finances to take unpaid leave.

It's not just stressful, but memories fade over time, and there are always concerns that witnesses will forget details when they're called to

"For me, that's a sore thumb out there, that some judges are managing their courts much more effectively."

SENATOR BOB RUNCIMAN

the stand years after a crime has allegedly been committed.

Tom Stamataskis, president of the Canadian Police Association, told the senate committee it's a struggle for police officers who are asked to testify as well.

"Imagine yourselves and how effective you might be at remembering precise details from an incident that

happened in your life two or three years ago," he said, in committee transcripts.

"Particularly under cross examination from tenacious defense counsel and after investigating numerous similar incidents over that same period of time."

Michael's parents, who are separated, are Foreign Affairs depart-

ment employees who didn't think they'd ever find themselves in this sort of position, and have had to become familiar with the legal system in a way they never expected.

"No one thinks they're every going to be a victim," Waller said. "Exactly the same issues arise all the time, and not just in murder cases ... not only are they re-traumatized, but they are re-traumatized over many years."

Betty-Ann said her family has tried to move past "the incident" and talk about their happy memories with Michael.

See 'WE DON'T', page 15

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'We don't talk about the incident': mother

Continued from page 14

She said her son enjoyed staying home and playing board games and who quickly made friends in the different places he had lived.

The family tries to reflect on days such as Sept. 8, which is Michael's birthday, on all the positives about his too-short life.

"We don't talk about the incident," she said. "It worries me a bit that the trial will put us back."

RE-VICTIMIZED

It's common for victims to feel re-victimized, devalued and that their lives are on hold until a case is finished, Sue O'Sullivan, the federal ombudsman for victims of crime told the senate committee back on March 24.

"Lengthy delays in criminal proceedings can impede some victims' ability to move forward, and in some circumstances, victims' access to justice can be completely compromised when charges are stayed as a result of unreasonable delay," O'Sullivan said in the senate standing committee transcripts.

If a case is delayed too long – though an accused may have to waive their rights to speedy resolution if they cause a delay by, for example, choosing a lawyer that isn't available for 18 months – charges could be stayed and the accused could walk free.

That happened this year, in the case of the Crown vs. Shane Rayshawn Vassell. In a Supreme Court decision, the judges found the three years it took for the three-day trial, which dealt with charges for possession of cocaine for the purpose of trafficking, had unreasonable delays, mostly caused by his co-accused and their counsel. The Supreme Court of Canada threw out the charges against him in June.

Waller said changes need to be made to give victims, not just the accused, the right to avoid unnecessary delays. He said he'd like to see a Victim Bill of Rights in Ontario and changes to the

Criminal Code to protect victims.

He'd also like to see a change to the Charter of Rights and Freedoms, a complex process.

He said the Bill of Rights for Crime Victims Ontario's legislature adopted in 1996, and the federal Bill of Rights are not having much impact.

'VERY LITTLE ACTION'

"There's been talk about these sorts of things, and very little action," Waller said. "The Ontario legislature adopted a thing called a Bill of Rights for Crime Victims that is basically unenforceable."

"There was political interest in doing something, so they made a nice statement instead of an enforceable statement. In the recent federal bill of rights that was adopted during the Harper years, it's the exact same. They're nice principles, and they're unenforceable."

The most enforceable thing, Waller said, would be an amendment to the Charter of Rights and Freedoms. But he said Ontario would need to find a political "champion" to take that on.

He's waiting to see what Ontario's new attorney general, Ottawa Centre MPP Yasir Naqvi, does.

Naqvi's spokesperson Jenna Mannone was asked if Naqvi would support a Charter of Rights and Freedoms change. She replied with with a list of funding announcements and programs the provincial government has for victims.

"That being said, we recognize that there is always more work to do," she responded in an email.

"Our government is always open to hearing ideas on ways we can further support victims of crime."

Now, Betty-Ann and her family are preparing themselves emotionally for the impact of the trial coming up in January

2017. Not only has her family had to prepare, but so do Michael's friends who will be called as witnesses.

Witnesses in Michael's case have tried to move on with their lives, some studying out of province, and will need to come back to Ottawa in order to testify, Betty-Ann said.

"It's absolutely an issue," Illingworth agreed.

"Everything's pushed off again and again because of lawyers' schedules or judges' schedules are so busy they have to keep pushing dates. It's a tactic we think the accused use as well — it's sometimes in their interest to have things longer because people forget and witnesses disappear," she said.

Betty-Ann said the system need to be improved – and she's willing to speak out to make things better for the next family that finds itself in her shoes.

"I like to be an optimistic person, but I've been involved in the legal system as either a critic or a minister, so I find it hard to be overly optimistic," said Runciman.

"All we can do is keep plugging away and banging the drum and hopefully people will start to listen."

see COMMITTEE, page 16

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Committee recommendations include using technology to modernize court system

Continued from page 15

But constitutional changes, as some propose, are not something Runciman is enthusiastic about.

"I can't speculate at this stage of the game," he said.

"To open up the constitution to talk about something like even Senate reform, it would have to be a whole package once they re-open the constitution. But no one seems to have an appetite."

The report from the senators, who heard Michael's story and the Wassills' plight as a part of the process, did make four recommendations.

RECOMMENDATIONS

They recommended the federal government:

- work with provinces and judges to implement best practices to reduce unnecessary appearances and adjournments,
- take immediate steps to make sure an ef-

"Justice delayed has been justice denied."

BETTY-ANN WASSILL

ficient system is in place for appointing judges to provincial superior courts

- the federal government invest in research on best practices and implementation procedures for mega-trials, and

- provide resources to develop and make available suitable technology and computer systems to modernize the court system.

Regardless of those recommendations, Betty-Ann and her family have spent the past three-and-a-half years waiting for a trial in a system the family feels doesn't take into account the victims of a serious crime as a case goes through the justice system.

"Justice delayed has been justice denied," Betty-Ann said.



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