

AYLMER EXPRESS

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Express-O-Gram

WE FOUGHT THE LAW (YOU KNOW THE REST)

This editorial was written several days after our first court appearance and not published at that time on advice from our lawyer.

About a week ago my son Brett and I were on trial for criminal obstruction of a peace officer, trespass and for him failing to obey a Road Closed sign. The trial was adjourned for two more months because the police didn't have their homework done – with just a year to prepare.

As third- and fourth-generation newspapermen, we have had among the best in instructors – my father, Arthur, and his father Henry, two outstanding journalists. We have decades of experience working with the police and emergency services without any incidents, often under trying conditions for all parties. We respect them generally and many personally, but it takes just one to spoil the bunch they say.

A year ago, we were following tried and true customary practices at a day-old fatal car-crash site, when we were deprived of our freedom, handcuffed behind our backs, left incapacitated to cook like an abandoned baby for half-an-hour in a broiling police cruiser. That backseat torture was the equivalent of dry water boarding, ultimately forced to beg for assistance. We were then driven to Ontario Provincial Police headquarters south of St. Thomas on John Wise Line, jailed for several hours incommunicado, and finally released and charged. We returned for finger-printing the following week. Our cameras were seized and not returned for nine months. It has cost us almost \$2,000 for replacements and thousands in legal fees since then.

Brett, when trying to travel to the United States will now have to answer yes to routine questions

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Women storm local councils

by Rob Perry
of The Aylmer Express

Women came to the forefront in Aylmer, Central Elgin and Bayham in municipal voting on Monday, Oct. 22.

In all three cases, women will for the first time make up the majority of council members in each municipality, an unprecedented outcome.

In Aylmer, Deputy Mayor Mary French bested Councillor Ann Laur 911-545 to become the town's first-ever female mayor.

Councillor Sheri Andrews defeated Jack Couckuyt, a former mayor, 822-639 to become deputy mayor.

Jamie Chapman and Mary Hamm, both political newcomers, were elected as councillors, along with Tom Charlton and incumbents Peter Barbour and

Arthur Oslach.

In Central Elgin, current Deputy Mayor Sally Martyn upset incumbent Mayor David Marr in the race for the top office.

Deputy Mayor Martyn garnered 2,046 votes for mayor, besting Mayor Marr with 1,752 and newcomer Casey Siebenmorgen with 489.

In the race for deputy mayor, Tom Marks, a former mayor, with 1,546 votes squeaked by Cr. Steve Carr with 1,541 and Cr. Harold Winkworth with 1,076.

In Ward 1, challenger Colleen Row defeated incumbent Dan McNeil, in Ward 3 Karen Cook was acclaimed and in Ward 5 incumbent Cr. Fiona Roberts held onto her seat, besting challenger Dani Bartlett.

In Ward 2, incumbent Cr.

Dennis Crevits defeated newcomer Allison Joseph, and in Ward 4 Bill Fehr bested Blake Weber.

In Bayham, Rainey Weisler was elected as deputy mayor with 551 votes, besting fellow candidates Cindy Stewart with 393 and Roger James with 142.

Valerie Donnell won the race for Ward 1 councillor with 214 votes, defeating Norm Hughes with 196.

Current Councillor Ed Ketchabaw was acclaimed as mayor, Dan Froese as Ward 2 councillor and Susan Chilcott as Ward 3 councillor.

In Malahide, Dominique Giguere was the only female to win office as deputy mayor, but she in the process cracked open what has been an all-male bastion for at least 20 years.

Ms. Giguere, with a convin-

cing 1,219 votes, upset incumbent Jim Jenkins with 498 and council veteran Paul Faulds, with 348.

Political newcomer Scott Lewis was the only other upset of the night, besting Ward 4 in-

cumbent Cr. Mark Wales.

In Ward 1, incumbent Cr. Mark Widner defeated George Steenbergen, in Ward 3 incumbent Cr. Rick Cerna barely held onto his seat against challenger Emily Phillimore, and in Ward

5 incumbent Cr. Chester Glin-ski bested Kevin Ferguson.

Mayor David Mennill was acclaimed to another term.

Results in full for each municipality are on page 3.

Malahide ballots secret and secure

by Rob Perry
of The Aylmer Express

Malahide Administrator Michelle Casavecchia-Somers on Thursday, Oct. 18, assured township voters that their mail-in ballots for the Oct. 22 municipal election were both secret and secure.

Mayor David Mennill has requested that assurance in response to a letter to the editor in last week's Express.

He had thought everyone understood no one was peeking at the ballots until they were counted on election day.

Ms. Casavecchia-Somers

said when a ballot was received at the township office, it was in a sealed envelope inside an outer envelope.

A voter identification document was also in the outer envelope.

When the outer envelope was opened, she said, the voter identification was scanned, which struck a voter's name off a list. That ensured a voter couldn't cast multiple ballots somehow.

The sealed inner envelope was separated from the voter identification and kept in a ballot box until election day.

Then, the inner envelope was opened and fed into a tabulator so votes could be counted.

No attempt was made to open any ballots until election day, she said. "It does remain a secret."

Scrutineers from candidates were present on election day to ensure the proper process was followed, she added.

Deputy Mayor Jim Jenkins said he was surprised how many citizens didn't even realize the ballot was conducted by mail, considering this was the third time the township had done so.

Springfield Public School evacuated due to HVAC fire, reopens the next day

by Craig Bradford
of The Aylmer Express

All of the pupils and staff at Springfield Public School were safely evacuated to the nearby Malahide Community Place after more than half of the school filled with smoke from a fire that broke out in the rooftop heating, ventilation and air conditioning unit (HVAC) on Wednesday afternoon, Oct. 17.

The school reopened the next morning.

Malahide Fire Chief Brent

Smith said the fire call came in at 1:50 p.m. The fire was confined to the HVAC unit.

Firefighters remained on scene to ventilate the school and make sure there was no carbon monoxide inside before releasing the building back to school officials.

Principal Cindy Mallory said none of the 173 school children or about 20 staff were hurt.

She noticed a power surge before the fire started and smoke started to fill the boiler

room and the green screen room which are located in different ends of the school.

"It was very electrical smelling so we don't know what happened," Ms. Mallory said at the scene.

School secretary Sheri Webb had nothing but praise for her principal.

"She did an amazing job getting all of the kids and staff out safe and immediately too," Ms. Webb said. "There was no question from her. She saw smoke and made the order for

the custodian to pull the [fire] alarm."

Chief Smith said the HVAC's motor had burned out causing the fire.

By the time the first firefighters arrived at the school at 1:54 p.m., the building was more than half filled with smoke, Chief Smith said.

The fire wasn't large and involved the HVAC motor, wiring and filter, he continued.

The small blaze was extinguished within a few minutes once located, Chief

Smith said.

He didn't have a damage estimate.

"Unknown," Chief Smith said. "It could range from hundreds of dollars to several thousands depending on whether it could be repaired or had to be replaced."

He said HVAC fires on public buildings aren't common.

"This was due to a hydro fluctuation in the area at the same time," Chief Smith said.

The building was released to school officials at about 3:5 p.m. when the last firefighters left.

Chief Smith said at the peak, there were nine fire trucks on scene and 27 firefighters.

At least two Elgin County Ontario Provincial Police vehicles were at the scene and an ambulance with paramedics arrived as a precaution.

The pupils stayed at Malahide Community Place that afternoon under supervision by teachers until the children could be picked up by a parent, guardian or authorized caregiver at the regular dismissal time of 3:5 p.m. according to an update on the Springfield PS website shortly after the fire.

By the next morning, the update had been changed.

"Springfield Public School thanks students, staff, parents and guardians for their cooperation in conducting a safe evacuation on Wednesday," the update stated. "School will be reopened Thursday, October 18, 2018."

A Thames Valley District School Board spokesman said Springfield PS is heated by boilers and the HVAC unit was being repaired on Thursday, Oct. 18.

He said the total costs of repairing the damage to the HVAC unit had yet to be determined.



Pupils and staff at Springfield Public School were safely evacuated to nearby Malahide Community Place after more than half the school filled with smoke from a fire that broke out in the rooftop heating, ventilation and air conditioning unit (HVAC) on Wednesday afternoon, Oct. 17. This photo was taken at about 2:20 p.m. that afternoon. Malahide Fire

Chief Brent Smith said the call about the fire came in at 1:50 p.m. and it was confined to the HVAC unit. Firefighters remained on scene to ventilate the school and make sure there was no carbon monoxide inside before releasing the building back to school officials. Principal Cindy Mallory said none of the 173 school children nor about 20 staff were hurt. (AE/Craig Bradford)



Terrace Lodge retirement home resident and veteran Jack Austin, front, received a new poppy from Royal Canadian Legion Colonel Talbot Branch 81 (Aylmer) poppy chairman Gail Graham, left, branch service officer Al Ferris and first vice-president Ian Stubbs to kick-off the annual Legion poppy campaign on Monday morning, Oct. 22. The Legion's annual fundraising sale of poppies begins on Friday, Oct. 26 with proceeds going to benefit veterans. Mr. Austin served 12 years in the Canadian Armed Forces with the army.

engineers branch. He joined the Canadian military in 1956 and his service included time spent in Germany and Egypt. The Aylmer Legion's Remembrance Day parades and services will be held on Sunday, Nov. 11 with the Springfield parade starting shortly after 9 a.m. and the Aylmer procession leaving the Legion at about 10:30 a.m. to make it to the downtown cenotaph for the 11 a.m. ceremony. This year marks the 100th anniversary of the Armistice that ended the First World War.

Journalists acquitted

by Rob Perry
of The Aylmer Express

Aylmer Express editor Brett Hueston and publisher John Hueston were acquitted in the Ontario Court of Justice in St. Thomas on Monday morning, Oct. 22, of all charges related to their alleged interference with Ontario Provincial Police at the scene of a fatal plunge by a vehicle into Lake Erie last year.

They were arrested at the scene on Saturday, June 24, after going to the south end of Springfield Road to investigate the day after the death of a motorist, and charged with obstructing police, trespassing and driving on a closed road.

Justice Glen Donald took about 30 minutes to deliver his verdicts Oct. 22.

He stated up front that nothing in his ruling should detract from the "tremendous" efforts of police, firefighters and tow truck operators to recover the car involved, with the driver still inside, from the waters of Lake Erie.

He also noted that OPP were acting at the time under a "mandate" to investigate the plunge as a possible crime scene under orders from Ontario's Special Investigations Unit.

(An Elgin OPP officer had briefly interacted with the driver shortly before the fatal plunge. The SIU was on the scene Friday night, but on Saturday had left further investigation to provincial police, and later dropped their inquiry altogether.)

Justice Donald said while the SIU mandate had affected police decisions at the scene, that didn't negate the freedom of the press as guaranteed under Canada's Charter of Rights and Freedoms.

In the end, though, his ruling didn't hinge on the Charter.

Instead, he found insufficient evidence had been offered as to which of the Huestons had been behind the wheel when they drove down the closed road, so he acquitted Brett Hueston on that charge.

As for trespassing, he found that OPP had not contacted nearby landowners to establish any authority to eject anyone on private property.

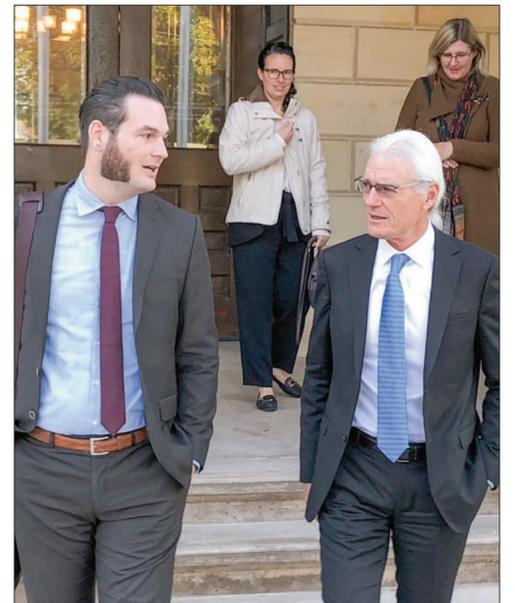
Nor could the Huestons be charged for trespassing on the

public road, he ruled. While the OPP could under the Highway Traffic Act close a road to vehicular traffic, that didn't extend to anyone outside a vehicle.

That could only be done by the "occupier of the road" (presumably Malahide Township as the owner).

"I struggle with the notion police could make a public place closed to the public solely

CONTINUED ON PAGE 5



Editor Brett Hueston, left, and publisher John Hueston of The Aylmer Express expressed relief in front of the Ontario Courts of Justice in St. Thomas Monday, Oct. 22, after being acquitted on charges of obstructing Ontario Provincial Police in June of 2017. The two had gone to the south end of Springfield Road on Saturday, June 24, to investigate the fatal plunge of a vehicle into Lake Erie the previous night. They were arrested, handcuffed and held in cells at the Elgin OPP detachment, and their cameras, and the photos they took, seized. (AE/Rob Perry)



This photo was as close as either John Hueston or Brett Hueston were to the recovery scene at the edge of a cliff above Lake Erie, at the end of Springfield Road, on Saturday, June 24, 2017. They were leaving the scene when accosted by an Ontario Provincial Police plainclothes officer. The Huestons, minutes later, were arrested, handcuffed and taken to jail

at Elgin OPP detachment in St. Thomas, and charged with obstruction, trespassing and Brett with the additional charge of driving on a closed road. Police seized their cameras and memory cards. A car had reportedly driven over the cliff 24 hours earlier. Both journalists were acquitted of all charges Monday morning in Ontario Court of Justice, St. Thomas.

(AE/John Hueston)



Michelle Smith, of Ontario Provincial Police, in plain clothes, was the first to confront John and Brett Hueston at the recovery scene. When asked for her identification, she offered to get a supervisor. The Huestons accepted, but minutes later were arrested. Ms. Smith didn't testify in court but other OPP officers testified that the Huestons demanded to see a supervisor. No other police who interacted with the Huestons identified themselves, the Huestons said. They were still waiting for the "supervisor" when arrested and handcuffed.

(AE/Brett Hueston)

Journalists acquitted

CONTINUED FROM PAGE 1
ly at their discretion," Judge Donald observed, which he found "contrary to the principles of a free and democratic society."

He had also wondered, he added, why police had added the lesser charges of trespassing and driving on a closed road to the more serious criminal charge of obstructing police.

Finally, Judge Donald said, turning to the charge of obstructing police, he believed that while the two journalists had interfered with a hazardous recovery operation, they had not done so intentionally.

The OPP officers on the scene had never informed them that the car was in the process of being removed from the water, at the bottom of a tall cliff, even though the Huestons had arrived "at the worst possible time."

The police were accountable, Judge Donald said, for providing some basic information to the public to justify their orders.

He hoped both sides could find some way to move forward in future in the interest of a free and democratic society.

Defence lawyer Gord Cudmore said after the ruling, "I think he (the justice) was very fair."

The court found that journalists could do their jobs, and while they couldn't interfere with police, he said, police had obligations too.

"My experience is if you give the press a good reason, they'll leave," he said.

Brett Hueston said afterward, "I would call it a relief, and not much more than that."

He and his father John had known from the start they'd done nothing wrong, he said.

"We're all in the communications business, and if police had communicated a little more, it would have saved this whole mess."

John Hueston thanked the Huestons' lawyers Mr. Cudmore, Perrie Douglas and supporter Nancy Poole, and her late husband, criminal attorney Bill Poole, as well as supporters from the public.

"We never did anything that any regular citizen would find

offensive," he said.

He recalled being arrested, handcuffed and taken to cells. "I won't get over that."

"Hopefully, the police will pay a little more attention to what our rights are."

The relationship between the Express and the OPP "is very thin right now," he continued. "In a free country like ours, the police are there at our behest."

The relationship between OPP and the press shouldn't be so adversarial, he added.

Some issues still had to be settled, such as the return of equipment seized from the men.

"We want our cameras back, we want our photographs back," he said.

They later picked up their cameras and memory cards at the St. Thomas OPP detachment.

"The police did not do the right thing in the first place - they interfered with the ability of journalists to do their job and inform the public. They also failed to do the right thing in the second place, by refusing to admit they made a mistake and forcing the issue to court," said Canadian Association of Journalists President Karyn Pugliese.

"The CAJ is pleased this decision upheld media rights, however I'm mindful that reporters John and Brett Hueston suffered personal and financial stress over the 16 months it took to process this case. They had to buy new cameras, as theirs were seized by police, plus they now have court expenses for defending themselves against an arrest that we all know should never have happened," added Ms. Pugliese.

"I hope, in future, this decision compels police officers to recognize the important democratic role media have in serving the public's right to know."

"We accept the court decision and we have confidence in the courts," West Region OPP Acting Sergeant Ken Johnston, the community safety co-ordinator, said.

He said the OPP doesn't usually comment on court decisions.



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