

# Ontario teen found not guilty in fatal ATV collision

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## Judge finds no clear evidence that he was the operator of the vehicle

An Ontario judge has found an Ontario teen not guilty of manslaughter and driving under the influence, concluding it was not possible to prove the teen was operating an ATV that struck, and killed, a pedestrian. The fatal crash occurred during the early evening on a hot summer day, approximately 150 km north of Sudbury.

The 18-year-old accused, who was 17 at the time of the July 25 incident, pleaded not guilty to the charges, although his blood-alcohol level was over the legal limit when the crash happened.

Under provisions of the Youth Criminal Justice Act, the teen cannot be identified.

During a brief trial, Ontario Court Justice Ronaldo Martin heard from one Crown witness, a friend of the accused, who was riding another ATV beside him.

The witness told prosecutor David Matheson the pair had been drinking whisky and wine at the home of the accused parents, who were on holidays in Europe. He indicated the pair planned to go to the local drive-in cinema later that evening.

“At some point, we left the house to get some fresh air,” the witness recounted. “We took off on our ATVs around the back roads. My friend’s ATV got wrecked I think. I guess we were in a crash. Later, I found out it happened on a side road, somewhere,” he testified. The witness insisted he does not remember who ran over the victim.

“Was it a bad crash?” the assistant Crown attorney asked.

“My friend’s ATVs looked pretty smashed up,” the witness responded. “All I know was what I saw a few days later. His ATV was pretty banged up”.

The witness indicated he remembers hearing a loud yell from the accused, but does not recall any involvement with the police after the crash.

Susan Parkinson, lawyer for the accused did not call a defence.

Based on the evidence, the Crown “has failed to prove either offence beyond a reasonable doubt,” Judge Martin said.

(Based loosely on a true incident and adapted by N. Lim)