

PROVINCE

Orphan orca will be left alone, for now

Associated Press

The young killer whale hanging out alone in Puget Sound is actually in pretty good shape, 10 days of monitoring have determined.

Her solitary state is not the norm, but she is eating and active and "not giving any indication that intervention is called for," spokesman Brian Gorman with the National Marine Fisheries Service said Monday.

She's one of two young whales in the region that have become separated from their family groups, or pods, and for months have managed on their own — unique in the experience of scientists who have studied resident Northwest orcas for the past quarter century.

"If nothing else we'll learn a great deal more about killer-whale behaviour from all this," Gorman said.

The young female was first spotted Jan. 14 near the Vashon Island ferry dock in the middle of Puget Sound near Seattle. Initially there were concerns that she was in poor health — she smells like paint thinner, which indicates she's digesting her own fat and might not be eating enough. She also has a sloughing skin ailment common to the species dubbed "killer whale pox."

The feeling then was that "we had no choice but to let her die or put her in an aquarium," Gorman said. "And we certainly had aquariums that had the resources to come and do something for this calf."

But when scientists learned more, the sense of crisis faded. Daily monitoring has determined her condition is not getting worse, though it's not yet known whether she's getting better. Over the weekend, scientists finally obtained samples of her respiratory gases. Analysis will take another week.

Bullying led to suicide

Teen found guilty in death of fellow teen



Southam photo

Cindy Wesley, mother of 14-year-old Dawn-Marie Wesley, arrives at the courthouse in Abbotsford for the trial of two teens accused of criminal harassment which led to Dawn-Marie committing suicide.

VANCOUVER (CP) — When the landmark criminal trial of two 16-year-old girls ended Monday with a guilty verdict, another name was added to the sad saga of teen bullying that has led to murder and suicide.

To the names Reena Virk, Hamed Nastoh and many others, Dawn-Marie Wesley, 14, is now added.

Dawn-Marie hanged herself. Her two former friends were charged after they were named in the suicide note she left behind in November 2000.

The case, which centred on bullying, was the first time the province has brought school-girls into court after a suicide to face such charges.

A youth court judge found one of them guilty of criminal harassment. The other was acquitted of uttering threats following an emotional trial attended by Dawn-Marie's mother and the mothers of the two girls charged.

During the trial in a Fraser Valley courtroom, the harsh reality of teen cold-heartedness, where bullying and threats sharply contrast with the idyllic and perhaps non-existent days of adolescent innocence, was on display.

Youth court Judge Jill Rounthwaite indicated there was no doubting the threats of one teen were meant to intimidate Wesley, but felt the Crown failed to prove beyond a reasonable doubt the threats were made by a second teenaged girl.

A spokesman for the Attorney General in

Victoria said under the Young Offenders Act, the maximum sentence for criminal harassment is six months in custody or 24 months probation.

Testimony during the trial focused on a series of incidents where the two girls, and a third teen to be tried at a later date, repeatedly taunted the victim before she hanged herself.

"It's unfortunate that my daughter has to be in the middle of all this," Cindy Wesley said after the verdict. "I wish that my family, my community, my province and my country didn't have to deal with this. But we do."

Dawn-Marie killed herself in November 2000 shortly after speaking on the phone with friends who accused her of spreading false rumours.

"Now that we have the judicial system acknowledging that what's going on with our youth today is wrong, I think we're going to move forward on this," said Wesley.

After the verdict, Wesley hugged the teen who was acquitted.

"It's pretty emotional to me," sobbed the teen. "I wish I could have changed what happened."

Both accused cannot be named under provisions of the Young Offenders Act.

The judge heard the case alone in Abbotsford, a city about an hour's drive east of Vancouver.

Nasima Nastoh, who lost her son Hamed when the 14-year-old committed suicide by jumping from a bridge after being bullied and teased, was pleased with the verdict.

"Justice has been served," said Nastoh.

Victoria doctors set to cancel elective surgery

by BARBARA McLINTOCK
Southam Newspapers

All elective surgery in Greater Victoria will come to a halt next Monday if the government doesn't back off its plan to cancel binding arbitration, the capital city's surgeons announced yesterday.

Spokesmen for the approximately 70 surgeons practising in Victoria said they'll immediately follow the lead of anesthetists and perform surgery evenings, overnight and weekends only if necessary to save someone's life or limb.

But Premier Gordon Campbell said he still doesn't

believe the doctors will follow through on their threat to shut down all elective surgeries — upwards of 100 procedures a day in Victoria alone.

Health Planning Minister Sindi Hawkins, though, admitted the job action could mean substantial increases in waiting lists for those awaiting their turns for elective surgeries.

"In the short term, it does cause some challenges," said Hawkins who said the province has been talking to regional health authorities to ensure that essential levels of care are maintained.

Both Hawkins and Campbell stressed that they

want to work in co-operation with the B.C. Medical Association to determine how best to allocate \$392 million in new money which has been set aside for increases to compensation for doctors, and also what sort of a dispute resolution mechanism should be in place for the future.

"The government is saying the door is open," said Hawkins.

Campbell said he believes doctors will, in the end, do what's best for their patients, not political action.

"I would hope that they would reconsider," said the premier.

"Our plan is to work with the doctors."

Campbell said he still believes that many of the province's doctors still don't understand how much money the government has put forward for doctors' compensation increases.

But surgeons' spokesman Dr. Michael Stanger (cct) said the doctors' biggest complaint doesn't deal with money but with the government's abandonment of what appeared to be a binding process.

He warned that doctors are so upset that many are thinking of leaving B.C. altogether, something that would cause even larger problems to the health care system.

Verdict in child porn case expected today

VANCOUVER (CP) — A B.C. judge will rule today on whether to convict a man who challenged Canada's child pornography laws and prompted the Supreme Court of Canada to conclude work with artistic merit could be exempted from the law.

John Robin Sharpe faces charges relating to a collection of stories he wrote depicting sex between children and adults.

The latest trial, which took place earlier this year, turned on whether Sharpe's writings had any artistic merit as determined by the high court.

The Supreme Court ruled last year that it was fine to possess photographs depicting youths involved in sexual activity, provided that activity was lawful and the pictures were created for private use and with the consent of people involved.

The court also noted that visuals highlighting the sexual depiction of genitalia or the anus of someone under the age of 18 would be considered child porn.

But Sharpe's lawyer Paul Burstein argued in B.C. Supreme Court in January that the high court also concluded works with the characteristic of artistic value, "however small," could be defended.

According to two professors that testified for the defence, Sharpe has done that, Burstein argued.

Sharpe has been the pivotal character in the child porn debate. It was his case that prompted the Supreme Court of Canada to issue its ruling last year.

In 1999, Sharpe argued on his own behalf that Canada's child pornography law contravened freedom of speech provisions in the Charter of Rights.

Justice Duncan Shaw, of the B.C. Supreme Court, agreed, as did the B.C. Court of Appeal.

Armed with the Supreme Court's guidance on artistic merit, Shaw must now decide whether Sharpe is guilty of the original charges.

Woman killed while skydiving

KELOWNA (CP) — A world-class skydiver died Sunday when she appeared to land improperly at the airport in Vernon.

It appeared the female skydiver twisted her parachute lines low to the ground and lost control, said Coyne Loiselle, operator of Okanagan Skydive Centre in Vernon. The harsh impact on the ground apparently took her life.

The woman was an experienced skydiver, with more than 4,000 jumps to her credit, and was well known in local skydiving circles, said Loiselle.

"She contributed a lot to skydiving her whole life," said Loiselle. "She had a world record in skydiving."

The Kelowna woman's name is being withheld until her next of kin can be notified.

He said the victim was using a high-performance canopy on a routine skydive with three others. The equipment and weather conditions were fine.

"It was a freak accident," said Loiselle.

The woman's chute opened properly, he said, but it appeared she tried to turn close to the ground and landed too hard at a bad angle.

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