

National

B.C. MAN 'DIDN'T UNDERSTAND RIGHTS'

Supreme Court acquits confessed murderer

by STEPHEN BINDMAN
Southam News
OTTAWA — The Supreme Court of Canada has acquitted a brain-damaged British Columbia man who confessed to the brutal murder of two women.

The country's top court ruled Thursday that the confessions made by Wesley Gareth Evans, who is borderline mentally retarded, were "highly unreliable" because police lied to him and didn't ensure he understood his constitutional right to contact a lawyer.

Admitting the confessions would bring the "administration of justice into disrepute," Madam Justice Beverley McLachlin said in the unanimous ruling throwing out

his two convictions for first-degree murder.

"One can appreciate the pressure the police were under to find a suspect in these two terrible killings," wrote McLachlin.

"But that did not justify their conducting repeated and dishonest interrogations of a weak person in violation of his charter rights . . . Few things could be more calculated to bring the administration of justice into disrepute than to permit the imprisonment of a man without a fair trial."

Evans, now 26 but with the emotional level of a 14 year old, and his brother were arrested in August 1985 by Matsqui police.

Although police told Evans he was being arrested for trafficking

in marijuana, they hoped he would be able to provide evidence against his brother, who was then the main suspect in the murders of Lavonne Willems and Beverley Seto.

Willems's body was discovered Nov. 24, 1984, in a Matsqui home she was watching while its owners were on vacation. She had been stabbed 25 times.

Several months later in March 1985, Seto's body was discovered in the bedroom of a newly-constructed house in Abbotsford. A real estate agent, she had been conducting an open house when she died of multiple stab wounds.

When police asked Evans, who suffered brain damage when he was hit by a truck at age 9, if he

understood his rights, he said he didn't.

Despite that, the police continued to question him, placed an undercover officer in his jail cell, took him to the murder scenes, had him interviewed by a police doctor, taped a conversation with his brother and eventually obtained a written two-paragraph confession.

At one point, the police "lied" and told him his fingerprints had been found in the home where Seto had been killed.

Although Evans initially denied his guilt, he eventually confessed to the undercover agent and told detectives "I was going to kill again but I didn't have anyone picked out."

He eventually signed a written

confession and told the doctor he had killed the two women because of his frustration with women in general.

But McLachlin said the police should have explained to Evans his right to counsel both when he was first arrested and later when the suspicion shifted from trafficking to murder.

"A person who does not understand his or her rights cannot be expected to assert it.

"Where, as here, there is a positive indication that the accused does not understand his right to counsel, the police cannot rely on their mechanical recitation of the right to the accused. They must

take steps to facilitate that understanding."

During the taped conversation with his brother, Evans said he understood his right to remain silent because "I watch TV man, I know what's goin' on."

But McLachlin said "a garbled version based on American television" was not proof that he understood he was entitled to speak to a lawyer before talking to police.

"There can be no greater unfairness to an accused to convict him by use of unreliable evidence. Here (Evans's) deficient mental state, combined with the circumstances in which the statements were taken, cast significant doubt on their reliability."

Regulator shuts down trust company

by BERTRAND MAROTTE
Southam News
TORONTO — Standard Trust, already reeling from allegations of securities violations and its parent company facing bankruptcy proceedings, was shut down Thursday by a federal regulator.

The move means that the 30 deposit-taking branches and seven mortgage offices of Toronto-based Standard Trust Co. across the country will be closed until further notice.

ing the elements of the business with the least possible uncertainty and disruption for employees and clients."

Wilson said he has authorized the Canadian Deposit Insurance Corp. to provide advances to insured depositors in "special hardship circumstances."

As a member of the Canadian Deposit Insurance Corp., Standard Trust is covered for accounts of up to \$60,000.

CDIC has intervened to help many other troubled banks and trusts in the past.

Standard's controlling shareholder is Toronto-based holding company Roman Corp Ltd.

"Our feeling is one of disappointment," said Ed Shiller, spokesman for Helen Roman-Barber, chairman and chief executive of Roman.

"We thought it was understood that Standard was on its way to recovery," he said.

Depositors at Standard are being told to call an 800 number to get details on what the closings mean for their deposits, Murphy said.

With \$1.2 billion in deposits, Standard is the ninth largest trust in Canada. It took a bad hit last year as a result of a series of problem real estate loans.

Roy Firth, senior vice-president for marketing and development at Montreal-based Laurentian Bank of Canada, said "We haven't given up" on a proposed bail out of the company.

But he added that the deal as originally proposed would appear to be dead.

Laurentian had agreed to buy the troubled trust company unit from parent Standard Trustco Ltd. for about \$55 million. The deal included all 30 branches and seven

mortgage offices and most assets of Standard Trust Co.

Standard would have bought back the trust's non-performing loans, leaving it with bad real estate loans and debt load.

Standard Trust has about \$350 million of bad assets.

Standard Trustco's angry creditors, owed about \$100 million, said that such an agreement was

unacceptable, and on Wednesday they asked the courts to appoint a receiver so that they can take over Standard Trustco.

The creditors — led by the Montreal-based Caisse centrale Desjardins, the Bank of Tokyo Canada and Swiss Bank Corp. (Canada) — said the deal with Laurentian would essentially leave them with nothing.

Michael Mackenzie, Canada's superintendent of financial institutions, finally acted after closely monitoring the beleaguered trust's affairs for the last several months.

Nancy Murphy, spokesperson for the superintendent's office in Ottawa, said the uncertainty caused by the bankruptcy proceedings contributed to the decision.

"This company's financial condition dictated that it was time for the superintendent to take control," she said.

She said that the erosion of Standard's capital base had become too threatening to the security of depositors' money.

The office of the superintendent appointed accounting firm Ernst & Young as its agent, and offices were closed yesterday for auditing purposes, Murphy said.

She could not say when branches, mostly in rural Ontario, will reopen.

"(Ernst & Young) don't want to keep anybody on tenterhooks for any length of time," she said. "But the work is done when the work is done."

Finance Minister Michael Wilson said in a statement: "Efforts are continuing to find ways of resolving this situation in an orderly manner, with the aim of maintain-

ing the elements of the business with the least possible uncertainty and disruption for employees and clients."

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Cabinet shuffle delayed

OTTAWA (CP) — Prime Minister Brian Mulroney returned to Ottawa late Thursday from his ailing mother's bedside in Florida and quickly ruled out a cabinet shuffle for today.

In brief remarks at Canadian Forces Base Uplands upon his arrival, Mulroney said he wanted to consult key advisers before announcing a shuffle.

He has spent the last three days with his mother in Florida. He was working on the shuffle before his mother's heart attack and his sudden departure to be with her, he said.

Senior officials in Mulroney's office began Thursday calling the ministers involved in the shuffle and told them either to remain in the capital, or to return.

"They are all in town or getting on planes," said an aide to one minister who received such a call.

Topping the list for a move was Joe Clark. Sources said Clark was leaving the external affairs portfolio after almost seven years in the job to take on federal-provincial relations.

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