

Lawyers playing musical chairs in Walton case

Custody fight for Jerry Walton's remaining children takes even more twists and turns

By CHERYL JAHN

Free Press staff writer

Judge Lynne Dollis must have felt she was playing a game of Whack-A-Mole at the carnival on Tuesday afternoon, once again dealing with matters in the child protection battle between Jerry Walton and the Ministry for Children and Families.

Ms. Walton has been fighting since November to get her three daughters back from the ministry. They were taken into care after their sister, four-year-old Amanda Simpson, was rushed to Prince George Regional Hospital on October 30. She was suffering from a fractured clavicle, bruising and a massive head injury. She was air-ambulated to Vancouver's Children's Hospital, where she died of her injuries on November 2.

While a number of applications were made both in Provincial Court and B.C. Supreme Court, a protection hearing was set to begin on May 8.

Last week, Ms. Walton's lawyer said he could no longer act on this case, as Legal Aid would not pay him for the prepatory work. The Legal Services Society ini-

tially stated it would only pay for 10 hours of pre-trial work. After a long fight, L.S.S. then told Mr. Cluff they would pay for another 40 hours of prepatory work.

Mr. Cluff went before justice Ian Meiklem on Tuesday morning, hoping to have a Robotham application. A Robotham application is made if defence counsel in a criminal proceeding cannot adequately represent a client, and as such the charges should be stayed. There has never been a Robotham application made in a child custody proceeding. What Mr. Cluff hoped to do was demand the Attorney General pay for Ms. Walton's legal fees, or Ms. Walton would be forced to represent herself at the hearing. But Justice Meiklem refused to hear the application on Tuesday, stating the AG hadn't had enough time to put together a counter-argument. Instead, he said he would hear the arguments.

But by Tuesday afternoon, things changed dramatically.

The ministry's lawyer, Robert Hamilton pressed in Provincial Court for an adjournment of the hearing, to have it begin on May 29 rather than Monday. And he cited a number of reasons for the request, in particular, the uncertainty surrounding counsel in the hearing. The lawyer for the girls' father, Marcel Simpson, has now formally taken himself off the record because of conflict with ministry witnesses, the lawyer for the man Ms. Walton was living with at the time of Amanda's death, Ronald Polson, may also get off the case. And Mr. Cluff's position is tentative. As well, Mr. Hamilton argued the Parenting Capacity Assessment on Ms. Walton was not complete, as he claims Ms. Walton has refused to participate.

"To say that we're prepared to go on Monday would be a misstatement," he told Judge Dollis, adding there are simply too many loose ends to tie up before now and next Monday.



Amanda Jean Simpson

Baraniuk not guilty

A 34-year-old city man once accused of trying to reclaim an unpaid debt at the barrel of a gun is now free to go home.

Kyle Drake Baraniuk was arrested in the very early morning hours of December 10, 1999. He had given police a chase around the city, before he crashed his car into a fence at Fifth Avenue and Tabor Boulevard.

He was accused of barging into a Central Street motel room earlier the evening before, brandishing a gun, and demanding the patron of that room pay up on a debt.

Police pursued the investigation, despite objections from the victim. The victim went so far as to appear in Provincial Court some weeks before Tuesday's trial and state, "That's not him," about Mr. Baraniuk, who was appearing by video for a bail hearing.

On the stand, however, the victim conceded he had

been "pressured" to make the claim. At trial he identified Mr. Baraniuk as the man who came to his motel room and threatened him.

Mr. Baraniuk went to trial on charges of pointing a firearm, possessing a firearm for a dangerous purpose, assault and uttering threats.

But in giving his decision, Judge Bruce Macfarlane found the Crown had failed to prove beyond a reasonable doubt that the man who barged into the motel room on December 9, 1999 was indeed Mr. Baraniuk. Nor, he stated, had the Crown proved that whoever did go into that motel room was even carrying a gun.

As such, he dismissed all the charges against Mr. Baraniuk.



The #1 Acoustic Guitar in the Industry

Exclusively at Central BC's largest musical instrument dealer.

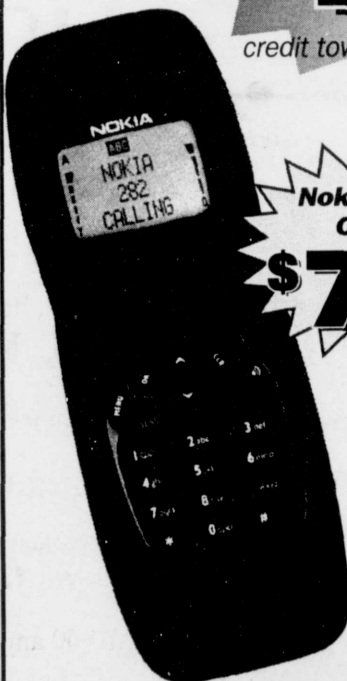
THE B&B MUSIC LTD.
Serving Northern B.C. Since 1949
563-0691
316 George St., Prince George

TALK IS CHEAP

receive

\$100

credit towards TELUS Mobility statement



Nokia 282
Only

\$79*

WE'LL BEAT ANY PRICE BY UP TO
5%
GUARANTEED!



Nokia 252
Only

\$39*

TELUS
Mobility
Approved Dealer

*With 3 yr. activation agreement

Visions

THE BEST NAME IN ELECTRONICS

*170-556 N. Nechako Rd.



562-5600

1-888-208-2888

Mon-Wed 10-6

Thurs & Fri 10-9

Sat 10-6 Sun 12-5



- Sales • Installation
- Sanding • Finishing
- Birch • Oak • Maple
- Exotics
- Finishes • Fillers
- Accessories
- Maintenance Products

564-4322

Check out our website!

www.escherfloors.com