

Caledon OPP responds after charge dropped over unsigned document]

By Zachary Roman

Last week, the Citizen reported on a careless driving charge that was thrown out of court over an unsigned document.

Tomislav Roki was accused of careless driving causing the death of Caledon teen Milo Yekmalian, who was just 18 years old when he died in a collision with Roki last May.

When the case was brought to Caledon's Provincial Offences Court on February 1, Roki's legal counsel successfully argued that information necessary to prosecute Roki should be nullified, as it was missing the signature of the Caledon OPP officer swearing it to be true.

Presiding Justice of the Peace Neil Burgess said if the officer had signed the statement, he would have found that it was fine to proceed on the matter.

"We don't have the officer swearing to the information, we don't have the officer signing the statement," said Burgess. He found the information to be null and the charge against Roki was dropped. The charge cannot be reissued as more than six months have passed since the collision.

"I see by looking at the information that this is a very serious matter, and I can tell you I am

not happy having been put in the position that I need to say that this is a nullity," said Burgess.

The Citizen asked the Caledon OPP as to if the officer in question might face any consequences, or if any detachment policies might change as a result of this case. The Caledon OPP could not respond by press time for last week's paper, but sent a statement to the Citizen on March 3.

"The OPP is looking into the matter and further conversations with Court Services are continuing to review the process. The current Court Services process is to forward the informations to a Justice of the Peace to review the document. Questions about that process and the actions of the Justice of the Peace should be directed to the Ministry of the Attorney General," wrote community safety and media relations officer Joe Brisebois. "Caledon OPP is also internally reviewing all informations and its procedures to ensure this does not happen again."

"The OPP has been in regular contact with the family. We want to assure the community that we are reviewing this incident and our procedures," wrote Brisebois.