

Unsigned document means charges dropped in fatal collision that killed Caledon teen]

Milo Yekmalian, 18, was killed in a collision on Charleston Sideroad last May

By Zachary Roman

The man who was accused of careless driving causing the death of a Caledon teen is no longer facing any charges.

On the evening of May 17, 2022, 18-year-old Milo Yekmalian of Caledon was killed in a head-on collision with 67-year-old Tomislav Roki of Toronto. The collision occurred around 8 p.m. on Charleston Sideroad near Shaws Creek Road.

Yekmalian was pronounced dead on scene and Roki was transported to hospital with minor injuries. As a result of a police investigation into the collision, Roki was charged with careless driving causing death under the Highway Traffic Act.

However, 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.

Pavan Bassi, representing Roki, said as the information was not signed there's no jurisdiction to proceed and that the information is defective.

'The name and signature of the police officer swearing the said information before the issuing Justice of the Peace is an essential element of the validity of the information,' said Bassi.

Liana Marcon, Crown Attorney, said the matter should be dealt with on its merits, considering the seriousness of the fatal collision.

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.

'To my surprise looking at the statement, the statement was never signed by the officer? we don't have the officer swearing to the information, we don't have the officer signing the statement,' said Burgess.

Other than the officer's name printed at the top of the information, Burgess found no other indication the officer was even involved in the matter of the collision.

Due to these factors, Burgess found the information to be a nullity 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.

Bassi apologized to Yekmalian's family and said it was a hard case to adjudicate but that every issue must be raised for his client.

Yekmalian's father spoke out after the decision.

'A signature? A signature, Your Honour? That's what my son's life is worth, a signature?? he said, according to court transcripts. 'My son was alive? in that car for longer than that gentleman has spent in court, dying 150 feet from his house.'

'This isn't justice,' he said.

The Citizen inquired 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 referred enquiries to Ministry of the Attorney General for comment.