

Can he remember killing her?

Hit-and-run driver's amnesia defence could be genuine, experts testify

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It is possible that accused hit-and-run driver Colin Jones struck pedestrian Lindsay Giacomelli in a crosswalk, stopped momentarily, then drove around her and left the scene unaware he had done so, a forensic psychologist testified Tuesday.

"I think, from the facts you have given me, it's possible he was unaware," Thomas Dalby told defence lawyer Balfour Der.

Dalby told the lawyer he interviewed Jones for more than four hours on Oct. 26, 2005 - seven months after he was charged with hit and run involving the 20-year-old woman's death on Bonaventure Drive S.E., near Southcentre mall, on March 17, 2005.

Later, under cross-examination, Dalby agreed with Crown prosecutor David Torske that as many as 20 to 40 per cent of offenders claim amnesia for not being able to recall such incidents.

"Is it possible to feign amnesia and fool experts assessing them?" the prosecutor asked the psychologist.

"Yes," Dalby replied.

Jones, 49, a self-employed construction manager, has pleaded not guilty to hit and run.

The defence called Dalby and a forensic psychiatrist, Dr. Yuri Meteletsa, in an attempt to show Court of Queen's Bench Justice Allen Sulatycky that Jones was unaware he had struck anyone, and thus did not have any intent to commit the crime.

Jones's 2001 Dodge Durango struck Giacomelli in a marked crosswalk at 8:14 p.m., less than two hours after he left a St. Patrick's Day party at the Rose and Crown pub in the Beltline district, where he had consumed an undetermined amount of alcohol.

He previously testified he had been clinically depressed for many years, was not taking his anti-depressant medication, and was under immense stress because of work and his breakup with wife Karen when the incident happened.

Jones also said he did not recall making a cellphone call to his wife from his vehicle about 15 minutes before the collision or buying gas at a Shell station a couple of minutes before the crash.

Jones also testified he has no memory of being involved in a second collision, with a parked truck the following day in Carstairs, or being arrested after boarding an Air Transat flight in Toronto, bound for Gatwick, England, four days after the fatal



CREDIT: Ted Rhodes, Calgary Herald
Colin Jones, who says he has no memory of running down Lindsay Giacomelli in a crosswalk in 2005, leaves court Tuesday during a break in his trial.

collision.

Meteletsa, the forensic psychiatrist, later testified that Jones may have been suffering from cognitive difficulties from a long-standing clinical depression at the time of the incident.

"I do not know exactly, but high stress may be able to affect the depression of Mr. Jones," Meteletsa told Der.

"Depression can worsen and symptoms, including cognitive abilities, can be affected."

The psychiatrist agreed that many offenders claim amnesia, but declined to comment about whether it is in the range of 20 to 40 per cent.

"My experience tells me that claimants who don't remember is quite common," he added.

"But about prevalence, I cannot remember.

"Amnesia can be the result of many, many causes."

The trial will continue Thursday, when Torske is expected to call other forensic experts as rebuttal evidence.

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