



Members of the Giacomelli family, seen here at Lindsay's funeral, say they are "totally discouraged" at the light sentences given to hit-and-run drivers. Calgary Herald Archive

FROM BI  
**FAMILY: 'Discouraged'**

Jones then staged a second collision, this time with a parked flatbed truck in Carstairs, in an attempt to cover up the first vehicle-pedestrian encounter.

As Lindsay's family gathered by her side in her final hours, nearly 24 hours afterward, police visited Jones' home as part of their extensive investigation.

After they left, Jones hastily packed and went to the Calgary airport, where he rented a car and drove to Regina. He was later arrested in Toronto aboard an Air Transat flight bound for Gatwick, England.

It was never fully explained in court why Jones — who claimed during his trial to have suffered from years of clinical depression and stress related to an impending divorce and his work as a project manager in the construction industry — did not stop after running down Giacomelli.

He claimed not to remember the collision or much of what happened the following two days.

Dr. Thomas MacKay, a forensic psychiatrist, said it is not likely that such a person would forget everything that happened that day, as well as the days before and after. "To have total blocking out of memory of a significant event is not likely," Mackay said.

While the 30-month penalty has raised the bar for those who flee accident scenes, it still falls well short of the maximum life sentence Parliament introduced in 2001 when it amended the Criminal Code. Prior to that, the maximum penalty was just five years for hit and run, with no provisions to deal with death or injuries.

"Does two and a half years send a strong enough message for people who are victims of hit-and-run crimes? Not at all," says Shawn Howard, head of the Canadian Justice Foundation, a law and order and victims advocacy group. "You probably serve more time for stealing somebody's money or property than for causing someone physical harm."

"If you've got enough sense to realize there's harsher punishment coming if you stick around, there must be a harsher penalty for leaving and trying to cover up the crime. You also have to make them rethink before they commit the crime and send them a message so they don't get involved in the justice system and don't get others involved as victims in the first place."

The sentence, while unprecedented, provided little solace for the Giacomelli family.

"Not much has changed," Gerry Giacomelli said after the sentencing. "Right now, I'm totally discouraged. I don't have a lot of faith in the justice system and this hasn't built any faith back up."

Sgt. John Froese said Calgary police have seen an increase in the number of hit-and-run cases, but couldn't say by how much or whether the increase is simply related to population growth.

There were more than 8,000 hit and runs in 2006, more than 7,800 of those involving property damage, said Froese. Four of those incidents involved deaths; 212 resulted in injuries.

Three of the cases involving fatalities and about 45 per cent of those involving injuries were solved.

"The reason for not solving them, I believe, is just a lack of witnesses," said Froese. "A lot of crimes of this sort are solved by the public's help. You can only do so much forensically, because of lack of manpower. We've got to direct our resources to the most serious cases."

Froese believes the sentences being handed out for hit and run are a deterrent, because most people involved are first-time offenders.

"But it's not like 30 months is a large



Colin Jones got a precedent-setting 30 months in jail for the 2005 hit-and-run death of Lindsay Giacomelli. Calgary Herald Archive

Assuming (Jones) was impaired and running from other crimes... my understanding is if he stayed, the sentence could have been higher. To me, the message is clear: it's run and, if you do, you'll get off with a lesser sentence. — **GERALD GIACOMELLI, LINDSAY'S FATHER**



The Giacomelli family at Disney World in November 2004, about four months before Lindsay's death. Courtesy, Giacomelli family

You lose a daughter in these circumstances... and the punishment, does it fit the crime? As I told them when we started this case over a year ago, "There's never going to be a sentence that's going to be enough in your eyes."

— **PROSECUTOR DAVID TORSKE**

sentence, when you consider the maximum — life — could be 25 years," he said.

David Torske, who prosecuted Jones, said he understands the frustration of the Giacomelli family.

"You lose a daughter in these circumstances... and the punishment, does it fit the crime? As I told them when we started this case over a year ago, "There's never going to be a sentence that's going to be enough in your eyes."

The highest previous hit-and-run sentence in Canada, according to Torske's research, was the two years handed out last October to Calgary driver Samrat Dhuna, who fled the scene of a fatal collision in Kensington on New Year's morning 2006. It was added to the eight-year sen-

tence he received from Justice Peter McIntyre for manslaughter for mowing down several people with a van, killing Raminder (Rami) Dhadda and severely injuring Karen Gill and Parminder Marahar.

Torske said he believes Justice Sulatycky has heard what Parliament said in amending the law and heeded the message from the Alberta Court of Appeal, that it's time to step up the sentences for these type of cases.

"But I don't think this is the sort of sentencing trend that can happen overnight. For a long time, a one-year sentence was the usual sentence. This is quite a departure."

Regardless the sentences, families are forced to deal with the grief.

For Bray, as it is with the Giacomelli family, the pain continues.

"She was more than a remarkable lady. I miss her and think about her every day," said the patriarch of six grown children, 22 grandchildren and 23 great-grandchildren. "The situation is never out of my mind, especially when I go for a walk and see a car coming and remember what happened to Lillian."

The Giacomellis have two other children — daughter Stephanie, 16, and son Nick, 20 — to keep them focused on the future.

Lindsay was finishing her third year of dance studies and had just decided to switch to a history major days before she was killed and was about to move in with her boyfriend. According to her father, she was "on Cloud 9."

The family keeps Lindsay's memory alive through a golf tournament. The third annual event goes June 14.

The Lindsay Rachel Giacomelli Memorial Fund, established through the Calgary Foundation, donates to causes such as the Calgary Zoo and the Military Museums — organizations she would have supported.

"I can't think of a more painful experience than losing a child," Leslie Giacomelli, Lindsay's mother, said in her victim impact statement at Jones's sentencing hearing last week.

"Lindsay was full of life. She was beautiful, kind, thoughtful, talented, smart and funny. She had dreams, and plans and ambitions. I should have been able to watch her life unfold."

**Court cases involving hit-and-run drivers**

**2007**



**VICTIM:** Lindsay Giacomelli, 20, is killed in a crosswalk on Bonaventure Drive near Southcentre mall on March 17, 2005.

**SENTENCE:** Colin Jones, 50, is found guilty and sentenced to a precedent-setting 30 months in prison. Jones was also prohibited from driving for five years.

**2006**



**VICTIM:** Paul Pawlicki, 15, is killed and three friends seriously injured when their vehicle is struck by a stolen car at Macleod Trail and 4th Avenue S. on June 27, 2006.

**SENTENCE:** Neil James Sharp, 33, pleads guilty and receives a seven-year prison sentence for criminal negligence causing death, as well as nine months for hit and run for fleeing the scene, all consecutive. Sharp also received a 10-year driving prohibition upon release.



**VICTIM:** Raminder (Rami) Dhadda, 24, is killed after leaving a private New Year's party at Sam's Bar and Grill on Kensington Crescent N.W.

**SENTENCE:** Samrat Dhuna, 19, is sentenced to 10 years in prison for manslaughter causing death, four counts of hit and run, two counts of aggravated assault and assault with a weapon (the van). He received two years consecutive for hit and run.

**2005**



**VICTIM:** Ricky Vienneau, 27, is killed and his friend seriously injured when they are hit while attempting to cross the road in 1100 block of 17th Avenue S.E., July 8, 2004.

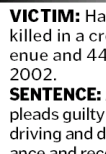
**SENTENCE:** Amy Leigh O'Flynn, 24, pleads guilty and receives a conditional sentence of the maximum two years less a day, a two-year driving prohibition and \$1,100 in fines, mostly for the impaired driving charge.



**VICTIM:** Paula Lynn Ashby is killed when her vehicle is broadsided at the intersection of Centre Street and 25th Avenue N. on Dec. 12, 2004.

**SENTENCE:** Jordan Lee Desroches, 21, pleads guilty and receives a four-year prison sentence for criminal negligence causing death and an additional four months for hit and run.

**2003**



**VICTIM:** Hazel Jean Smith, 70, is killed in a crosswalk at 8th Avenue and 44th Street S.E., Oct. 21, 2002.

**SENTENCE:** Ahmed Khaled Taha, 23, pleads guilty to hit and run, careless driving and driving without insurance and receives a 12-month conditional sentence and more than \$4,000 in fines.

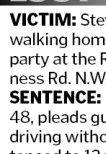
**2002**



**VICTIM:** Calvin Corcoran, 11, suffers massive head and chest injuries when he is hit at a crosswalk on 4th Street and Blackthorn Road N.W., Jan. 31, 2000. He is removed from life support later that day.

**SENTENCE:** Justin Thomson, 20, pleads guilty to failing to remain at the scene, careless driving and mischief and is given an 18-month conditional sentence and a two-year driving ban. Along with the sentence, Thomson is to complete 240 hours of community service and pay a \$1,350 fine.

**1997**



**VICTIM:** Steven Perch, 78, is killed walking home from his birthday party at the River Inn, 6404 Bowness Rd. N.W. on March 7, 1996.

**SENTENCE:** Norman Gale Brown, 48, pleads guilty to hit and run and driving without insurance. He is sentenced to 12 months in jail and given a \$2,500 fine as well as a three-year driving probation.

**1995**



**VICTIM:** Lillian Bray, 78, dies after being struck by a car in a crosswalk at the intersection of Varsity and Viscount Drive N.W., Aug. 30, 1995.

**SENTENCE:** Kevin Thomas Valance, 40, is sentenced to one year after pleading guilty to failing to remain at the scene of an accident as well as a 12-month driving ban after his release.

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