

## Hit & run defence tossed

### Judge cites strange behaviour in finding driver guilty

By [KEVIN MARTIN](#), SUN MEDIA

Calgarian Colin Jones' "strange" behaviour after learning of the death of a pedestrian was proof he consciously fled the fatal crash, a judge ruled yesterday.

Justice Allen Sulatycky said it was clear Jones decided to skip town when a police officer informed him a woman had been struck and killed with a vehicle similar to his.

"Mr. Jones ... when he became aware that a person had been killed in the accident that he was in the previous day, decided he had to escape," Sulatycky said.

The Queen's Bench judge rejected Jones' explanation for trying to travel to England after giving power of attorney over his property to a friend.

The city man said his depression over the break-up of his marriage drove him to want to be with family in his homeland.

Sulatycky said until Jones' took steps to flee the country, there was insufficient proof he was aware he had struck and killed Lindsay Giacomelli.

"Up to this point the evidence does not permit me ... to conclude beyond a reasonable doubt that the accused had the necessary state of mind," the judge said.

"But events then take on a strange direction which Mr. Jones explains as the result of being distraught about the separation," Sulatycky said.

"The explanation the accused gives for this particular day and his conduct simply are not believable," Sulatycky said.

Experts testified Jones may have been so distracted by events in his life, including his marriage breakdown, he was unaware he had hit Giacomelli.

Giacomelli, 20, was killed while crossing Bonaventure Dr. S.E. March 17, 2005.

Jones, who was arrested on a London-bound plane, testified he had no recollection of the collision and doctors said it was plausible he was distracted enough to be oblivious to the crash.

But Sulatycky said Jones couldn't have missed Giacomelli's body in the road in front of him or the loud thuds witnesses heard.

Outside court, the dead woman's mother, Leslie, expressed relief at the verdict.

"We believed all along that he was trying not to take responsibility and we're happy that the judge agreed with us," she said.

Defence lawyer Balfour Der said he will seek of house arrest for his client when the case returns to court May 15.

Crown prosecutor David Torske said he will call for a jail term, noting the recently new offence of hit-and-run causing death carries a maximum life sentence. "The message from Parliament and from our Court of Appeal is that the penalties are going to increase for these types of offences and that jail is appropriate," Torske said.