

Accused says he can't recall fatal accident

DARYL SLADE CALGARY HERALD

Colin Jones broke down crying several times as he testified Thursday that he has no recollection of fatally striking a pedestrian and driving away.

Jones, on trial for hit and run causing the death of Lindsay Giacomelli, 20, told defence lawyer Lisa Burgis he 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.

On March 17, 2005, his 2001 Dodge Durango struck Giacomelli in a marked crosswalk near Southcentre mall at 8:14 p.m.

Earlier this week, co-counsel Balfour Der said in his opening that Jones was clinically depressed for many years. He said medical evidence will be called to support Jones's statement he did not have knowledge of being in an accident and, therefore, did not have the requisite intent for hit and run.

Jones, now self-employed in construction management, told Der on Thursday he also 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 service station a couple of minutes before the crash.

He was en route home from the Rose and Crown pub downtown, where he had celebrated St. Patrick's Day, drinking an undetermined amount of alcohol.

Jones also said he did not recall boarding an Air Transat flight in Toronto, bound for Gatwick, England, a couple of days later to "get away" from his stresses and visit family in the U.K. He did recall being taken off the flight and arrested for hit and run.

"I remember being brought off the aircraft. I don't have specific memory of boarding the plane," said Jones.

"I didn't understand why I was being arrested for it. I remember thinking it's no big problem. I didn't think they had the right person."

Jones, 49, said he could not remember being in a second collision — the day after Giacomelli was struck — with a parked flat-bed truck in Carstairs, 60 kilometres north of Calgary. Nor could he remember anything from that evening.

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See Valerie Fortney, [Page B5](#)

However, a city police officer testified this week he was told by Jones about the Carstairs crash when he went to the accused's home around 9:30 p.m. on March 18, 2005, to investigate the case. Police were checking all red Durangos in the city made between 2000 and 2002, because of paint and pieces of plastic found where Giacomelli was hit.

Just over 90 minutes later, court documents show, Jones rented a vehicle at the Calgary airport and drove to Regina to catch a series of one-way flights to Winnipeg, Toronto and Gatwick, England.

Jones testified Thursday he drove to Regina because he could not get a flight out of Calgary to England.

Later, under cross-examination by Crown prosecutor David Torske, Jones repeatedly said he either had no specific knowledge of events over the three or four days after the fatal crash, or he only knew about them from reading court documents.

That led Torske to seek an adjournment to continue cross-examination today.

"In my opinion, a legal issue has arisen in the course of testimony of the accused," Torske told the judge. "At the outset of the trial, you heard Mr. Der in his opening say that the defence was one of diminished capacity. . . . What we have heard in evidence today is either retrograde (post-offence) or organic (mental disorder) amnesia.

Torske said post-event amnesia is not a legal defence.

The defence is expected to call three more witnesses today before the case is adjourned until February for expert psychiatric evidence.

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Lindsay Giacomelli



Ted Rhodes, Calgary Herald HIT-RUN DRIVER TESTIFIES Colin Jones tells court he can't remember the four-day span in which he ran over and killed a 20-year-old woman