

## JUSTICE

# Hit-run penalties too soft, dad says

*Victim's father speaks out*

DARYL SLADE CALGARY HERALD

Lenient sentences handed out by the Canadian justice system are essentially an open invitation for drivers to flee the scenes of accidents, says the father of a 20-year-old woman struck and killed at a southeast crosswalk last year.

"If you were to be impaired or for some other reason such as not having a driver's licence or no insurance and hit somebody, then stayed put, the penalty is larger," said Gerald Giacomelli. "So there's no deterrent."

Giacomelli said it has been difficult for him and wife Leslie to sit through the trial of a man charged with hit and run causing the death of their daughter, Lindsay, on March 17, 2005, as she walked across Bonaventure Drive to Southcentre Mall to buy a present for her boyfriend.

Colin Jones, 49, is on trial at Court of Queen's Bench for hit and run causing her death.

But the distraught father says the issue is much wider.

"It's a tragedy, but it's not a story of Lindsay Giacomelli. It's bigger," he said during a break outside court. "It's about Carley's Law.

"It's about penalties for running. You don't have the guts to stay and fess up to what you've done (and you run). That's not something that I would do. But the system has proven that it hasn't applied just penalties."

Carley's Law is named for Carley Regan, a 13-year-old girl who was struck and killed by a hit-and-run driver in Abbotsford, B.C., on Jan. 6, 2003, while in-line skating with her sister and a friend. The offender got 18 months and a 10-year licence suspension.

Giacomelli said the penalties in Calgary for hit and run, which range from six months to two years, with some offenders getting a conditional sentence of house arrest, is inadequate.

On Wednesday, Samrat Dhuna, 19, got two years added on for hit and run to his eight years for manslaughter for mowing down a group of people, killing one and severely injuring two others outside a New Year's party on Jan. 1.

Carley's Law, expected to be re-introduced by the Stephen Harper government as part of its "get tough on crime" bill this fall, would see minimum prison sentences for hit-and-run drivers: four years for causing bodily harm and seven years for causing death.

Giacomelli found statistics that show in Toronto alone there were an average of 36 pedestrian hit and runs a day for 2005, from minor injuries to deaths like that of his daughter.

There are 26 fatal hit-and-run vehicle-pedestrian collisions a year Canada-wide, he added.

"If you run, you've told us that you're guilty," said Giacomelli. "You've told us why you're running — to hide. That's my view.

"Something like this is needed, otherwise you go through the crap we've had to go through. It's not right."

He said he has had to turn off his emotions and try to watch and listen

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The trial for the man accused in the hit-and-run death of Lindsay Giacomelli has been exhausting for her mother, shown left leaving the courthouse.

to the evidence.

It has helped, he said, to have a couple dozen friends supporting him in court every day.

"Lots of times I cry afterward and get emotional," he said.

"So I am listening intently but it has been tough on my family. It's tough on my wife, it's tough on all of us. When we get home at the end of the day, we're exhausted."

The case has been adjourned until Feb. 20, when expert psychiatric evidence will be called.

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Gerald Giacomelli, whose daughter died in a hit and run, says weak sentences are hardly a deterrent.



Lindsay Giacomelli