

DRIVER FLED CROSSWALK FATALITY

Judge finds driver guilty in fatal hit-run

DARYL SLADE CALGARY HERALD

Colin Jones had to have known he'd hit a pedestrian — and he drove away without offering any assistance, Court of Queen's Bench Justice Allen Sulatycky said Wednesday.

But it was the driver's "bizarre" behaviour following the fatal southeast collision that left Sulatycky with no reasonable doubt, leading him to convict Jones of hit and run causing the death of Lindsay Giacomelli, 20.

The odd behaviour started immediately after the fatal collision on March 17, 2005. Jones drove away from the Bonaventure Drive crosswalk, went home, ordered pizza and watched a pay-per-view movie.

The next day, he staged a second collision — this time, his Dodge Durango slammed into a parked truck in Carstairs.

Then he rented a car and drove to Regina. Once in Saskatchewan, he took a series of flights, to Winnipeg and Toronto, before being arrested aboard a one-way flight about to depart for Gatwick, England.

"For him to ignore his plans, go away and leave all the plans . . . then drive to a small airport where there are likely no flights to Britain, just to get to a larger airport, defies reason," said Sulatycky.

The victim's parents said they were relieved at the verdict, but opted to save reactions until after sentencing arguments on May 15.

"I was expecting it could go either way . . . I have no faith in the justice system," Gerald Giacomelli, Lindsay's father, said outside court.

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Lindsay Giacomelli

Photos, Colleen De Neve, Calgary Herald



Leslie Giacomelli, left, receives a hug from a supporter Wednesday prior to hearing the guilty verdict against Colin Jones, the driver who hit her daughter Lindsay in a crosswalk in March 2005 and drove away.

Colleen De Neve, Calgary Herald



The behaviour of Colin Jones, above, in the days after he killed a pedestrian convinced a judge of his guilt.

DRIVER: 'He decided he had to escape,' says judge

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Leslie Giacomelli, his wife and Lindsay's mother, added: "We're happy that the judge agreed with us."



Jones, 49, testified during the trial he had no memory of either collision, and left Calgary to get away from his clinical depression and the stress of his marriage breakup.

Sulatycky said that when police came to Jones's home to check out his vehicle as possibly being involved in the fatal crash 24 hours earlier, it should have been an opportunity to acknowledge what he'd done — even if he couldn't remember.

"When he became aware that a person had been killed in an accident he was in the previous day, he decided he had to escape," said the judge.

Crown prosecutor David Torske told the judge he'll seek no less than prison. Defence lawyers Balfour Der and Lisa Burgis indicated they'll argue for a conditional jail sentence of less than two years, to be served in the community under house arrest.

"The eyewitnesses and reconstruction evidence indicates there was no way (Jones) could not have been aware of the fact he'd struck and seriously injured Ms. Giacomelli, and that her life was in danger," Torske told reporters.

"That in itself was sufficient (for guilt), but the judge said his postoffence conduct in an attempt to flee the city pointed more strongly to that result."

A witness testified Giacomelli's body flew through the air on impact — later determined to be 22 metres. The driver stopped, drove around her and left, according to the witness.

Torske, citing other recent incidents, said a message has to get out that one can't get away with hit-and-run offences.

Der said his client has been remorseful from Day 1, and he and Burgis will try to keep him out of jail so he can continue working.

"If he had known he'd run over this young lady, he'd have pled guilty," said Der. "His position has always been that he doesn't have a memory of this. On that basis, we ran the trial.

"Four experts who testified all said the defence put forward was a possibility."

Sulatycky said the fact the woman came to rest in Jones's line of sight — even if his perception was impaired because of depression, stress and alcohol consumption — he "could not have failed to notice this was a human being."

"He could have chosen to be ignorant of what had happened," said the judge. "In other words, he could have closed his eyes to it. In my view, that is what he did.

"He may very well have been overwhelmed by the magnitude of what he had just done, hoped there would be no consequences and drove off. . . . That is what the law describes as wilful blindness."