

Total memory loss 'not likely,' psychiatrist says

Driver's recall a central issue at hit-and-run trial

Daryl Slade

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If a motorist is suffering from depression and encountering several key life stressors when he strikes a pedestrian with his vehicle, it could be sufficient trauma to cause amnesia, a forensic psychiatrist testified Thursday.

Dr. Thomas MacKay, testifying in Colin Jones' hit-and-run trial at Court of Queen's Bench, added that 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 told Crown prosecutor David Torske.

Torske called MacKay to give rebuttal evidence to two defence expert witnesses who testified Tuesday.

Jones, 49, who struck Lindsay Giacomelli in a marked crosswalk on Bonaventure Drive S.E. near Southcentre Mall on March 17, 2005, testified he has no memory of the collision and very little memory of what occurred the next four days.

"You can be aware of what you were doing at the time and forget," said MacKay, clinical medical director of forensic assessment and outpatient services at Peter Lougheed Hospital.

Jones, who had been drinking alcohol at a St. Patrick's Day party at the Rose and Crown pub before he struck the 20-year-old woman, drove home after the collision, which occurred at 8:14 p.m.

He told court he had suffered clinical depression for several years, was in the process of breaking up with his wife, and was under immense stress on his job as a project manager with a construction company on the day of the fatal collision.

He was involved in a second collision with his Dodge Durango, striking a parked truck in Carstairs the following day. He was arrested on March 21, 2005, on board a jet in Toronto about to depart for Gatwick, England. He had bought a one-way ticket.

MacKay told defence lawyer Balfour Der under cross-examination that amnesia can be instant or retroactive, and that Jones could have driven away and wouldn't remember from what he was leaving.

The psychiatrist agreed with statements in a report filed by forensic psychologist Patrick Baillie that he has "no clear evidence to suggest Jones is lying about his poor recall" and Jones "did not appear to be fabricating the memory problem."

Torske and Der will present their final arguments in the trial to Justice Allen Sulatycky today.

dslade@theherald.canwest.com

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