

## HIT-AND-RUN TRIAL

# Driver could have avoided victim: expert

DARYL SLADE CALGARY HERALD

Colin Jones should have been able to see Lindsay Giacomelli and avoid fatally striking her with his 2001 Dodge Durango as she crossed Bonaventure Drive S.E. on foot last year, a city police accident reconstructionist testified Wednesday.

"The pedestrian was lawfully in a marked crosswalk, about 75 per cent of the way across, when struck," Const. Ken Reed, the final Crown witness called at Jones' hit-and-run trial in Court of Queen's Bench, told Crown prosecutor David Torske.

"The lighting was adequate. The Dodge Durango should have yielded right-of-way to the victim."

Reed also said environmental factors did not play a role in the collision as the pavement was dry and clear.

Jones, 49, may get to tell his version of events this morning when he is expected to take the stand to start his defence.

He has admitted in a signed court document that he was behind the wheel at 8:14 p.m. on March 17, 2005, when his vehicle struck the 20-year-old Calgary woman and that he drove away a few seconds later.

However, his lawyers, Balfour Der and Lisa Burgis, have said Jones was clinically depressed and unaware he had hit anyone.

Reed said evidence at the scene, adjacent to Southcentre mall, confirms Jones's vehicle was travelling at a speed of 47 to 49 km/h at the point of impact.

He said he concluded that, due to hard braking at impact and post-impact, the driver must have been aware of the reason he had to fully hit his brakes.

However, Justice Allen Sulatycky agreed with Der's objection that such a conclusion was not beyond a layman's capabilities, and it was thus up to him and not an expert witness to determine such a fact.

"Vehicles don't come to a stop for no apparent reason," said Sulatycky.

Jones was arrested four days later, after he boarded an Air Transat flight from Toronto to Gatwick, England.

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Grant Black, Calgary Herald

Colin Jones, shown heading into court Wednesday, was unaware he had hit anyone, his lawyers say.



Lindsay Giacomelli