

## Ashley Smith inquest to begin anew

**Coroner agrees to family's request to review three legal challenges**

October 1, 2011

Ontario coroner Dr. John Carlisle has shut down the inquest into the prison death of New Brunswick teenager Ashley Smith and ordered a new one started.

The ruling was sparked by a motion filed by the Smith family last month.

It argued Carlisle - who in June replaced Dr. Bonita Porter - should hear arguments in three legal challenges that were heard by Porter when the inquest began.

"I find that, while some time may be lost in starting a new inquest, it is not likely to be more than would be lost by attempting to carry on the old and may indeed be less," Carlisle wrote in his ruling, which was released Friday.

Smith was found dead in a segregated prison cell at the Grand Valley Institute in Kitchener, Ont., in October 2007. Prison guards watching over her were instructed not to intervene until she stopped breathing.

The controversial proceedings began last May under Porter and have often been delayed due to jurisdictional and legal challenges.

The inquest was supposed to resume earlier this month under Carlisle but it abruptly halted to hear the motion - which argued the inquest should be officially restarted and all evidence heard during the first three days of the proceedings be recalled.

To just resume would force the process to continue on "jurisdictional shaky ground," the family's lawyer, Julian Falconer, said this month.

Also at issue in the motion are three rulings which were not delivered by Porter prior to her departure.

She was supposed to decide whether:

- Quebec videos showing the 19-year-old being drugged and restrained during a prison transfer be shown to a jury;

- Whether the faces of pris-on guards should be blurred in videos entered into evidence; and
- Whether lawyers are sus-ceptible to a contempt charge if they share evidence with the public.

The inquest was set to examine the last 11 months of Smith's life when she was transferred to 17 different federal facilities.

No date was provided in Carlisle's ruling for the inquest's restart.

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