

Coroner ordered to reconsider excluding graphic videos in Ashley Smith inquest



Adrian Humphreys / National Post

Lawyers address the press outside an inquest into the death of Ashley Smith. From left to right: Richard Macklin, lawyer for provincial advocate; Julian Falconer, lawyer for the Smith family; Julian Roy, lawyer for the Smith family

[Adrian Humphreys](#) May 19, 2011

TORONTO — Video of an imprisoned Moncton teenager being forcibly injected with medication and being duct taped to a chair by an RCMP pilot for a flight during a prison transfer may become part of an inquest into the teenager's death after a court order Thursday.

The Ontario Superior Court ordered Dr. Bonita Porter, presiding over an expansive coroner's inquest into the death of Ashley Smith in prison, to reconsider excluding the distressing videos.

It is reasonable to believe the incidents in 2007, months before Ms. Smith, 19, died after tying a ligature around her neck, speak to the young woman's state of mind, the court ruled.

"In an earlier ruling dated Nov. 12, 2010, expanding the scope of the inquest, the coroner stated... the scope of the inquest was 'to include an examination of the factors that may have impacted the state of mind of Ashley Smith on Oct. 19, 2007, the date of her death,'" the court wrote in its ruling.

"It is difficult to understand why the coroner would conclude that the videos are irrelevant to the subject matter of the inquest given the scope of the inquest as she herself has defined it."

The ruling was hailed as a triumph for Ms. Smith by Julian Falconer, lawyer for the Smith family.

"The videotapes depicting the absolutely abhorrent treatment, the assaults, the forced chemical restraints of Ashley Smith in Joliette [prison] are matters that the court has found difficult to conceive of how they couldn't fit in," he said outside the inquest hearing.

"We, of course, will continue our efforts to try to ensure some level of transparency and examination of the whole truth. But this is a very important day for the Smith family."

Richard Macklin, lawyer for Ontario's Provincial Advocate for Children and Youth, said the videos needed to be seen to understand what happened in this case and help prevent other deaths.

"Ashley Smith was a very young woman who suffered tremendous, tremendous adverse treatment in custody and we want all of it looked at. We wanted it looked at in an intelligent fashion."

Dr. Porter earlier ruled she found nothing to suggest the events in the videos, while Ms. Smith was in Joliette prison and while she was being transfer from Saskatoon to Quebec, relate to Ms. Smith's tying of a ligature around her throat prior to her death in solitary confinement.

Lawyers will now seek to have the videos shown at the inquest, that is already scheduled to last for most of the rest of the year.

The inquest continues.

National Post with files from Sarah-Taïssir Bencharif
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