



Coroner orders new inquest into death of Ashley Smith



An undated family handout photo of Ashley Smith, who took her own life in a federal institution on October 19, 2007. The photo was taken before she was incarcerated. (THE CANADIAN PRESS/Tom Hanson)

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TORONTO — The new coroner appointed to preside over an inquest into the death of a young woman in an Ontario prison has ruled that the current proceedings will be closed and the process will start anew.

Dr. John Carlisle said Friday the jury will be discharged in the current inquest into why 19-year-old Ashley Smith was able to choke herself to death in a Kitchener, Ont., facility almost four years ago.

Proceedings began in May, but have been fraught with delays, including the retirement of the coroner originally appointed to preside over the case.

"I find that the interests of fairness and the statutory objects of the Coroners Act and the inquest into the death of Ashley Smith will best be served by closing the current inquest and beginning a new one," Carlisle wrote in his decision released Friday.

"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."

No date has been selected to begin the new inquest.

Carlisle said that restarting the proceedings would avoid time lost in resolving questions surrounding his stepping in and what should happen with evidence entered prior to his start.

There had already been six days of hearings in the case, during which the jury heard from two witnesses over three days, and spent the rest of the time hearing motions and watching videos. Then, the case's original coroner, Dr. Bonita Porter, abruptly announced the proceedings would adjourn.

She said she planned to retire in November, which led to the case being handed to Carlisle.

Proceedings under Carlisle resumed Sept. 12, but were quickly adjourned when the Smith family submitted a motion challenging his jurisdiction to pick up on an inquest which started under someone else.

Smith family lawyer Julian Falconer argued that restarting the inquest would mean Carlisle wouldn't have to grapple with ruling on issues Porter had heard evidence on. He said the family wasn't opposed to Carlisle presiding over a new inquest, but just wanted to start over.

His position was opposed by at least five of the 13 parties who have standing at the hearing, who argued that such a step would move the already sluggish proceedings backward.

There have already been several delays in the process, which was originally scheduled to begin in November 2010.

Carlisle reasoned that since it has been more than four months since the jury last sat, it would likely have to rehear much of the evidence anyway.

"I find that, while there may be some marginal costs, they most likely will be offset by savings to be achieved in a new inquest," he wrote.

Smith had been in and out of custody since 2003, much of that time spent in segregation.

The inquest is examining the last 11 months of her life, when she was transferred between facilities 17 times.

It has heard Smith frequently tied various material around her neck and sometimes banged her head or cut herself, but wasn't trying to hurt herself intentionally -- after being kept in near constant isolation much of the time, she did it for the stimulation.

Smith was first arrested at 13 for assault and causing a disturbance but her time behind bars ballooned with a number of in-custody incidents.