

Court overturns coroner ruling at Ashley Smith inquest



An undated family handout photo of Ashley Smith, who took her own life in a federal institution on October 19, 2007.

TOM HANSON/THE CANADIAN PRESS FILE PHOTO

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- [Divisional Court Judgment \(PDF\)](#)

Graphic prison videos showing Ashley Smith forcibly injected with tranquilizers and restrained with duct tape may be played at inquest into the teen's death, a court has ruled.

Smith's family won an important legal battle Thursday that overturned a ruling by coroner Dr. Bonita Porter. A panel of Divisional Court judges ruled that Porter erred in refusing to compel the federal prison service to turn over the tapes.

“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 court decision states.

Refusing the family access to these videos amounts to a “denial of natural justice and runs the risk of having to repeat the inquest process,” the ruling stated.

The decision stops short of forcing the coroner to seek the videos. Porter is only being asked to reconsider her decision. The matter will be argued in coroner's court.

In her original ruling, Porter had said she found no “nexus” between the events that happened at Joliette Institution in Quebec and the 19-year-old inmate's death at Grand Valley Institution inside a Kitchener segregation cell three months later.

At Joliette, video evidence reportedly shows Smith being drugged against her will and strapped to a metal gurney in a wet gown for nearly 12 consecutive hours without food, water or a clean tampon.

The family argued the events in Quebec contributed to Smith's state of mind when she tied a ligature around her neck and pulled tight while prison workers watched her turn purple.

Additional videos the family wanted the coroner to obtain show the teen being duct-taped to the seat of an airplane by a pilot before she is flown from one prison to another.

Smith had been in federal custody for less than a year when she died. During that time, she had been transferred 17 times between institutions across the country — serving most of her sentence inside segregation cells wearing a tear-proof, flame-retardant security gown.

“We will continue our efforts to try to ensure some level of transparency and the examination of the whole truth,” said Julian Falconer, a lawyer for the Smith family.

Falconer said he the new ruling opens the door to an inquest jury scrutinizing all 17 transfers.

“It is difficult to conceive how these 17 arbitrary and illegal transfers would not have impacted on this mentally ill teen's state of mind when she died,” he said.

The inquest, without this additional evidence, was expected to last well into the fall.

It is not what impact the Joliette and transfer videos will have on the length of the proceedings.

“The federal government saw fit not to order a commission of inquiry when they should have,” Falconer said. “It took a long time to torture Ashley Smith. It may well take a long time to unravel it and tell the truth of what was done to her.

“We owe the mentally ill people sitting in those institutions no less.”



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