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Crown stays assault charge against local physician

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After prosecutors stayed a criminal charge against a doctor who needed emergency surgery following a run-in with a Windsor detective, mystery remains about a strange man reportedly harassing women and young girls.

Dr. Tyceer Abouhassan, 37, who is visually impaired, was charged with assaulting a police officer after suffering head injuries, a broken nose and detached retina during an incident outside Jackson Park Health Centre. The Crown attorney's office on Tuesday stayed the charge against Abouhassan.

His lawyer Anthony Barile said he was told the officer involved in the incident, Det. David Van Buskirk, approached Abouhassan wrongly thinking the doctor had been hassling girls at the park. Barile said he never learned what became of that investigation.

Other than the initial information we got, there's been nothing further on that," he said. "I don't know whether there's been anybody found. It really wasn't our priority to look for whoever this gentleman was."

Police Chief Gary Smith and other top brass at Windsor Police Service weren't available for comment Tuesday.

The province's Special Investigations Unit, a civilian agency that investigates complaints against police involving death, serious injury or sexual assault, announced last week it charged Van Buskirk with assault causing bodily harm. He has not been suspended from work but is on restricted administrative duty.

Van Buskirk is scheduled to appear in court July 8. Defence lawyer Andrew Bradie has said the officer will plead not guilty.

The charge stems from an incident on April 22. Abouhassan, a Windsor-born endocrinologist opening a practice here July 1, had just arrived by train from London to have dinner with his fiancée. He was cutting through Jackson Park as he jogged from the train station to his family home in South Windsor, according to Abouhassan's friend, Dr. Wassim Saad.

Around 5 p.m., there was some kind of altercation between Abouhassan and the officer.

Workers inside the medical centre witnessed the fracas, which was also captured by security cameras. It ended with an ambulance transporting Abouhassan to Hotel-Dieu Grace Hospital. He arrived there with amnesia, Saad said.

Abouhassan spent several days in hospital and underwent emergency surgery to repair a detached retina. After he was released from hospital, police charged him with assaulting a police officer.

"The file was reviewed carefully by one of the members in our office and it was determined there was no reasonable prospect of conviction," assistant Crown attorney Frank Schwalm said Tuesday. "On that basis the decision was made to stay the charge."

A stay allows prosecutors to "reactivate" the charge at a later date. If the charge is withdrawn, Schwalm said prosecutors would have to start the entire investigative process over again.

Barile said Abouhassan is "very pleased" with the outcome of the case.

"The facts of this case certainly warranted a stay in these proceedings," Barile said.

He said he didn't feel it necessary to get the charges totally withdrawn. The important thing, Barile said, is the "criminal process is over and done with" for his client.

"It really doesn't make any difference," he said. "It has the same effect, really. There's that one in a million chance that at some point in the future it could be revived. But under these circumstances, there's no way."