

Jury concern stalls trial

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The postponement of a murder trial over a lack of Aboriginals in the jury pool proves Nishnawbe Aski Nation was right when it expressed similar concerns to the government, NAN's deputy grand chief said Tuesday.

Terry Waboose said NAN has attempted to discuss the lack of Aboriginal representation on the region's juries with the province's ministry of the attorney general in the past.

"We fell on deaf ears obviously," he said. "There was a lot of stonewalling."

Waboose was speaking a day after Superior Court Justice Helen Pierce put the second-degree murder trial of Andre Theodore Wareham on hold.

The trial was halted during jury selection on Monday when Pierce ruled there were not enough Aboriginal people among the prospective jurors, so the pool didn't represent Thunder Bay adequately.

Ministry representatives didn't immediately provide a comment, despite repeated phone calls and emails. Calls to Thunder Bay's court operations and Crown attorney's offices were referred to the ministry.

Wareham, 33, was to be tried for second-degree murder in the January 2009 death of William Harvey Atkins, who died of multiple stab wounds. The two lived in the same south-side apartment building, and Wareham has said Atkins attacked him, and he stabbed Atkins in self-defense.

Wareham's lawyer couldn't be reached for comment Tuesday.

It is the second time in two weeks that jury representation has arisen in an Ontario courtroom. Last week, the province's court of appeal ordered a judicial inquiry into whether the Thunder Bay District's jury roll properly represents Aboriginals.

The ruling stemmed from concerns over two coroner's inquests into the deaths of Aboriginal males in Thunder Bay.

The families of Reggie Bushie, who was 15 when he drowned in the McIntyre River in 2002, and Jacy Pierre, who overdosed in the Thunder Bay District Jail in 2007 at age 27, went to the appeals court over the jury rolls. They had been unable to get answers from either the coroner's office or the Ministry of

the Attorney General about First Nations representation on the lists which inquest juries are drawn from.

The appeals court also ordered a second inquest into Pierre's death, ruling the first was tainted due to the lack of Aboriginals on the jury rolls.

Waboose said the government claims it doesn't have access to a list of First Nations members it can draw on when it compiles jury rolls.

Prior to 2002, lists were available through Indian and Northern Affairs Canada, Waboose said. Since that process ended, however, nothing has replaced it.

"I think there has to be a serious and hard look at developing a mechanism . . . to ensure that those lists are developed in consultation with not just NAN, but particularly the affected First Nations," he said.

"The jury should be made up of people that are a true representation of the defendant who's on trial."