

New coroner appointed to Ashley Smith inquest

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Dr. John Carlisle



Dr. Bonita Porter

TORONTO — The embattled coroner at the inquest into the prison death of teen inmate Ashley Smith has been replaced by a veteran doctor who is also a lawyer.

Smith, 19, choked herself to death with a strip of cloth inside her segregation cell at Kitchener's Grand Valley Institution for Women while prison guards watched her turn purple.

Dr. Bonita Porter was expected to rule this week on key legal issues that had stalled inquest proceedings for more than a month.

Instead, Porter, whose conduct in this case has been publicly challenged, announced she was leaving the office of the chief coroner.

"I will be exercising my retirement option as of November," she said in a statement. Since the inquest was not scheduled to resume until September, she said it was "highly unlikely" it would be completed before she steps down.

Ontario Chief Coroner Dr. Andrew McCallum said Dr. John Carlisle will take over immediately.

Carlisle, who holds both medical and law degrees from University of Toronto, will rule on the outstanding legal issues.

Before joining the coroner's office in 2004, he served as a medical officer of the College of Physicians and Surgeons of Ontario. He also taught a course on the law and medicine at York University's Osgoode Hall for more than 25 years.

The inquest into Smith's death started May 16, but the jury sat for just three days and heard testimony from only one witness before it was adjourned.

Lawyers involved in the case expressed shock and disbelief at the news.

"I have never experienced anything like this," said Julian Falconer, who represents the Smith family and is considered an authority on inquest proceedings. Falconer has co-authored the only Canadian legal reference on coroner's inquests.

Assigning an adjudicator who is unavailable beyond November "raises serious questions about the chief coroner's ability to run these kinds of difficult, complex and lengthy cases," Falconer said.

Lawyers, the media and judges have questioned Porter's decisions in the Smith inquest for more than a year. Extensive legal wrangling preceded the inquest and continued to dog it.

The Smith family said they were prepared to boycott the proceedings when Porter initially ruled the inquest would only examine Smith's life and death in Ontario.

During her year in federal custody, however, the young woman had been transferred nearly 20 times between institutions across the country. She served most of that time inside solitary confinement cells wearing nothing more than a padded, tear-proof suicide gown. Smith's tendency to tie ligatures around her body parts escalated in the last months of her life.

Porter relented and expanded the scope of the inquest to look at all events that could have contributed to Smith's state of mind at the time of her death.

A few months later, Porter excluded video evidence showing Smith forcibly injected with tranquilizers by a nurse at Joliette Institution in Quebec, where the teen was strapped to a metal gurney in a wet gown without food or water for half a day. Porter also ruled out obtaining video showing Smith being duct-taped to her airplane seat during a transfer from one institution to another.

The coroner said she found no "nexus" between the events in the videos and a pattern of ligature use that led to Smith's death on Oct. 19, 2007.

The Smith family, supported by the Provincial Advocate for Children and Youth as well as the Canadian Association of Elizabeth Fry Societies, a group devoted to the rights of female inmates, successfully challenged Porter's ruling in Divisional Court.

"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," a panel of judges wrote in their decision. They ordered Porter to reconsider the issue.

It was one of several matters she was expected to resolve this week. Carlisle will make those calls now, presumably by reviewing court transcripts of oral submissions.

"We're all in the dark right now," said lawyer Richard Macklin, who represents the provincial children's advocate.

"It's certainly unfortunate that this happens before she released her rulings that we've spent quite a bit of time arguing."

Cheryl Mahyr, spokesperson for the coroner's office, said Porter, who is in her late 50s, was not available for interviews on Wednesday. She described the deputy chief coroner as a "devoted grandmother to four adorable toddlers."

Said Mahyr: "Her family provides her with endless joy and I can say that they, too, are looking forward to having her around more often."

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