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Hit and run driver guilty

By KEVIN MARTIN, SUN MEDIA

Calgarian Colin Jones blindly ignored the fact he struck and badly wounded a pedestrian, leaving her to die on the pavement, a judge ruled today.

Justice Allen Sulatycky rejected Jones' defence he was unaware he had run down Lindsay Giacomelli in a crosswalk as he drove home from a pub March 17, 2005.

The Queen's Bench judge said Jones sealed his guilt when he fled for England — only to be stopped leaving Toronto's Pearson International Airport.

Sulatycky rejected the city man's claim he was unaware he had struck Giacomelli, 20, as she crossed Bonaventure Dr. S.E.

"The evidence is that the victim was propelled a considerable distance as a result of the collision and came to rest on the pavement," the judge said.

He said Giacomelli's prone body was "certainly within the line of vision of the accused." Sulatycky said the noise of the impact alone, which was heard by two other drivers in the vicinity, could not have been missed by Jones.

Jones testified he had no memory of the collision, or his subsequent flight from Calgary.

The day after learning Giacomelli was dead when a Calgary police officer showed up at his residence, Jones went to the airport.

There he rented a car, drove to Regina and then flew to Winnipeg and Toronto.

He was arrested by police on a flight about to depart for London.

During the trial defence lawyer Balfour Der called medical evidence which suggested Jones' depression over the breakdown of his marriage may have impaired his awareness.

But Sulatycky said even if Jones' ability to perceive events was reduced, the collision with Giacomelli could not have been missed.

"Even if his perception was impaired ... he could not have failed to notice that this was a human being," the judge said.

Following the decision, Jones rushed from the court house, avoiding a throng of media cameras awaiting outside.

Sentencing arguments are set for May 15, when Der is expected to seek house arrest, while Crown prosecutor David Torske will push for a jail term.