



A8 ★ TORONTO STAR ★ FRIDAY, FEBRUARY 29, 2008

ON

GREATER TORONTO > FIORITO > COURTS

Court allows writer to hang onto his notes

Journalist who wrote about 1996 homicide confirms article's accuracy without having to give up material

PETER SMALL
COURTS BUREAU

A freelance journalist who wrote an article about a murder case has avoided handing over his notes by taking the stand to simply confirm the accuracy of what he wrote.

"I'm surprised," Lon Appleby said after testifying yesterday.

"I was getting ready for a long fight to make sure that these notes never wind up in the hands of the defence counsel or the Crown."

Appleby, 45, a Toronto-based writer and documentary producer, was subpoenaed by the defence to testify in pre-trial motions in the case of Rodger James, charged with first-degree murder in the shooting death of 17-year-old Cameron Atkins in 1996.

The subpoena also demanded "any notes or documents used or prepared" for the article.

For his magazine story, Appleby had a rare chance to shadow two Toronto homicide detectives work-

ing on the case.

His article, "Anatomy of a Homicide," appeared in the January 1998 issue of *Toronto Life*.

Under a compromise worked out yesterday in front of Superior Court Justice Brian Trafford, Appleby was given advance warning

6 *I'm surprised. I was getting ready for a long fight*

LON APPLEBY,
FREELANCE WRITER

about which portions of his article defence lawyer Colin Adams would pose questions.

Appleby was then able to refresh his memory by looking at his nine notebooks outside court before taking the stand.

"I realized that I would not be be-

traying anyone. I would not be compromising any journalistic principle. I would simply be standing by the accuracy of what I wrote, and that's what I did," the writer said.

His testimony is covered by a publication ban.

Iain MacKinnon, Appleby's lawyer, said what they feared most was being subjected to a wide-ranging fishing expedition that would have compromised Appleby's journalistic independence, making it appear that he was gathering evidence for the defence or Crown.

But Adams called it "bit of a storm in a teacup."

Adams said he told Appleby that unless he suddenly developed chronic memory loss or stonewalled on the stand, the lawyer wouldn't be going after the journalist's notes.

Julie Payne, manager of Canadian Journalists for Free Expression, said they were relieved it didn't go any further.

"We think it's really important that journalists are recognized to be independent."



RON BULL/TORONTO STAR

Journalist Lon Appleby leaves court yesterday with his notebooks, happy he didn't have to hand them over during a pre-trial motion.

Not all are sympathetic to dying woman's plight

A month-end column, the kind that occurs once every four years, for which I give thanks.

I wrote recently of a woman who has an illness that is paralyzing her slowly over time. She is brave enough to know there are no miracles in her future but she does not want to go into a nursing home. She has been fighting to get into a building with attendant care.

No luck so far.

At the moment she can't get more than a minimal amount of help at home and there is not much co-ordination and no continuity in the help she gets, nor is there any sense of urgency. If her house were on fire, there would be sirens. She is merely dying.

Some readers took exception to her wish — I expressed it graphically — to avoid moving to a nursing home. Others said that, based on their own experiences, she is right to want to stay at home.

There was also plenty of mail from good people offering an hour's worth of care here or there, and other sorts of help. I'll let you know when there is a breakthrough.

But there were letters I found troubling. One person blamed the weakness of our health-care system on the tapping of our resources by refugees; another wrote to say the real problem was all those single mothers who spend all their time giving birth to all those gang members.

I compress mightily.

But it is disturbing that there are still those in our midst who fear strangers, regardless of creed, colour, or culture; just as there are those who don't care if others fall by the wayside.

I used to think we were all in this together. There will be more on this subject in a future column.

On to other matters.

Of those punk teens who insulted and then punched a solitary male rider on the subway a while ago, the best hope for those kids may be that arthritis trumps hormones.

My friend Mary, who was a wit-



JOE FIORITO

ness, has lingering concerns. What kind of lives will those kids grow up to lead, and what of the lives of their kids? What of that man whose glasses were smashed and whose face was cut? And what of all those who saw it happen?

We each react differently under stress, we see things differently, we have different memories of the same event. We are not reliable. We are merely human.

But violence of any kind leaves a scar on both sides of the act, and so Mary finds herself paying more attention to her surroundings now. As does the fellow who wrote to say that, when in public, we should "Ignore a boor. Watch a bully." Good advice.

On the need for a Toronto song: Several people noted that we already had plenty of good Toronto songs, including one by the legendary Tommy Ambrose.

One woman said she taught an old Toronto jingle to her guide when they climbed some mountain or other in Africa. The guide spoke no English; she smiles to think of him singing that song still.

I like the song I heard on the radio the other day: "Queen Street Lost."

Didn't catch the name of the band, but it is the best Toronto song I know, after Carmin Priolo's "Berkeley St. Blues."

But as good as any of the Toronto tunes might be, none have had the staying power of the great city ditties of the world: We are not a toddler town, no one has left his heart here, nor is there a melancholy ode to the Toronto state of mind.

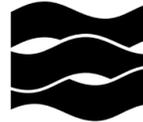
I rest my case.

Joe Fiorito usually appears Monday, Wednesday and Friday.

Email: jfiorito@thestar.ca



Toronto Transit
Commission



WATERFRONToronto



TTC-TWRC West Don Lands Transit Environmental Assessment Notice of Completion of Environmental Study Report

The Study

The TTC and the City of Toronto, in collaboration with Waterfront Toronto, have completed a Class Environmental Assessment (EA) Study for the provision of transit services in the West Don Lands development area. The study was undertaken initially as an Individual Environmental Assessment study. Following the Minister of the Environment's approval of a Municipal Class EA process for transit projects, the study was completed in accordance with the requirements for Schedule "C" projects under the newly-revised Municipal Class EA. City of Toronto Council, at its meeting of January 29 and 30, 2008, approved the formal filing of the Environmental Study Report (ESR), which documents the evaluation and decision-making process used to reach the recommendations of the study.

Recommendation

The recommendation, as documented in the ESR, is the construction and operation of a partially-exclusive streetcar right-of-way on Cherry/Sumach Street south from King Street through the West Don Lands development area with connections, ultimately, to planned streetcar services on Queens Quay Boulevard East through the Lower Don Lands area and south into the Port Lands area.

The recommended design includes:

- A partially-exclusive transit right-of-way on the east side of Cherry/Sumach Street adjacent to sidewalk
- 5.0 metre pedestrian zone / boulevard space along Cherry Street
- Provision of a 3.0 metre wide median between the streetcar tracks and the roadway to allow for landscaping
- One traffic lane and one bicycle lane in each direction on Cherry/Sumach Street with a single turn lane at each intersection
- Prohibition of the following turn movements on Cherry/Sumach Street: southbound left turns at Eastern Avenue; southbound left turns at Front Street; and northbound right turns at Mill Street
- A streetcar loop at the south end of the development area on the east side of Cherry Street immediately north of the CN tracks
- Provision for connection with planned streetcar services on Queens Quay Boulevard East and future transit services in the Port Lands area

Opportunities for Review

By this notice the ESR is hereby placed on the public record and is available for review at the following locations in the City of Toronto:

Toronto City Hall
City Clerk's Office
100 Queen Street West
12th Floor, West Tower
Mon. - Fri.: 8:30am to 4:30pm

Toronto Transit Commission
General Secretary's Office
1900 Yonge Street, 7th Floor
Mon. - Fri.: 8:30am to 4:30pm

Waterfront Toronto
20 Bay Street
Suite 1310
Mon. - Fri.: 8:30am to 4:30pm

Parliament Street Library
269 Gerrard Street East
Mon. - Fri.: 9:00am to 8:30pm
Sat.: 9:00am to 5:00pm

St. Lawrence Library
171 Front Street East
Tues./Thurs.: 12:30pm to 8:30pm
Wed./Fri.: 10:00am to 6:00pm
Sat.: 9:00am to 5:00pm

Queen/Saulter Library
765 Queen Street East
Tues./Thurs.: 12:30pm to 8:30pm
Wed./Fri.: 10:00am to 6:00pm
Sat.: 9:00am to 5:00pm

In addition, the ESR can be downloaded from the project website at www.waterfronttoronto.ca.

Anyone having concerns with this project may provide written comments to:

Andrea Kelemen
Communications & Marketing Department
Waterfront Toronto
20 Bay Street, Suite 1310,
Toronto, ON M5J 2N8

Tel: 416-214-1344
Fax: 416-214-4591
E-mail: transit@waterfronttoronto.ca

If concerns regarding this project cannot be resolved in discussions with the TTC, the City of Toronto, and Waterfront Toronto, any person or party may request the Minister of the Environment to issue a Part II Order, which would require the TTC, the City of Toronto, and Waterfront Toronto to carry out an Individual Environmental Assessment for this project. The Minister must receive Part II order requests in writing by **March 31, 2008** at the address below. A copy of the request must also be sent to Waterfront Toronto, at the address provided above. If no Part II Order requests are received the project is considered approved and the TTC, the City of Toronto, and Waterfront Toronto may proceed with this project as outlined in the ESR.

The Honourable John Gerretsen
Minister of the Environment
135 St. Clair Avenue West, 12th Floor
Toronto, ON
M4V 1P5

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