

00088973-3: Neighbour Dispute on 13SEP90 16:07
At 925 FOURTH LI E, SAULT STE MARIE

COMPLAINANT: HARRISON, DAVID
At 925 FOURTH LI E, SAULT STE MARIE

GENERAL OCCURRENCE REPORT:

FILED BY 0189:RICE J; 13SEP90; 17:20; INCIDENT FROM 13SEP90; 16:15;
On the 13Sep90 at approx. 1635 hrs. officers attended to 925 Fourth Line E.
and spoke with a David Harrison DOB 19Aug43. Mr. Harrison advised the officers
that he owns property at 925 Fourth Line E. and that a Jim Townsend DOB 21Jul23
owns the property at 927 Fourth Line E. These properties share a common
driveway which comes down from Fourth Line E., however it is Mr. Harrison's
opinion that he owns this property though Mr. Townsend has legal right
to use this roadway for right-of-way to his property. The initial point
of this complaint stemmed from a tree which is located on the southeast
corner of this driveway near the entrance to Mr. Townsend's property. It
is alleged that approx. 1130 hrs. on the 13Sep90 Mr. Townsend attempted to
cut down this tree and the officers did observe that there was chainsaw marks
in the south side and the north side of this tree. This tree is situated
with what could be called the east shoulder of the road, however it is the
officer's opinion that there is room enough for traffic to get in and out
without any problem. Mr. Harrison is concerned that Mr. Townsend did an
illegal act but attempting to cut down the tree that is located on Mr.
Harrison's property without his permission. Mr. Townsend advised that he
attempted to cut down this tree due to the fact that he was getting cement
that morning and the truck had difficulty getting into his property. It
should be noted that this tree did not have to be cut down and the cement
truck did eventually get onto the property of Mr. Townsend without any
further difficulty. It should also be noted that Mr. Townsend is alleged
to have peeled the bark off the said tree about a week prior for an unknown
reason. After this incident occurred, the Harrisons attempted to talk with
Townsend about this tree cutting incident. Initially a Karen Harrison DOB
29Sep53 attempted to talk to Mr. Townsend and it is alleged that Mr.
Townsend told her to get off his property and to just get to hell away.
After this David Harrison attempted to talk to Townsend but nothing appeared
to be resolved. Shortly thereafter Mr. Townsend attempted to leave his
property and this is when Mr. Harrison advised that he was run down by Mr.
Townsend's pickup truck. This pickup truck appears to be licence TR5785,
A blue Nissan truck. Mr. Harrison advised the officers that Townsend just
attempted to run him down, however Mr. Townsend advised the officers that
Mr. Harrison was standing in his way and would not move and as he got closer,
Mr. Harrison jumped on the front of Townsend's truck.
The officers observed the tree itself and the damage to it as well
as the driveway and listened to both sides of the story. Due to the
inconsistencies of both stories no charges were laid at the time but a
report has been filed in case either complainant wishes to follow this
up in a civil capacity.

PERSONS INVOLVED:

HARRISON DAVID Male DOB 19AUG1943 Age: 50 (Victim/Complainant)
925 FOURTH LI E, SAULT STE MARIE, ONT

**00088973-3: Neighbour Dispute on 13SEP90 16:07
At 925 FOURTH LI E, SAULT STE MARIE**

COMPLAINANT: HARRISON, DAVID
At 925 FOURTH LI E, SAULT STE MARIE

SUPPLEMENTARY REPORT:

FILED BY 0203:MIRON S; 15SEP90; 23:30; INCIDENT FROM 13SEP90; 16:38; TO 14SEP90:
17:00;

On Sept. 13, 1990 at approximately 16:38 Cst. Miron and Cst. Rice attended at
925 Fourth Line E. for a neighbour dispute. Supplementary to that, PUC worker,
Les Tulloch, had been there on Sept. 14, 1990 in the afternoon and had to cut
down a tree that was in dispute when Officers were there on Sept. 13. Mr.
Tulloch said the tree had to be removed because somebody had put a cut in it and
it was dangerous to the power line. Had the tree not been cut, the tree
would have been able to stay because it did not affect the power line at all.

PERSONS INVOLVED:

HARRISON, DAVID Male DOB 19AUG1943 Age: 50 (Victim/Complainant)
925 FOURTH L. E, SAULT STE MARIE, ONT

TOWNSEND, DONALD, JAMES "JIM" Male DOB 21JUL1933 Age: 60 (Suspect)
927 FOURTH LI E, SAULT STE MARIE, ONT

HARRISON, KAREN Female DOB 29SEP1953 Age: 40 (Victim/Complainant)
925 FOURTH LI E, SAULT STE MARIE, ONT

DONALD, BRIAN, DOUGLAS Male DOB 22FEB1947 Age: 47 (Witness)
915 FOURTH L. E, SAULT STE MARIE, ONT

*** END OF REPORT ***

BAXTER & FEIFEL

BARRISTERS, SOLICITORS & NOTARIES PUBLIC

Frederick Baxter, M.A., 11.13.
Peter A. Feifel, LL.B.

629 Queen St. E.
Sault Ste. Marie
Ontario P6A 2A6

Tel. (705) 945-8901
Fax (705) 945-9139

February 4, 1991

Crown Attorney
District of Algoma
Court House
426 Queen Street East
Sault Ste. Marie, Ontario
P6A 5M8

court file # 88973-3

Dear Sir:

RE: David Harrison
re Charge of Dangerous Operation
of Motor Vehicle Against James Townsend
S. 249(1)(1) C.C.C.

We act for David Harrison of 925 Fourth Line East, Sault Ste. Marie who has laid a private complaint against one James Townsend alleging dangerous operation of a motor vehicle in an incident on September 13, 1990.

The incident in question occurred at about 4:15 p.m. on Thursday, September 13, 1990 at the Harrison property on Fourth Line East. Mr. Townsend is a next door neighbour who exercises access to his house by means of a right-of-way across Mr. Harrison's land. The following is a summary of what the prosecution case in this matter will show.

Summary

During the earlier part of September 13, 1990 Mr. Townsend almost cut down a tree on the Harrison property although he did not cut all the way through but rather left it standing in a weakened condition ready to fall. The tree was discovered, by Mrs. Harrison sometime before 3:00 p.m. Mr. Harrison arrived home around 4:00 p.m. and upon seeing the damaged tree complained to Mr. Townsend who was still present but received no explanation or apology. Mr. Harrison called the police and waited for them on the roadway.

At this point the incident occurred which is the subject of the charge. Mr. Townsend started his truck and drove out onto the roadway straight at Mr. Harrison who was

RE: DAVID HARRISON

PAGE 2

standing there looking at the tree. Mr. Harrison tried to get out of the way but the truck was moving so fast that he was unable to do so and was hit. He fell on top of the right front of the hood and managed to hang on until Mr. Townsend stopped the vehicle to let him off. The Townsend vehicle then sped away without waiting to see if MR. Harrison was hurt.

A witness to this incident apart from Mr. Harrison is Mrs. Veronica Brandt a next-door neighbour. Enclosed with this summary is a "will say" of Veronica Brandt.

I trust this information will be of use to you in the further handling of this matter. Please contact me if you require anything further.

Yours truly,

T. F. BAXTER

TFB/jg
enclosure

STATEMENT OF VERONICA BRANDT

Karen called and left message on machine saying Townsend cut the tree and its hanging ready to fall. I call her when I got home shortly after 3:00 p.m. She was crying and very upset so I went over at 3:30 p.m. to be with her till her husband came home from work. Dave arrived shortly after; he stood in his driveway and looked at the tree and said Townsend why did you have to go and do that - Townsend said go away and leave me alone. Then Dave called the police. We all waited for the police to arrive. At 4:12 p.m. Townsend got in his truck and sped out headed straight for Dave who was looking at the tree. Dave started to get out of his way hut Townsend would not stop and hit Dave. Dave fell on top of the front hood right side. He was facing the truck and hung on to the hood until Townsend stopped to let him off. Then took off in a hurry. Never stopped to ask if he was hurt. Shortly after the police arrived and asked what happened. Then minutes after Townsend came hack and the police went in the house with Townsend to question him.

Shortly after that the police came out and asked where property line was and asked who owned the driveway. They did not seem to take the hit and run seriously. The next day in when in court for Thomas Dave saw a police officer and asked if charges were laid and he did not know about any charges at that time.



INTERVIEW REPORT

OCCURRENCE NUMBER: 88973-3
DRIVER'S LICENCE NUMBER:
RESIDENCE TELEPHONE: 759-1559
OCCUPATION:
BRANCH:
TIME INTERVIEW COMMENCED: 9:06
TIME INTERVIEW CONCLUDED:
CONDITION OF PERSON INTERVIEWED: normal

NAME: Brian Douglas McDonald	DATE OF BIRTH: 27 Feb 47
RESIDENT ADDRESS: 915 Fourth Line East Peabody	
NAME OF EMPLOYER: Tuba Mill	
INTERVIEWED BY: (NAME, RANK, BADGE NUMBER) Larry Tassé Det 601	
DATE OF INTERVIEW: 27 Feb 91	
PLACE OF INTERVIEW: 915 Fourth Line E.	

Last fall I was working on Jim Townsends house. I heard some yelling. I heard a woman say "I saw that" "I saw that". I saw Jim get in his truck and drive off through the gate. I heard the truck stop and heard some conversation. I could hear Harrison falling loudly. I heard the truck drive away and shortly after Harrison said to me "Mr Donald what kind of a neighbour were you when he said something like did he cut my tree down?" The the ladies came over to where Harrison was and I could see that Mrs. Harrison was upset and she mumbled something about us being Christians and that she wouldn't go to our church. Jim and I don't go to the same church and I asked her to leave the church out of it. Mrs Harrison stepped in and sort of apologized and I explained that I was just there doing a job for Jim as I was laid off from work at the time (on strike). I didn't see anyone hit with a vehicle or blows struck.

Larry Tassé Det 601
John R #124 Sgt

B M McDonald

00088973-3: Neighbour Dispute on 13SEP90 16:07**At 925 FOURTH LI E, SAULT STE MARIE**

COMPLAINANT: HARRISON, DAVID

At 925 FOURTH LI E, SAULT STE MARIE

SUPPLEMENTARY REPORT:FILED BY 0064:TASSE L. 28FEB91; 04:45; INCIDENT FROM 13SEP90; 16:38 TO 14sep90;
17:00;

On the 27Feb91 at 2106 hours, Det's Frost and Tasse attended at 915 Fourth Line East and obtained a Sault Ste. Marie Police Force interview report from one Brian Douglas McDonald.

Mr. McDonald was interviewed in regards to the dispute that is going on between Mr. Townsend and a Mr. Harrison on the Fourth Line and it was learned that Mr. McDonald was on strike at Algoma Steel and was doing some work for Mr. James Townsend, construction work on his home and at that particular time McDonald became involved.

Mr. McDonald says that last fall he was working on Jim Tuwnends house and he heard some yelling and he heard a woman say, I saw that, I saw that.

Mr. McDonald saw Jim Townsend get in his truck and drive off through the gate he heard the truck stop, then he heard some conversation. He could hear Mr. Harrison talking loudly, then he heard the truck drive away and shortly after, Harrison said to McDonald, what kind of a neighbour are you and said something like, did he cut my tree down? Then two ladies came over and that was Mrs. Brandt and Mrs. Harrison to where Mr. Harrison was standing and Mr. McDonald observed that Mrs. Harrison was upset and she mumbled something about them being Christians and McDonald went onto explain that he was just there helping out, doing a job and McDonald did not see anyone hit with a vehicle or any blows struck.

The interview report is put in the folder that was received from S/Sgt. Pozzo and was returned to S/Sgt. Pozzos office for his perusal

PERSONS INVOLVED:

HARRISON, DAVID Male DOB 19AUG1943 Age: 50 (Victim/Complainant)
925 FOURTH LI E, SAULT STE MARIE, ONT

TOWNSEND, DONALD, JAMES "JIM" Male DOD 21JUL1922 Age: 60 (Suspect)
927 FOURTH LI E, SAULT STE MARIE, ONT

HARRISON KAREN (V/C) Female DOB 29SEP1953 Age: 40
925 FOURTH LI E, SAULT STE MARIE, ONT

MCDONALD, BRIAN, DOUGLAS Male DOB 22FEB1947 Age: 47 (Witness)
915 FOURTH LI E, SAULT STE MARIE, ONT

*** END OF REPORT ***

STATEMENT OF BRIAN Mc DONALD

When I was working on the Townsend property last fall, on September 13th, 1990; the driver of the cement truck told Jim Townsend and I that we would have to unload the truck from just inside the gate. Jim immediately began to cut down the offending tree on the right of way, just outside the gate.

When Mr. Harrison came home and saw the tree he became very angry and demanded that Jim tell him why he had to go and cut his tree down. Mr. Townsend told him that he did not wish to discuss it and ordered Mr. Harrison to stay off his property. There was no further discussion or altercation until Mr. Townsend was stopped out on the right of way.

I saw Jim Townsend stop before this about twenty five feet inside the gate and noticed that he was turning the four wheel drive hubs on the front wheels of his truck. I then saw him get into the truck and proceed to drive through the gate, but did not watch him leave the property.

Just a moment later I heard the truck stop on the right of way and I proceeded to walk toward the rear of the house to work on the vinyl siding. It was while I was near the back of the house working that I heard Mr. Harrison talking very loudly to Jim. One thing that I remember hearing him say was "Why did you cut my tree down?" The altercation continued for a while but I do not remember what was being said although I believe that I picked up some of it at the time.

After the yelling stopped I heard one the women say "I saw that": "I saw that" and I heard Jim drive away.

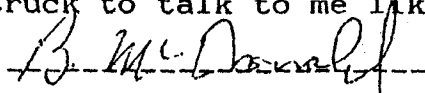
Continued on page 2

Then Mr. Harrison called me over by saying "What kind of neighbour are you? Why did you let him cut my tree down?" I came over to the right of way and told him to keep me out of this, I was just there to do a job.

While I was talking to them there was no mention of Mr. Harrison being hit by a truck that I can recall. I did not notice or witness anything to indicate the occurrence of the alleged crime that was later brought to my attention in January or February 1991.

I remember Harrison and his friends discussing my church and religious stand and the tree, but not being hit by a truck, not even as much as a reference to pain or a bruise or an injury. One thing that I still remember Dave Harrison say is "He wouldn't even stop the truck to talk to me like a man."

Signed by



This day of August 1991

00088973-3: Neighbour Dispute on 13SEP90 16:07
At 925 FOURTH LI E, SAULT STE MARIE

COMPLAINANT: HARRISON, DAVID
At 925 FOURTH LI E, SAULT STE MARIE

SUPPLEMENTARY REPORT: (Last Report)

FILED BY 0073:POZZO B; 28AUG91; 18:02; INCIDENT FROM 13SEP90; 16:38; TO 14SEP90;
17:00;

On Aug. 27, 1991 Mr. Townsend attended the Station and produced a typewritten two page statement from Brian MacDonald, his neighbour in regards to the incident of the alleged striking of Mr. Harrison by Mr. Townsend with his vehicle. Mr. Townsend was advised that this would be a civil matter if he wished to pursue charges against Mr. Harrison for Mischief in laying the initial charge in regards to being struck by Mr. Townsend with his vehicle. A copy of this will be placed on file for further reference.

PERSONS INVOLVED:

HARRISON, DAVID Male DOB 19AUG1943 Age: 50 (Victim/Complainant)
925 FOURTH LI E, SAULT STE MARIE, ONT

TOWNSEND, DONALD, JAMES "JIM" Male DOB 21JUL1933 Age: 60 (Suspect)
927 FOURTH LI E, SAULT STE MARIE, ONT

HARRISON, KAREN Female DOB 29SEP1953 Age: 40 (Victim/Complainant)
925 FOURTH LI E, SAULT STE MARIE, ONT

MCDONALD, BRIAN, DOUGLAS Male DOB 22FEB1947 Age: 47 (witness)
915 FOURTH LI E, SAULT STE MARIE, ONT

*** END OF REPORT ***