

No charges for belligerent bus driver

BUT COMMUTER ARRESTED IN 2001 SCUFFLE

Vehicle rolled away unattended during fight;
lack of evidence cited in driver's exoneration

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Albert Stephen's ride to see the film *Rush Hour* with his girlfriend two summers ago degenerated into a real-life action misadventure featuring fisticuffs with a belligerent transit driver on a runaway city bus.

But the legal sequel to the bus-rage drama recently took an anti-climactic twist.

Stephen, 39, learned from prosecutors this week that the driver who slammed the bus doors closed on his leg will not be tried this month for assault.

Instead, charges against Montreal Transit Corp. driver Yvon Huard are to be dropped for lack of evidence, Stephen was told.

The way Stephen relates it, passengers looked on in August 2001 as the driver on the No. 123 route picked a verbal fight with him, knocked him down with the doors, then tackled him.

As the two wrestled, the unmanned bus began to roll. A church minister standing on the curb jumped aboard to halt the runaway vehicle. But he, too, was met with flying fists from the driver.

Things got worse when police arrived. They arrested Stephen and charged him with assault.

The other passenger, Neville Barrington, tried to speak up in his defence, but had his hand clamped over his mouth by an aggressive police officer.

After a three-year legal ordeal, Stephen was finally vindicated with an acquittal this spring.

That's why he is so outraged that the driver - whom the judge at Stephen's trial blamed for instigating the brawl - will not be put through the same wringer.

He's now left wondering if, as a black man, he is the victim of systemic racism or a legal double-standard.

"If they can take me to trial based only on the bus driver's statement, it's totally illogical that they can't take the driver to trial on the basis of three statements a judge said support each other," said Stephen, a mechanical engineering student.

"It really brings the whole ad-

ministration of justice into disrepute."

Eric Sutton, the attorney who defended Stephen, said the timing is rather strange.

"Had they decided not to charge (Huard) at all, it would have looked less suspect than dropping the charges after having forced Mr. Stephen to go on trial first, having seen Mr. Stephen acquitted and having ... a judge (say) the driver deliberately closed the door on my client's leg," Sutton said.

"With all that, you'd think the Crown would feel quite comfortable prosecuting the case."

The case raises troubling questions about accountability, Sutton added, as the driver is still on the roads and a complaint Stephen filed with the bus company never took off.

"We're going to have a bus driver with a very short fuse driving buses for the public," Sutton said.

"I think they have to hold a bus driver to a high standard and think very long and hard about not prosecuting."

Julius Grey, the lawyer who is handling a \$210,000 lawsuit launched by Stephen and Barrington in July, said withdrawing the criminal charges won't hurt their case.

But the Crown owes an explanation, Grey said - especially to Barrington, whose only thanks for preventing a bus accident was a punch in the head.

Prosecutor Isabelle Gélinas did not return calls yesterday.

Stephen said the case has been tinged by racism from the start.

The driver at first insisted he was attacked by street gang members, changing his story only after discovering Barrington was a minister.

And police automatically took the driver's word over his, his girlfriend's and Barrington's.

"I'm aware of the limitations of the law, the imperfections in the system, but I was totally taken aback by the total disregard of police officers for the law," Stephen said.

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