

Hawley freed on bail in manslaughter case

By *NICK GARDINER, THE RECORDER AND TIMES*

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After almost two years in jail, Jerry Hawley wept when he was granted bail in Brockville Court Friday on charges of manslaughter and negligence causing the death of his disabled brother Jamie.

Hawley wiped his eyes of tears in the prisoner's dock as Superior Court Justice Charles Hackland released him into the custody of friends and sureties Scott and Julie Leeman of Belleville, who made a commitment to pay a \$30,000 bond if the accused fled.

Hackland, who denied Hawley bail on a first-degree murder charge in November, 2010, agreed with defence counsel Rob Barr that the reduced charge is a significant development worthy of a change of heart for a renewed bail application.

"To my mind, this is a very substantial change of circumstances," said Hackland.

"Negligence-based charges are very different than having an intention to kill."

Judge Charles Anderson ruled in March, 2011 that a first-degree murder charge was not warranted and reduced it to manslaughter and negligence causing death.

Superior Court Justice Robert Scott upheld the ruling in December, but the Crown Attorney's office has launched an appeal of that decision.

Hackland said his reasoning for denying bail in 2010 was based on maintaining public confidence in the legal system.

But a manslaughter charge, even under the "horrendous" circumstances surrounding the death of the disabled Jamie Hawley, should not raise the same public concern, said the judge.

He noted Hawley has spent considerable time in custody and must be allowed a presumption of innocence.

Moreover, the accused has no criminal record and is not considered a threat to flee or to engage in criminal activity, said Justice Hackland.

He also refuted arguments from Crown Attorney Claudette Breault that the Leemans are unreliable sureties.

Breault said Scott Leeman's testimony, defending his purchase of three weapons over the past five years without a Firearms Acquisition Certificate as a lesser offence because they are stored at his mother's home, shows his willingness to flout the law when it suits his purposes.

"There is no way anybody will have confidence in a surety who behaves in that fashion."

She said it rings hollow when Leeman assures the court he will call police at the slightest violation of bail conditions by Hawley.

"He's is saying, 'I don't abide by the law, but I'll make sure (Hawley) does.'"

Similarly, while there have been no additions to Leeman's criminal record since 1995, police have been called to their home several times in recent years because of family disputes, said Breault.

But Hackland said he believed the Leemans to be sincere in their commitment to ensure Hawley abides by the conditions of his bail release.

Defence lawyer Rob Barr said the Leemans are hard-working people living on modest means who are committed to helping a longtime friend.

"In addition to giving their word, they are pledging pretty well everything they own (to fulfill a \$30,000 bond)," said Barr.

After the hearing, Barr said his client is relieved to have an opportunity to leave police custody.

"It has been two long years for Mr. Hawley and we're very happy under the different circumstances that he has been granted bail."

A trial date has been scheduled in May but is likely to be superseded by the Crown appeal of the reduced charge.

A court hearing will take place March 5 to determine the next steps in the case.