

Christopher Morton was to go to trial on a charge of assaulting a police officer at old city hall yesterday, but instead, the crown dropped the charge.

Charge dropped against protester

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Held handcuffed, bleeding during 2001 OCAP event

Court brief outlines 'excessive use of force'

NICK PRON
COURTS BUREAU

Would-be protester Christopher Morton had expected to march along Bay St. that morning, chanting slogans against the economic policies of the provincial government.

Instead, he ended up in the back of a police van, bleeding profusely from a cut over his eye, facing a charge of assaulting a police officer during the Oct. 16, 2001 Ontario Coalition Against Poverty rally.

His three-day trial on that charge was supposed to have started yesterday, but a court was told that the crown has decided to drop the charge against the 23-year-old student.

During a brief court hearing at old city hall, lawyer David Midanik accused the crown's office of

trying to "bury the case ... escape unscathed" from any criticism for not dumping the charge earlier.

"This is a case in which there was a gross abuse of police power," Midanik, who was notified Monday by fax the crown was dropping the charge, said in a later interview.

"The police displayed a reckless disregard for my client's constitutional rights."

Morton said in an interview that he and a group of protesters tried to avoid a police barricade at city hall where all the marchers were being searched.

Morton, studying to be a paramedic, said he had gone to the rally to protest against the government, taking along a first aid kit to help if there were any injuries.

According to a document filed with the court, his group got into a confrontation with a Toronto police officer, who had stepped in front of them.

The officer tried to grab at a cardboard shield Morton had been carrying, and in the ensuing struggle the officer was hit in the head and had his glasses knocked off, according to a brief



Christopher Morton, seen day after altercation with police at 2001 OCAP protest.

filed by Midanik to have the charges dropped.

Three other police officers immediately pounced on Morton. According to Midanik's brief to the court, the three officers "violently put him down to the ground and handcuffed him."

Morton was one of about two dozen protesters who were charged that morning, including one man who burned an

American flag at the Royal York hotel.

The court brief went on to describe the action of the unidentified Toronto officers as "exceeding the amount of force that was necessary to subdue him (Morton) and constituted an assault at common law."

It went on to say that Morton was punched, but he couldn't identify the officer.

For the next 5 1/2 hours, it said, Morton was held in the back of the police van, his hands handcuffed behind his back, bleeding from the gash over his left eye.

He wasn't allowed to go to the bathroom, or given food or water or medical care for his wound, the brief from his lawyer stated.

It stated Morton "was not read his right to counsel, nor was he afforded any opportunity to exercise his right to counsel."

Morton, who had no prior arrests by police, was later strip-searched at 14 Division before being taken to the hospital for treatment.

The wound took three stitches to close and Morton still sports a scar from it.

Toronto's chief crown attor-

ney, Paul Culver, said later the charge was withdrawn because there was "no reasonable prospect of a conviction."

Culver went on to say that any complaints about police behaviour during the protest had nothing to do with the prosecutor's office, and were a matter between Morton and the police.

A police spokesperson acknowledged yesterday that Morton had been charged following a confrontation with an officer, adding that the force had no comment about the decision to drop the charge.

"That was a decision made by the crown's office," the spokesperson said.

Midanik said he will ask a judge today to make the authorities pay for the legal costs incurred by Morton's family in the two years the case has been before the courts.

During the interview, the soft-spoken Morton described the ordeal as "terrifying."

Despite his experience, the slightly built, 5-foot-9, 125-pound man said "It hasn't discouraged me from my right to protest."