



Victim's family angered by not guilty verdict in dangerous driving trial

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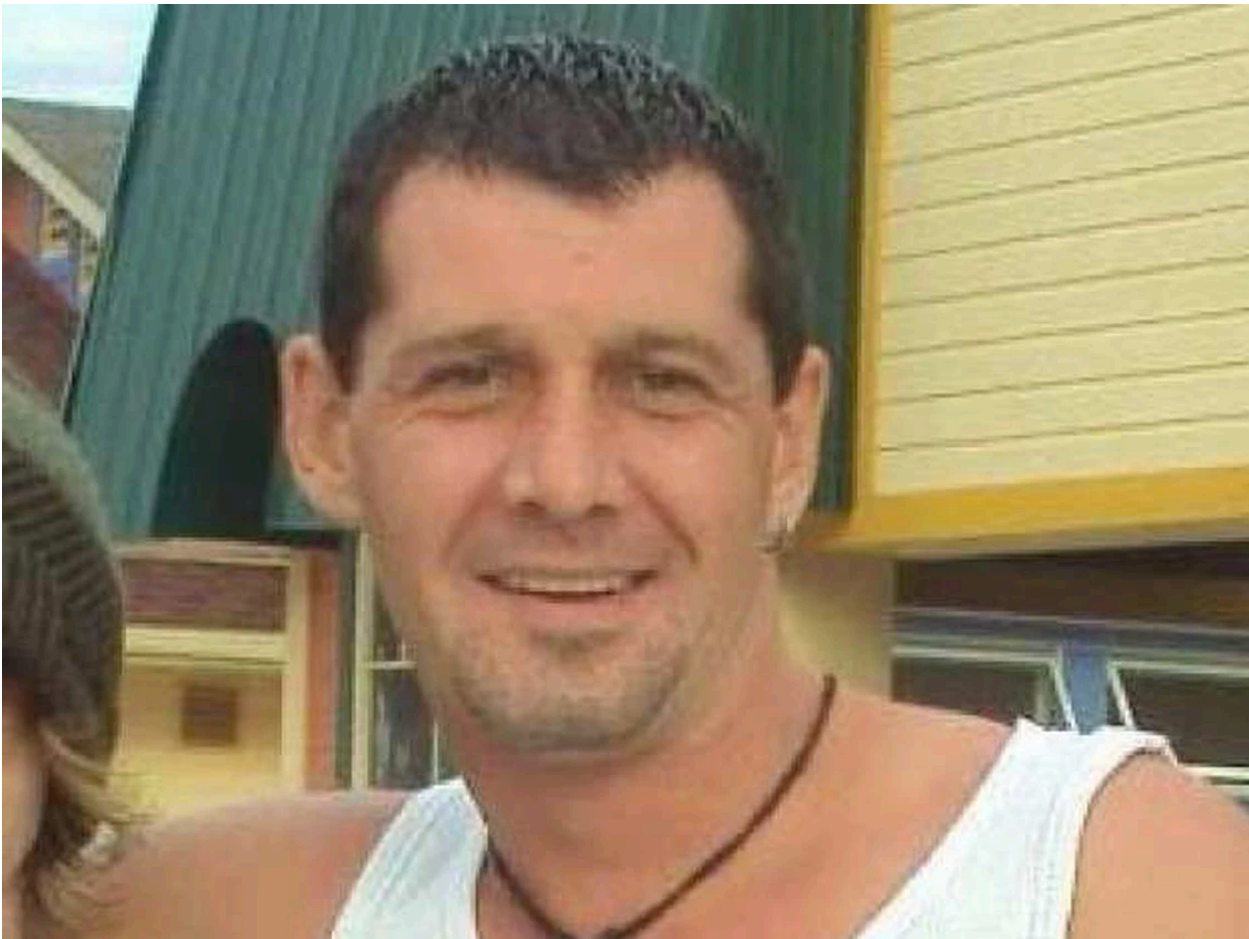
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Deinsberg St-Hilaire arrives at the Ottawa Court House with family on Friday. PHOTO BY JEAN LEVAC /Postmedia News

Andy Nevin's father muttered "disgrace" as he walked out of the courtroom while Justice Catherine Aitken was still in the midst of reading her verdict.

The judge found Deinsberg St-Hilaire, 42, not guilty of dangerous driving causing Nevin's death on June 28, 2015, and not guilty of failing to remain at the scene of the collision that killed the cyclist and father of two.



St-Hilaire had already pleaded guilty to a related charge of obstructing the police investigation into the collision during the days after the crash.

Facebook photo of Andy Nevin

Both sides of the courtroom broke out in tears as the not-guilty verdict was read, with St-Hilaire and his family members and supporters on one side, Kerry Nevin and his son's grieving family on the other.

“I want to express how sorry I am for their loss,” Aitken said to the Nevin family as many of them stood up and abruptly left the room.

“A sudden, tragic death like this, leaving so much pain in its wake, must be unimaginably difficult to bear.”

Nadia Robinson, co-parent to Nevin’s two grown sons, called the verdict “sickening” as she embraced her supporters outside court.

Prosecutor Lisa Miles told the judge that the Crown would seek a jail term for St-Hilaire in its sentencing submission on the obstruction charge.

Robinson said that fact offered the family little solace, but said it would grant grieving family members an opportunity to read victim-impact statements into the court record.

“As long as we get to tell (St-Hilaire) what he’s done, what he’s put us and our family through these last three years,” she said through tears. “It won’t do anything (to ease the pain), but at least we’ll have our say and then we’ll close the book on this.”

St-Hilaire offered no comment as he exited the courthouse a short time later, accompanied by his supporters and surrounded by television news cameras.

Justice Aitken said her “deep sympathy” for the family could play no role in her decision and noted the high standard placed on the Crown to prove its case beyond a reasonable doubt.

“Much of the evidence in this case is circumstantial,” the judge said in rendering her decision.

Aitken said while the consequence was tragic — Nevin died instantly after being struck while cycling along the paved shoulder of Leitrim Road — it had been “the actual manner in which the vehicle was driving that is at issue, not the consequence.”

St-Hilaire tearfully testified in his own defence at the non-jury trial, telling the judge he “inexplicably” fell asleep while speeding along Leitrim Road at 80 km/h — which was 30 km/h above the posted speed limit — when he was awakened by a loud bang.

Crown prosecutors Lisa Miles and Julian Daller called it “implausible” that St-Hilaire would claim, as he did under cross-examination, that he felt nothing as his vehicle struck Nevin, who was knocked forward into the ditch while the steel frame of his bicycle crumpled under the truck’s passenger side wheel.

St-Hilaire testified that he awoke to notice his truck was driving about one metre over the fog line on the paved shoulder and that he saw “nothing amiss” as he checked his rearview mirror, so he continued driving.

St-Hilaire’s defence lawyer, Eric Granger, said during closing arguments that the Crown showed “limited evidence” of a dangerous pattern of driving leading up to the collision and argued St-Hilaire did not go beyond a “momentary lapse in attention” when his truck drifted into the shoulder and struck Nevin.

St-Hilaire denied he had been drinking before the fatal crash, claiming he consumed a lone glass of wine “for toasting purposes” while serving as best man at his brother’s wedding.

St-Hilaire retrieved his white Ford F-250 from his brother's Barrhaven house early that morning. He testified he had not been feeling tired when got behind the wheel around 4:45 a.m.

He struck Nevin shortly before 6 a.m.

He testified he only noticed the front-end damage to his truck after he arrived at home and assumed he had struck a mailbox.

The Crown called St-Hilaire's testimony "carefully scripted" as prosecutors detailed the evidence that led to the obstruction charge, noting how St-Hilaire concealed the damaged truck, removed the licence plates as he drove to a garage under cover of night, then had the truck repaired at a second garage before taking it through a car wash.

In his testimony, St-Hilaire said multiple Crown witnesses were "mistaken" in their testimony, including garage owner Shawn Nadeau, who confronted St-Hilaire when he began to suspect the truck he had fixed was the same one that news reports had said police were searching for. Nadeau testified that St-Hilaire told the mechanic he had been drinking the night before and that he felt tired when he got behind the wheel.

Court will set a sentencing date on the obstruction charge in January.

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