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Reeve guilty of drinking and driving

By Jim Eadie

Following a two-hour trial held at the Ontario Court of Justice in Bancroft on March 14, Wollaston Township Reeve Graham Blair was found guilty of operating a motor vehicle with more than 80 milligrams of alcohol in 100 millilitres of his blood. He had been arrested on Feb. 9, 2016 during a police vehicle check in Wollaston Township.

Bancroft OPP Sgt. Dwayne Sears told the court that he had received an anonymous complaint earlier in the day regarding a ?chronic drinking driver? in the Coe Hill area. At 4:42 p.m. that day, Sears observed the vehicle being operated by Blair along Hwy 62, and pulled the vehicle over after following it for several minutes.

?My intention was to check the sobriety of the driver,? Sears told the court. ?At that time, [Blair] showed no signs of impairment?his driving was OK, he parked the vehicle properly, and he had no problem getting out his papers.?

A roadside screening test was administered, and Blair registered a ?fail.? Sears told the court that the screening device is set to register a fail if the blood alcohol reading is above 100 milligrams of alcohol in 100 millilitres of blood. On the basis of that information, Blair was arrested and brought to the Bancroft OPP detachment for an ?intoxilizer? test to determine the exact blood alcohol levels.

Two intoxilizer tests were performed by Sr. Const. Michael Szusz showed Blair's blood alcohol level to be 128 milligrams of alcohol in 100 millilitres of his blood, and 125 milligrams of alcohol in 100 millilitres of his blood approximately 20 minutes after the first test. ?The two tests were within three per cent of each other,? Szusz told the court. ?That is good.?

Defence council Leo Adler, representing Blair, vigorously cross-examined the two police witnesses, in particular around the issue of Blair's right to timely counsel, and potential sources of inaccuracy in the breath test readings.

Ontario Court of Justice Judge Stephen Hunter concluded there was no breach of Blair's right to counsel, and that he did understand the proceedings and his legal jeopardy while in police custody. In addition, Hunter ruled that the certificate stating the intoxilizer readings was properly before the court, and there was no evidence before him that they were inaccurate.

Blair was found guilty. Noting that it was a first offence and not a high reading, Hunter sentenced Blair to $1,000 fine, and a mandatory one year driving suspension from March 14.

Blair was also charged with impaired driving and operating a motor vehicle with more than 80 milligrams of alcohol in 100 millilitres of his blood on Oct. 9, 2016 after a vehicle was found in the ditch on the Old Hastings Road. That matter is set for trial at the Ontario Court of Justice in Bancroft on June 20, 2017.

A second conviction for these type of offences carries with it a mandatory minimum sentence of 14 days in jail, and the likelihood of an increased driving suspension.