
Appendix 28

Overview of the 20 Cases

The 20 cases that follow were examined as part of the Chief Coroner's Review.

1 AMBER

Amber was born in Timmins, Ontario. She died on July 30, 1988, at the age of 16 months. On July 28, 1988, she was taken to the local hospital. Her 12-year-old babysitter, S.M., reported that Amber had fallen down the stairs. Amber was transferred to the Hospital for Sick Children (SickKids), where she later died. The investigating coroner did not order an autopsy and concluded that Amber had died from an accidental fall. SickKids physicians later discussed the case and concluded that the history of a short fall did not account for her injuries. On August 19, 1988, Amber's body was disinterred, and Dr. Charles Smith performed the autopsy. Dr. Smith concluded that Amber had died of a head injury caused by a severe shaking. On December 15, 1988, the police charged S.M. with manslaughter. S.M.'s trial lasted some 30 days over a 13-month period from October 1989 to November 1990. On July 25, 1991, the trial judge, Justice Patrick Dunn, acquitted S.M. of the manslaughter charge.

2 BABY F

Baby F was born and died on November 28, 1996. On November 30, 1996, police officers discovered Baby F's body wrapped in several plastic bags in her mother's bedroom closet. She had been dead for two days. On December 1, 1996, a pathologist at the local hospital conducted an autopsy. The pathologist requested a second opinion from Dr. Smith, who produced a consultation report, concluding that the cause of death was asphyxia. On March 19, 1998, Baby F's mother was charged with infanticide, and on July 6, 1998, she pleaded guilty to the charge. She received a two-month conditional sentence to be served at home, was placed on

probation for three years, and was ordered to perform 150 hours of community service. On October 24, 2006, Baby F's mother received a pardon arising out of the conviction.

3 BABY M

Baby M was born and died in Pickering, Ontario, on November 8, 1992. Early that morning, Baby M's grandparents found Baby M's mother in the bathroom of their home, covered in blood. Ambulance attendants discovered Baby M's body in the toilet. Dr. Smith performed the autopsy on the morning of November 8, 1992, and concluded that the cause of death was asphyxia. That evening, the police charged Baby M's mother with second-degree murder. In July 1994, Baby M's mother pleaded guilty to manslaughter. She received a suspended sentence, probation for three years, and was ordered to perform 300 hours of community service.

4 BABY X

Baby X died in 1996, at the age of two. The history was that Baby X suffered a fall while at a daycare facility. Dr. Smith performed the post-mortem examination. Subsequently, Baby X's mother contacted Deputy Chief Coroner Dr. James Cairns about the results of the autopsy. Dr. Cairns requested that Dr. Smith meet Baby X's mother at her home in the Barrie area to discuss his findings. On September 4, 1996, Dr. Smith telephoned Baby X's mother and arranged to meet with her the next day at her home. The police intercepted the conversation and contacted Dr. Smith to advise him that listening devices installed in the home would likely intercept his conversation with Baby X's mother. On September 5, 1996, Dr. Smith met with Baby X's mother to discuss the post-mortem results. He met with the police before and after his meeting with Baby X's mother. The police investigation into Baby X's death is ongoing, and the Inquiry did not examine the forensic pathology in this case. The Inquiry only examined a discrete issue.

5 DELANEY

Delaney was born in Woodstock, Ontario. He was pronounced dead on May 23, 1993, at the age of five months. On the evening of May 22, 1993, Delaney was left alone with his mother and cousin at a family member's home. The next day, family members discovered Delaney's body. His mother was in the same room. Physicians admitted Delaney's mother to a psychiatric hospital, where she later

confessed to putting her hand in Delaney's mouth three times. On May 24, 1993, Dr. Smith performed the autopsy. He concluded that the cause of death was asphyxia. On June 2, 1993, the police charged Delaney's mother with second-degree murder. They later added a charge of infanticide. On April 26, 1994, a jury acquitted Delaney's mother of second-degree murder but convicted her of infanticide. She received a suspended sentence and three years' probation.

6 DUSTIN

Dustin was born in Belleville, Ontario. He died on November 18, 1992, at the age of two months. On the morning of November 17, 1992, Dustin's father realized that Dustin was no longer breathing. He was taken to a local hospital, where he later died. On November 18, 1992, a local pathologist performed the autopsy. The pathologist concluded that the cause of death was (1) respiratory failure, secondary to bronchopneumonia and aspiration, and (2) massive subdural hematoma. In February 1993, the regional coroner consulted Dr. Smith for a second opinion. Dr. Smith reviewed the autopsy materials and concluded that the cause of death was blunt trauma. On April 22, 1993, the police charged Dustin's father with manslaughter and failure to provide the necessaries of life. On May 25, 1994, following a preliminary hearing, the court discharged Dustin's father of the charge of failure to provide the necessaries of life, but committed him to stand trial for manslaughter. On April 21, 1995, Dustin's father pleaded not guilty to manslaughter but guilty to the offence of aggravated assault. He was sentenced to six months in custody.

7 GAUROV

Gaurov was born in Toronto, Ontario. He died on March 20, 1992, at the age of five weeks. Gaurov's father reported that, on March 18, 1992, he heard his son cry, and, when he went to pick him up, Gaurov gasped and went limp. Gaurov was taken to a local hospital and then transferred to SickKids, where he later died. On March 21, 1992, Dr. Smith performed the autopsy and concluded that Gaurov had died of shaken baby syndrome. On June 26, 1992, Gaurov's father was charged with second-degree murder. On December 3, 1992, he pleaded guilty to a new charge of criminal negligence causing death. He was sentenced to 90 days in custody, to be served intermittently, and two years' probation.

8 JENNA

Jenna was born in Peterborough, Ontario. She died on January 22, 1997, at the age of 21 months. On January 21, 1997, at approximately 5 p.m., Jenna's mother, Brenda Waudby, left Jenna in the care of a babysitter, J.D., who was 14 years old at the time. That night, Jenna was taken to a local hospital, where she died. Dr. Smith performed the autopsy and concluded that Jenna had died of blunt abdominal trauma. On September 18, 1997, the police charged Ms. Waudby with second-degree murder. In October 1998, following a preliminary hearing, the court committed Ms. Waudby to stand trial on the charge. On June 15, 1999, after receiving the opinions of several experts suggesting that Jenna had suffered her fatal injuries at a time when Ms. Waudby did not have care of Jenna, the Crown withdrew the charge. Two years later, in July 2001, the police began a reinvestigation of Jenna's death. Ultimately, in December 2006, J.D. pleaded guilty to manslaughter. He was sentenced as a youth to 22 months in custody, followed by 11 months of community supervision.

9 JOSHUA

Joshua was born in Belleville, Ontario. He died on January 23, 1996, at the age of four months. On the morning of January 23, 1996, Joshua was taken to a local hospital, where he died. Joshua's mother, Sherry Sherret, reported that when she went to Joshua's bed that morning, she discovered that he was blue and not moving. Dr. Smith performed the autopsy on January 24, 1996, and concluded that the cause of death was asphyxia. On March 27, 1996, the police charged Ms. Sherret with first-degree murder. The preliminary hearing took place over a 12-month period, from January 1997 to January 1998. On January 13, 1998, the judge committed Ms. Sherret to stand trial for first-degree murder. On May 26, 1998, the defence brought an application by way of certiorari to quash the committal, which the court granted. Ms. Sherret was ordered to stand trial on the charge of second-degree murder. On January 4, 1999, a new indictment was put before the court charging Ms. Sherret with infanticide. She pleaded not guilty to the charge but elected to call no evidence. She was convicted of infanticide and sentenced to one year in custody, followed by probation for two years.

10 KASANDRA

Kasandra was born in Mississauga, Ontario. She died on April 11, 1991, at the age of three-and-a-half years. On April 9, 1991, ambulance attendants found

Kasandra unconscious. They took her to a local hospital, which transferred her to SickKids, where she later died. Kasandra's stepmother later admitted to hitting Kasandra on the head. On April 12, 1991, Dr. Smith performed the autopsy. He concluded that the cause of death was cranio-cerebral trauma. On April 24, 1991, the police charged Kasandra's stepmother with manslaughter. On July 3, 1991, following a preliminary hearing, the court committed her to stand trial on the charge. On August 2, 1991, Kasandra's stepmother filed an application for certiorari to quash the committal, which she later abandoned. Kasandra's stepmother's trial commenced in the fall of 1992. After several days of testimony at the trial, she changed her plea to guilty. On October 22, 1992, Kasandra's stepmother was convicted of manslaughter. She was sentenced to two years less one day in custody. In 1997, a coroner's inquest was held into Kasandra's death.

11 KATHARINA

Katharina was born in Toronto, Ontario. She was found dead on September 15, 1995, at the age of three-and-a-half years. That afternoon, the police found Katharina's body in her mother's apartment. Her mother admitted to smothering her daughter with a pillow. The police charged her with first-degree murder. Dr. Smith performed the autopsy on September 16, 1995, and determined the cause of death to be asphyxia. In February 1996, following a preliminary hearing, the court committed Katharina's mother to stand trial on the first-degree murder charge. After the preliminary hearing, her fitness to stand trial became an issue. However, on October 6, 1997, she was found fit to stand trial and pleaded not guilty to the charge. On November 3, 1997, a court found her not criminally responsible for the death of Katharina due to the fact that she suffered from a mental disorder.

12 KENNETH

Kenneth was born in Scarborough, Ontario. He died on October 12, 1993, at the age of two years and five months. On the afternoon of October 9, 1993, Kenneth's mother telephoned 911 because her son was not breathing. According to her, Kenneth had been tangled in his bedsheets. Kenneth was taken to the local hospital and then transferred to SickKids, where he later died. Dr. Smith performed the autopsy on October 13, 1993, and concluded that the cause of death was asphyxia. On November 23, 1993, the police charged Kenneth's mother with second-degree murder. On October 24, 1995, a jury convicted Kenneth's mother of the offence. She was sentenced to life imprisonment with parole ineligibility

for 10 years. She appealed. On January 22, 1998, the Court of Appeal for Ontario dismissed her appeal.

13 NICHOLAS

Nicholas was born in Sudbury, Ontario. He died on November 30, 1995, at the age of 11 months. That day, Nicholas was taken to a local hospital, where he was pronounced dead. His mother, Lianne Gagnon, reported that Nicholas had crawled under a sewing table and had fallen from a standing to a sitting position before losing consciousness. She assumed that he had hit his head on the underside of the sewing machine. On December 1, 1995, a pathologist at the local hospital performed the autopsy. The pathologist concluded that the cause of death was undetermined and that the findings were consistent with sudden infant death syndrome, provided all other aspects of the investigation were negative. In November 1996, the regional coroner referred the case to the Paediatric Death Review Committee, which assigned the initial review of the case to Dr. Smith. On January 24, 1997, Dr. Smith produced a consultation report, attributing Nicholas' death to blunt head injury. On June 25, 1997, Nicholas' body was exhumed, and Dr. Smith performed a second autopsy. He concluded that the cause of death was cerebral edema. Ultimately, the Crown and the police did not pursue any criminal charges in relation to Nicholas' death. However, in 1998, the local children's aid society initiated proceedings in respect of Ms. Gagnon's second child. The proceedings concluded on March 25, 1999, when the children's aid society withdrew its application after it was provided with an independent expert report by Dr. Mary Case.

14 PAOLO

Paolo died on May 29, 1993, at the age of eight-and-a-half months. On May 30, 1993, a local pathologist performed the post-mortem examination, and concluded that Paolo's death was attributable to sudden infant death syndrome. Almost one year later, on May 6, 1994, Paolo's parents, Marco and Anisa Trotta, brought a second child, who was one month old at the time, to the hospital with a fractured femur. This led to the reopening of the investigation into Paolo's death. In July 1994, Paolo's body was exhumed, and Dr. Smith performed a second autopsy. He found multiple fractures but opined that the cause of death was undetermined. The police charged Mr. Trotta with second-degree murder, aggravated assault, and assault causing bodily harm. They charged Ms. Trotta with manslaughter, criminal negligence causing death, and failing to provide the nec-

essaries of life. On June 12, 1998, a jury convicted Mr. Trotta of all charges. He was sentenced to life imprisonment with no eligibility for parole for 15 years. Ms. Trotta was acquitted of manslaughter but was convicted of criminal negligence causing death and failing to provide the necessaries of life. She was sentenced to five years in custody. Both Mr. and Ms. Trotta appealed their convictions. In 2004, the Court of Appeal for Ontario dismissed their appeals. They appealed to the Supreme Court of Canada. On November 8, 2007, the Supreme Court of Canada allowed their appeals, set aside their convictions, and ordered a new trial which is pending. For this reason, the Inquiry did not examine this case in detail.

15 SHARON

Sharon was born in Kingston, Ontario. She died on June 12, 1997, at the age of seven-and-a-half years. That evening, the police found Sharon's body in the basement of her home. On June 13 and 15, 1997, Dr. Smith performed the autopsy. The police later discovered that there was a pit bull dog in Sharon's home on the night of her death. Dr. Smith concluded that the cause of death was exsanguination, secondary to multiple stab wounds. On June 26, 1997, the police charged Sharon's mother, Louise Reynolds, with second-degree murder. Ms. Reynolds' preliminary hearing took place over 15 days between April and November 1998. On November 19, 1998, the preliminary hearing judge committed her to stand trial for second-degree murder. In July 1999, after Dr. Cairns and Chief Coroner Dr. James Young learned that other experts believed that Sharon had died from a dog attack, Sharon's body was exhumed. Dr. David Chiasson performed the second autopsy on July 13, 1999. He concluded that a dog caused at least some of Sharon's injuries, but that it was possible that a weapon caused some others. On January 25, 2001, after receiving the reports of several experts suggesting that Sharon had died as a result of a dog attack, the Crown withdrew the second-degree murder charge against Ms. Reynolds.

16 TAMARA

Tamara was born in Scarborough, Ontario. She died on February 8, 1999, at the age of one year. That afternoon, Tamara was taken to a local hospital, where she was pronounced dead. Tamara's mother reported that, when she got home early that afternoon, she found that Tamara was cold and not breathing. On February 9, 1999, Dr. Smith performed the post-mortem examination. He later concluded that the cause of death was asphyxia associated with multiple traumatic injuries. On February 10, 1999, the police charged Tamara's father with second-degree

murder. On May 18, 2000, following a preliminary hearing, the court ordered him to stand trial on the charge. On August 30, 2001, Tamara's father pleaded guilty to manslaughter. He was sentenced to three-and-a-half years in custody, in addition to 15 months of time served.

17 TAYLOR

Taylor was born in Thunder Bay, Ontario. He died on July 31, 1996, at the age of three-and-a-half months. That night, the police were called to Taylor's home, where they found his body. On August 1, 1996, a pathologist at a local hospital performed the autopsy. Following the autopsy, the pathologist consulted with Dr. Smith. Both pathologists concluded that the cause of death was head injury. Taylor's parents were charged with second-degree murder, criminal negligence causing death, and failure to provide the necessities of life. On June 30, 1997, following a preliminary hearing, the court discharged Taylor's parents on all charges. On September 7, 1999, the Crown brought an application to quash the discharges, which the court dismissed on September 21, 1999. On October 19, 1999, the Crown filed a notice to appeal the court's dismissal of its application. Ultimately, the Crown abandoned that appeal.

18 TIFFANI

Tiffani was born in Kingston, Ontario. She died on July 4, 1993, at the age of three-and-a-half months. That morning, ambulance attendants found Tiffani's body in her bed. A pathologist at a local hospital performed the autopsy on July 5, 1993. The pathologist found nothing suspicious and initially reported that the cause of death was undetermined. After Tiffani was buried, the police and regional coroner learned that a radiologist had overlooked several rib fractures on Tiffani's X-ray. On July 13, 1993, Tiffani's body was exhumed, and Dr. Smith performed a second autopsy. Dr. Smith found multiple rib fractures and diagnosed the cause of death as asphyxia. On July 23, 1993, the police charged Tiffani's parents with failing to provide the necessities of life and aggravated assault. On March 25, 1994, the police added a further charge of manslaughter. On May 12, 1995, following a preliminary hearing, the court discharged Tiffani's parents of the manslaughter and aggravated assault charges, and Tiffani's parents pleaded guilty to failing to provide the necessities of life. Tiffani's mother received a suspended sentence and probation for two years, and her father was sentenced to five months in custody.

19 TYRELL

Tyrell was born in Toronto, Ontario. He died on January 23, 1998, at the age of four years. On the morning of January 19, 1998, Tyrell's caregiver brought him to a local hospital. He was later transferred to SickKids, where he died. Tyrell's caregiver reported that, the previous night, Tyrell had been jumping on the couch at home when he fell and hit his head. Dr. Smith performed the autopsy on January 24, 1998. He concluded that Tyrell had died of a head injury. On January 6, 1999, the police charged Tyrell's caregiver with second-degree murder. In January 2000, following a preliminary hearing, the judge committed Tyrell's caregiver to stand trial on the second-degree murder charge. On January 22, 2001, after receiving conflicting reports from several experts, the Crown requested a stay of the proceedings against Tyrell's caregiver.

20 VALIN

Valin was born in Sault Ste. Marie. She died on June 26 or 27, 1993, at the age of four. On the morning of June 27, 1993, Valin's mother found Valin in bed, face down and on her knees. Ambulance attendants concluded that she was already dead. The evening before, Valin and her brother were left in the care of their uncle, William Mullins-Johnson. On June 27, 1993, a pathologist at a local hospital performed the autopsy, concluded that Valin had died of cardio-respiratory arrest due to asphyxia, and found evidence of sexual abuse. That day, the police charged Mr. Mullins-Johnson with first-degree murder and aggravated sexual assault. The pathologist consulted a physician at SickKids, who later authored a joint consultation report with Dr. Smith. The SickKids physicians opined that Valin had likely died of asphyxia and that she had suffered anal penetration. The defence experts agreed, to various degrees, with those opinions. On September 21, 1994, a jury convicted Mr. Mullins-Johnson of first-degree murder. He was sentenced to life in prison with no eligibility of parole for 25 years. Mr. Mullins-Johnson appealed to the Court of Appeal for Ontario. On December 19, 1996, the majority of the Court dismissed the appeal. Mr. Mullins-Johnson then appealed to the Supreme Court of Canada, which heard and dismissed his appeal on May 26, 1998. In 2001, the Association in Defence of the Wrongly Convicted began investigating Mr. Mullins-Johnson's case. Several experts reviewed Valin's autopsy materials. On September 7, 2005, Mr. Mullins-Johnson filed an application for ministerial review pursuant to the *Criminal Code*, ss. 696.1 to 696.6. On July 17, 2007, the minister of justice granted the application and referred the case to the Court of Appeal for

Ontario. On October 19, 2007, the Court allowed the appeal and acquitted Mr. Mullins-Johnson of first-degree murder.