

Court Fails to Convict Drunk Driver Due to Misunderstanding of Witness Inaccuracy

Once again an Ontario court has relied on witness information as the basis for deciding the guilt/innocence of an accused party. Wrong again.

It has been reported in the February 12th, 2011 edition of the Kitchener Record newspaper that Robert Synnott was not guilty of causing the death of a 11-year-old Grace Wynen even though he was guilty of driving with a blood-alcohol level above the legal limit. This uncommon finding was caused because the court, and police, relied upon a witness who estimated that Synnott's vehicle was 200 feet away when Grace Wynen's mother, Julie, pulled out in her Toyota Prius, into Synnott's path on Maryhill Road, near Waterloo, Ontario.

The newspaper reported that "Calculations by police determined Synnott would have had only two to three seconds before slamming into the passenger side of the car". Crown prosecutor, Andre Rajna was quoted as saying "When you look at average reaction times, even doing the speed limit, that accident was inevitable".

It is inconcievable that modern day courts in Ontario would continue to believe that witnesses could be accurate in such circumstances. If the courts had any desire to achieve justice they could have consulted any unbiased univeristy department of Psychology and ask a professor about any studies on the accuracy of such estimates. That opportunity has been available for decades. Certainly since the 1970s when I was a Psychology student. My own studies are not statistically significant but of the many motor vehicle accident cases I have reconstructed, there is a strong tendancy for witness who provide distance estimates in feet to actually mean yards or metres. Thus the 200 feet reported by the witness was more likely to be close to 200 yards or metres.

But never mind that for the moment because obviously each witness can be different in their level of accuracy. An independent method of evaluating whether the witness could have been accurate is to consider that, if Synnott's vehicle was truly 60 metres away when Julie Wynen pulled out, then it would be reasonable to expect that a driver, presumably stopped at some intersecting roadway, could start accelerating and reach the area of impact in the time that Synnott vehicle travelled the noted 60 metres. So let us look at that.

At 90 km/h Synnott's vehicle travels 25 metres every second and, assuming no braking (for now), he travels the 60 metres in about 2.4 seconds. Now, could the Toyota Prius travel from its location to the point of impact in 2.4 seconds?

UPDATE: February 24, 2011

Technical difficulties caused my delay in completing this article until now.

I attended the accident site on February 13th and conducted some testing to determine how long it took vehicles to accelerate from a stop sign and reach the area of impact. Note that the original newspaper article did not state which direction the impacting vehicles were travelling. I have assumed the Wynen Toyota was eastbound and the Synnott vehicle was northbound.

A brief analysis of my data indicates times to reach the area of impact between 2.1 and 4.9 seconds. Looking at the shortest value of 2.1 seconds one might conclude that the police were correct in believing the witness estimate. However whenever such a short crossing time was reached it was the result of a vehicle that did not come to a full stop. In fact the vehicle with the 2.1 second reading provided no significant indication of a stop before entering the intersection. Secondly, eastbound vehicles are visible for several hundred metres as they approach. A driver such as Mr. Synnott would have ample opportunity to follow the Wynen vehicle upon its approach to the intersection and would also have the opportunity to observe that it did not come to a stop. In such a consequence we would expect a reasonable driver to place their foot over the brake pedal or even apply light braking even before such a vehicle entered the intersection.

Thus Synnott's opportunity to stop, even at this short entrance time of 2.1 seconds could easily be 1.5 seconds. Assuming a maximum braking level over a time of 1.5 seconds from an initial speed of 80 km/h would mean that Synnott could have reduced the speed of his vehicle by about 25 to 30 km/h every second. Thus in 1.5 seconds his speed could have been reduced to about 35 km/h by the time he reached the area of impact. But more importantly, he would reach the area of impact at a delayed time and the Wynen Toyota would pass the location and a collision could be avoided.

But if the Wynen vehicle actually came to a full stop, as suggested in the newspaper article, then the likelihood that it then reached the area of impact in 2.4 seconds is highly doubtful. This is not a Ferrari race car or a young male driver with only speed on his mind. This is a mother transporting her child in a relatively low-powered passenger car.

For travel times near the maximum of 4.9 seconds Mr. Synnott's opportunity to avoid the collision would be even greater.

This is the type of analysis that the police should have evaluated and presented to the court for consideration.

Regardless, the court has reached a verdict. It is not my intention to cause additional difficulties to Mr. Synnott for an event that will likely be forever in his mind. This is not about him, it is about fairness and justice in the justice system. It is a disgrace to our Canadian society that we allow such important issues to be resolved solely on the basis

of what a person says when it should be highly apparent that what someone says is often imprecise, inaccurate or sometimes purposely deceitful.