

Norman McEachern Accused of 2nd Degree Murder In Death of Brett Kaufman on Kitchener Ontario Street

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The reported facts are confusing at best. Two best friends, Norman McEachern, 27, and Brett Kaufman, 34, had known each other for years and spent a day playing golf together last weekend. Later, both are in a yellow pick-up truck when Kaufman reportedly "got out of McEachern's truck, walked in front of the vehicle and was hit".

The result is that McEachern stands charged with 2nd degree murder, impaired driving causing death and dangerous driving causing death.

Police reportedly stated that there was a dispute in the parking lot at Pioneer Park Plaza at Homer Watson Boulevard and Pioneer Drive around 4 p.m. Saturday. Both men then left in the yellow pick-up heading along Homer Watson Boulevard. A short time later the truck stopped just west of the Hanson Avenue intersection. Kaufman got out, walked in front of the truck and was hit as the truck drove forward. The truck continued a short distance, then stopped. McEachern got out and came back to Kaufman.

The presence of police in the immediate area of the event is evident from the information of a witness, Roseanne Gordner, who was reportedly following a police cruiser which stopped at the accident scene. She got out to help Kaufman but noticed McEachern running toward them and yelling. When you put these facts together it would suggest that the police cruiser must have been very close to the pick-up truck when the alleged impact occurred with Kaufman and the pick-up truck.

Witnesses were reported to say that police were examining another vehicle at the parking lot at Pioneer Park Plaza where the original dispute took place. This vehicle appeared to have some damage on its side.

The reported facts of this case cause more confusion than it would appear on first glance. First, consider the time to exit a vehicle and walk in front of it. A typical walking speed for an adult male might be in the range of 1.5 metres per second. The distance to travel from an open right front door to a position in front of the right front corner of a pick-up truck might be in the range of 3 to 4 metres. But moving around an open right front door might increase that distance to something like 5 metres. Stepping out of a vehicle is not done at the same speed as steady walking pace so the actual travel speed should be something less than 1.5 metres per second and a speed of about 1.0 metres per second could be used.

The result of these assumptions is that it is highly unlikely that Kaufman could have reached the front of McEachern's vehicle earlier than 5 seconds after the vehicle came

to a halt. In reality the information that has been provided is likely imprecise and likely in error. For example, events could have taken place between the time that Kaufman exited the vehicle and the time that the impact occurred thus the mentioned time could be much greater. Also there is no indication as to how far ahead of the vehicle Kaufman "stepped out" and the distance could be 5 or 10 metres ahead or some distance that is completely different than what has been assumed. Obviously this additional distance between the front end of the truck and Kaufman would expand the timing between Kaufman's exit from the vehicle and the time of impact.

The interesting fact is that the reports of the event indicate that Kaufman "walked" implying that someone made an observation of the event. Since there are no additional witnesses mentioned, the logical possibility is that this observation was made by the police officer who must have been very near the event as it happened. If so then it is puzzling what the officer was doing during the time between the impact and the time that the female witness, Roseanne Gordner, saw McEachern running toward her. It would seem that a number of seconds should have passed yet the police officer is not observed near the body of Kaufman nor near McEachern. Perhaps the officer was reporting the events on his/her radio.

An analysis of this event should also note the obvious fact that fatal injuries do not occur from a low speed impact between a pick-up truck and pedestrian unless the pedestrian is run over by the wheels of the vehicle. Note that I am assuming the impact occurred somewhere close to where Kaufman exited the vehicle and therefore I am assuming that McEachern accelerated from a stopped position - these assumptions could be quite different from reality. But if so, then the pick-up truck's low speed could not explain Kaufman's fatal injuries and the more likely observation would be that the wheels of the truck ran over Kaufman's body. In that case it becomes difficult to prove that McEachern actually meant for the wheels of his truck to run over Kaufman - that would be difficult to achieve in the chaos of a moving pedestrian and truck. Therefore it would be unusual for the police to lay a charge of 2nd degree murder without sufficient evidence of intent. Certainly, in an altercation a driver might brush by a pedestrian and cause minor bruising or something of that nature, but surely that would not be reason to charge someone with attempted murder if the driver was merely trying to pass by a pedestrian that was moving aggressively toward the vehicle. So the actual facts and how the event will be interpreted and analyzed will determine whether the police charges are reasonable.