

ROCKY MOUNTAIN OUTLOOK

LAKE LOUISE BANFF CANMORE MD OF BIGHORN KANANASKIS STONEY NAKODA

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FEELING THE COLD

Jillian Wallace floats to acclimatize to the frigid water in preparation for ice freediving at Lake Minnewanka in Banff National Park on Saturday (March 8).

JUNGMIN HAM RMO PHOTO

RCMP officer who fired 25 times after getting shot at didn't use excessive force in shootout

GREG COLGAN

CALGARY – A police officer who fired 25 rounds at a Canmore man who fled a check stop didn't use excessive force, a Calgary Court of King's Bench justice found Thursday (March 6).

Calgary Justice Keith Yamauchi determined RCMP Cpl. Reyno La Cock's use of force "was proportional ... and it was justified" when he shot at Austin Desylva. Two bullets hit the 28-year-old in the face and neck, shattering his jaw and roof of his mouth.

"This court finds that Cpl. La Cock's use of force was objectively reasonable in the light of the circumstances in which Cpl. La Cock found himself," stated Yamauchi's written decision. "As a result, it finds that

Cpl. La Cock's use of force was proportional, necessary, and reasonable."

The determination by the court came after Desylva's defence counsel Dale Fedorchuk asked Yamauchi to find La Cock had used excessive force against Desylva.

Fedorchuk argued Sections 7 and 12 of Desylva's Canadian Charter of Rights and Freedoms had been violated by La Cock firing at him 25 times.

The sections state all people have the "right to life, liberty and security" and not to be deprived except in matters of justice and everyone "has the right to not be subjected to any cruel and unusual treatment or punishment."

Fedorchuk asked for a reduced sentence based on his argument that La Cock acted against Desylva's

charter rights.

During the trial, Desylva told the court that since he was not pointing his gun at La Cock, he was a "diminished threat" that should have led to La Cock reassessing the situation.

Yamauchi wrote that Desylva had continually avoided being stopped by police, tried to flee when his vehicle was stuck in the snow and still had the firearm he had previously used to fire at La Cock.

"The driver still had the firearm that he had used to fire two shots at Cpl. La Cock's direction. Cpl. La Cock had reasonable grounds to fire the first five shots at the driver," stated the decision.

SHOOTOUT

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