

**VICTIM IMPACT STATEMENT****In reference to the death of MY WIFE, Elizabeth Ann Sovis, on July 14, 2012****Edmund Alexander Aunger****July 28, 2012. Revised August 11, 2012.**

On Saturday, July 14, 2012, I, **Edmund Alexander Aunger**, and my wife, **Elizabeth Ann Sovis**, cycled 36 km along the Confederation Trail on Prince Edward Island. About noon, we had crossed over the Confederation Bridge from New Brunswick, and then, about 1:30 p.m., after eating lunch at Gateway Village, we picked up the branch trail at Borden-Carleton. We travelled north for 18 km to the junction at Emerald, and then headed east along the main trail for another 18 km to Hunter River. We cycled at a leisurely pace and made frequent stops to enjoy the scenery.

At Hunter River, about 5:30 p.m., we left the Confederation Trail, pedalling north along Route 13, towards our intended destination, a B & B located approximately 5 km from the trail. Route 13 is a two-lane highway. It does not have a paved shoulder.

This was our sixth day of bicycle touring since arriving in Moncton, New Brunswick, on Monday, July 9, 2012. However, it may well have been the first time that we had cycled on a highway without a paved shoulder or a cycling lane. As much as possible, we travel only on dedicated cycling paths. For example, when I informed Elizabeth that, in cycling from Moncton to Sackville, I planned to follow the Trans Canada Trail south until it ran out, and then continue the rest of the way on secondary highways – with no paved shoulders – she refused to make the trip. In her opinion, sharing the road with motorized vehicles was too dangerous. Accordingly, on Thursday, July 12, 2012, we dismantled the bikes, put them in boxes, and took the train.

Since I seemed confident about the location of the Hunter River B & B, Elizabeth asked me to take the lead. This was extremely unusual. I always follow a short distance behind Elizabeth, letting her set the pace and determine our stops. And I am always ready to provide support should she falter. We had travelled only 2.6 km along Route 13 when I heard a loud bang behind me – the sound a forklift might make if it dropped a large load of lumber. I paid little attention until I realised that the on-coming cars were stopping; people were throwing open their doors and running down the road. I circled around and pedalled back. I could see that a small crowd had gathered.

Elizabeth was lying at the side of the road and someone was pressing repeatedly on her chest. She had a deep gash on her right temple, her eyes were glazed and blood was running from her mouth. I knew she was dying. I bent over and kissed her, intending to give mouth-to-mouth respiration. A bystander asked me to move away so that others could provide assistance. She died shortly afterwards.

## **IMPACT**

As Elizabeth lay dying, I kneeled nearby, prostrate, sobbing, crying out her name over and over: “Please Elizabeth. Elizabeth. Elizabeth. Please Elizabeth.” And I pleaded with God: “Please Lord God. Please help her. Please Lord God.”

When she died, I was overcome with guilt. Seated in the back of an ambulance, I wailed inconsolably: “I should have been behind her. I should have been behind her. I never go ahead. I’m always behind her. I should have been behind her. I should have been behind her.” A kindly stranger held my hands tightly, and with every wail, she responded: “It’s not your fault. It’s not your fault.”

And then, when I thought that my pain could get no worse, I realized that I had to tell our three children that their mother was dead. I did not want to tell them. But I had to tell them. From a hospital room, I phoned each one. They couldn’t believe me. It broke their hearts. And my heart shattered over and over again. If it had been a nightmare, I would have awoken screaming. But I was already awake. And this was no terrorizing dream. It was a terrible, terrible reality.

During the ensuing days, the tears ran from my eyes incessantly. I talked and talked and talked. About everything, about anything, about nothing. And I made myself busy. I arranged Elizabeth’s cremation. I purchased a cemetery niche. I sent out her obituary. I struggled to write a eulogy. But I couldn’t sleep. Each night, I lay tensely in bed, my eyes closed. And I rested. But I couldn’t sleep.

Elizabeth was the shining star in my universe, a bright beaming sun. I first met her when we were in grade seven, and I fell madly in love. We were close friends for many years, and then drifted apart. She eventually settled in Zurich, Switzerland, and I never expected to see her again. However, we crossed paths once more in 1974, when we were 25 years old, and we married four years later.

Elizabeth loved me. “In good times and in bad, in sickness and in health, for richer or for poorer, for better or for worse, until death do us part.” Her love gave me joy and hope and strength. It surpassed my wildest dreams and my greatest expectations.

My sun has now set, and there is a growing darkness. But the light and the warmth that she supplied for so many years will continue to sustain me.

## **RESPONSIBILITY**

Everything we say and do has consequences – sometimes trivial, sometimes profound; sometimes hurtful, sometimes joyful; sometimes accidental, sometimes intentional. When the consequences are hurtful, we should own-up and apologize; we should try to remedy the hurt, and right the wrong.

And every one of us will cause hurt. We are human, therefore we err. Even when the mind is willing, the body is weak. But we have free will, we make choices, and we must accept responsibility.

But who is responsible for this heart-breaking tragedy? What rules have been broken, and who broke them? My scholastic and moral training has taught me to be sceptical of simplistic explanations and vindictive scapegoating.

### **The Driver**

Section 253 of Canada's *Criminal Code* makes it illegal for a person to operate a motor vehicle when his ability is impaired by alcohol. According to recent news reports, Clarence Arnold Moase, 49, of Kensington, Prince Edward Island, has now been charged with impaired driving causing the death of my wife, Elizabeth Sovis. Over a fifteen-year span, from 1993 until 2008, Mr. Moase has had four convictions for impaired driving offences. And, after the most recent, in 2008, he was sentenced to 70 days in jail and given a two-year driving suspension.

If indeed Mr. Moase was impaired, he should not have driven. And he must bear a heavy part of the responsibility for this fatality.

Public opinion commonly attributes alcohol abuse to wilful bad behaviour. Medical research, on the other hand, suggests that alcoholism is a chronic physical and mental illness. Some individuals likely have a genetic predisposition that is triggered by environmental influences. The World Health Organisation, in a 2004 report that analysed 30 years of neuroscience research, concluded that alcohol dependence was "as much a disorder of the brain as any other neurological or psychiatric illness" (*Neuroscience of psychoactive substance use and dependence*, p. 19).

Mental illness does not necessarily preclude personal responsibility. As difficult as it may be, an alcoholic must firmly and irrevocably resolve to never drive a motor vehicle – or handle a firearm – when his judgement is impaired.

### **The Province**

Section 15(1) of the *Constitution Act, 1982*, provides that every individual "is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination". For example, governments are forbidden to discriminate on the basis of race, origin, religion, sex or age. This list is not exhaustive, and extends, by analogy, to other personal characteristics. Whether it would also include life-style choices such as means of transportation is moot. Nevertheless, the moral implications are clear: the law should have a substantially equal impact on different groups of individuals.

Prince Edward Island has actively promoted itself to cyclists as a welcoming holiday destination, but it has failed to provide them with travelling conditions that are as safe as those available to motorists. Therefore, the province must bear a major part of the responsibility for this fatality.

In planning our vacation, Elizabeth and I were heavily influenced by the informative *Cycling Guide, 2012*, and other tourist brochures, published by Tourism PEI and

branding the province as “The Gentle Island”. In his introduction to the cycling guide (p. 4), the Minister of Tourism and Culture, Robert Henderson, promised:

Prince Edward Island’s Confederation Trail is a wonderful way to explore our beautiful Island on a bicycle.

The Confederation Trail is over 400 km of cycling paths that will take you across the Province, through our serene rural landscape and our friendly villages and towns.

Whether taking the day to explore a certain section of trail, or cycling the Province from tip to tip, this Cycling Guide will help plan your cycling vacation on the Confederation Trail. Included in the guide are accommodations which participate in the new “Cyclist Welcome Program”, which take the needs of cyclists into consideration and make their properties welcoming and easy for cyclists.

This cycling experience will allow you to see the beauty of our Province and the warmth of Islanders, and I know you won’t be disappointed.

Nowhere in the guide does the province warn that cyclists cannot safely access or exit the Confederation Trail. It lists some 119 accommodations that “take the needs of cyclists into consideration”. Nowhere does the province warn that cyclists must often travel on dangerous roads to reach these accommodations. It lists some 26 “side trips and attractions along the trail” that require travel along provincial highways. For example, the guide recommends a trip to Cavendish, located 17 km north of the trail on Route 13 (p. 15). Nowhere does the province warn that Route 13, like other suggested highways, has no paved shoulders and presents a serious danger for cyclists.

Many non-cycling Islanders will disagree with this assessment, believing that the blame should be placed solely on a drunk driver:

RCMP Sgt. Andrew Blackadar says he is frustrated at the public discussions that have ensued from Sovis’ death. Many are debating the safety of highways for cyclists and whether P.E.I.’s shoulders are wide enough for cyclists to travel safely. “Several other cars drove past that couple and were able to get by them without striking either one of them, they were able to judge distance, they were able to judge time and they were able to make it around them safely.” [...] Moase has not been found guilty in this case, but he is one of many Island drivers who have been caught drinking and driving multiple times. Many more are caught on first-time offences. And it’s a problem that’s not going away. Statistics Canada data shows the number of guilty sentences for impaired driving in P.E.I. has remained slightly above or below 300 for the past six years. This accounts for almost a third of the Island’s total criminal convictions and is almost twice the national rate (“Not getting the message”, *The Guardian*, Charlottetown, July 20, 2012).

This dispute is not constructive. Two factors contributed to a fatal accident: drunk driving and dangerous roads. Both are problematic; both must be addressed. If either element had been absent, I believe my wife would still be alive.

Nevertheless, in recent years, among our family members and close friends, five have been struck by motor vehicles while cycling on public roads. And alcohol was not a factor. The victims were our son Gregory Auger; our nephew Doug Jeffery; our friends David Parker, Darlene Kawalchuk and Karen Effa.

Only our son Gregory escaped relatively unscathed. He was hit by a car that, while making a right-hand turn on a red light, failed to come to a complete stop. The car ran over his bike, and threw him onto the hood. The elderly driver got out, gave Gregory \$20 and then drove away, leaving him traumatised, sitting by the roadside. The other four victims sustained serious and potentially fatal injuries. All required many months of rehabilitation and therapy.

### **The husband**

When I married Elizabeth, I vowed to love, honour and protect her. In leading her onto a highway with no paved shoulder, I put her life at risk. She would normally have avoided cycling under such dangerous conditions. I must bear some of the responsibility for her death.

### **SENTENCING**

Ideally, the punishment should fit the offense. And allow penitence and redemption for the perpetrator; restoration and retribution for the victim. For example, when our oldest son kicked his soccer ball over the backyard fence, breaking the neighbour's window, he reported the incident and apologized. Then we went to the local hardware store, bought a new window and installed it.

But a lost life cannot be compared to a broken window. It cannot be restored or resurrected. Elizabeth was a bright shining light – she did not hide her candle under a bushel basket – and we cannot replace her. But we can turn up our own candlepower. We can fight the darkness. We can prevent other deaths.

This is a very bad situation; we must use it for good. As Joseph, son of Jacob, told his brothers: “You meant to do me harm; but God meant to bring good out of it by preserving the lives of many people” (Genesis 50: 20, *The New English Bible*).

### **The Driver**

If Mr. Moase is found guilty of impaired driving causing death, I believe he should serve significant time in jail. It cannot be otherwise. This would be his fifth conviction, and he must do penance for his misdeeds. He, himself, would expect this, and, most probably, desire it.

My sincere prayer, however, is that this tragic accident will contribute to his redemption. That he will seek and receive treatment for alcohol abuse. That he will renounce all future consumption of alcohol. That he will find peace and strength in his daily life. That he will become a loving and generous member of his community.

This is a tall order. It will require determination and struggle and courage. And Mr. Moase will need our support.

As noted above, guilty sentences for impaired driving account for almost a third of the Island's total criminal convictions, and are almost twice the Canadian average. This is no joke; this is a disgrace. Dysfunctional behaviour becomes prevalent only when it enjoys widespread tolerance. We need to abandon our complacent attitudes; we need to stigmatize criminal conduct.

As a community, we do this by vigilant prevention and vocal condemnation. We prevent drinkers from driving; we offer alternative transportation. We spot-check drivers – particularly near popular watering holes – and we arrest offenders. We censure impaired driving in our private conversations and we castigate it in our public pronouncements.

I am not familiar with the guidelines for criminal sentencing on Prince Edward Island, or elsewhere. But I am astounded that a man with four previous convictions – for operating a motor vehicle while impaired – still possesses a driving licence. At the very least, in the interests of public safety, his vehicles should possess ignition controls preventing operation by an impaired driver. If he had had four previous convictions for misuse of a dangerous weapon, would he still have been permitted to use firearms?

Meanwhile, we must also recognize that alcohol dependence is a serious illness, and offer effective treatment programs.

### **The Province**

Prince Edward Island has a moral obligation to provide equal protection to both motorists and cyclists. It must build a transportation network that is as safe for bicycle riders as it is for automobile drivers. This would also be healthier for the human body, and less harmful to the environment.

As a minimal requirement, the province must pave shoulders on its highways and design lanes for cycling on its roads. It should also build more dedicated cycling paths. In developing the Confederation Trail, the province has made an excellent contribution to our quality of life. Now, it must go further and extend the Trail.

The province must renounce its long-time worship of the Car-god and look after the needs of its citizens. We need safe trails for cyclists and walkers and roller-bladers; for people pushing strollers and people in wheelchairs and people walking dogs.

### **The Husband**

I commit myself to paying tribute to Elizabeth and to realizing her dreams. Her light has dimmed, mine must be brighter. This will be difficult. Her love made me a better person, a stronger person. Now, I must do more with less.

Elizabeth planned to retire on June 30, 2013, and to devote her energy to the development of improved and safer trails in Alberta – for both cyclists and walkers. She would have

been thrilled to know that, in the days following her death, the Trans Canada Trail Foundation agreed to establish the Elizabeth Sovis Memorial Fund. I will promote this fund and I will work for safer trails.