

Upfront

BEING BUTCH IS NOT JUST A BUS STOP ON THE HIGHWAY TO TRANSITIONING.

Loose End > 9

GAYBASHING

Judges reject Woodward appeal



"To put it bluntly, Mr Woodward 'targeted' Mr Dowrey because of his perception that Mr Dowrey is gay and then sought to justify what he had done on that basis," the BC Court of Appeal ruled unanimously on May 27. SHIMON KARAMEL PHOTO

Woodward targeted gay man: judge

Jeremy Hainsworth

A PANEL OF THREE BC COURT of Appeal judges has unanimously upheld Shawn Woodward's hate-designated conviction and six-year jail sentence for assaulting Ritchie Dowrey in the Fountainhead Pub in March 2009.

Woodward sucker-punched Dowrey, knocking him backwards with such force that he struck his head on the hard tile floor. Woodward then stepped over Dowrey's prone body and walked away. When apprehended outside, he told witnesses that Dowrey deserved it: "He's a faggot. He deserved it. The faggot touched me. He deserved it."

Dowrey is still recovering from the serious brain injury he sustained in the assault and is unlikely to ever live independently again.

"I see no other possible explanation for Mr Woodward's behaviour than virulent homophobia," provincial court Judge Jocelyn Palmer ruled in passing sentence last November.

Woodward's lawyer, Joel Whysall, tried to convince the appeal court in April that two to three years would be a more just sentence, given his client's lack of criminal record. He also said his client's statements outside the pub did not reflect a hate bias. Woodward was motivated not by homophobia but by Dowrey's attempt to grab his crotch, Whysall said.

Justices David Frankel, Anne Rowles and Edward Chiasson didn't buy it.

Frankel said Palmer considered all relevant factors and made no errors.

"I can find no basis on which to interfere with the sentencing judge's decision," Frankel wrote in dismissing Woodward's appeal.

Whysall also argued that his client's intent should not be equated with "bullying, mob-like behaviour" — in his opinion the type of behaviour meant to be more severely punished by the Criminal Code's sentencing section on hate motivation. "It's not like a case where someone is walking down the street holding hands and then some kind of thuggish, mobbish behaviour... set upon him," he said.

What Woodward did "is the very type of conduct he acknowledges is significantly blameworthy and, therefore, deserving of significant denunciation," Frankel ruled.

"Mr Woodward's actions were premeditated. He could easily have left the pub without incident," Frankel added. "He went out of his way to deliver what he intended to be a punishing blow to Mr Dowrey. To put it bluntly, Mr Woodward 'targeted' Mr Dowrey because of his perception that Mr Dowrey is gay and then sought to justify what he had done on that basis. Such cannot be viewed as anything other than a significant aggravating factor."

Frankel also dismissed Whysall's argument that Palmer placed too much emphasis on Dowrey's injuries. "While Mr Woodward may not have intended to change Mr Dowrey's life forever, he did intend to harm him by using force that Mr Woodward knew, or ought to have known, had the potential to inflict serious injury," Frankel wrote for the panel. "The fact that this was, to use Mr Woodward's terminology, a 'one punch assault' does not lessen the gravity of what he did."

BUSINESS MENTORS



TOMORROW'S LEADERS

Trevor Ritchie, Paul Hillsdon, Justin Go Saint and Leah Nusgart (left to right) accepted this year's LOUD scholarships from BC's Gay and Lesbian Business Association on May 26. "I really don't think I would have the passion for active citizenship that I do have were it not for being queer," Hillsdon, 21, says. The scholarships were created to recognize and encourage involvement in the queer community. For more on this story go to xtra.ca.

MATTHEW DIMERA

OUTGAMES 2011

Outgames denied Vancouver 125 grant

Sauna Lewis

THE CULTURAL COMPONENT OF Vancouver's 2011 North America Outgames is in jeopardy after the organization's application for a Vancouver 125th anniversary grant was turned down.

The Outgames met the eligibility criteria but like other unsuccessful applicants "didn't articulate their plan to the degree that other applicants did," says Margaret Specht, director of the grants, awards and support programs at the city's cultural services department. An independent peer assessment committee made the grant decisions.

"I'm sorry the committee felt that way," says Outgames chair John Boychuk. "I'm more than disappointed that the committee didn't see the importance in this one-time event that would bring the communities of Vancouver together."

Vancouver city council approved a second disbursement of 125th anniversary grants on May 19, while the first phase of grants were approved last December. Outgames organizers were told their initial \$100,000 request was too high, so they lowered it to \$35,000 but were again denied.

The grants program was established to celebrate Vancouver's 125th birthday. More than 200 applications were received and 70 were selected. The total amount for both phases of grant distribution is \$1.4 million.

Had their application been successful, the funds would have gone directly

toward the Outgames' cultural activities planned for their Plaza of Nations celebration site from July 25 to 31. "But now the culture programs are challenged," Boychuk says. The funding shortfall means the location for the opening ceremonies is also in question. While the closing ceremony is still set for the Plaza of Nations, Boychuk says it could now be too costly to use the space

WE ARE LOOKING FOR OTHER SOURCES OF FUNDING, BUT IT'S NOT LOOKING VERY OPTIMISTIC AT THE MOMENT.

—Outgames chair John Boychuk

for the opening ceremonies if it can't be used throughout the week for events.

"We are looking for other sources of funding, but it's not looking very optimistic at the moment," he says. He remains hopeful that the cultural component will be saved and says that the human rights conference and sporting events are still a go.

About 1,000 athletes are expected to participate in the Outgames. "We're not giving up; we're not stopping," he says. "We're looking for that guardian angel that wants to step up and support the cultural component of the Outgames."

For more on this story, go to xtra.ca.

TRANS RIGHTS

Trans bill in BC

Nathaniel Christopher

VANCOUVER-WEST END MLA Spencer Chandra Herbert introduced a bill in the legislature on May 26 to add protection for transgender people to BC's Human Rights Code.

Previous Human Rights Tribunal rulings in BC have expanded the protected class of sex to include transgender people. But protection for gender expression is not explicitly written into the Code's section protecting people from discrimination. "We want to make it explicit," Chandra Herbert says.

In February, the federal House of Commons passed Bill C-389, a private member's bill introduced by former MP Bill Siksay, which sought to add gender identity and expression to the Canadian Human Rights Act, but the bill died in the Senate when Parliament was dissolved.

"With a Conservative majority, I don't think we'll see a federal one for another four years," says Marie Little, chair of BC's Trans Alliance Society. "I am in contact with trans people across the country and I am hoping that similar bills will be introduced in other provincial legislatures."

If Chandra Herbert's bill passes, BC will become the second province or territory to add gender identity to its human rights legislation, after the Northwest Territories.