

R. v. Ernest Leonard GUITARE: SYNOPSIS FOR A GUILTY PLEA

SECTION 1: CHARGE THAT THE ACCUSED WILL PLEAD GUILTY TO

Second degree murder, contrary to section 235(1) of the *Criminal Code of Canada*.

SECTION 2: BACKGROUND

The accused in this matter is Ernest Leonard GUITARE, age 62 years at the time of this murder. The deceased victim in this matter is Christopher Husty, who was 59 years old at the time of this murder.

The accused and Mr. Husty had met at the Salvation Army several months prior to this incident. They became friends.

At some point prior to this incident, Mr. Husty obtained his own apartment at 6-414 Dufferin Avenue, in London, Ontario. Mr. Guitare visited Mr. Husty at that apartment a number of times in the weeks leading up to this murder. On one occasion, within a week of the murder, Mr. GUITARE stole Mr. Husty's wallet from his apartment. Later, on September 10th, 2019, police found Mr. GUITARE in possession of Mr. Husty's driver's licence, credit card, and some other cards from his wallet, when Mr. GUITARE was arrested on an unrelated matter. When police returned the stolen property to Mr. Husty he told police that Mr. GUITARE was a friend of his. Police did not lay charge Mr. GUITARE in relation to the stolen property at Mr. Husty's request.

In a statement to police, Mr. GUITARE indicated that he had attended Mr. Husty's apartment a few days prior to this incident. He had requested Mr. Husty provide him with \$200.00 so that he could fund a trip out to eastern Canada, which is where Mr. GUITARE is from. Mr. GUITARE stated that Mr. Husty declined to lend him the money at that time. Ms. GUITARE felt that Mr. Husty was acting selfishly in denying this request, as he believed that Mr. Husty had received a large sum of money as part of a divorce settlement.

Mr. GUITARE told police that he had been using crystal methamphetamine for three days straight in the leadup to this incident.

SECTION 3: THE MURDER

On the evening of September 13th, 2019, Mr. Husty was present in his residence at 6-414 Dufferin Avenue. Mr. GUITARE attended Mr. Husty's unit and walked inside, uninvited. Mr. GUITARE went there intending to again demand that Mr. Husty give him the \$200.00. The front door was open and Mr. GUITARE walked inside with a large rock in his hand that he had found outside.

An argument immediately started between Mr. GUITARE and Mr. Husty. At 9:12 p.m. the London Police Service received a 911 call from Mr. Husty who stated that Mr. GUITARE was inside of his apartment and he was refusing to leave. Mr. Husty stated that Mr. GUITARE had forced his way into the apartment with a large rock in his hand. While Mr. Husty was on the line, Mr. GUITARE was yelling at Mr. Husty and Mr. Husty was pleading with the operator to send him help. Mr. GUITARE then began attacking

Mr. Husty. The last words uttered by Mr. Husty were “OW OW OW OW OW”, and then the call cut out.

Based on Mr. GUITARE’s statement, which has been supplemented with forensic evidence, the following series of events has been determined. When Mr. GUITARE first attacked Mr. Husty, he knocked him backwards over a chair, and to the ground. Mr. GUITARE then began choking Mr. Husty, but stated he was “hard to kill”. As Mr. Husty lay unconscious from the choking, Mr. Guitare took a “butcher’s knife” he located in a drawer in the kitchen and sliced Mr. Husty’s neck three times with it. Finally, Mr. GUITARE then took a child-sized baseball bat that he located in the unit, and forcefully struck Mr. Husty three times in the head with it.

SECTION 4: MR. GUITARE’S MOTIVES

There are multiple apparent motives for this murder. First, Mr. GUITARE told police he knew “it was going to be violent if he turned me down”, with respect to the \$200.00 he was again going to request from Mr. Husty. Second, Mr. GUITARE said he decided to murder Mr. Husty when Mr. Husty called the police on him because Mr. Husty had given the police his name, and Mr. Husty had “lied” that Mr. GUITARE was going to smash his t.v.; Mr. GUITARE said at that point he realized he was now “on the run”. Finally, Mr. GUITARE told police he killed Mr. Husty because Mr. Husty called him a “rat”, which he found very insulting, given Mr. GUITARE’s prior experiences in prison.

SECTION 5: POST-OFFENCE CONDUCT AND CAUSE OF DEATH

Witness Jordan South was inside of his apartment directly above the unit occupied by the Mr. Husty. Mr. South heard what he thought was a fight occurring in the unit below him. Mr. South went downstairs to investigate and observed a male (Mr. GUITARE) jump over the balcony and run away. Mr. South then attended to Mr. Husty's unit and observed him laying in the middle of the living with a slash to his neck and a lot of blood pooling on the floor. Mr. South then called 911.

Shortly after Mr. Husty's 911 call was received, Allan Miller was sitting at the rear (north side) of 420 Dufferin Avenue, consuming beer. At this time he heard London Police Services' Acting Sergeant Peter Testa telling someone to stop and that he was a police officer. Mr. Miller observed a male (Mr. GUITARE), running away from Acting Sergeant Testa, who requested his assistance in stopping the male. Mr. Miller attempted to stop the Mr. GUITARE to assist Acting Sergeant Testa. Mr. GUITARE punched Mr. Miller in the jaw with a closed fist. As a result of this action Acting Sergeant Testa was able to arrest the accused at 9:23 p.m. for assault. Constable Begin attended to the yard and took custody of Mr. GUITARE from Acting Sergeant Testa.

At 9:25 p.m. Acting Sergeant Testa entered into 6- 414 Dufferin Ave and observed significant laceration to Mr. Husty's throat and he was bleeding profusely. He advised PC Begin that grounds existed to arrest the accused for attempt murder at this time.

At 9:28 p.m. Acting Sergeant Testa began clearing 6- 414 Dufferin Ave to ensure no further injured parties were present. An estimated ten to twelve inch kitchen knife was located on the counter of the kitchen with blood on it.

At 9:29 p.m. Mr. GUITARE was arrested for attempt murder by PC Begin.

At 9:30 p.m. Mr. GUITARE was read his rights to counsel by PC Aaron Begin. Mr. GUITARE advised that he wished to speak with Duty Counsel. PC Begin read Mr. GUITARE with a caution to which he stated he understood.

Mr. GUITARE had a large amount of blood on his blue jeans and a large pool on his right shoe.

Mr. GUITARE's identity was confirmed by way of a London Police mug shot.

Mr. GUITARE was transported to the London Police Detention Centre. During the book in process Mr. GUITARE made further utterances stating that he had killed the victim and would do it again if he could because the victim called him a rat.

Mr. Husty was transported to Victoria Hospital in London where life saving measures were attempted.

At 10:09 p.m. Mr. Husty was pronounced deceased by Dr. Yan. Mr. Husty had succumbed to the injuries caused by Mr. GUITARE that night.