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R. v. Yassine

Between
Her Majesty the Queen, and
Mouen Yassine

[1995] O.J. No. 4738
Court File No. 21981911

Ontario Court of Justice (Provincial Division)
London, Ontario
Doelman J.P.

Oral judgment: November 3, 1995.
(4 pp.)

Charge: S. 158(1), Highway Traffic Act - Follow too closely

Counsel:

L. Green, Provincial Prosecutor.
Defendant appearing on his own behalf.

¶ 1 **DOELMAN J.P.** (orally):— I have reviewed the evidence provided by both the defence and the Crown and I am now ready to give my judgment.

¶ 2 According to the section of the Highway Traffic Act it states that:

> "The driver of a motor vehicle or street car shall not follow another vehicle or street car more closely than is reasonable and prudent having due regard for the speed of the vehicle and the traffic on and the conditions of the highway."

¶ 3 The court has heard evidence that Mr. Yassine was the driver of a motor vehicle on a public road on the 10th of June, 1995. It has been indicated to the court that the vehicle driven by Mrs. Chelchowski was stopped at the time of collision and, having been stopped, she was ready to proceed, but then stopped once again due to the behaviour of this white car which performed a U turn in front of her and relating to this was the fact that she was hit from behind. She did not see the vehicle from behind and she was driving a truck.

¶ 4 Mrs. Parker provided evidence that she did not observe the collision but that she saw the after effects and also saw the vehicle which made the U turn.

¶ 5 The fact that a rear end collision occurred does not in itself establish a prima facie case of following too closely. Instead, we must look to other reasons to make a decision here.

¶ 6 From the evidence provided by Mr. Yassine, he stated that when he was originally stopped, he was stopped three metres behind the truck in front of him and it would seem that this would be a reasonable and prudent distance to be behind another vehicle. But that he began to proceed when the vehicle in front of him proceeded, and then it was the sudden quick stop that resulted in his vehicle actually going underneath the back of the truck.

¶ 7 From the evidence of Mr. Yassine, it is noted that he was being attentive and that he was prepared to check the traffic for when he would then enter the road in front of him.

¶ 8 I believe on the evidence presented before the court that this is a case where evidence has not been provided that Mr. Yassine was, in fact, following too closely and therefore, he will be found not guilty.

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