

Disgraced councillor goes to jail

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By LOUIE ROSELLA
Staff

Former City councillor Cliff Gyles was in jail last night after a panel of judges dismissed the appeal of his conviction and prison sentence for demanding and taking bribes.

Three Ontario Court of Appeal judges at Toronto's Osgoode Hall yesterday heard arguments from Gyles' lawyer, Morris Manning, as to why they should overturn Justice Bonnie Wein's decision back in the summer of 2003.

Wein found the Ward 5 councillor guilty on four criminal counts — two counts of municipal corruption and two counts of breach of trust — and sentenced him to two-and-a-half years in prison.

After hearing evidence from Malton businessmen Malkit Dhaliwal and Rick Benisasia, Wein ruled Gyles demanded and accepted \$35,000 in bribes from the men in 2000 and 2001 in return for approval on two unrelated rezoning applications.

The appeal judges deliberated for

about 40 minutes yesterday afternoon after hearing Manning's submissions, and decided to uphold the convictions and jail sentence.

The 59-year-old Gyles went into custody Wednesday night as part of his bail conditions, and last night



Cliff Gyles

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Gyles to serve time in Kingston-area penitentiary

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began officially serving his jail sentence.

Gyles, whose been out on bail since choosing to appeal his case back in September of 2003, is expected to be transferred to a Kingston-area penitentiary within a week.

Manning argued that Wein made "critical errors" throughout Gyles' proceedings, including creating a prejudicial atmosphere by allowing the cases of both victims to be tried together.

But, the appeal judges yesterday said Gyles agreed to have both cases

tried as one in return for the crown not prosecuting other minor charges laid against him by Peel Regional Police.

One of the judges, David Doherty, ruled Gyles cannot make this agreement and then suddenly declare "a procedural miscarriage."

"We can find no prejudice flowing from this trial," said Doherty. Manning also said Wein was wrong in allowing "similar fact evidence," which is evidence of similar facts in two or more cases, because she didn't prove the "probative value" trumped "the prejudicial effect."

But, the appeal judges weren't convinced the judge "made any error" in allowing both cases to be tried together.

Besides, said Doherty, the trial judge ruled that she was satisfied of Gyles' guilt in each case "without any evidence from the other."

Manning also argued Gyles should not be jailed, and instead should serve a conditional sentence because of his impressive political and social background, and the several letters filed in court from members of the community giving accolades to Gyles' character.

Doherty countered by saying this case "requires a penitentiary term."

Gyles is eligible for parole after serving one-sixth (about five months) of his sentence because he is a first-time offender.

After the appeal hearing yesterday, Manning didn't rule out appealing the case to the Supreme Court of Canada, but said he would have to talk with his client.

Months after his conviction more than two years ago, Gyles ran in the Nov. 2003 municipal election for the Ward 5 seat which he was forced to surrender when he was sentenced to more than 20 candidates.

In the summer of 2004, in front of a different judge, Gyles also admitted to violating municipal election rules. He told the court that in the 2000 municipal election, he exceeded the maximum campaign expense limit and gave a false financial statement and auditor's report. For these infractions however, Gyles didn't have to pay a fine or adhere to any court orders.

Ironically, if Gyles had opted not to appeal his 2003 sentence, he would have been eligible to be

GYLES, CLIFF