

Canada

Battered woman acquitted in killing

OTTAWA — The Supreme Court of Canada today upheld the acquittal of a Winnipeg woman who shot and killed her common-law husband after enduring years of physical abuse.

It is the first time in Canada that a woman has successfully used the defence of "battered wife syndrome" as a defence to murder.

"There was ample evidence on which the trial judge could conclude (the woman) was battered repeatedly and brutally over the course of their relationship," Madame Justice Bertha Wilson said in today's 7-0 ruling.

"The fact that she may have exhibited aggressive behavior on occasion or tried (unsuccessfully) to leave does not detract from a finding of systematic and relentless abuse."

Angelique Lynn Lavallee shot her common-law husband David Kevin Rust in the back of the head during a drinking party at their Winnipeg home in August 1986.

An 11-man, one-woman jury acquitted her of second degree murder after hearing graphic testimony of the regular threats and beatings the 21-year-old woman endured at the

hands of Rust, with whom she had lived on and off for almost four years.

Lavallee went to hospital at least eight times with bruises, cuts, a broken nose and black eye but often told doctors she had fallen.

The most important testimony came from defence psychiatrist Dr. Frederick Shane, who described the "battered wife syndrome," a medically-recognized phenomenon where a woman is unable to leave a relationship despite physical, sexual or emotional abuse.

Shane said Lavallee obviously felt that "unless she defended herself, unless she reacted in a violent way, that she would die."

Despite the abuse, he testified, Lavallee couldn't leave the relationship because there were "steel fences in her mind" and she was tyrannized psychologically.

In 1988, the Manitoba Court of Appeal ordered a new trial, ruling the trial judge had failed to properly instruct the jury on how to deal with the psychiatrist's testimony.

Southam News

1. What was the charge that was laid in this case?

2. What defence was used by the defendant?

3. Was the defence used by the defendant successful?

4. What is "battered wife syndrome"?

5. Do you agree with the decision reached in this case? why or why not?