

# **Collision Reconstruction Report**

**Fatal Collision 23 / 2009**

**Bloor Street West near Avenue Road  
City of Toronto, Ontario**

**Monday, August 31, 2009**

**Reconstruction Team: D.C. J. Woronchak (8125)  
D.C. J. Vance (004)**

**Author of Report: D.C. J. Vance (004)**

## 1.0 Executive Summary

On Monday, August 31, 2009 at 9:47 PM, a black Saab convertible operated by Mr. Michael BRYANT was travelling westbound on Bloor Street West. The Saab stopped at a red light for a pedestrian crosswalk near 102 Bloor Street West, Toronto.

A bicycle operated by Mr. D'Arcy SHEPPARD, travelled westbound along the center yellow dividing line on Bloor Street West. Mr. SHEPPARD abruptly turned in front of the Saab and stopped as the traffic light turned green.

Mr. BRYANT accelerated the Saab forward, and bumped the rear tire of the bicycle with the front bumper of the vehicle and stopped. This contact knocked the bicycle over, however the cyclist was able to maintain an upright position. Mr. SHEPPARD righted his bicycle.

Mr. BRYANT rapidly accelerated again from a stop and struck the cyclist from behind a second time. This time Mr. SHEPPARD was projected onto the hood of the Saab and ejected on to the roadway west of the stop line for westbound traffic.

Mr. BRYANT reversed and accelerated rapidly in a westerly direction around the bicycle that had been wedged under the vehicle. At the same time Mr. SHEPPARD stood up and approached the vehicle. Mr. SHEPPARD grabbed onto the drivers' side door of the Saab as it accelerated. The Saab crossed the center line and continued driving westbound in the eastbound curb lane of Bloor Street West with Mr. SHEPPARD clinging onto the side of the vehicle.

Mr. BRYANT drove the Saab close to the south curb of Bloor Street West, causing Mr. SHEPPARD to strike a tree, and fire hydrant. As Mr. SHEPPARD fell from the vehicle, he tumbled on the roadway, before coming to a rest in the eastbound curb lane.

Mr. BRYANT continued westbound on Bloor Street West in the eastbound and westbound lanes. Mr. BRYANT called police from a Hotel at Bloor Street West and Avenue Road.

Mr. Sheppard died as a result of the injuries sustained in the collision.

## 2.0 PREFACE

I am a member of the Toronto Police Service and have been employed since May 2008. Prior to this I was a Constable with the Victoria Police Department and Toronto Police Service from July 1990 to May 2008.

Presently, I perform my duties in a uniform capacity in the Traffic Services Collision Reconstruction Squad. As part of my duties, I attend serious and fatal motor vehicle collisions as a Designated Collision Reconstructionist.

On Monday August 31<sup>st</sup>, 2009, at approximately 10:30 p.m., Acting Staff Sergeant W. Stein (7837) of Traffic Services requested me to attend Bloor Street West, near Avenue Road, in the City of Toronto regarding a collision. The purpose of my attendance at this scene was to reconstruct a motor vehicle / bicycle collision.

Upon my arrival at the scene, I had a briefing with Sergeant E. Cordero (408) and Sergeant S. Collins (7420). The officers provided details about the scene and the collision.

I conducted a detailed scene investigation with the assistance of Detective Constable J. Woronchak (8125).

I was the Lead Reconstructionist for the collision.

I completed an examination of the Saab and the bicycle involved both prior to and after the Center for Forensic Science examination.

I completed a Collision Reconstruction Report on the collision.

### 3.0 GENERAL COLLISION SCENE

#### 3.1 Road Description

Bloor Street West was a major arterial, east-west, four-lane roadway. The road surface was constructed of asphalt. The pavement was dry and the level road surface was in fair to poor condition. The asphalt on the roadway was patchy and uneven. The two lanes in the each direction were separated by an intermittent white line while opposing traffic was separated by a single solid yellow line. Concrete curbs lined the street with concrete sidewalks.

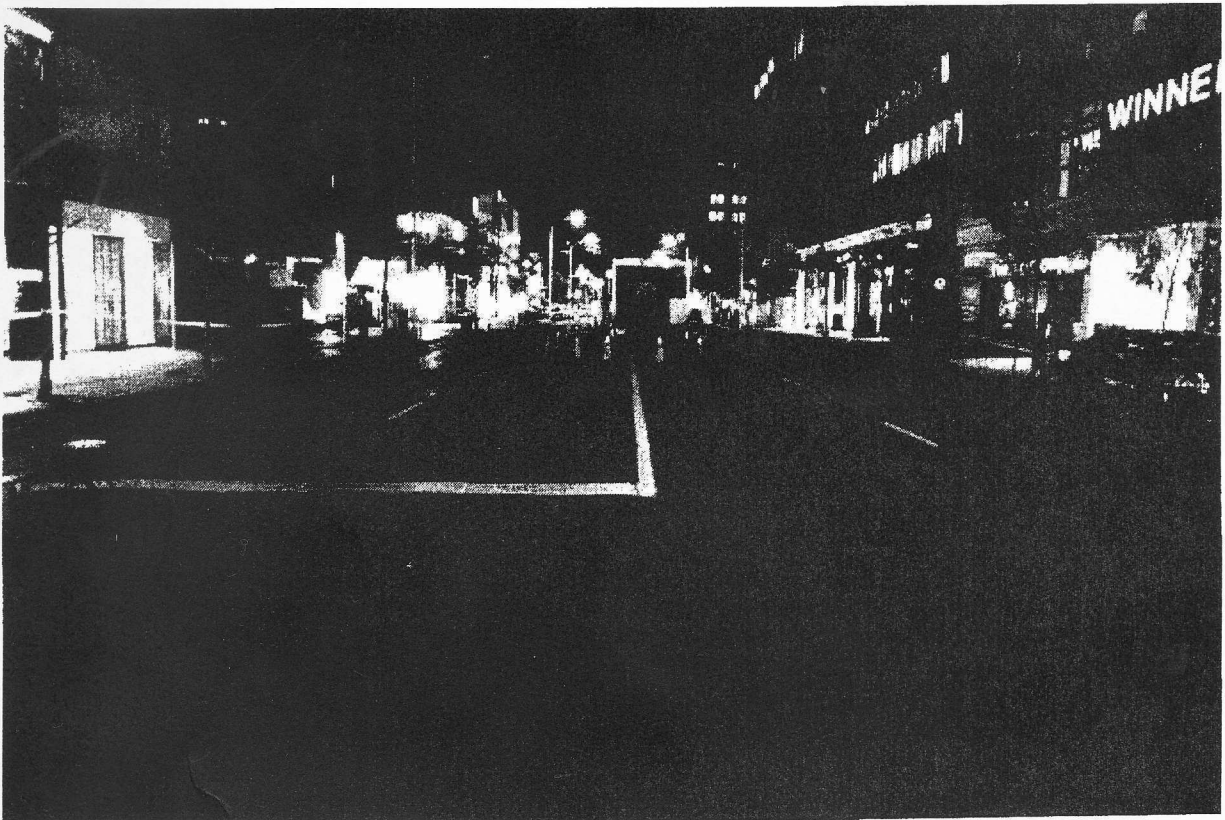


Fig 1.1 Bloor Street West facing westbound, west of #102 . (TSV00392.09 058)

#### 3.2 Surrounding Area Description

Bloor Street West between Avenue Road and Bay Street was primarily commercial with high rise residential units and offices above the retail stores.

### 3.3 Traffic Control

Bloor Street West near #102 had a traffic signal light which permitted pedestrian traffic to cross the street. The cyclic traffic light sequence at the signalized pedestrian crosswalk was green, amber, and red with additional pedestrian controls.



Fig 1.2 The signalized pedestrian crosswalk near #102 Bloor Street West facing west. (TSV00392.09 057)

There was a stop line for eastbound and westbound traffic with two thinner white lines designating a pedestrian crossing area. There was not an intersecting roadway.

Intermittent paid parking was permitted on Bloor Street West in designated areas. This portion of Bloor Street was an un-posted 50 Km/h zone.

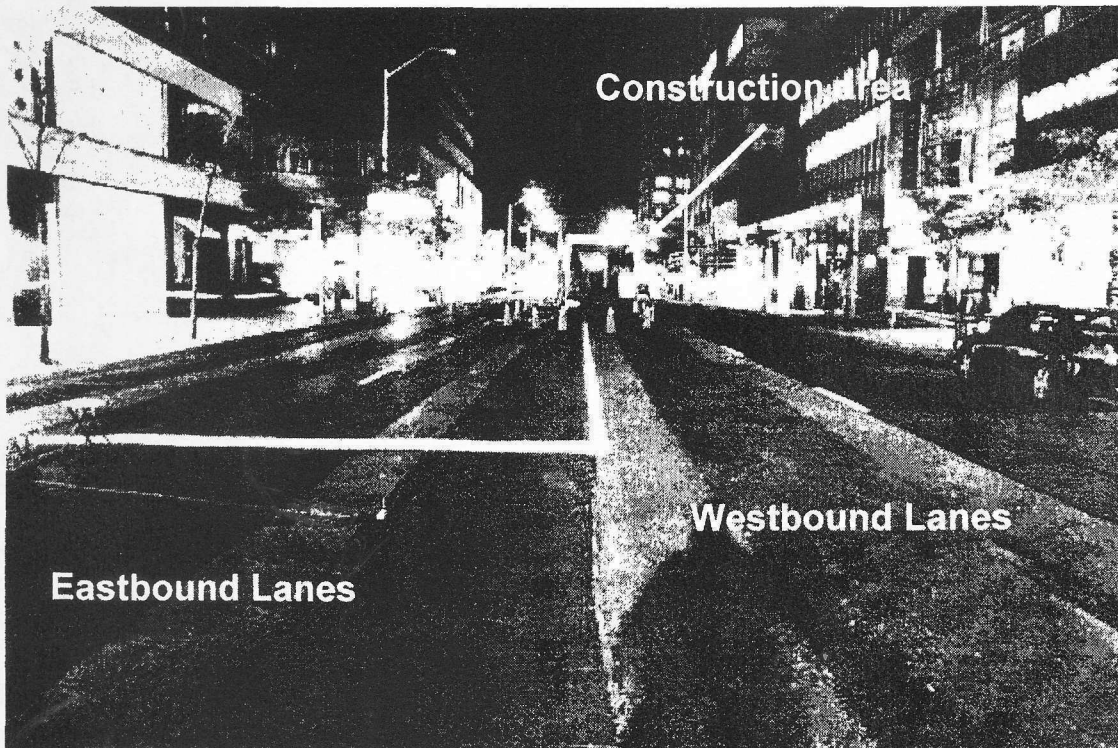


Fig 1.3 Westbound Bloor Street West approaching the construction (TSV00373.09 058)

The night of this incident a work crew had the east and westbound passing lanes closed. There were pylons and construction signs outlining the area. Only a cautionary work sign was presented for westbound traffic. The construction area was cordoned off by pylons with ample space in the curb lane for east and westbound traffic flow. Eastbound traffic had a directional arrow.

## 3.4 Weather Conditions

The asphalt was dry and the weather was warm. Environment Canada recorded the data:

## Hourly Data Report for August 31, 2009

<u>T</u> <u>i</u> <u>m</u> <u>e</u>	<u>Temp</u> °C	<u>Dew</u> <u>Point</u> <u>Temp</u> °C	<u>Rel</u> <u>Hum</u> %	<u>Wind</u> <u>Dir</u> 10's deg	<u>Wind</u> <u>Spd</u> km/h	<u>Visibility</u> km	<u>Stn</u> <u>Press</u> kPa	<u>Hmdx</u>	<u>Wind</u> <u>Chill</u>	<u>Weather</u>
16:00	19.9	11.1	57	M	M		100.84			NA
17:00	19.6	11.7	60	M	M		100.83			NA
18:00	18.8	10.7	59	M	M		100.85			NA
19:00	17.5	11.0	66	M	M		100.87			NA
20:00	16.7	12.4	76	M	M		100.92			NA
21:00	16.8	12.1	74	M	M		100.99			NA
22:00	16.3	8.7	61	M	M		101.02			NA
23:00	15.1	9.3	68	M	M		101.05			NA

Environment Canada

### 4.0 SCENE EVIDENCE

#### 4.1 Collision Scene #1 and #2

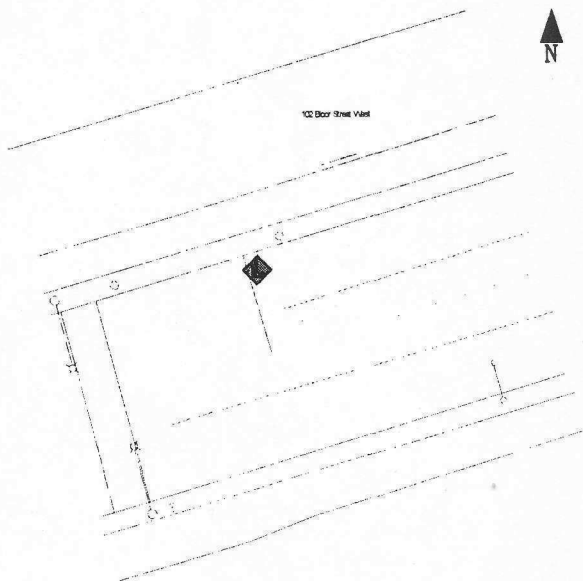


Diagram #1

Collision Scene 1 and 2 occurred in the passing lane closest to the center yellow dividing line, westbound Bloor Street West, east of the pedestrian controlled crosswalk near 102.

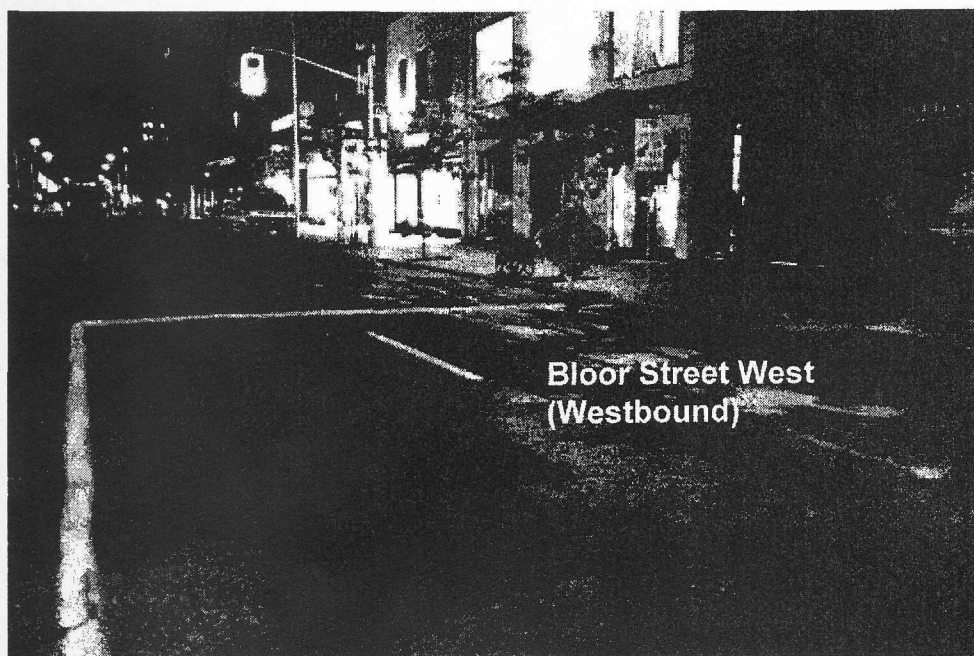


Fig 1.4 Bloor Street West east of signalized pedestrian crosswalk near #102 (TSV00373. 09057)



Collision #1 was captured on a video camera located at 102 Bloor Street West. No physical evidence was observed on the roadway from this collision.

Camera DVR #4 Cam 9 102 showed the cyclist in front of the Saab in the passing lane of Bloor Street West at a stop. The Saab moved forward from a stop striking the rear tire of the bicycle at a low speed. The bicycle was knocked over and Mr. SHEPPARD remained standing in the video.

Collision #2 was also captured on a video recording from a video camera located at 102 Bloor Street West (camera DVR #4 Cam 9 102). A scrape mark was located on the asphalt and it measured 6.7 meters (m) in length in the passing lane of westbound Bloor Street West.

The security camera showed the cyclist picking up his bicycle in front of the Saab and the Saab rapidly accelerating into the cyclist. The cyclist was ramped onto the hood of the Saab and was ejected onto the roadway.

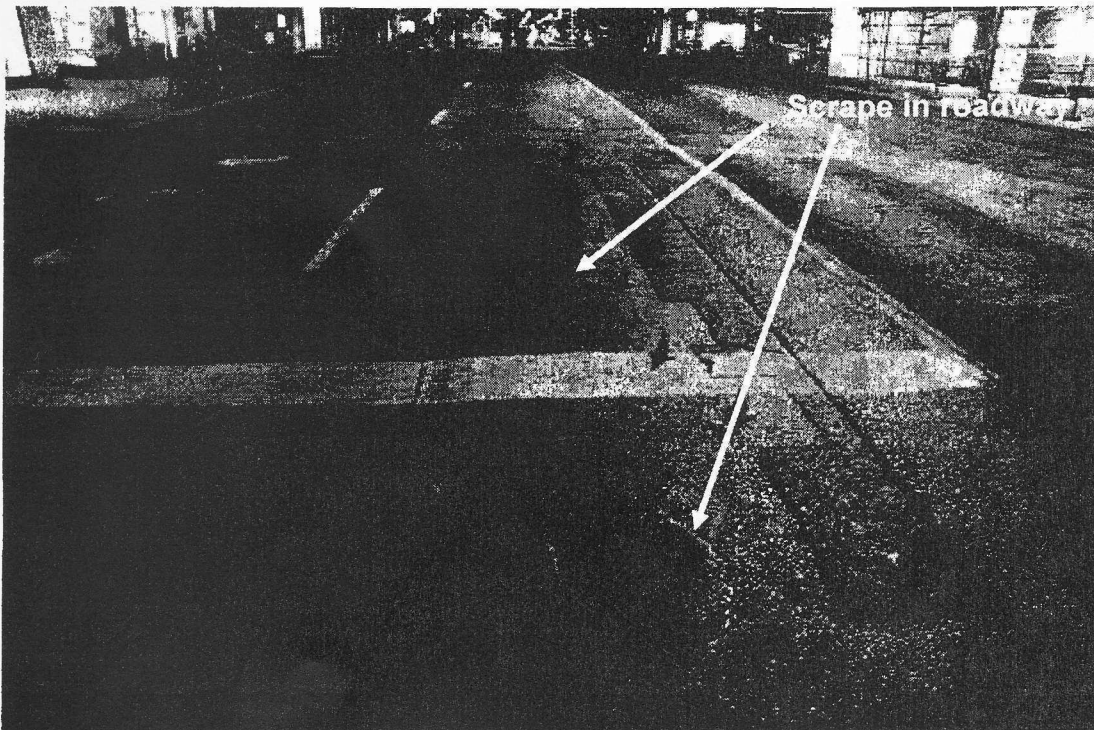


Fig 1.5 Bloor Street West facing east near #102 (TSV 00373.09 097)

The scrape began approximately 5.2 m east of the westbound stop line for the signalized pedestrian crosswalk near #102 Bloor Street West near the center of the passing lane.

4.2 Collision Scene #3

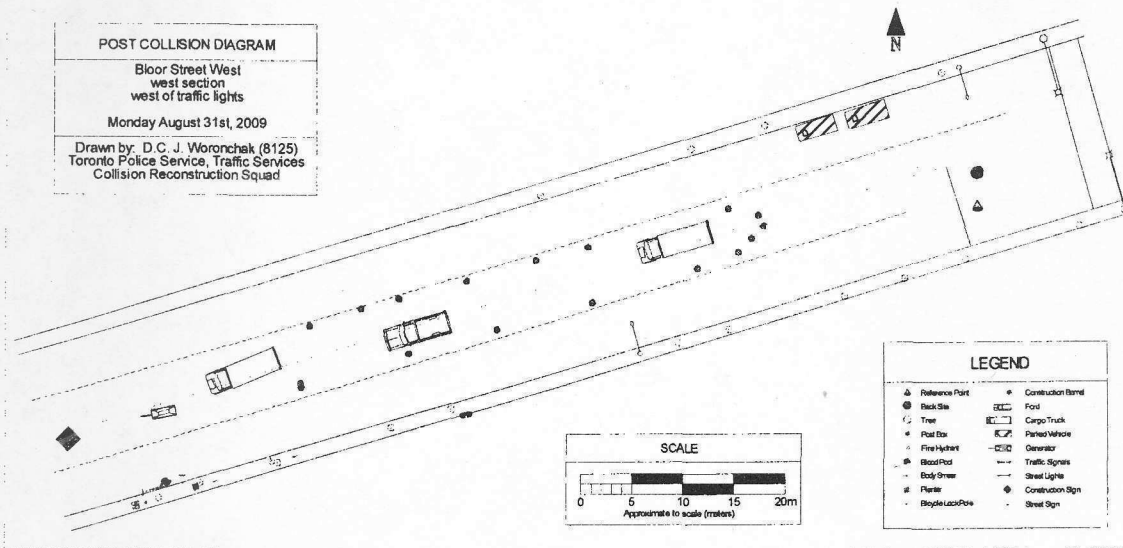


Diagram 2

Collision Scene #3 occurred near # 131 Bloor Street West on the south side of the roadway in the eastbound lanes. A tree near #131 Bloor Street West was observed to have a smear mark on it between 0.5 m and 0.43 m above the ground. A piece of bark was located on the sidewalk to the west of the tree. A fresh clean break in the tree bark was observed.

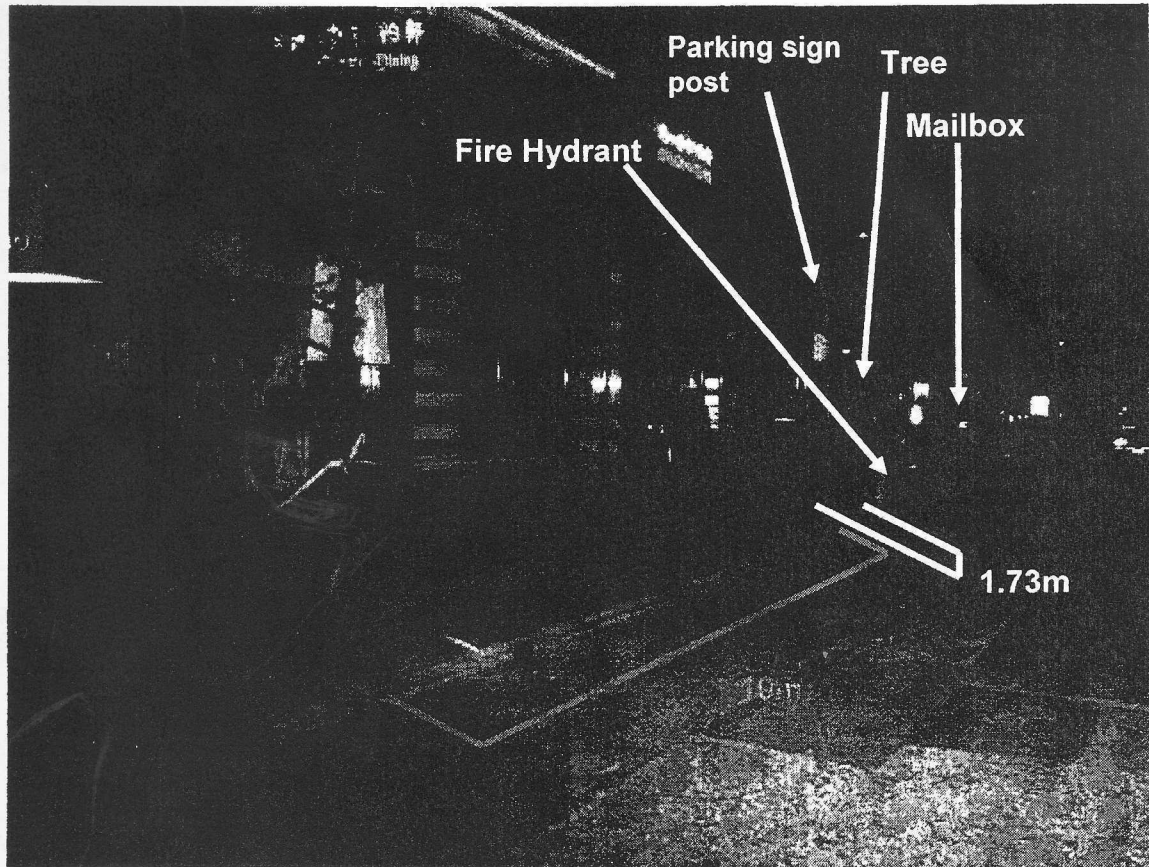


Fig 1.6 Bloor Street West facing westbound in eastbound curb lane (FIS 207309 5643)

A parking sign post and second tree were located between the tree that was struck and a fire hydrant. The post was 0.7 m from the curb, 10 m west of the first tree struck. The second tree was 0.75 m from the curb and 1.73 m west of the post for the parking sign.

The fire hydrant was located 0.54 m west of the parking sign post, and 0.32 m south of the curb.

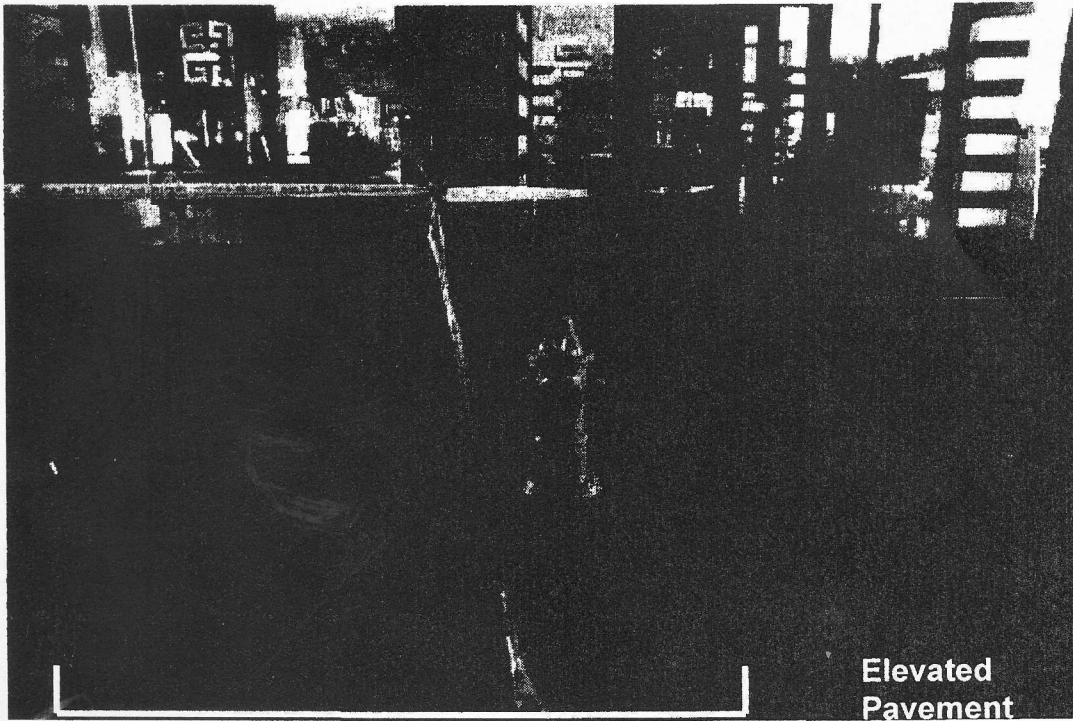


Fig 1.7 Fire hydrant near #131 Bloor Street West with elevated asphalt on roadway (TSV00373.09 087)

A raised patch of asphalt was observed on Bloor Street West in the vicinity of the fire hydrant. Fabric was located on the cap closest to the roadway of the hydrant which had a height of 0.5 m.

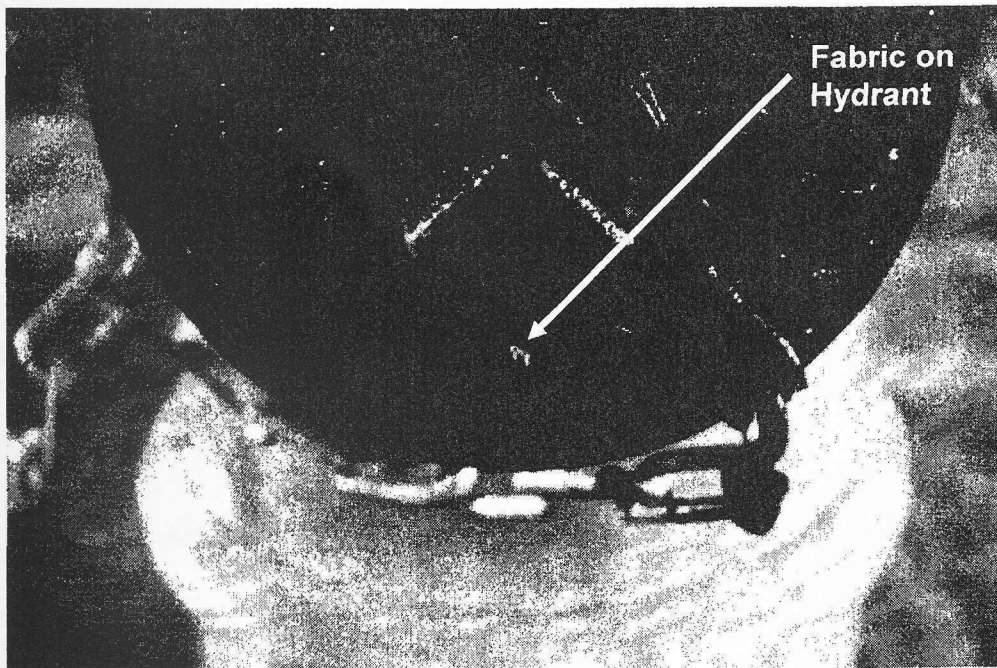


Fig 1.8 Fabric located on cap of fire hydrant near 131 Bloor Street West (TSV 373.09 0090)

No definitive curb strikes were located on the south curb of Bloor Street West in the vicinity of #131. The curb was 8 centimetres (cm) in height. The road surface in the vicinity of the hydrant was rough. The asphalt in the area of the tissue smear had numerous ridges some measuring up to 4 centimetres (cm).

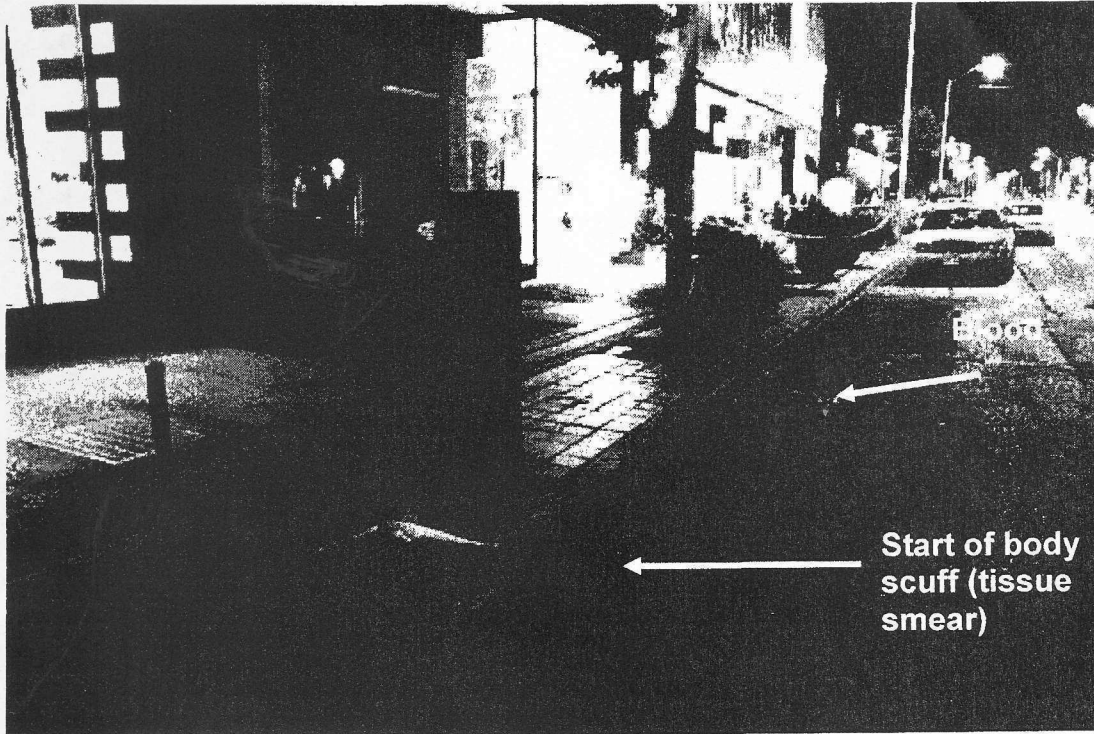


Fig 1.9 Bloor Street West facing westbound in eastbound curb lane (TSV 373.09 067)

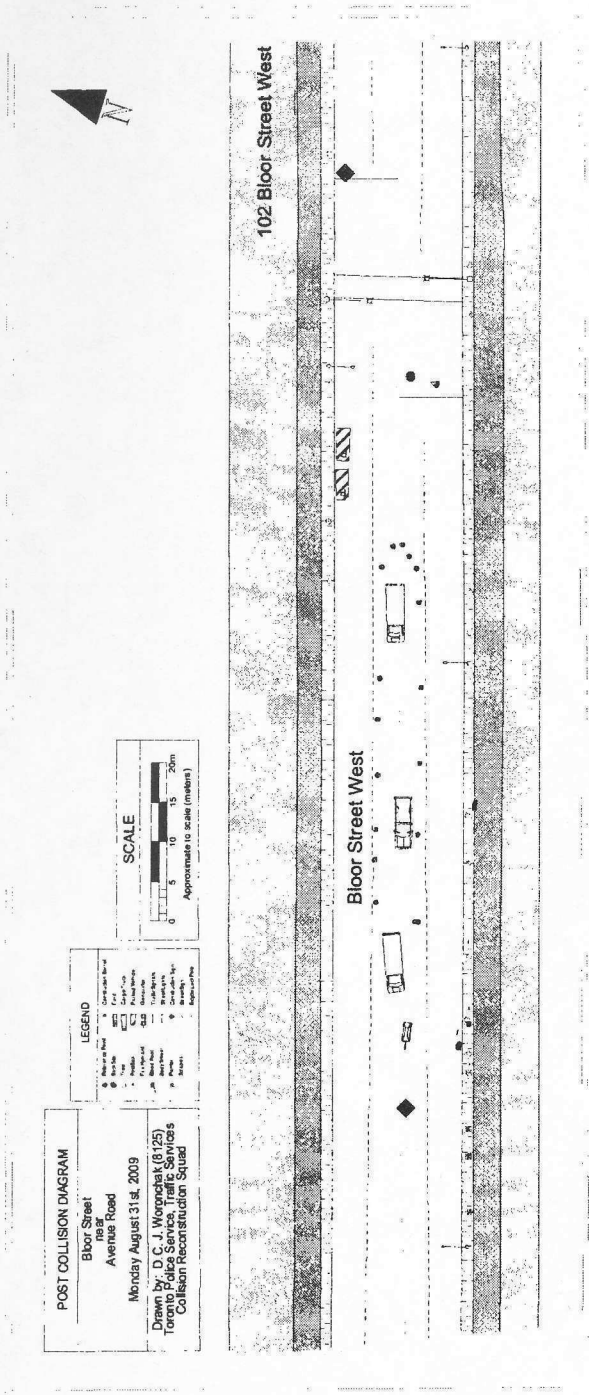
A smear of what was believed to be human tissue was located on the roadway approximately 8.7 m west of the hydrant in the lane of travel closest to the curb for eastbound traffic on Bloor Street West. This smear was approximately 0.8 m in length and was in line with the hydrant and blood.

Blood was located 10.7 m to the west of the hydrant in the eastbound curb lane of Bloor Street West.

The Saab motor vehicle involved in the collision was located at # 4 Avenue Road, the Park Hyatt Hotel.

The bicycle involved in the collision was located to the south of the blood located on the roadway resting up against a bike locking post near #151 Bloor Street West.

5.0 POST COLLISION SCENE DIAGRAM



The scene was mapped with a Sokkia Total Station with a Robotic SRX prism pole. The data was collected with an Allegro Cx and Evidence Recorder software. CrashZone software was utilized in drawing the maps.

## 6.0 INVOLVED VEHICLES

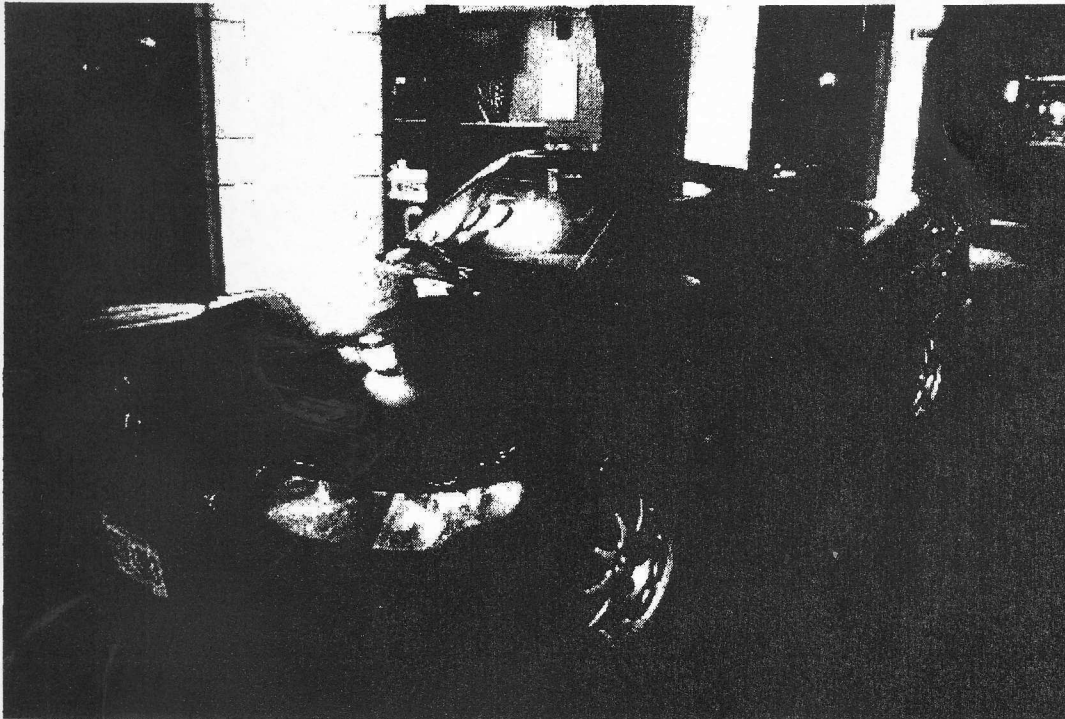


Fig 1.10 Involved Saab motor vehicle. (TSV 00373.09 009)

- 6.1    Make: Saab  
      Model: 900 SE convertible  
      V.I.N. YS3DF75N1S7001884  
      Colour: Black  
      Licence Plate BDDV 383(Ontario)  
      Year: 1995

### Vehicle Damage

- Cleaning to the front bumper, hood and drivers' side of the vehicle
- Scrapes and cleaning to the undercarriage
- Dents to both the drivers' and passenger side of the vehicle, with numerous scratches and cracked paint all over the vehicle

A mechanical examination was completed after it's forensic examination. The Saab was found to have a damaged brake line that occurred at the Center for Forensic Science. No other defects were observed.

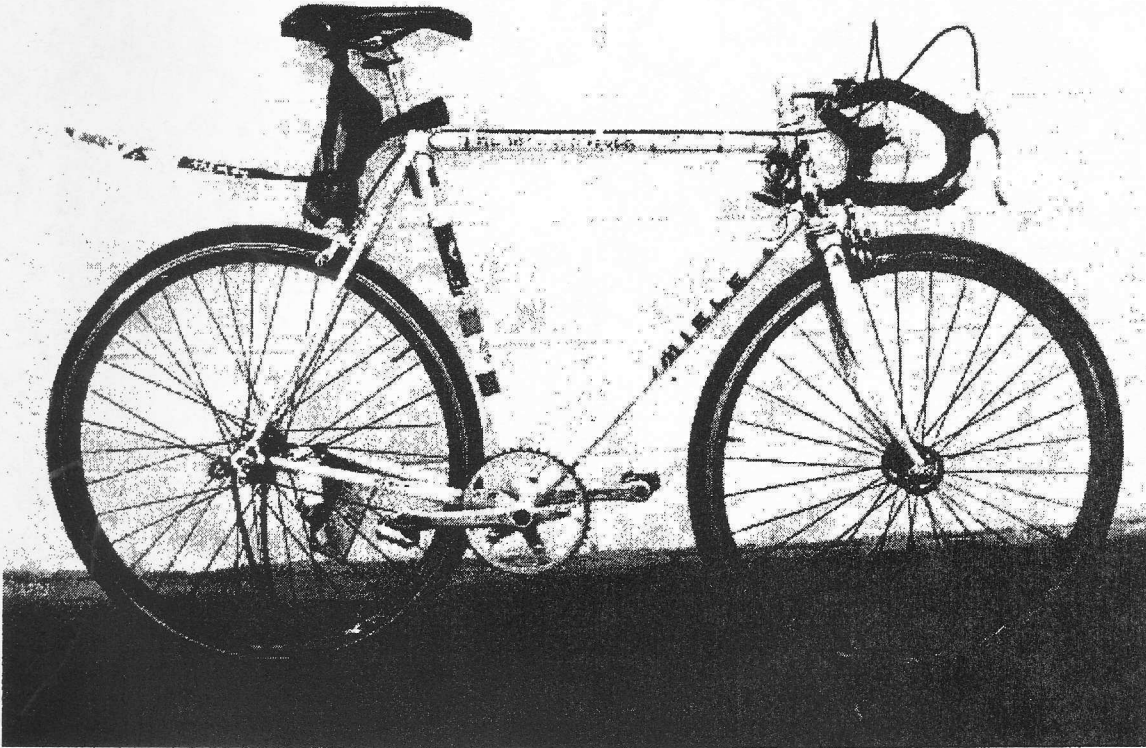


Fig 1.11 Bicycle driven by cyclist. (TSV00403.09 074)

- 6.2 Make: Miele (bicycle)
- Model: unknown
- Type: Road bike single speed
- Colour: White

## 7.0 INJURY PROFILE

*Note: This section contains graphic photographs.*

### 7.1 Driver of Saab, Mr. BRYANT

No injuries to the driver of the Saab were noted.



## 7.2 Cyclist, Mr. SHEPPARD

Injuries to the cyclist were documented in this section including the damage to his head, left rib cage area, hands and legs.

Mr. SHEPPARD had a large cut to the left side of his head, a large gaping tear to his left torso and numerous scrapes all over his body.

### Head

Mr. SHEPPARD sustained a large cut to the right side of his head and his right ear was torn.

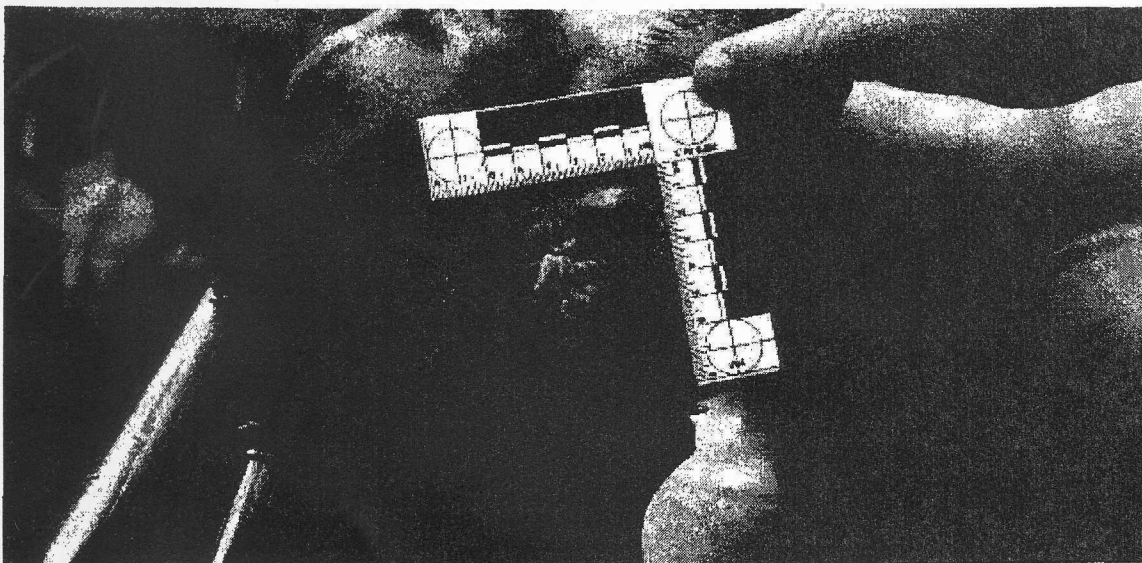


Fig 1.12 Injury to right side of Mr. Sheppard's head (TSV 375.09 083)

Torso

Mr. SHEPPARD's left chest was torn open. Redness to the chest was noted towards the center and front of his torso with the tear towards the back of the body. A number of scrapes were also noted on the cyclist's arms.

From the tear in the torso of the cyclist there were two red marks visible towards the center of the body. This redness fanned out to the opening in the cyclist's torso.

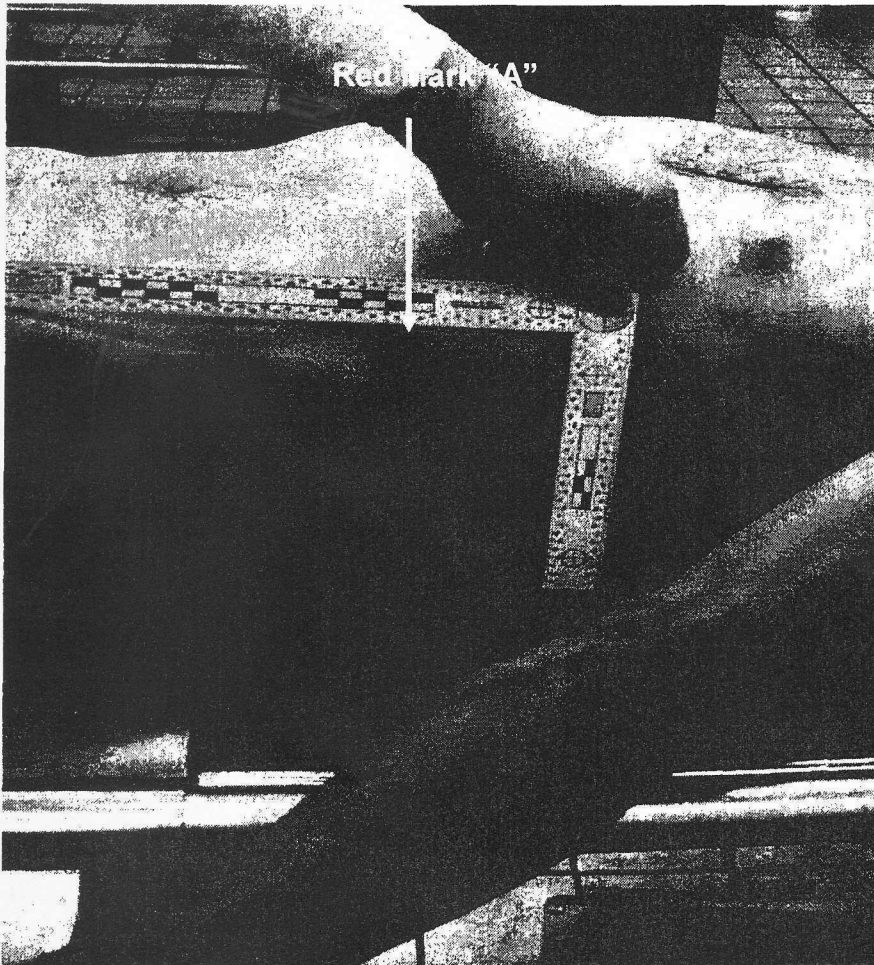


Fig 1.13 Tear to the cyclist's torso. (TSV 0375.09 056)



Fig 1.14 Picture of soiled left hand to the cyclist. (TSV 035.09 011)

Mr. SHEPPARD's hands were soiled at the time of the examination. A number of cuts were noted on both of his hands.

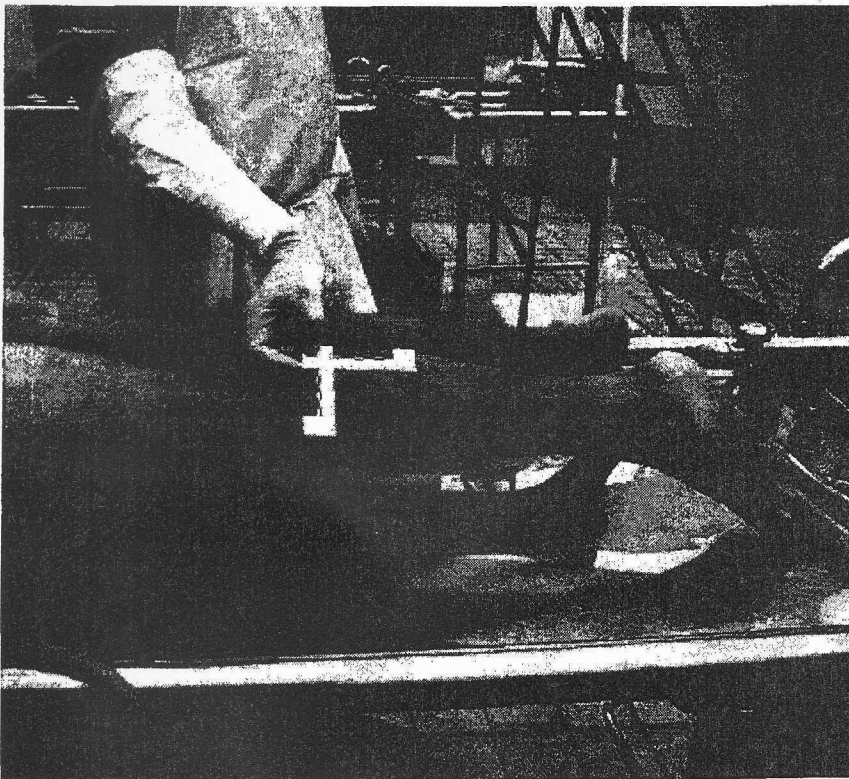


Fig1.15 Cut to left ankle with scraping on the left calf. (TSV 0375.09 043)

The cyclist had a cut to this left ankle and scraping to his left calf.

## 8.0 PATHOLOGIST REPORT

Dr. Pollanen determined the cause of death to be blunt impact head trauma. Dr Pollanen stated in his report;

- Died of blunt impact head trauma.
- Abrasions to the right ear, depressed skull fracture.
- Fatal injury was unsurvivable.

<sup>2</sup> Pollanen,S\_Report of Postmortem Examination. Ontario Forensic Pathology Service Provincial Forensic Pathology Unit.  
Case#A899-09.p11

- Related Occurrences
  1. I 47 2009
  2. H168442 2009
  3. H168657, H86057 2009
  4. H168657, H168686, I229 2009
  5. Occurrence Report #3523933, #3542034 - 2009
  6. Traffic Fatal Report #3394237 - 2009
- Analytical Report Section, pictures and Google maps of possible routes
- Fire Department report
- Property Receipts
- Vehicle Mechanical Reports
  
- Specialist Reports
  - Pathologist Autopsy Report
  - Center for Forensic Sciences Reports: Blood, Fibre, and Paint

The author of the report reserves the right to modify the report and its conclusions if new information is provided.

## 9.0 WITNESS STATEMENTS

The following were summarized accounts of witness statements collected by the Toronto Police Service.

- in the center of the road (Bloor Street West east of Avenue Road).
- Heard yelling, looked back towards the noise and saw a black convertible in on-coming traffic in the opposite lane.
- Saw the convertible drive up onto the sidewalk half on and half off the road with man hanging off side of car hitting trees, post and mailbox attempting to get the guy off the car.
- They went past my line of vision and I looked over and saw the guy lying on the ground in a pool of blood.
- I told to call police.
- I went up to the guy and told him not to move he was trying to get up.
- It took 5-10 minutes for the Fire department to show up and they started first aid.
- The car was black two door convertible basically a sedan, driving fast at least 60-70 with the guy hanging on.

## 9.2

- I asked a male who was standing there if the car hit the cyclist as he was looking at it, I asked several times as he did not respond. He finally answered yes.
- I saw the cyclist pickup his bike and he was talking to the driver of the car and was yelling "you are all a witness to this."
- I think the guy put a bag or a bike on the hood of the car and the car drove away fast.
- I was between 200 and 250 feet away from this.
- I observed the cyclist grab onto the side of the car.

9.3

- in the middle of the road.
- I saw a convertible with a driver and a female passenger in a black convertible drive fast, between 70-80 Km/h in the wrong direction.
- I didn't see anyone hanging onto the side of the car.
- I saw him hitting trees/pole mailbox.
- I saw the car turn northbound on Avenue Road.

9.4

- I was walking on the sidewalk with my father westbound.
- I heard yelling with a car stopped and observed a cyclist on the ground.
- The cyclist got up and the car backed up and ran right into the cyclist again.
- The cyclist was on the hood of the car.
- The car sped away really fast.
- The bike was in the middle of the road and a lady moved it off the road to the side.
- I saw the cyclist hit the hood with his hands (motioned both hands) and knocked to the ground.
- The cyclist would not have time to climb into the car.

9.5

- Working in the center of the road of Bloor Street east of Avenue Road.
- Was facing west when I heard tires squealing and looked east.
- Observed black car going the wrong way westbound in the eastbound lanes really fast, I thought he was drunk as we were there for 3 days with no problems.
- Was at the edge of the pylons and didn't see the guy on the side of the car at this time. I was stunned as to what I was seeing.
- The guy hit the tree at around 70-90 Km/h.
- The car was in full control when he went up on the curb for a short distance and drove eastbound when he started to hit things.

- The guy was in full control into the curb and off over just enough to squeeze the guy off.
- Saw the pool of blood after the guy was knocked off and bounced off the pavement like a beach ball... it made me sick.
- The guy tried to get up and I told him to stay still and asked a co-worker to call 911.

9.6

- Walking on the north side of Bloor Street near the Pottery Barn with daughter.
- Heard crash and a verbal exchange between a cyclist and a driver of a black car.
- Saw car back up and hit cyclist again- cyclist had thrown something on top of the car possibly his bike and the car hit him again – the cyclist went onto the hood.
- I was surprised at the hit and the vehicle drove off with the cyclist holding onto the side of the car with both hands.
- The car was a black convertible.
- Vehicle accelerated rapidly very fast approximately 50 miles per hour with the man on the side of the car and skirted the sidewalk with the male holding onto the car.
- We saw a bunch of people around the cyclist lying on the ground.
- The cyclist had his hands on the car and was being dragged by the car.

9.7

- Walking with friends on the south side of Bloor Street near the beginning of construction east of Avenue Road.
- Saw a convertible car moving fast with a person hanging off the side of the car.
- The convertible was going fast in the wrong direction on Bloor Street West.
- Saw the guy on the side of the car holding on to the driver's door area and was being dragged by the vehicle. Appeared to be hanging on so he would not fall.
- The car was close to the curb, the guy fell off hit some poles and I heard the guy hit a couple of things.
- I didn't think the car was out of control.



9.8

- Walking east on the south sidewalk of Bloor Street from Woodstock or Wood something college at the University of Toronto.
- Observed a male hanging onto a black convertible, thought he was skating beside the car.
- Observed male holding onto where the window was on the car with both hands on the door frame.
- The vehicle sped up to about 80 Km/h.
- The guy was holding on for dear life he could not let go at that speed.
- Legs are now not touching the ground and the car drove into oncoming traffic along the curb and in closer to the curb and the guy on the side hit the fire hydrant, tree and mailbox with his body.
- Guy hanging onto side came to a rest about 2 m from where standing.
- Heard the loud impact of the guy hitting the objects.
- The guy came to a rest on the road on his side with a lot of blood coming from his mouth and nose. He tried to get up three times and I told him to stay there and not move.
- I saw the plate on the car to be "B" something "D" and did not get the rest other than it was a black expensive car. I was apprehensive on giving a statement as I didn't know how much money or how powerful this guy was.
- *What drew my attention to this is "What the fuck is this guy doing."*
- Didn't hear any shouting between the driver and the guy on the side.
- The hands of the guy on the side of the car did not grab onto the steering wheel of the black car.
- The guys' head was facing the driver not facing forward at the passenger compartment of the car with the hands on top of where the windows go up and down.
- At first the guy was up near the front of the car by the windshield and as the car sped up he had both hands on the drivers' door.
- The car went up to the curb in the wrong direction, and moved in and out purposely in and out.
- The guy on the side of the car came to a rest 1-2m from me.
- This lasted 4 - 5 seconds total.

- I can't believe the guy didn't stop to let him off, I would be shit scared to get off at that speed.
- The body bounced off car and the objects.
- The car bounced like it ran over the guy.
- The car purposely went over to the curb, the guy holding on for dear life.
- No one could say it was an accident.

9.9

This witness utilized the surnames of the cyclist and driver in his statement.

- Passenger in a vehicle eastbound on Bloor Street, east of Avenue Road stopped at a red light.
  - Looked over and observed a cyclist on the ground (Sheppard) in front of a dark blue convertible car.
  - Surprised to see the cyclist on the ground and get up.
  - Cyclist pointed at the vehicle in front of us and yelled "you are my witness".
  - The car began to back up.
  - Observed the cyclist (Sheppard) jump onto the hood and the car accelerated westbound. The cyclist slid down the side of the vehicle and held onto the left rear view mirror.
  - Car accelerated rapidly into our lane, the vehicle was swerving left and right, braking, stopping and starting. The car went close to the curb and Sheppard fell, it seemed like he just fell, didn't hit anything.
  - The body was holding onto the side of the car and the feet were dragging on the floor.
  - I know he (Bryant) was trying to get away, he (Sheppard) held onto it (the car).
- 
- Observed bike on the floor in front of the car.
  - Cyclist left bike on floor and the car hit him.
  - Cyclist yelled "you are my witness".
  - Threw backpack on the front of the car.
  - Don't recall any words between driver and cyclist.
  - Car reversed and then floored it.

9.10

- Standing in the back of a cube truck.
- Heard a noise looked over and saw a black convertible speed past (about 2-2.5m) from his location.
- At first thought it was people kidding around and I quickly realized it was serious.
- Observed a guy hanging onto side of vehicle or driver hanging onto him.
- The car was travelling at a high rate of speed close to curb.
- He attempted to dislodge the victim by trying to run close to the curb, hydrant or tree.
- Heard a loud thud the victim hit an object and I looked out of the van and saw the victim laying face down on the road.
- There were signs directing cars to the right and there were no cars parked westbound.
- The driver deliberately went onto the opposite side of the road apparently trying to get the guy off the side of the car.
- It was a dark convertible car.
- Victim was close to me and I saw blood starting to form.
- Did not see brake lights when it took off.
- Believed the driver to be definitely in control of the car.

9.11

- Went down Bloor Street eastbound and stopped for a light on the other side of Avenue Road.
- Observed someone get up with a bike under the front of the car. I had my window down it was a nice night.
- The guy got up, looked over towards us and yelled "You guys are my witness" or something like that.

- While he was saying this, the car backed up and as it began to move forward, it looked like it was trying to get away; the guy slammed his bag onto the hood of the car and went onto the front of the car.
- As the car sped up the guy hung onto the drivers rear view mirror with his left hand and the top of the car with his other hand
- Was about 10 feet away from this.
- The driver was swerving and braking back and forth trying to get the biker off.
- Looked in the rear view mirror and saw car swerve and it was gone.
- Saw a crowd gather around the biker and we left so we didn't get in the way.
- The vehicle went behind my car westbound in the eastbound lane travelling fast.
- Didn't hear anything else from driver or biker.
- Never saw biker fall off.
- Saw car swerve three times towards the sidewalk, didn't see him leave the roadway.
- Driver of car in a dark suit
  
- The bikers left arm was wrapped around rear view mirror and the right arm hanging onto car with his chest up against car.
- Looked like he (biker) was hanging on for dear life; his feet were dragging on the ground with sparks coming from his shoes.

9.12

- Walking with wife around U of T up Yonge to Bloor north side.
- In front of Pottery Barn standing there.
- Observed a cyclist in front of a car stopped at a light.
- Cyclist pulled in front of the car with a smile on his face (Piss off type).
- Thought there was an altercation taking place, no words exchanged.
- The driver was stoned face and so was the passenger.
- The car moved into the back of the bike and the guy fell off the bike.
- The cyclist got up, picked up his bike.
- The car accelerated at a high speed into the cyclist knocking him onto the front of the car. Thought back – the driver should have gone away.

- The cyclist fell off to the drivers' side and the bike was in the middle of the road. The cyclist got up.
- The cyclist ran after the car, the car had to go around the bike.
- Cyclist had one hand in the car inside the drivers' door or the headrest or something.
- Car maximized its gas, and the car took the cyclist with it.
  
- The car dragged him, he was not letting go, there were sparks coming from his feet.
- If the cyclist had let go there would have been serious damage, it was going very fast.
- The car swerved to the other side of the road and went behind a van where I lost sight of the car.
- No words were exchanged between the driver or the cyclist other than "where are you going to go now" The driver was focused on the cyclist the whole time.
  
- We went over to the other side of the road, saw a crowd and the cyclist was in the fetal position with a lot of blood.
- The licence plate was BODY 383.
- Driver was male late 30s early 40s good looking people.
  
- Cyclist older style 10 speed with the curly handlebars, vagrant looking 5'9"-5'10".
- Once the car hit the bike I called 911.
- First it was a little nudge, the foot off the gas enough to hit the tire and the cyclist fell off towards the curb and got up.
- Standing in front of the car don't know if got on the bike, car swerved around the bike and hit the fellow straight on and the guy fell off on the drivers' side.
- The second hit was around 30-40Km/h.
- The nudge tire was like "I'm going to show you, you ass."
- The driver made a decision- had an opportunity to....
- The right hand was, I think was holding onto the drivers' door and the other one was hanging onto the windshield.
- The car was going incredibly fast.

9.13

- Out for a walk with husband on Bloor Street at the Pottery Barn.
- Saw a cyclist in front of a car standing.
- Cyclist stated "You want me to move now."
- The car driver bumped him I yelled "stop it".
- The bike was under the car, the cyclist got up.
- The car driver tried to run him over, I told my husband to call 911 and now get the plate. I screamed it hoping he would cool it.
- The cyclist threw his knapsack onto the car.
- The cyclist ran after the car and hung onto the car with both arms over the driver's side of the car.
- The car was going top speed and the cyclist was holding on for dear life, he couldn't let go.
- The car sped onto the wrong side of the road.
- The bike was in the middle of the road.
- I saw people down the road, I didn't see what happened.
- The car was going fast, 90 Km/h he sped off at top speed with the cyclist's feet dragging on the ground.
- The cyclist was definitely tormenting the car.
- The car bumped him, tried to drive off and the cyclist hit the bonnet of the car he couldn't let go.
- I picked up the bike and the knapsack and someone else helped me with the knapsack as the back wheel was not working on the bicycle.
- Not like the guy was going to attack the driver, it was like the cyclist didn't want the driver to leave.

9.14

- Walking with two other friends behind another friend east on the south sidewalk of Bloor Street near Avenue Road.
- Heard "Oh shit" looked up and saw a guy in the air and hit the floor.
- Saw a car speeding up to go around.
- Came from the University of Toronto walking on Bloor Street.
- Didn't see man attached to car.

- Initially thought it was a hit and run.
- Didn't hear anything else.
- The car went into the Hyatt Regency.

9.15

- Walking with four other people on the south sidewalk east towards Yonge Street.
- Turned and saw a sports car going east on the opposite side of the road.
- Arm was inside the car and the rest of the body was outside.
- Car went close to the sidewalk travelling fast.
- Person hanging onto side car hit the grey box, he let the car go and he flew.
- Friend called 911.
- Body hit tree and mailbox.

9.24

- Observes black car veer into eastbound traffic.
- Sees cyclist on side of vehicle, feet dragging.
- Driver attempting to dislodge cyclist from side of car by swerving.
- Observed cyclist on ground post crash.

9.25

- Heard a crash, looked out window.
- Observed a black Mercedes convertible hit cyclist.
- Cyclist approached car aggressively.
- Vehicle accelerates rapidly west in eastbound lanes swerving trying to shake off cyclist.
- Seen north on Avenue Road.

9.26

- Walking down south sidewalk eastbound on Bloor Street West about 15m from where cyclist fell.
- Car seen westbound in eastbound lanes with the cyclist holding onto the car's window area. Seen the cyclist hit fire hydrant near #151 Bloor Street.

9.27

- Declined to give a statement to investigating officers.



9.28 BRYANT, Michael (Driver of Saab)

- Declined to give a statement to investigating officers.

Recording of BRYANT to 911 operator.

- Guy on a bike "sort of attacked me."
- Identified himself as BRYANT and that he was driving.
- Stated cyclist was picking fights with people, putting obstacles in way.
- Stated he drove past him and that the cyclist came back.
- Thought the cyclist took a swing at him, missed.
- Advised that "the next thing I knew" the cyclist was literally trying to climb in car.
- Believed cyclist grabbed something from car.
- Advised cyclist was pretty violent.
- Believed that the cyclist grabbed his Blackberry.

## 10.0 TECHNICAL ANALYSIS

### 10.1 VIDEO

#### 10.1a 102 Bloor Street West

Camera: DVR #4 cam 9 102

Camera faced in a southerly direction from an elevated position with a portion of Bloor Street West visible in the frame.

21:48:32 Light coloured sport utility vehicle stopped westbound Bloor Street West.

21:48:36 Saab stopped behind sport utility vehicle westbound Bloor Street West.

21:48:48 Cyclist drove down center of roadway past Saab with hands on handlebars.

21:48:49 Cyclist drove in front of stopped Saab in line with the center of the car. As the cyclist manoeuvred in front of the Saab, the car rolled forward a short distance.

21:48:51 Cyclist stopped.

21:48:52 Saab stopped.

21:48:55 Saab accelerated into the rear of the cyclist; bicycle appeared to be jostled over to the right.

21:48:57 Saab stopped; cyclist appeared to have stood the bike back up.

21:49:00 Saab rapidly accelerates into cyclist and Saab with the cyclist on the hood left the camera view.

#### 10.1b 102 Bloor Street West

The camera faced in a south westerly direction at the ground floor of the building. A portion of Bloor Street West was visible west of the camera location. There was an overlap of the upper camera and the lower camera for 102 Bloor Street West.

#### Camera DVR #3 cam 9 102

21:46:47 Sport utility vehicle stopped at stop line, pedestrian crossing signaled intersection.

21:46:53 White Light appeared behind sport utility vehicle.

21:47:13 Man walking with light coloured shirt, looked onto roadway and stopped.

21:47:16 Saab came into picture with a person on the hood.

21:47:18 Mr. SHEPPARD fell to the ground and Saab stopped.

21:47:20 Mr. SHEPPARD got up, and at the same time Saab reversed.

21:47:24 Saab rapidly accelerated forward around person and bike on ground.

21:47:28 Saab drove out of frame.

#### 10.1c 131 Bloor Street West

#### Store#508 2009-08-31 camera 5

21:46:14.09 Headlight came into view on right side of frame.

21:46:14.36 Light coloured smear entered frame. (Possibly cyclist).

21:46:14.62 Circular light coloured blur observed through door.

21:46:14.36 Brake light came into view- up against interior pillar with fire alarm.

21:46:14.76 Brake light reappeared on left side of pillar just prior to going out of view- it was the outside pillar with the handicapped door opener.

21:46:14.89 Image of tail light, top pane of glass and to left side of top pane of glass.

10.1d 151 Bloor Street West

The camera faced an easterly direction north of 151 Bloor Street West from an elevated position. The area where the cyclist struck objects and his final resting position were within the view of the camera.

A total of 13 seconds of video was not recorded during the time period when the Saab travelled westbound in the eastbound curb lane with the cyclist on the side of the vehicle.

The Saab appeared in frame 21:47:43 after the impact of Mr. SHEPPARD with the fire hydrant. The Saab was travelling westbound in the eastbound curb lane of Bloor Street West.

Video from 102, 131 and 151 Bloor Street West were analyzed by Rob Connor of Toronto Police Video Services and were found to have an accurate digital time display. The cameras for 102 Bloor Street West were not synchronized.

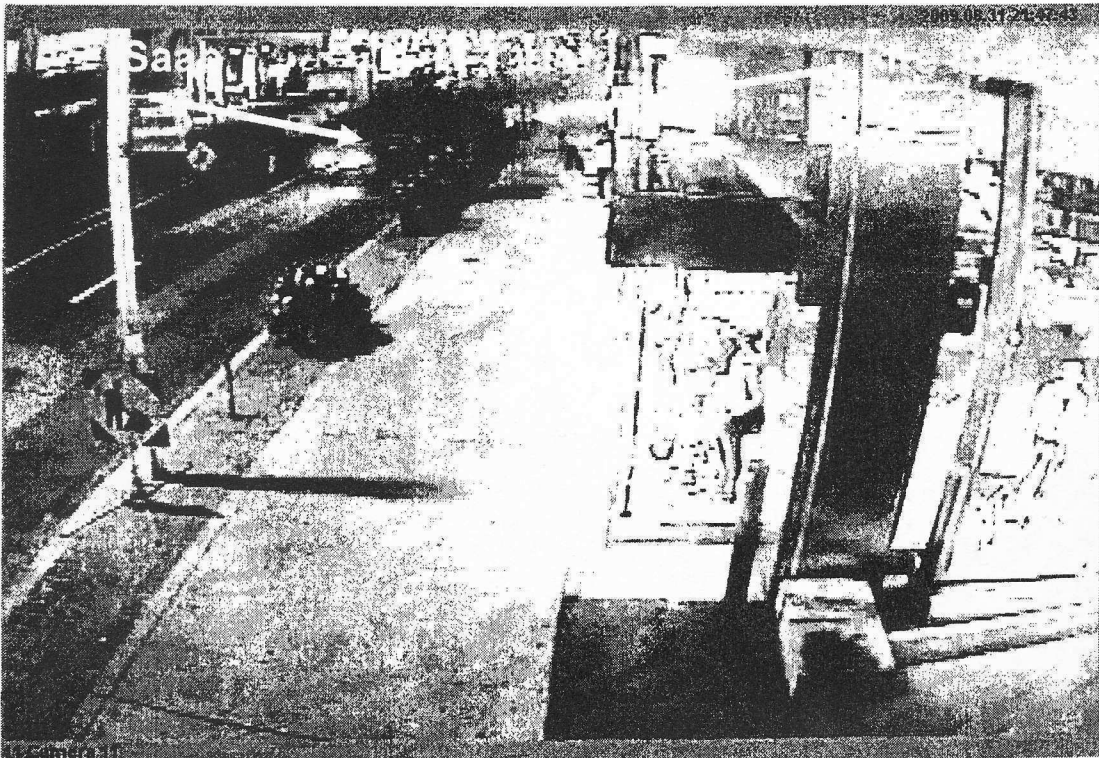


Fig 1.16 View of Bloor Street West facing east north of #151 Bloor Street West.

### 10.1e 130 Bloor Street West

Unable to view video as it would not play on available computer programs.

Videos from the following locations were not viewed. 50 Bloor Street West

- 60 Bloor Street West
- 77 Bloor Street West
- Marked 120 Bloor Street West (actually 120 Bloor Street East)
- 175 Bloor Street West
- 350 Bloor Street East
- 388 Bloor Street West

### 10.2 Calculations

Calculations were conducted to determine a minimum speed of the Saab at or near the collision between the cyclist and the fire hydrant near #131. A total of three speed determining formulae were utilized: a pedestrian formula and two time/distance calculations using data obtained from two different cameras.

#### 10.2a Pedestrian formulae

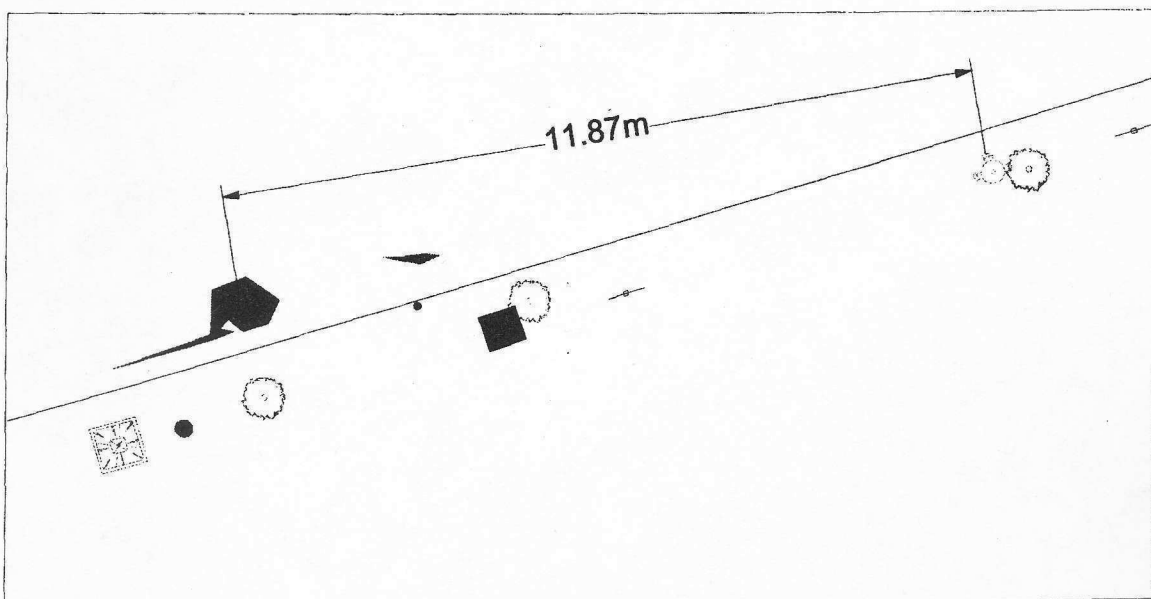


Fig 1.17 Measurement diagram showing the strike to fire hydrant to final resting position distance of cyclist.

$$d_t = 11.87 \text{ m}$$

$$h = .58 \text{ m (height of center of hydrant (0.50m) plus height of curb (0.08m))}$$

*Stcherbatcheff*

*Quadratic - Range : Low*

$$d = 11.87 \text{ m}$$

$$a = fg$$

$$a = (.407)(9.81)$$

$$a = 3.992$$

$$A = \frac{1}{2(a)}$$

$$A = \frac{1}{2(3.992)}$$

$$A = .125$$

$$B = 0.03(a)$$

$$B = 0.03(3.992)$$

$$B = .119$$

$$C_1 = -d_t$$

$$C_1 = -11.87$$

$$v_1 = \frac{-B \pm \sqrt{B^2 - (4)(A)(C)}}{2(A)}$$

$$v_1 = \frac{-.119 \pm \sqrt{.119^2 - 4(.125)(-11.87)}}{2(.125)}$$

$$v_1 = \frac{-.119 \pm (2.439)}{.25}$$

$$v_1 = 9.28 \text{ m/s}$$

$$\text{(Also } -2.558 \text{ m/s)}$$

*Quadratic – Range : High*

$$d = 11.87m$$

$$a = fg$$

$$a = (.714)(9.81)$$

$$a = 7.0$$

$$A = \frac{1}{2(a)}$$

$$A = \frac{1}{2(7.004)}$$

$$A = .071$$

$$B = 0.03(a)$$

$$B = 0.03(7.004)$$

$$B = .210$$

$$C_1 = -d,$$

$$C_1 = -11.87$$

$$v_1 = \frac{-B \pm \sqrt{B^2 - (4)(A)(C)}}{2(A)}$$

$$v_1 = \frac{-.210 \pm \sqrt{.210^2 - 4(.071)(-11.87)}}{2(.071)}$$

$$v_1 = \frac{-.210 \pm (1.847)}{.142}$$

$$v_1 = 11.52m/s$$

*(Also -14.485m/s)*

*Stcherbatchef**Range : Low*

$$d_{11} = \frac{v^2}{2(a)} + 0.03(v)(a)$$

$$d_{11} = \frac{9.28^2}{2(3.99)} + 0.03(9.28)(3.99)$$

$$d_{11} = \frac{86.11}{7.98} + 1.07$$

$$d_{11} = 11.86m$$

*Stcherbatchef**Range : High*

$$d_{11} = \frac{v^2}{2(a)} + 0.03(v)(a)$$

$$d_{11} = \frac{11.52^2}{2(7.0)} + 0.03(11.52)(7.0)$$

$$d_{11} = \frac{132.71}{14} + 2.38$$

$$d_{11} = 11.85m$$

*Low*

$$S = V / .278$$

$$S = 9.28 / .278$$

$$S = 33Km/h$$

*High*

$$S = V / .278$$

$$S = 11.52 / .278$$

$$S = 41Km/h$$

The analysis did not take into account the energy transferred to the objects the cyclist struck. Witnesses stated the cyclist struck objects west of the fire hydrant.

The measurements reflected the cyclist separating from the vehicle at the time he struck the hydrant.

The minimum speeds calculated from the point where the cyclist struck the hydrant to the center of the blood located west of the hydrant ranged between 33-41 Km/h.

### **10.2b Time Distance Calculations**

Time/Distance #1 Sephora, 131 Bloor Street West

The time/distance calculations were based on the following:

- Entry point of the Saab into the camera view at pillar "A".
- Exit point of the Saab from the camera view at pillar "B".

Permanent reference points were utilized for the time distance calculations. On video STORE-508 2009.08.32 Camera 5, the centre brake light of the Saab was clearly visible in the top right corner of the screen up against the inner set of door pillars referred to as pillar "A" at time stamp 21:46:14.62.



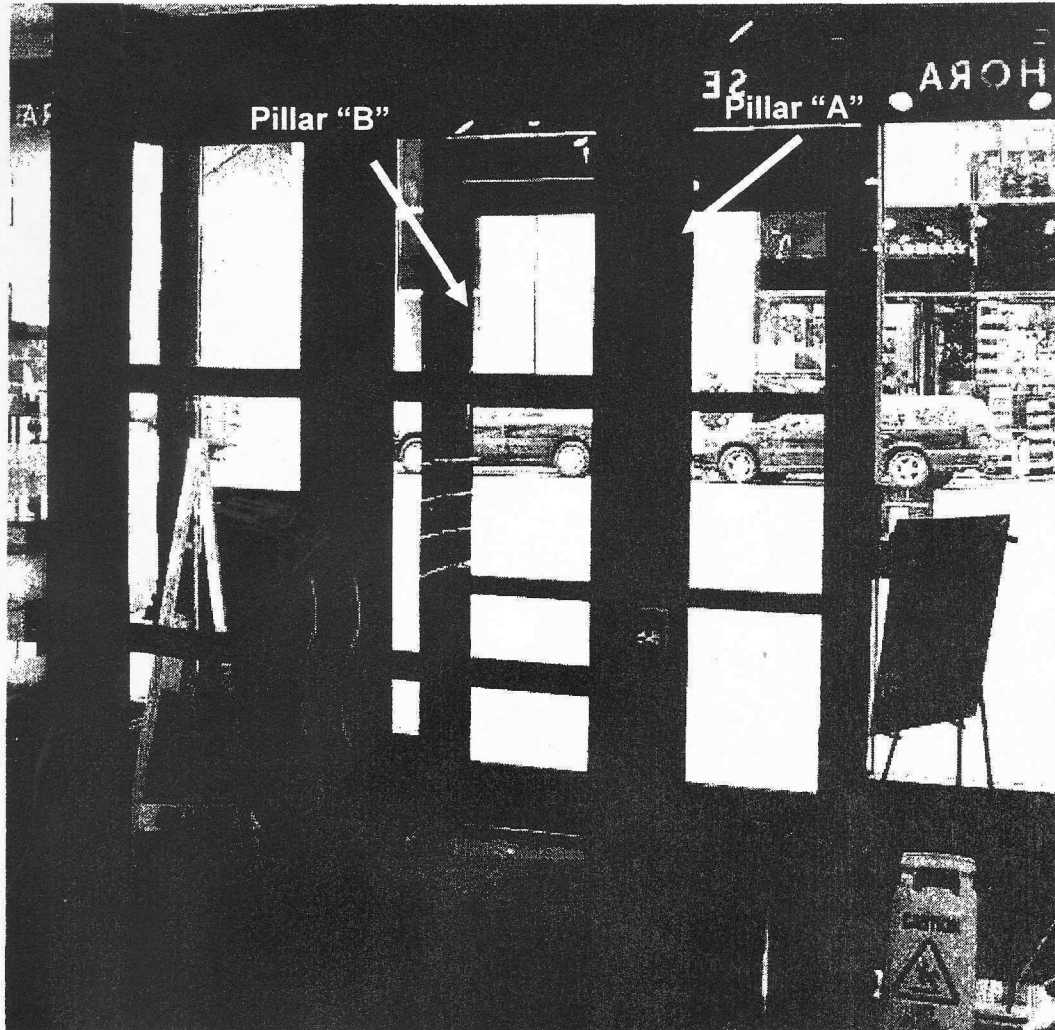


Fig 1.18 Interior frame pointing north to Bloor Street West from inside Sephora (TSV 00546.09 012)

The Saab moved in a westerly direction or to the left when viewing the video and the tail light was still seen in frame 21:46:14.89 up against pillar "B" or the west side of the outer door to Sephora at 131 Bloor Street West. The distance from where the rear center brake light was first visible at pillar "A" to where it travelled out of view at pillar "B" was measured at the south curb of Bloor Street West.

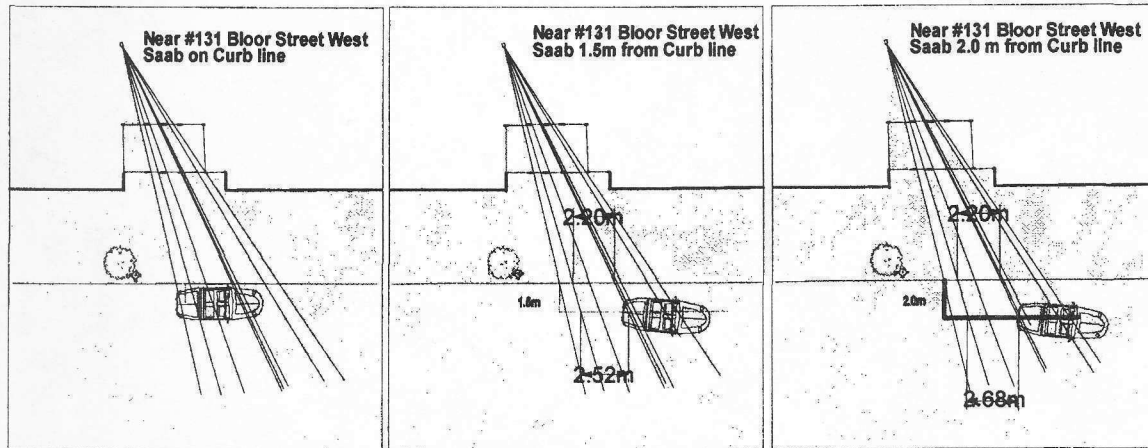


Fig 1.19 Bloor Street West near #131 varying distances of the Saab from the curb.

Measurements were taken at the scene in conjunction with sightlines with the security camera of the store. It could not be determined how far north the Saab was in relation to the curb line on the roadway. The video showed the Saab travelling across the screen and the lights moved higher in the frame. This would suggest the Saab moved in a northerly direction towards the westbound lanes of Bloor Street West.

Three scenarios were considered:

Scenario #1 determined a speed for the Saab as it utilized the curb line as a distance measurement. This scenario was not possible as there was no physical evidence found to suggest the Saab was travelling on the curb. A distance of 2.2m was used for the Saab.

Scenario #2 determined a speed for the Saab with the reference point light 1.5m north of the curb line. The distance the Saab would have travelled was extended to 2.52m.

Scenario #3 determined a speed for the Saab with the reference point light 2.0m north of the curb line. The distance the Saab travelled was extended to 2.62m.

This analysis calculated the Saab to be travelling between 29 to 35 Km/h.

The higher end of the range would be a more probable reflection of the speed of the Saab due to the rear center brake light was utilized in the calculations. The Saab

was not on the curb when it was moving through the camera's view for 131 Bloor Street West as there were no physical indicators located on the tires and rims of the Saab. The position of the center brake light was also utilized in the calculations. The brake light was measured to be approximately 0.81m from the side of the vehicle.

#### 10.2c Time/Distance 151 Bloor Street West.

This camera was located to the south of Bloor Street West and faced in an easterly direction with the view capturing images north of it's' location.

Time distance calculations were based on the following:

- The start of camera 11 at 21:47:43 when the front of the Saab was at an intermittent white line in front of Sephora at 131 Bloor Street West.
- The time where the front of the Saab reached the next intermittent white line closer to #151 Bloor Street West in line with a utility pole.

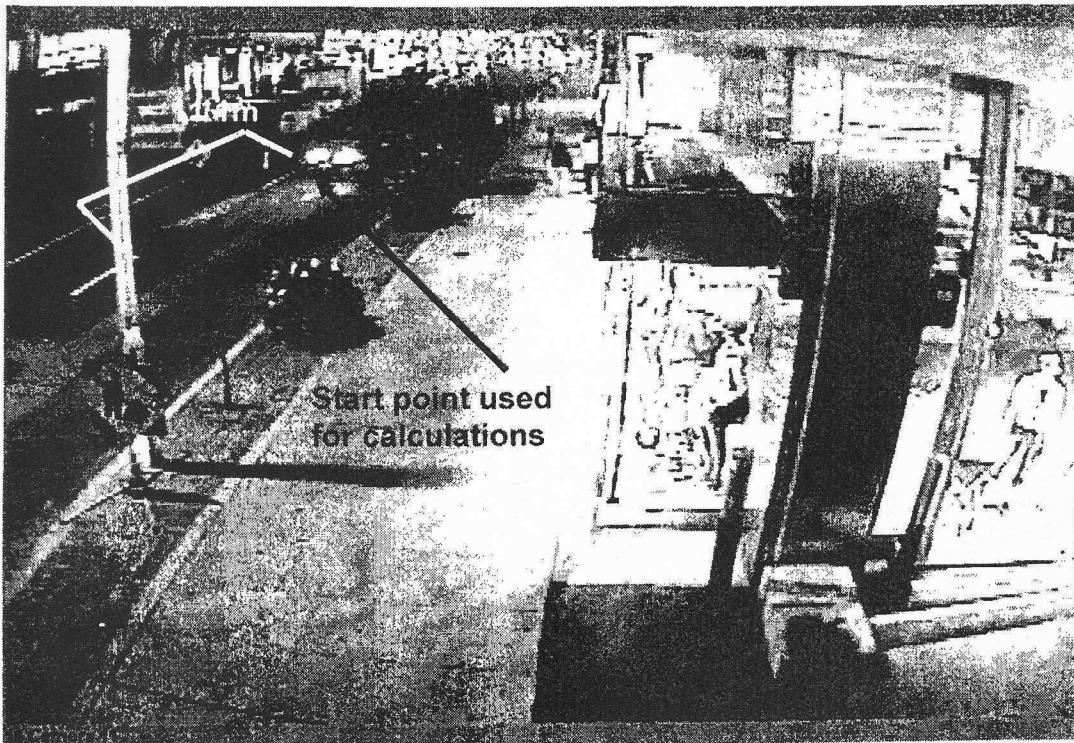


Fig 1.20 Camera frame from 151 Bloor Street West

Visible semi-permanent reference points were utilized. Camera 11 at 21:47:43 showed the Saab travelling westbound in the eastbound lanes of Bloor Street West angled towards the center of the roadway. The front of the Saab was observed at the beginning of an intermittent lane marking line.

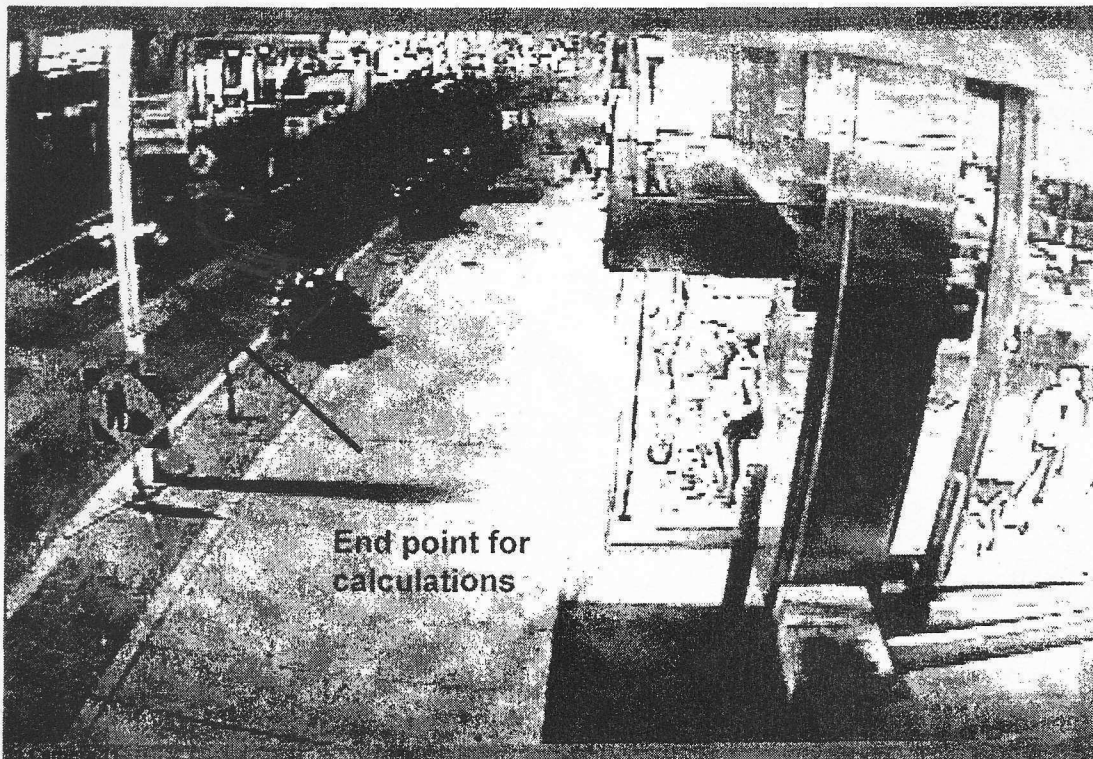


Fig 1.21 Camera frame from 151 Bloor Street West.

Camera 11 at 21:47:44 showed the front of the Saab at the next intermittent white line that was even with the view of a utility pole.

Measurements were taken of the distances between the intermittent white lines at the scene and utilized in this calculation.

$$t=1 \text{ second (s)}$$

$$d=11.1\text{m}$$

$$v = \frac{d}{t}$$

$$v = \frac{11.1}{1}$$

$$v = 11.1\text{m/s}$$

$$S = \frac{v}{.278}$$

$$S = \frac{11.1}{.278}$$

$$S = 39\text{Km/h}$$

Utilizing the camera at #151 Bloor Street West, the Saab was calculated to be travelling at approximately 39 Km/h. As this camera recorded the vehicle in one second increments there was a possibility of two more seconds being added or time subtracted to the time utilized in this calculation.

Using the two time distance calculations and the pedestrian formulae, the Saab was calculated to be travelling between 29-41 Km/h.

### 10.3 Testing

Several tests were conducted during the investigation into the collision between the Saab and cyclist.

- Test#1 investigated body positions of the cyclist prior to striking the hydrant near #131 Bloor Street West to determine the possibility of account of the cyclist position.
- Test #2 determined if the damage to the brake line of the Saab was a result of a pre or post impact event.
- Test #3 Consisted of a series of acceleration tests conducted on the Saab.
- Test #4 Drag sled tests conducted at the scene on the night of the collision.

### 10.3a Test#1: Body Positioning

Purpose: To examine the position of the cyclist on the side of the Saab and to determine if the cyclist could have held onto the drivers' headrest as per the witness

Method:

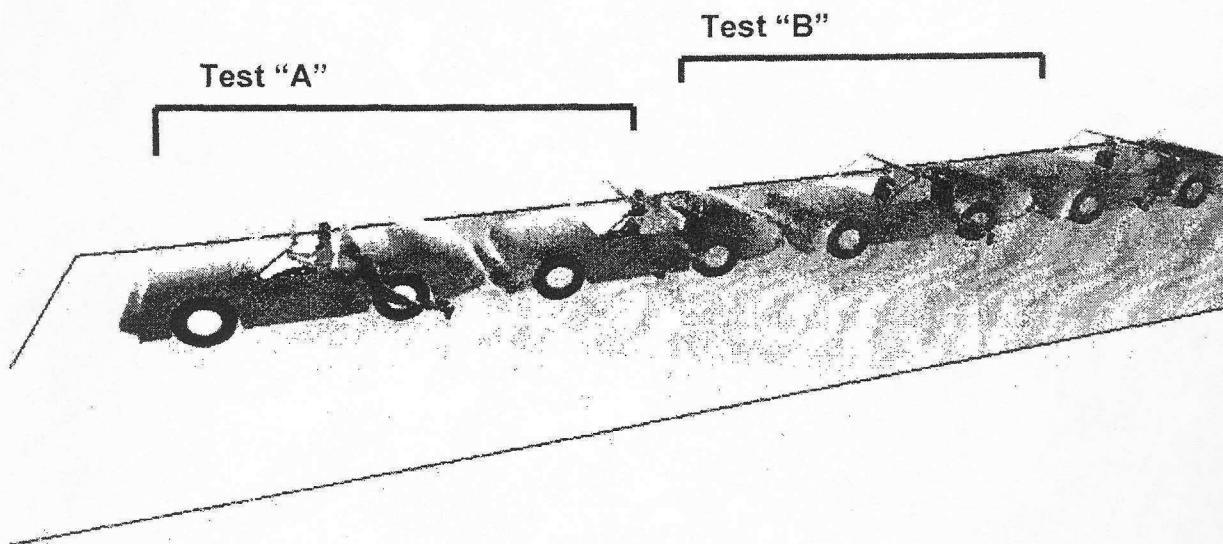
Subject: Male subject utilized in this testing was 6'1" tall and 195 pounds. The test subject was of similar height and weight to Mr. SHEPPARD.

The location of the chest wound was marked on the test subject with tape.

In all testing, the Saab was static.

The Saab passenger side seat headrest was removed and placed into the drivers' side seat for testing purposes as the drivers' side headrest was seized prior to testing.

The position of the tape on the subject was measured from the ground in the various positions.



#### Test #A

The subject held onto the drivers' head rest from the exterior of the vehicle in two different positions. The first position had the subject's legs to the rear of his torso like he was being dragged. The second position, the subject's legs were in front of his torso with his feet elevated.

#### Test #B

The test subject held onto areas on the vehicle that were soiled. The left hand held onto a soiled area located near the blood and dirt found on the "A" pillar and the other hand was inside the drivers' side door panel by the armrest. The subject's feet were located both behind his torso and in front with his feet elevated.

#### Summary of Findings

The test subject hung from the vehicle and also held himself up slightly which varied the height of the tape mark.

After the testing on the static vehicle, the leather was slightly deformed on the headrest.

#### Concluding Opinion

\_\_\_\_\_ was the only witness who stated the cyclist "*could*" have been holding onto the headrest. All other witnesses did not state the cyclist was holding onto the headrest but the drivers' side of the vehicle.

This testing could neither physically confirmed nor deny \_\_\_\_\_ statement. It was unlikely \_\_\_\_\_ assumption of the cyclist holding onto the driver's headrest was correct due to:

- No other witnesses stated similar perceptions.
- The driver did not mention it on the 911 recording, only that he held onto the side of the Saab.
- The leather headrest may have been deformed due to the weight and movement of the cyclist holding onto the headrest.

- The only possible markings noted on the headrest was what appeared to be an indentation to the rear drivers' side headrest. No soiled marking were observed on the headrests from the hands of the cyclist. No blood was found by investigators from the Center for Forensic Science (CFS) on the headrest.

### 10.3b Test #2: Damage to Brake Line

#### Background

During the mechanical examination of the Saab, the Qualified Automobile Service Technician, noted the drivers' side rear brake line was broken and there was a fluid leak.

Purpose: to determine if the vehicle damage located during the mechanical examination was as the result of a pre or post impact incident.

#### Method

Measurements were taken of the area of the brake line of the Saab and the lift used by the Center of Forensic Sciences (CFS).

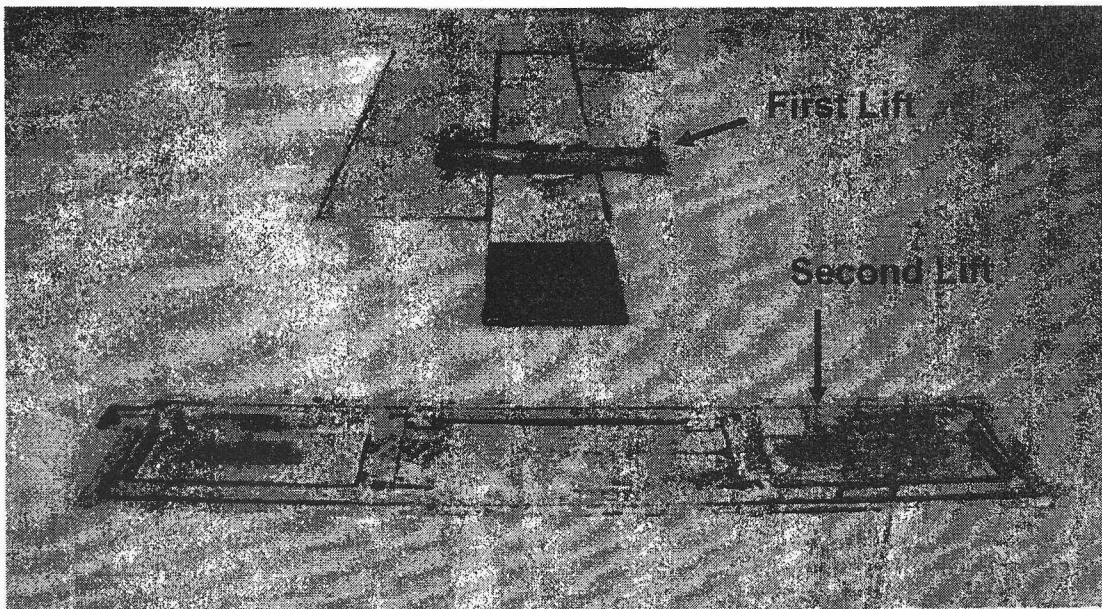


Fig 1.22 Vehicle lift at CFS. (TSV 0527.09 003)

The lift used by the CFS was comprised of two separate pieces for each axle of a vehicle.



The first lift was to be used for the front axle of the vehicle, and the second lift for the rear axle.

The one axle lift was flat and the tires rolled onto it and the vehicle was lifted by the tires (second lift). The first axle lift was comprised of two raised pieces of metal with a 3 cm lip to hold onto the (front) axle of the vehicle.



Fig 1.23 Photo of Saab at CFS with the front of the vehicle on Second lift. (FIS2072309\_6464)

Information from CFS was that the Saab had been put on the lift system in reverse with the front axle on the second lift and the rear axle on the first lift as in Fig 1.23.



### 10.3c Test #3: Acceleration Tests

Purpose: To determine the acceleration rate of the Saab involved in the crash.

Method: A total of 10 acceleration tests were conducted on the asphalt roof of 9 Hanna Avenue in Toronto. The Saab was driven by Detective Constable Woronchak #8125. The Saab was accelerated rapidly through a known distance with electronic timing gates at the beginning and end of the distance. A laser speed measuring device was utilized to record the speed of the Saab at the end of the known distance. Drag sled tests were conducted on the asphalt in the direction of the accelerating Saab.

Test distance measured with a fibreglass measuring tape = 20.0m

See appendix "A" for calculations and acceleration test results.

#### Findings:

The acceleration rate calculated for the Saab was:

Low: 3.13 m/s<sup>2</sup>

High: 4.66 m/s<sup>2</sup>

Average: 3.95 m/s<sup>2</sup>

**10.3d Test #4: Drag Sled Tests**

Purpose: Find the drag factor of the road surface on Bloor Street near #102.

Method: 10 pulls of a drag sled in the direction of the vehicle parallel to the line of travel on Bloor Street West near #102.

**Summary of Findings:**

Test # A: Westbound direction passenger side in the passing lane.(lbs.)

1. 14	6. 14
2. 14	7. 15
3. 15	8. 15
4. 15	9. 14
5. 14	10. 15

Test # B: Westbound direction driver's side in the passing lane.(lbs)

1. 19	6. 20
2. 19	7. 20
3. 20	8. 20
4. 20	9. 20
5. 20	10. 20

The weight of the dragsled was found to be 28 pounds both pre and post testing.

**Summary of Results****Test #A**

Total: 145 lbs.                      Average:14.5 lbs.                       $f=F/W$   $f=.51$

**Test #B**

Total:198 lbs.                      Average:19.8 lbs.                       $f=F/W$   $f=.70$

Findings: Test A:  $f=.51$

Test B:  $f=.70$

## **11.0 COLLISION DYNAMICS**

The collision dynamics were broken down into three parts. Collision #1 comprised of the first contact between the Saab and the cyclist. Collision #2 consisted of the second sequence of events where the cyclist was struck and thrown to the ground. Collision #3 was where the cyclist struck the fire hydrant and landed on the south side of Bloor Street West near #131.

This section also separated the dynamics between the Saab, bicycle and the cyclist during each sequence of events.

### **11.1 Vehicle Dynamics**

#### **11.1a Saab Dynamics**

##### **Collision #1**

DVR #4 camera 9 102 Bloor Street West showed the Saab stopped westbound on Bloor Street West behind a light coloured sport utility vehicle. The Saab accelerated at the same time the brake lights from the sport utility vehicle turned off and began to accelerate. As the Saab began to accelerate, Mr. Sheppard, the cyclist drove in front of the Saab from the drivers' side and both vehicles stopped.

The Saab stopped at 21:48:53.

The Saab accelerated from a stop two seconds later at 21:48:55 striking the cyclist who also was stopped approximately half a car length in front of the Saab. During this acceleration the front of the Saab dipped once and then twice as it made contact with the cyclist. There was a suggestion of a braking or slowing action during the first dip of the front of the vehicle prior to striking the cyclist at 21:48:57. It appeared the cyclist remained upright and was jostled over to the right (or north) and the cyclist righted the bike.

Collision #2

Camera DVR #4 camera 9 102 Bloor Street West showed the Saab stopped from 21:48:57 for three seconds. The Saab rapidly accelerated at 21:49:00 into the stopped cyclist who was positioned directly in front near the center of the Saab.

Cleaning on the front of the Saab was noted to the passenger side of the licence plate near the center of the vehicle on both strikes from camera time stamps 21:48:57 and 21:49:00.

The cyclist was thrown onto the hood of the vehicle as the Saab left the camera frame.

Camera DVR #3 camera 9 102 Bloor Street West showed the Saab coming into view at 21:47:16 on the left of the frame (travelling westbound). The Saab continued in a westerly direction with the cyclist on the hood of the vehicle and stopped approximately 1.4m to the west of the stop line with the bicycle lodged under the vehicle at 21:47:18. The front wheels of the Saab were just past the stop line.

At 21:47:20 the brake lights went out on the Saab and the white reverse lights were illuminated with the vehicle reversing a short distance. The Saab reversed and stopped, and at 21:47:24 the Saab began to accelerate around the bike on the ground in a westerly direction.

Collision #3

The Saab crossed over into the eastbound lanes of Bloor Street West while travelling westbound. According to witnesses \_\_\_\_\_ the Saab driver was in control. According to witnesses the Saab drove towards the south curb of Bloor Street West with the cyclist hanging onto the drivers' side of the vehicle. The Saab movements were described as deliberate swerving movements which moved the vehicle closer to the fire hydrant, trees and posts on the south side of Bloor Street West.

As the vehicle drove past the fire hydrant located at 131 Bloor Street West, the cyclist was dislodged from the vehicle and fell to the ground.

The video for Sephora at 131 Bloor Street West showed the brakes lights illuminated during the time it was in view in the window.

It was unlikely the Saab mounted the south curb based on:

- The lack of a definitive curb strike or fresh scratches in the concrete from the driver side rims.
- Lack of impact damage and concrete transfer to the rims of the Saab.
- Lack of obvious new scrubbing of the sidewalls of the driver side tires.
- Witness statements.
- Injury profiling on the cyclist. The tires of the Saab are 0.19 m in width. The fire hydrant the cyclist struck was only 0.32 m south from the edge of the south curb. This would only have left 0.13 m or 13 centimetres (cm) for the cyclist to pass between the moving Saab and the edge of the protruding cap on the hydrant. This measurement would not have included the distance from the outer tire to the outer edge of the Saab. The injury sustained by the cyclist would have been more substantial if there was only 0.13 m for him to squeeze between the hydrant and the car.

A camera located at 151 Bloor Street West captured the Saab post impact from #151 Bloor Street West driving back towards the eastbound lanes of Bloor Street West.

### **11.1b Bicycle Dynamics**

#### **Collision #1**

The stopped bicycle was struck from behind by the Saab with times outlined in Saab Collision #1. The bicycle was knocked over and righted by the cyclist.

#### **Collision #2**

The bicycle was struck from behind and went under the Saab. The bicycle was lodged under the Saab and was dragged for approximately 6.7m. The bicycle was moved by witness | after the Saab left the camera frame at 102 Bloor Street West.

## 11.2 Cyclist Dynamics

### Collision #1

Video DVR #4 camera 9 102 Bloor Street West showed the first strike by the Saab from behind. Mr. SHEPPARD did not appear to be knocked off his bicycle. The cyclist appeared to have maintained his footing and was upright.

### Collision #2

The bicycle was struck from behind and the cyclist was projected onto the hood of the car. The cyclist slid off the vehicle and landed on the asphalt west of the stop line in the intersection near #102 Bloor Street West.

The cyclist stood up as the Saab was reversing. As the Saab was accelerating around the cyclist and the bicycle on the ground the cyclist went towards the vehicle and held onto the drivers' side of the vehicle.



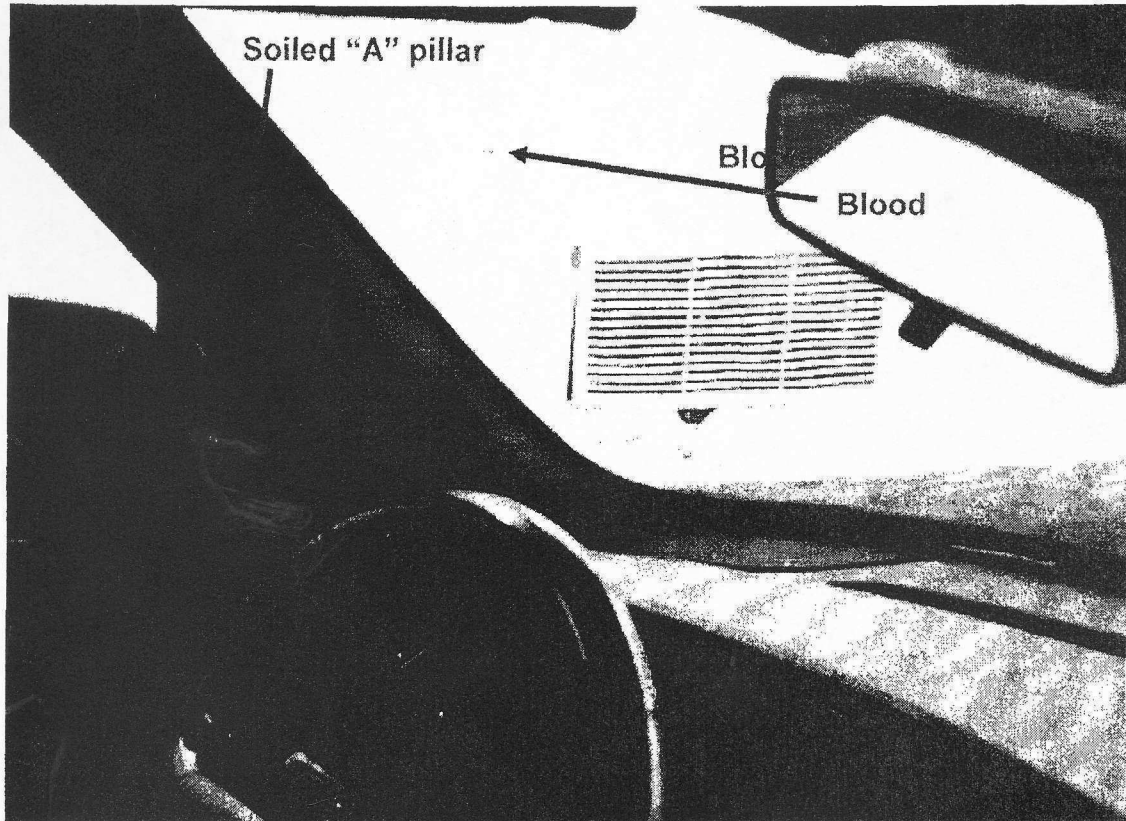


Fig1.25 Photo of interior of windshield of Saab with blood and soiled "A" pillar (TSV 043.09 055)

Mr. SHEPPARD'S hands according to witnesses were on the side of the vehicle. Soiled marks were located on the interior of the "A" pillar. Blood was located on the interior of the windshield parallel to the soiled markings, and was consistent with fingers sliding across the glass. Mr. SHEPPARD had cuts to his hands.

Another soiled mark was located on the interior drivers' door of the Saab.

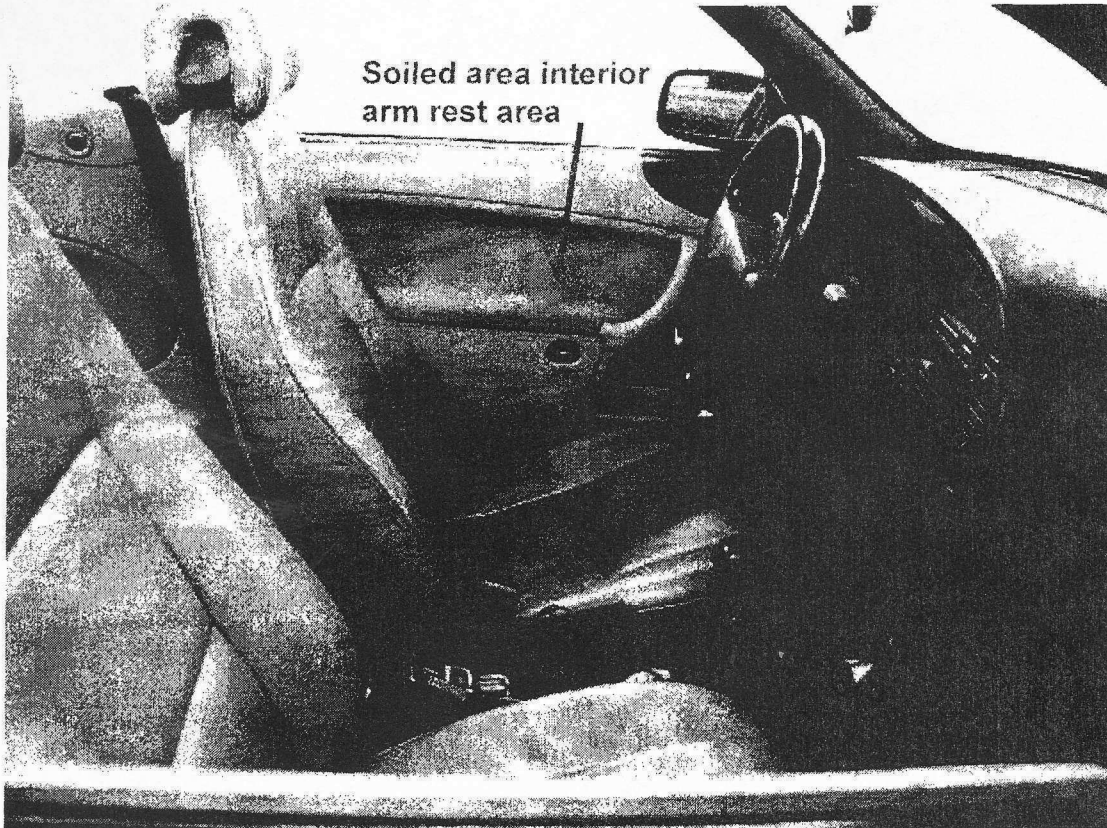


Fig 1.26 Interior of Saab showing soiled area drivers' side. (TSV 04303.09 052)

Witness                      stated the cyclist was holding on "for dear life," as the Saab had rapidly accelerated in a westerly direction as it crossed into oncoming traffic.

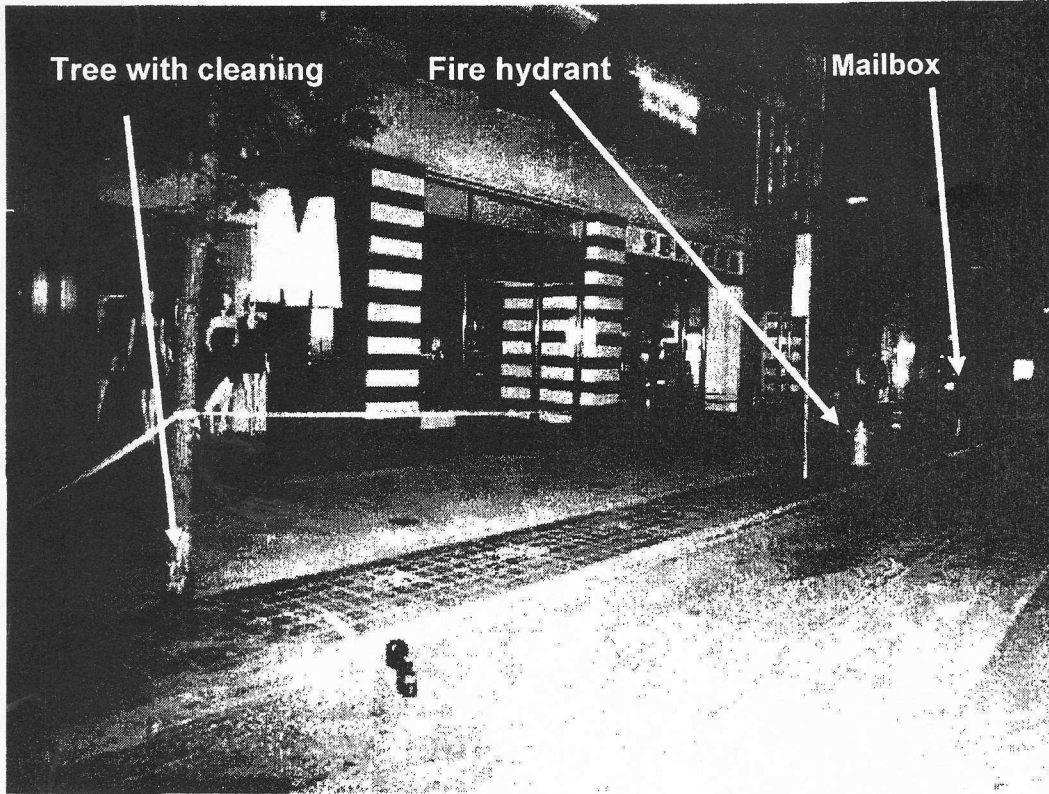


Fig 1.27 Overview, south side of Bloor Street near #131 (FIS207309 5643)

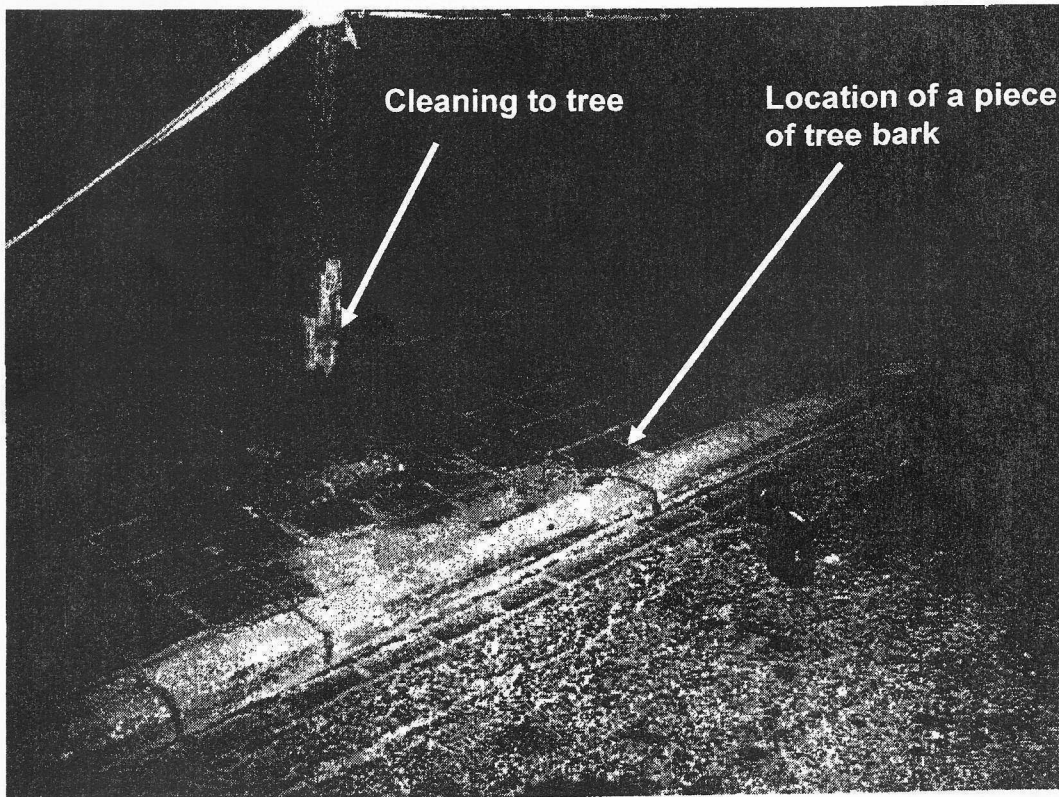


Fig 1.28 View of Bloor street near #131. Cleaning on tree, bark on boulevard. (FIS2072307 5646)

Collision #3

There was cleaning noted on a tree near #131 Bloor Street West with a small piece of bark located west of the tree. The tree was 0.8m south of the south curb of Bloor Street West 12.27m east of the fire hydrant near Sephora at #131.

The cyclist had an abrasion wound to his left ankle which was consistent with glancing off the tree dislodging the bark.



Fig 1.29 Diagram showing cyclist rotation direction

Mr. SHEPPARD struck the fire hydrant near #131 Bloor Street West. The hydrant tore open the torso of Mr. SHEPPARD, rotating him counter clockwise. Fabric was located on the hydrant cap. The redness leading up to the tear in the cyclist's torso was approximately the same size as the protruding cap on the hydrant.

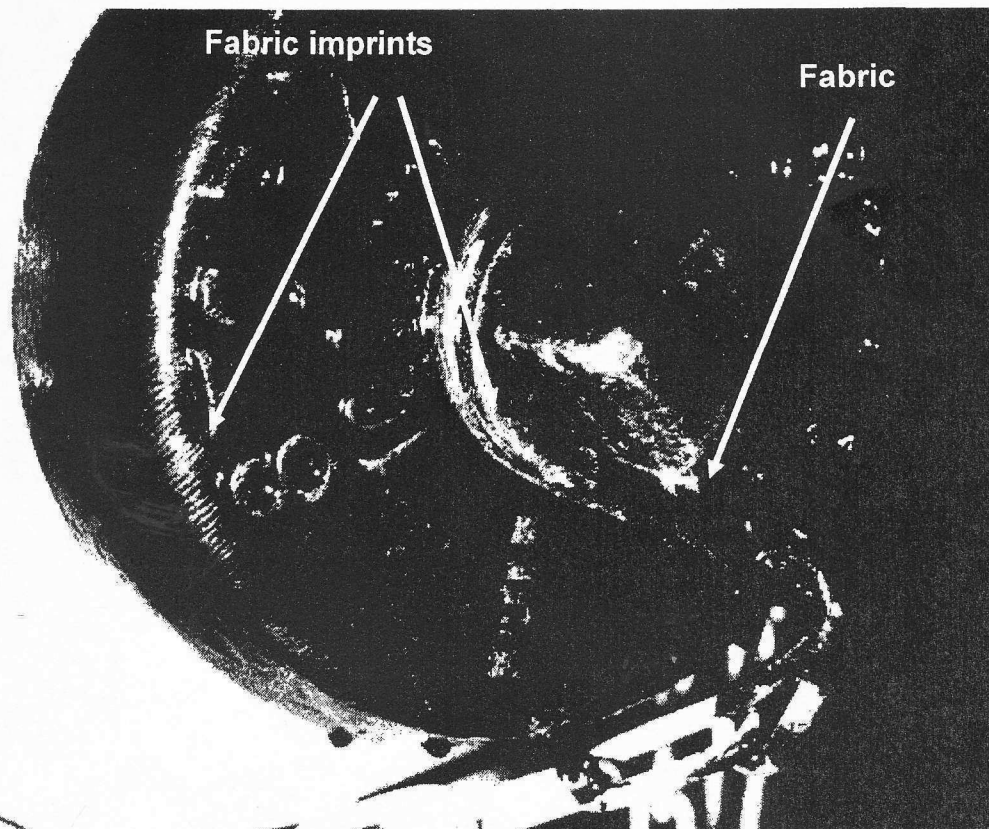


Figure 1.30 Fabric on end of fire hydrant. (FIS 2072309 5646)

Mr. SHEPPARD landed on the pavement. The roadway in this area is very rough. Ridges in the pavement were measured to be approximately 4 centimetres (cm). There was a patchwork of different ages of asphalt in the area.

Mr. SHEPPARD came to rest after striking a mailbox. Scrapes were noted on the cyclists' legs. The cyclist came to a rest where the blood was located in the curb lane of eastbound Bloor Street West near #151.



Fig 1.31 Body scuff on Bloor Street near #131. (TSV 00373.09 071)

The cyclist injuries were not consistent with him being run over by the Saab. The pavement to the north of the fire hydrant was very uneven and the asphalt patch was slightly raised in relation to the surrounding roadway.

## 12.0 CENTER FOR FORENSIC SCIENCES (CFS) REPORTS

Three separate investigations were completed by the Center for Forensic Science (CFS) in Toronto.

1. Blood samples.
2. Fibre samples.
3. Paint samples.

12.1 CFS File# 09 8072MS (Blood)  
Report Author: SLOAN, Monica

Summary: Blood was located on the following locations of the Saab:

- Rear panel drivers' side.
- Near drivers' side exterior door handle.
- Drivers' side 'A" pillar near interior windshield.
- Interior drivers' side door above armrest.
- Interior windshield, drivers' side.
- Drivers' side windshield exterior upper and lower portion.
- Hood area.
- Grill of vehicle.
- Bumper, above licence plate and below passenger side headlamp.
- Underside of exhaust pipe.

Samples collected were determined to be from the cyclist up to 1 in 860 billion. Samples from the rear drivers' panel, exhaust pipe, and drivers' side exterior windshield were also examined.

Blood was not located on the steering wheel, passenger side or on the tires of the vehicle.

12.2 CFS File # 09 8072CM (Fibre Sample)

Summary: A number of blue and black cotton fibres from the front of the Saab that either originated from the cyclist's clothing or originated from other garments. A number of black and white fibres were collected from the fire hydrant that originated from the cyclist's clothing or another garment.

12.3 CFS File # 09-8072GLV (Paint sample)

Summary: Samples were taken from the Miele bicycle and the Saab vehicle involved in the collision. Samples analyzed could or could not have originated from samples found on each item.

**CONCLUSION**

Mr. BRYANT and Mr. SHEPPARD shared responsibility in the death of Mr. SHEPPARD.

Mr. BRYANT struck Mr. SHEPPARD not once, but twice from a stopped position on Bloor Street West east of the pedestrian signalized intersection which was captured on a building security cameras at #102 Bloor Street West.

The first collision occurred after Mr. SHEPPARD stopped his bike in front of the Saab. Mr BRYANT accelerated the Saab from a stopped position into the rear of the bicycle, knocking the bicycle over and jostling Mr. SHEPPARD.

The second collision occurred after Mr. SHEPPARD righted his bicycle in front of Mr. BRYANT. The Saab was stopped for two seconds. Mr. BRYANT rapidly accelerated the Saab again into the stopped cyclist. Mr. SHEPPARD was struck, carried on the hood of the car and thrown to the ground from the force of the impact.

Mr. BRYANT reversed his Saab and drove around the bicycle which was on the ground with Mr. SHEPPARD.

As Mr. BRYANT tried to drive around Mr. SHEPPARD and the bicycle, Mr. SHEPPARD approached the Saab and held onto the drivers' side of the vehicle. Mr. BRYANT accelerated rapidly in a south westerly direction into on-coming traffic.



There was no physical evidence, or independent witness statements suggesting Mr. SHEPPARD affected the steering of the Saab, or anything to suggest he physically attacked Mr. BRYANT.

Mr. BRYANT drove the Saab on the roadway westbound in the eastbound lanes with Mr. SHEPPARD holding onto the drivers' side of the vehicle.

Mr. SHEPPARD's left leg struck a tree near #131 Bloor Street West, and he continued to hold onto the side of the vehicle.

Mr. SHEPPARD held onto the side of the vehicle until his torso struck a fire hydrant.

Mr. SHEPPARD landed on the pavement striking his head on the asphalt.

Mr. BRYANT continued to drive the Saab in a westerly direction and left Mr. SHEPPARD lying on the street.

Mr. BRYANT drove westbound on Bloor Street West and turned north on Avenue Road. Mr. BRYANT entered the Hyatt Regency Hotel and parked his vehicle. Mr. BRYANT had a conversation with the concierge and called police.

Mr. SHEPPARD died as a result of his injuries sustained in the collision.

Mr. BRYANT's final actions in the third collision sequence led to the death of Mr. SHEPPARD. Mr. BRYANT's failure to stop the Saab when Mr. SHEPPARD deliberately hung on to the side of the Saab, and driving his vehicle on the opposite side of the road in an attempt to dislodge Mr. SHEPPARD from his vehicle gave the appearance of a deliberate act according to witnesses.

Mr. SHEPPARD also is responsible for his actions that led up to the concluding incident.

All of these incidents were unfortunate and avoidable.

**Documents Reviewed**

**Civilian Witnesses**

**Statements:**

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**Police Witnesses**

**Notes:**

- P.C. BAKER #8741
- P.C. SIMPSON #8832
- Sergeant ADACH #6315
- Sergeant CORDEIRO #408
- P.C. SCEARCE #90226
- Sergeant COLLINS #7420
- P.C. McKEON #1153
- P.C. HODGERT #7082
- D.C. LANE #6574
- D.C. LALLA #8712
- Det. BRITTON #3572
- Sergeant WONG #1444
- D/Sgt. MORERA #470
- P.C. Holt #9996
- P.C. McMILLEN #9805
- P.C. MIRZA #10286
- P.C. BHATHAL #9920
- P.C. FAZELI #8868

## Collision Reconstruction Report

Bloor Street West near Avenue Road, Toronto, Ontario

- D.C. GROSS #1092
- P.C. HOLT #9996
- P.C. BAKER #8741
- P.C. HOWLETT #6288
- D.C. ANDREWS #5982
- D.C. BARTZ #8747
- P.C. VO #7897
- P.C. LISANIN #65741
- P.C. HALL #8129
- P.C. BYUN #9848
- P.C. MARTINEZ #87972
- P.C. LONG #361
- D.C. WORONCHAK #8125
- D.C. MASON #1597
- D.C. PARSONS #629
- D.C. SEXSMITH #685
- D.C. POLIAK #5227
- P.C. St. CLAIR #9619
- P.C. McFARQUHAR #7763
- P.C. MELBYE #8352
- P.C. PATIL #9581
- P.C. HARLEY #9969
- P.C. KANG #9395
- P.C. NASSIS #99897
- D.C. ELASCHUCK #7679
- D.C. VanNEST #7615
- P.C. Mac NEIL #10206
- P.C. NGO #10141
- P.C. MIRZA #10286
- P.C. LONG # 10286
- P.C. SUKH #4735
- P.C. VILLERMARIE #1226
- P.C. VIRANI #3687
- P.C. CLARK #3586
- SGT. STEIN #7837
- S/SGT. KEMP #2977

### Security Video

102 Bloor Street West

131 Bloor Street West

151 Bloor Street West

130 Bloor Street West (unable to open and view)

### Police Reports

- Collision Reports (2), Field Notes
- Sudden Death Report
- Hospital Report
- Photographs