

# Curtis could come home

By CLAYTON BURNS

Bruce Curtis's parents are in New Jersey visiting their son, and the family will decide soon whether to apply to have Curtis transferred from a New Jersey prison to Canada, his Canadian lawyer says.

Curtis, from the Annapolis Valley, was convicted of aggravated manslaughter in New Jersey in 1983, as a result of an incident at Loch Arbour on Monday, July 5, 1982. On that day, Scott Franz shot his stepfather, Al Podgis, and Curtis shot Scott's mother Rosemary Podgis.

Curtis had been admitted to Dalhousie University, and intended to start classes there in the fall of 1982, his lawyer says.

He was sentenced to 20 years in prison, 10 years of which must be served before he can be paroled.

The two young men said they were carrying weapons because Al Podgis was on a binge of violence that holiday weekend.

Curtis has always maintained that he shot Rosemary Podgis by accident.

On Friday, the governor of New Jersey signed the Canada-U.S. prisoner transfer treaty, which must be ratified by each

state, says Lorraine Peever, Curtis's aunt. But if Curtis applies to be transferred to Canada, he must give up any attempt to obtain a new trial, she says.

If an application for transfer is made, Curtis could be back in Canada by mid-winter, says Jennie Lyon, his Canadian lawyer. If Curtis is transferred to Canada, he can still continue with his clemency petition to the New Jersey governor, she says. "New Jersey is softening in its attitude to clemency for Curtis," she says. The Canadian External Affairs department, through a covering letter by Joe Clark, is supporting the clemency appeal.

Whether Curtis could be pardoned by Canada if he is returned here is not clear. The department of the Solicitor General says that under the prisoner transfer treaty Canada keeps its right to mercy, but U.S. sources say that when they transfer a Canadian they still have all rights to clemency.

Curtis's transfer application would go to the department of the Solicitor General, which must first classify the New Jersey offence of aggravated manslaughter as either murder or manslaughter under Canadian law, Lyon says.

Aggravated manslaughter in New Jersey means a very reckless killing without the full intent to murder.

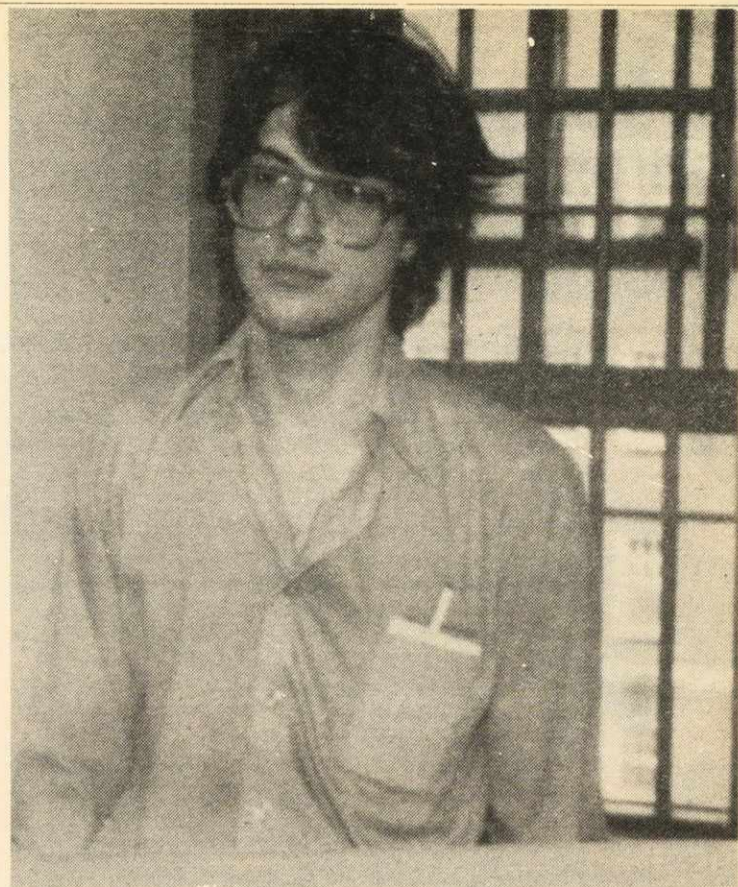
Murder in Canada involves an intention to kill or cause bodily harm to someone, or involves a killing without the full intention to cause death, but done while the killer is trying to achieve some unlawful object.

Curtis was not found guilty of any offence other than aggravated manslaughter in connection with Rosemary Podgis's death.

To classify Curtis's offence as murder, the department of the Solicitor General would probably have to rule Curtis was doing something wrong, for example carrying a weapon for a purpose dangerous to the public peace, and while engaged in that unlawful purpose, killed Rosemary Podgis.

"We have submitted preliminary information to the department of the Solicitor General," Lyon says. "Before we put in an application for prisoner transfer, we want to know something about their thinking. They won't give us an advance ruling, but we want some idea," she says.

If Canada classifies Curtis's offence as murder, he will have to



Bruce Curtis — hoping to escape 10 years in a New Jersey jail to come to Dalhousie.

serve 10 years before parole, Lyon says. He would not be eligible for day release during those 10 years, she says.

But if the offence is classified as manslaughter, Curtis will be eligible for day parole to attend Dalhousie University, she says.

"We know Bruce would like very much to come home," Peever says.

"We will be holding a vigil on January 20th if he's not here," she says. That date will be Curtis's 23rd birthday.

## NO EASY ANSWERS



David Hayes, author of "No Easy Answers"

By Clayton Burns

David Hayes, author of *No Easy Answers*, a Penguin book on the Bruce Curtis case, is "98 per cent sure that Curtis shot Rosemary Podgis by accident."

In Halifax to promote his book, Hayes said Curtis' friend, Scott Franz, shot Al Podgis "in cold blood" upstairs in the Podgis' home, but the evidence of that killing should not have been part of the trial to determine if Curtis shot Mrs. Podgis by accident downstairs.

But Curtis' family complained in a September newsletter that Hayes' book, published this fall, is a muck-raking account of Curtis' childhood and student life at King's-Edgell, a private school in Windsor, Nova Scotia.

"We are disappointed that Hayes has not adequately addressed the many serious social and justice issues that arise from the case, such as plea-bargains that amount to hostage-taking, perjury, gun control, child abuse and family violence," the family said.

Hayes included in his book Bruce Curtis' diary, which was

written shortly after the suicide of his friend, Patricia Hirtle, and six weeks before he went to New Jersey.

The prosecutor in Curtis' trial put Scott Franz on the stand to interpret the diary in an attempt to show the morbid qualities of Curtis' mind, but Judge Arnone refused to admit Franz's interpretations as evidence.

"We have learned to our horror that Penguin plans to publish all 10 pages of Bruce's diary," the Curtis family wrote. "In our view, the publication of the diary is an outrageous invasion of privacy."

In his diary, Curtis copied out parts of Patricia Hirtle's last letter, "which reflected her depressed and morbid thoughts," the family wrote.

"There is a homoerotic passage that is, quite simply, obscene," they said.

Hayes said he included the diary passages because New Jersey police thought Curtis was "weird and brainy," and when they found the diary "their minds were poisoned."

"They went for the kid," Hayes

said. "They assumed he was the mastermind of the whole thing."

*No Easy Answers* also contains other intimate material, including a love letter to Curtis from Colleen Smith, a math teacher at King's-Edgell School. But the letter was necessary to show the strange pressures that were on Curtis at the school, Hayes said.

"I have some problems with King's-Edgell," he said.

"Here was a plump, overweight, not overly attractive teacher. This is how she was looking after things."

In more general terms, Hayes said that the Curtis case should have been thrown out of court based on the faulty rifle he used, the angle of the shot, and the fact that he had no motive to kill Rosemary Podgis.

The safety mechanism of the gun Curtis used malfunctioned as it was being handled in court, Hayes said.

The shot that killed Mrs. Podgis went into her abdomen at an extreme downward angle, which should have indicated to the court that she was shot by accident, he said.

## Mago kicked off council

by Toby Sanger

The controversy surrounding one student councillor's failure to fulfill his duties ended Sunday when council voted unanimously to recall him from Senate and DSU council.

Addesh Mago, student representative to Senate, was removed from his position because of a poor attendance record, attending only two of the six council meetings this term. Mago also failed to attend any of the Senate meetings since he was elected last spring.

The DSU council has been considering the problem since early October, at times pushing aside other matters to deal the issue.

During the week before the council meeting, rumours had been circulating around the DSU offices about Mago's financial mismanagement of the Math Society's finances when he served as its treasurer last year.

Approximately \$1,000 was spent last year by the group with little documentation. DSU treasurer Sean Casey is now trying to estimate the revenues and expenditures of the group.

"The finances of the Math Society seem to have been run out of a shoebox," he says. "The only thing we've determined is that the bills were paid in some other manner than by check and revenues were not put in their account."

The issue of the alleged mismanagement was raised at the

same council meeting Sunday as the motion to recall Mago, but without mentioning his name.

DSU president Jamie MacMullin says he didn't know Mago was connected with the Math Society last year and admits he doesn't know whether the issue of Math Society had anything to do with the outcome of the recall vote. But he says, he doubts the matter prejudiced council members in voting for his removal.

"The decision made on Sunday concerned only his attendance," says MacMullin.

MacMullin originally tried to get Mago removed from council October 5 for failing to attend the two previous meetings. The motion was rejected by the chair on the basis of reasonable excuse.

At the October 19 meeting, councillors voted themselves on the motion in camera but narrowly failed to get the two-thirds majority required.

After Mago failed to attend the next two council meetings, vice-president academic Ava Czaplak's motion to recall Mago passed unanimously.

MacMullin says, "He was given a chance, but given this chance, he failed to live up to his responsibilities."

Councillors will pick a replacement for Mago at "hopefully the next meeting," says MacMullin.

"I think they're looking for someone with guts, someone who's keen and, most of all, someone with commitment," says DSU Community Affairs coordinator Barney Savage.