

Defence in Lac-Mégantic case to argue for separate trial for train engineer

Request for stay of proceedings is not off table, Tom Harding's lawyers say

By Antoni Nerestant, [CBC News](#) Posted: Dec 01, 2016 5:44 PM ET Last Updated: Dec 01, 2016 5:44 PM ET

The trial for train driver Tom Harding and three other accused in the 2013 Lac-Mégantic disaster is currently scheduled for September 2017. (Paul Chiasson/Canadian Press)

The defence lawyers for the train engineer charged in connection with the deadly derailment and explosions in Lac-Mégantic in 2013 say they will be ready to go to trial next May — as long as their client, Tom Harding, is tried alone.

Train engineer Tom Harding is charged with criminal negligence in the wake of the derailment and explosions that killed 47 people in the 2013 Lac-Mégantic disaster.

The defence has filed a request to have Harding stand trial separately, on the basis that he requires a trial in English, and trying Harding along with the other three accused would make for a cumbersome bilingual trial.

"We would have to translate everything, every time a judge intervenes or when there is an objection in court," said Charles Shearson, one of Harding's lawyers. "You can't tell me a separate trial in English will take the same time as a bilingual one."

Harding is charged with criminal negligence in the death of 47 people and is scheduled to stand trial next September, along with railway traffic controller Richard Labrie, train operations manager Jean Demaître and the defunct railway company, Montreal Maine and Atlantic Railway.

Superior Court Justice Gaéтан Dumas convened the defence and prosecution for a case management hearing Thursday, asking both sides to figure out a way to start the trial as soon as possible.

Stay of proceedings another possibility

Earlier this week, Harding's [defence team announced it would pursue a stay of proceedings in its client's case.](#)

Harding's lawyers are [just the latest of dozens of criminal lawyers](#) to signal their intention to seek to have charges dropped in the wake of a ruling [last July by the Supreme Court of Canada](#) that established what constituted a reasonable delay for criminal proceedings.

Provincial court cases must be completed within 18 months, but can be extended to 30 months if there is a preliminary inquiry.

The stay of proceedings would not apply to [the federal charges Harding faces, filed in 2015.](#)

The defence still plans to pursue the stay of proceedings in the event the judge rules against the request for a separate trial for Harding after the case returns to court on Jan. 26, 2017.

One of the Crown prosecutors, Véronique Beauchamp, dismissed the defence's claim that a bilingual trial would drag the proceedings out too long.

"Our evidence applies to all of the accused," she said. "Our witnesses are English and French, so no, I think it will make it even faster if it's bilingual."

The Crown says it is willing to start the trial as early as next month.