

# Murder Trial in Whistler

**Special to The Question by Matthew Wild**

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The jury in the murder trial of the man accused in Whistler's first homicide in 26 years was deliberating on the fate of Shane Robert Joseph Richard as The Question went to press on Wednesday (Jan. 28). Richard, 29, who is charged with second-degree murder in the March 10, 2007, shooting death of Michael Boutros in Whistler's Village Square, testified last Thursday (Jan. 22) that the shooting was in self defence. After the defence and the Crown wrapped up their cases in B.C. Supreme Court on Tuesday (Jan. 27), Justice Christopher Hinkson sent the jury out to begin its deliberations.

According to Crown counsel Philip Sebbelin, Judge Hinkson told the jury that it needs to consider whether Richard committed an unlawful act in his shooting of Boutros. If so, and the jurors found beyond reasonable doubt that Richard intended to kill, or else knew the shot would likely be fatal, this would lead to a verdict of second-degree murder. Otherwise, they would be considering a verdict of manslaughter. However, if they did not consider the shooting unlawful, Richard should be cleared, Sebbelin said in summing up the judge's instructions.

Testifying last week, Richard - who has pleaded not guilty in the case - said he was acting as a bodyguard for a drug dealer when the incident occurred.

Defence lawyer Michael Shapray started off last Thursday by saying his client was "no angel" and carried a gun because he was "a bodyguard for somebody working in drug trafficking." In an atmosphere of "violence, chaos, confusion, aggression and threats," Richard "genuinely believed he had no choice" but to fire the fatal shot because Boutros had a broken bottle in his hand.

Fellow defence lawyer Marvin Stern said Richard had travelled to Whistler on March 9 with Kyle Gianis and John Antinozzi, and the two men's girlfriends. He began working as a bodyguard for long-time friend Gianis around six months previously - his role, said Richard, was to carry a gun "to make sure things did not get out of hand."

The group visited a few bars, with Richard drinking two or three rum and Cokes in each - with a loaded .380 semi automatic, with the safety catch off, in his waistband - arriving at Tommy Africa's around midnight and staying until last call.

Richard said Gianis spoke to Boutros and two other men, Tyler Towe and Adrian Defend. The two groups left separately but met in the street, where Boutros and Defend shook hands with Gianis - after which Richard heard Gianis say to Defend, "Don't be so f----- lippy" and punched him.

"Kyle (Gianis) punched Defend," Richard testified. "He dropped to the ground like a ton of bricks. At that time Boutros and Towe jumped Kyle. I pulled Mr. Towe off and punched him."

Richard said Boutros and Towe then "squared up" for a fight, standing four feet away from him. Unaware of the whereabouts of his friends, Richard said he felt he was facing the duo alone.

"As Towe rips off his jacket, I noticed Boutros bend down to the ground," Richard said. "That's when I noticed a bottle breaking. That's when I saw it in his hand... (he was) still in a fighting stance.

"I told them to drop the bottles and fight like a man. I noticed the two came forward about one foot. I leaned back, I pulled out the firearm, and I shot."

The court heard previously that the bullet struck Boutros in his abdomen, rupturing a blood vessel in his liver, leading to massive internal bleeding. Richard ran from the scene, tossing away the firearm and some brass knuckles in the process. After a brief foot chase RCMP dog handler Corp. Richard Gingras, with service dog Stat, apprehended and arrested him.

Under cross-examination by Crown lawyer Phillip Sebellin, Richard said he had not called out to his friends when facing Towe and Boutros, nor tried to look for them. "I was just worrying about what was in front of me," he replied. "I didn't run away because you can't defend yourself with your back to a person."

Sebellin suggested Richard had every opportunity to back off, and that there were "three persons in your group and two of them" - as Defend never came back up after being punched out.

He also suggested Richard could have showed the gun "to warn them off," given a verbal warning, or fired a warning shot rather than shooting Boutros at close range.

"You did not give him a chance to run," Sebellin said.

"No," Richard replied.

"My Boutros was three feet away before the shot," Sebellin continued. "You fired because in your mind you had to stop him. That means you meant to hit him with the bullet." Richard agreed.

Stern later told the court that on June 5, 2008, a U.S. court sentenced Gianis to 156 months in jail for conspiracy to possess drugs for distribution. His expected release date is April 2019.