

B.C. review ordered into breath test of 82-year-old

IAN MULGREW
POSTMEDIA NEWS
VANCOUVER

B.C. Solicitor General Shirley Bond has ordered a review of why the RCMP tried 15 times to give a sober 82-year-old Cranbrook, B.C., woman an alcohol breath test before citing her for failing to blow, suspending her licence and towing her car.

After a cold, two-hour ordeal, Margaret MacDonald went to a local hospital and had her blood tested for alcohol. There was none.

Bond wants to know why a superintendent of motor vehicles adjudicator upheld MacDonald's roadside suspension and \$500 fine even though the Mounties provided a letter saying she should be exonerated.

"Obviously, I am concerned with this circumstance, but it is important that we get all the facts of the case," Bond said Wednesday.

MacDonald had been quietly seeking an apology and reimbursement of roughly \$6,000 out-of-pocket expenses as a result of her traumatic May 22 experience.

Her attempt to seek judicial review in B.C. Supreme Court was put on hold because the drunk-driving provisions were under scrutiny.

On Dec. 23, Justice Jon Sigurdson gave the province until June 30 to correct flaws in the legislation because parts were unconstitutional — but only insofar as they applied to those who blow a "fail," which indicates a blood-alcohol level of over .08 on the roadside device.

Facing a further delay, MacDonald decided to go public.

MacDonald had just arrived home early in the morning when an off-duty RCMP officer pulled up and told her she had been driving badly and uniformed officers were on their way to check for impairment.

The responding officers were unable to obtain a breath sample, MacDonald said, because of her age and medical issues, such as the lasting effects on her lungs of a bout with pneumonia five years ago.

Regardless, she insisted she doesn't drink. She was insulted and angry at the allegations and the manner in which she was treated.

Armed with the medical report of her blood alcohol, she went to the RCMP detachment the first thing Tuesday morning after that long weekend, hoping to get her car back and the matter resolved.

RCMP Cpl. Pat Prefontaine conducted a quick investigation and gave her a letter the next day, but he couldn't rescind the immediate roadside prohibition that had been issued or return her car. The best he could do was help with her appeal.