

Man who beheaded bus passenger may get unescorted passes

THE CANADIAN PRESS



WINNIPEG – A man who beheaded and then ate parts of a fellow passenger on a Greyhound bus almost six years ago might soon be granted unescorted day trips outside his mental hospital.

Vince Li's psychiatrist says the one-time undiagnosed schizophrenic has not been violent, no longer suffers delusions and has made tremendous progress.

"From a clinical perspective, he has progressed excellently," Dr. Steven Kremer told a Criminal Code Review Board hearing Monday.

Every year the board examines the conditions imposed on Li.

"Our overall goal is to eventually have Mr. Li reintegrate into the community."

Li, 46, was found not criminally responsible for stabbing and beheading Tim McLean, a young carnival worker, in July 2008.

The two men were strangers when Li sat next to McLean on a bus ride from Edmonton to Winnipeg. Li's attack was unprovoked – he said he heard voices telling him to kill McLean. The bus stopped and horrified passengers fled as Li carved up McLean's body and ate parts of it.

Li was initially kept inside a locked wing of the Selkirk Mental Health Centre 24 hours a day. Each year he has been granted more freedom, such as escorted day passes to Winnipeg, Lockport and nearby beaches.

On Monday, Li's psychiatric team asked for Li to be given three new privileges:

- Unescorted day passes into Selkirk.
- Relocation from the hospital's locked ward to an unlocked ward.
- Relaxed supervision during escorted trips into Winnipeg and Lockport. Instead of having a dedicated escort, Li would be one of three patients supervised by one hospital staff member.

Li, dressed in a leather jacket and black dress pants, was quiet throughout the hearing, with his head bowed for much of the time. He appeared to be paying close attention and thanked his lawyer and psychiatrist as sheriff's officers handcuffed him and led him out of the room.

Crown attorney Susan Helenchilde did not oppose the changes, noting that Li has co-operated with hospital staff at all times.

"Mr. Li has done everything that has been asked of him."

The victim's mother, however, said Li should remain locked up for life.

"I don't think it should matter whether you're mentally ill or not mentally ill. If you kill someone, you should lose your freedom, period,"

DeDelley said outside the hearing.

"I'm standing out here by my damn self for six years now, and they're going to ultimately let this person free. And if he reoffends, (they'll say), 'Oh well, statistically it shouldn't happen'. But guess what? It does, and it does and it does."

Toronto criminal lawyer [Jacob Stilman](#) tells AdvocateDaily.com that due to the disturbing nature of the attack it isn't difficult to understand why the victim's family is advocating Li remain in custody and be denied additional freedoms. However, Stilman says criminal law is about fairness and the rights of those accused or convicted can't be pushed aside.

"While the role of the victim is important and does play a part in the sentencing and parole process, our system of justice is predicated on the universal application of the law to society as a whole," says Stilman. "The prevailing principle is that we as a society gain the protection of the law when an offender is punished. Similarly, we are all protected from state abuse and tyranny by ensuring fundamental principles of justice are adhered to, which is why the Crown must always prove its case beyond a reasonable doubt, and why every accused person is presumed innocent until proven guilty."

If it were left up to the families of murder victims to dictate the terms of justice, Stilman says every accused would be convicted, denied the benefit of due process, and locked up for life.

"A purely retributive system of justice would almost certainly replace the balanced one which we have," says Stilman. "Li is entitled to the same treatment – and in this case we are speaking of treatment – as anyone else found to be not criminally responsible. If he no longer represents a threat in the opinion of the review board, which would have access to medical reports and opinions of the treating physicians, then, like it or not, he is entitled to increased freedom and ultimately release back into society.

"To deny him such would be to undermine the most basic of legal principles. While the sentiments of the victim's family are understandable and are entitled to consideration, they must not be allowed to replace our laws."

DeDelley has fought to toughen the laws governing people found not criminally responsible for killings. She has a website that tracks cases in which people with the designation have been rearrested or convicted on new charges.

The review board said it will render its decision within a week.

© 2014 The Canadian Press

- With Files From AdvocateDaily.com