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Murder case restarts in court

Court proceedings have officially restarted for a Mississauga man who won his bid for a new trial after being convicted of murdering a man in a street fight during the August 2003 blackout.

Raman Gill, 27, appeared in Brampton court this week for the first time since being granted a new trial earlier this month by the Ontario Court of Appeal.

Gill was ordered to return to court March 20, according to Ontario's Ministry of the Attorney General. In ordering that Gill be tried again, appeal judges said that the trial judge, Justice Casey Hill, failed to properly inform the jury that Gill

might have been provoked the night he killed Tom Garavellos, 25, also of Mississauga.

Garavellos was swinging a beer bottle at Gill's head that night, Gill had told jurors.

The appeals court, which has set aside the conviction and sentence, went on to say that had Hill explained to the jury that "provocation" was a possible defence, it would "have been open to the jury to" determine that Gill was provoked and, as a result, jurors may have considered a manslaughter conviction instead of murder.

In March 2006, the jury convicted Gill of second-degree murder in the stabbing death of Garavellos. Hill sentenced Gill to life in prison with no chance of parole for 10 years.

No date has been set for a new trial.

Gill, a University of Toronto student, had pleaded not guilty to the murder charge, testifying he stabbed Garavellos in self-defence during the struggle that erupted on a west Erin Mills street.

But during cross-examination, Crown prosecutor David King rejected Gill's self-defence claim, saying instead that he was angry and waited for the right opportunity to "plunge" the knife into Garavellos.

Gill admitted that he never warned Garavellos or urged him to back off because he had a knife, and agreed he never said anything to the victim before stabbing him and fleeing. Court heard that the fight began when Garavellos, who was riding in a car driven by his friend, Steve Medeiros, called Gill and his friends "geeks" for watching the stars through a telescope on a street near Dundas St. W. and Ridgeway Dr.

Gill reacted by striking the back of the car.

Garavellos and Medeiros stopped the car, got out and began shouting profanities at Gill and his friends, Hassan Chaudhry and Fahd Hassan.

Gill testified that he became afraid when he saw Garavellos approaching with a beer bottle, and ran to his knapsack to get a knife, which he kept for protection.

Both Chaudhry and Hassan were initially charged with manslaughter. Chaudhry's charge was withdrawn, while Hassan's was stayed.

Both testified as Crown witnesses against Gill.

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blackout murder. Raman Gill (right) was convicted of murdering Tom Garavellos on the night of the infamous 2003 blackout, but recently won his bid for a new trial after taking his case to the Ontario Court of Appeal.

Hassan Chaudhry was represented by defence counsel, Anser Farooq. Chaudhry's charge was withdrawn two years after being laid.

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