

Dundas shooting highlights emotion of custody battles

By Craig Campbell News Staff
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Divorce and custody arrangements have to be handled much differently, several observers say, to avoid the kind of conflict that led Ruth Anne Willis to shoot her ex-husband Russell Bailey to death outside his Dundas home.



Ms. Willis was sentenced to life in prison, with no possibility of parole for 13 years, last week. She had been convicted by a jury of second degree murder a couple of months earlier. Her attack concluded a bitter custody dispute which had reached an all new level of tension.

Larissa Fedak, a Dundas resident and lawyer who handles both criminal and family law cases, followed the Willis case fairly closely. She said it was an unusual story, but reinforces the need for partners to seek counselling.

"The problem I see in family law cases is that in some cases the parents forget to love their kids more than they hate their ex-partner," Ms. Fedak said.

"It's hard to legislate mature responsible behaviour. It's hard to legislate and implement a method to help the parents focus on what's best for their children, because the parents get so wrapped up in themselves and their personal hurt."

Like Ms. Fedak, Brian Jenkins of the non-custodial parents support group Father's are Capable Too, believes mediation and communication must take precedence over court dates.

"These types of things happen all the time, unfortunately, in divorces. That's typical," Mr. Jenkins said. "But it's not typical to shoot somebody. The whole issue of custody and ownership creates unreasonable expectations. It's a winner-take-all system, where emotion has really gotten to be a problem."

He agreed with Ms. Fedak in finding the 13-year parole ineligibility acceptable.

Mr. Jenkins said mediation is preferable to a system where the lines of communication between parents and children are not open.

People get so upset about going back to court, they resort to getting a gun and shooting someone.

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"I'm being denied access to my daughter. I need access to my daughter," Ms. Willis could be heard yelling in the background of a 911 call.

It was her ex-husband, Russell Bailey, who made the call. He was speaking to operator Jennifer Moreton at exactly 11:57 a.m., Aug. 21, 2002, from the front lawn of his home at 63 Watson's Lane.

"I have an ex-wife who's really creating a disturbance," he said.

"Your ex-wife and you are arguing?" Ms. Moreton responded.

"Oh, yep. She's trying to break into the house."

Ms. Willis can be heard in the background saying: "I am not."

The operator asks Mr. Bailey if his ex-wife is carrying any weapons, and if she's been drinking.

"No," he answered. "She just wants to see her daughter."

"Does she have conditions not to?"

"No. It's just that her daughter doesn't want to see her."

"What's your name?"

"Russell."

"Russell...what?"

"Yeah."

With the sound of two gunshots, the line went dead. It was 11:59 a.m.

Ms. Willis had retrieved the gun from the Ruffin's Pet Store truck, parked in her ex-husband's Watson's Lane driveway. She had not carried it to the door, moments earlier, when she began banging on the door and demanding to talk to 14-year-old Torri, the youngest of two daughters she shared with Mr. Bailey.

In her arms. Ms. Willis carried a 15-month old baby, fathered by her new husband Glen Willis of Crapaud, P.E.I.

Ms. Willis drove the truck, all the way from the tiny Atlantic town, when she learned Torri was about to be in enrolled in Oakville's Appleby College ñ against her mother's wishes.

While Mr. Bailey spoke to the 911 operator, assuring her Ms. Willis had no weapon, she strapped the infant into a car seat, picked up the semi-automatic pistol loaded with nine shells and approached her ex-husband.

She fired eight times, hitting Mr. Bailey five times in the chest, twice in the neck, and once in the head as he lay on the ground. On the ninth shot, the gun did not fire.

Const. Jeff Wood was assigned to clear 63 Watson's Lane. He entered the home to be sure the shooter ñ or any other victims ñ were not inside.

"When I arrive in the basement, I found the children in a room," Const. Wood said.

Torri, the 14-year-old daughter of Mr. Bailey and Ms. Willis hid in the basement with her two step-sisters and one step-brother, when her mother began banging on the door that morning.

"I had a lot of conversation with Torri Bailey," Const. Wood said. "She gave me a lot of information about her mother."

Torri gave the officer information about her mother's truck, her licence plate and the address of her grandfather's Milton home ñ where Ms. Willis was staying. Const. Wood relayed the details to the police dispatcher.

"She mentioned that her mother was mad. She was upset about some things...that (Torri) wasn't returning to PEI," Const. Wood said.

"I got the opinion that she was torn between the two, but she wanted to go to the private school. That she was looking forward to going, if she could."

Russell and Ruth Anne were married in March 1982. They separated 10 years later. Their final divorce agreement was filed with the court in July 1996. She was granted sole custody of their two daughters, while Mr. Bailey was guaranteed access every second weekend and one evening each week. Spousal support was waived, as both parents were self-supporting. Mr. Bailey paid \$1,100 a month in child support.

The divorce agreement included a Parenting Plan which stated: "They agree both parents must have access to children and be involved in their lives." There also was a relocation clause which required Ms. Willis to give 60 days notice to her ex-husband if she moved the girls' primary residence outside of Halton or Hamilton-Wentworth.

There was some confusion whether or not that notification actually took place. But Ms. Willis did successfully relocate her daughters to Crapaud, P.E.I. with her new husband, Glen, in the summer of 2001.

"Before graduating from Grade 8, Torri told her mother she wanted to return to Ontario and attend Appleby College," Justice John Cavarzan said before announcing the sentence last week.

"Ruth Anne was adamantly opposed to private school education."