

Sexual predator at private schools pardoned

TORONTO AND KINGSTON — A cheerful collage of paper flowers decorates the front door of the comfortable midtown Toronto apartment rented by retired private-school teacher and admitted sex offender Clark Winston Noble. It is an apt symbol of Mr. Noble's recent good fortune, which has made his criminal past essentially disappear.

Eight years ago, Mr. Noble pleaded guilty to a 1989 sexual assault against a student from Oakville's Appleby College. He also admitted that he had attacked an Upper Canada College student in 1971. That student, who is now confined to a mental institution, successfully sued Mr. Noble and UCC, alleging that the elite school knew the teacher was a sexual predator but failed to act.

Mr. Noble, now 68, received a conditional one-year sentence for the Appleby College incident, sparing him from jail. At the same time, the charges involving UCC were withdrawn (although their pertinent facts were admitted to) as part of the negotiated guilty plea.

Mr. Noble's winning streak didn't end there. Three months ago, he quietly secured a pardon from the National Parole Board, effectively erasing his criminal past. Despite Mr. Noble's troubling history, a standard background check will show nothing amiss. And although pardoned sex offenders are supposed to be red-flagged in police computer systems, there are doubts about whether that happened in this instance. Nor does Mr. Noble's name appear on sex-offender registries, because his crimes predate their inception.

"If he was to testify in court tomorrow and I asked him, 'Sir do you have a criminal record?' he could say no," says deputy Crown attorney Jim Atkinson, who oversaw the 1998 guilty plea. "And there wouldn't be a thing I could do about it."

Pardons for the crime of sexual assault are rare.

"In my 13 years of investigating sex crimes, this is the first time I've seen a pardon granted to a person for a sexual assault," said Detective Constable Peter Duggan, who investigated Mr. Noble.

"What's more disturbing is that this was a fairly recent conviction."

Mr. Noble himself, however, seems to consider it unremarkable: "The pardon is there," he said in an interview Wednesday. "If you want to argue with the government, go ahead."

A spokesperson for the National Parole Board, which is responsible for pardons, declined to comment on Mr. Noble's case.

The parole board is overseen by the Ministry of Public Safety. A call requesting comment on Mr. Noble's case from Public Safety Minister Stockwell Day was not returned.

Until he was raped by Mr. Noble in 1971 at the age of 18, Ron was a golden boy. He was one of the best squash players in Canada. His grades were good. He shared an elegant Toronto home with his parents and younger brother. His father was president of a large corporation. Ron had musical talent and sensitive features that made it easy to find female company.

This week, Ron sat in a tiled room in a Kingston mental institution, an attendant close at hand. His keen intelligence remains undimmed, but he is only too aware of what's wrong with his mental wiring.

"When you live in the shadow lands, it's hard to distinguish facts from fiction," he says. "People like Noble know that, and they use it against you."

For Ron, the past 35 years have been a chronicle of pain. There have been repeated hospitalizations, multiple suicide attempts and an unending sense that justice was never done.

"When someone gets away with something like this it does damage," he says. "You can't make that go away."

Last January, Ron jumped from the balcony of his fifth-floor Kingston apartment, surviving because he landed in bushes. Since then, he's been in a series of hospitals, most recently the Forensic wing of Providence Continuing Care, an institution that cares for people with serious mental illness. The rooms are locked, and there are metal detectors at the door.

"This is where I need to be now," says Ron. "I know that."

Until a visitor told him this week, Ron had no idea that Mr. Noble had been pardoned. He took the information in stride. "Noble is one of many predators who have no respect for children," he said. "He's an animal."

In the early 1970s, Ron's rape at the hands of Mr. Noble was an open secret among UCC administrators and Ron's classmates, some of whom went on to become leading Canadian businessmen.

Mr. Noble, who was known around UCC as "Knobby," had earned a reputation as a bisexual pedophile. In a book about UCC, one student recalled how he shared a motel room with Mr. Noble on summer trip to Europe: Mr. Noble reached over, dropped an ice cube in the boy's navel, and asked, "What would you say if I seduced you?"

Mr. Noble told the boy that he had slept with at least a dozen of his classmates and that he enjoyed boys and girls equally. Mr. Noble (who now lives across the street from the all-girls Branksome Hall school in Rosedale) offered his bisexual credo: "Double your pleasure, double your fun."

Until 1997, when Ron and another young man finally came forward, Mr. Noble went legally unscathed.

That year, Mr. Noble was charged with sexually assaulting Ron, as well as a former student of Appleby College, where Mr. Noble had taken a teaching job after leaving UCC. Ron gave a sworn, videotaped statement to police. Mr. Noble pleaded guilty to the assault on the former Appleby student, who was in his mid-teens at the time. Ron's case, however, presented some complications for the prosecution — the offence was 26 years old and Ron had been diagnosed with schizophrenia. The prosecutor read the facts of the assault against Ron into the court record as part of the guilty plea, and Mr. Noble's lawyer, Frank Felkai, agreed they were true. The charge was then withdrawn, placing Ron's assault in a legal category known as "admitted but unproved."

Even so, there was value to putting it on the record. "It was important to me that the court know that this wasn't one isolated sexual assault," Mr. Atkinson, the prosecutor, recalls. "I wanted some recognition, on the record, with respect to the first offence. . . . [The assaults target= _blank> were both serious, it was a tremendous breach of trust, and I wanted the facts considered in the sentencing."

Mr. Noble received a conditional one-year sentence, which meant that he would serve no jail time as long as he kept his nose clean and stayed away from the two complainants. He obeyed both orders, and five years after that one-year sentence expired, he was able to begin securing his pardon.

Mr. Noble seems unworried about his past: "It doesn't bother me at all," he said in a telephone interview.

He summed up Ron as follows: "He was a paranoid schizophrenic from the age of 13 on, and was in rehab way back."

Mr. Noble would not concede that he had raped Ron: "I never admitted that at all. I admitted to non-consensual sex, that's all."

As for the second sexual-assault offence and his guilty plea, "I could have gone to court and probably would have won it, but decided, who wants to go to court over that kind of process?"

Mr. Felkai, who helped Mr. Noble secure his pardon, is with Toronto's Rochon Genova law firm, which specializes in litigation and family law. On the firm's web site, Mr. Felkai describes himself as a "Queen's Counsel of the Law Society of Upper Canada" and a former executive assistant to Herb Gray, the long-time Liberal MP and deputy prime minister. Mr. Felkai has twice run for elected office as a Liberal. In July, he was co-chair of the big annual Toronto Liberal barbecue.

Although Mr. Felkai has helped others secure pardons over the years, he says his role in Mr. Noble's case was minor.

"Basically, he did it himself," Mr. Felkai said.

Mr. Noble concurs.

"Frank was just the conduit," he said.

Ron's brother, who works with a high-tech firm in British Columbia, says Mr. Noble's 1971 assault was the beginning of the end for Ron: "Until then, I never saw anything abnormal," the brother said. "But then it was like he went off a cliff."

Six months after the assault, the brother says, Ron cut his wrists. Soon after that, Ron was diagnosed with

schizophrenia. Although he went on to Queen's University after graduating from UCC, Ron gradually fell apart, and has never held a full-time job. Instead, he has lived on a disability pension and shuttled in and out of mental institutions. Experts have told Ron's brother that a traumatic incident can serve as a tipping point for individuals who have a predisposition to schizophrenia.

So the question remains — was Ron's descent into full-blown mental illness precipitated by Mr. Noble's assault? His brother believes it may have been: "I don't think it's a coincidence," he said.

Ron's brother reacted with anger to the news of Mr. Noble's pardon.

"Ron has been screwed over," he said. "This is just the icing on the cake."

TIMOTHY APPLEBY AND PETER CHENEY

From Thursday's Globe and Mail

http://www.theglobeandmail.com/servlet/story/RTGAM.20061018.wx noble19/BNStory/National/?cid=al_gam_nletter_newsUp