



## Dead boy's evidence admissible in case against accused bully

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**Mitchell Wilson took his life last fall rather than face the student charged with robbing and assaulting him.**

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OSHAWA, ONT. - Mitchell Wilson, 11, will have his day in court after all.

The frightened disabled boy who took his life last fall rather than face the student charged with robbing and assaulting him will have his voice heard in court because Judge Mary Theresa Devlin ruled Monday that his four statements to police and his stepmother can be entered as evidence.

Devlin admitted Wilson's statements identifying a 13-year-old boy as one of two who jumped and robbed him of his dad's iPhone on Nov. 1, 2010, even though he is no longer here to testify or be cross-examined.

The trial will now go ahead. If the judge had ruled against the use of Wilson's evidence, the Crown would have had to drop the case.

Wilson's father found him dead with a plastic bag tied around his head on the first day of this school year, just hours after Wilson received a subpoena to testify against the boy he said smashed his teeth and robbed him.

Wilson had muscular dystrophy.