A Miscarriage of Justice:

A miscarriage of justice is considered to have occurred when an innocent person is wrongly convicted of a criminal offence. The Canadian justice system is not immune to miscarriages of justice. In recent years several prominent cases regarding wrongfully convicted individuals have surfaced. Names such as Donald Marshall Jr., Guy Paul Morin, David Milgaard and Thomas Sophonow are widely known, as each was wrongly convicted of murder. Some spent years in prison before their release. Wrongful convictions can happen as a result of mistakes in eye witness identification, perjury, incompetent legal defence, false confessions, over eager prosecutors and investigators, or errors made by forensic experts.

A miscarriage of justice is also occurs when guilty people are released because of a rights violation or procedural technicality. While allowing a guilty person to go free on a procedural technicality or a violation of rights is a horrible prospect to most Canadians, these laws serve a greater purpose i.e., to protect the rights of all citizens. If we do not safeguard our rights against unreasonable search or arbitrary detentions or access to legal counsel, all of society suffers, as these rights are the cornerstone of our justice system. To protect the innocent, we must also guarantee the rights of the guilty too.

Additional Resources:

[CBC News Backgrounder](http://www.cbc.ca/news/background/wrongfullyconvicted/)

[Association in Defence of the Wrongfully Convicted](http://www.aidwyc.org/)

[Canadian Review of Policing article](http://arcpr.icaap.org/index.php/crpr/article/view/18/17)

[Misuse of Forensic Evidence in the Morin Case](http://www.uplink.com.au/lawlibrary/Documents/Docs/Doc52.html)

[CBC backgrounder, David Milgaard](http://www.cbc.ca/news/background/milgaard/milgaard_inquiry.html)

[CBC backgrounder video report, David Milgaard](http://archives.cbc.ca/clip.asp?IDClip=13228&IDCat=334&IDCatPa=260)

[CBC backgrounder, Steven Truscott](http://www.cbc.ca/news/background/truscott/)

[CBC backgrounder video report, Steven Truscott](http://www.cbc.ca/news/interactives/who-truscott/)

This assignment gives you the opportunity to learn more about problems with the criminal justice system in Canada.

Research two wrongful conviction cases that occurred in Canada. Prepare a summary of each case using the following as a guideline:

1. Outline the basic details of the incident.
2. Who are the key individuals involved i.e. suspects, victim, and investigators?
3. Provide a time line of events including trials and eventual release.
4. What went wrong?
5. When and where did significant errors occur?
6. What does the case teach us about the Canadian criminal justice system?

Write a one-page reflection on what both cases led you to think of concerning criminal law, sentencing, punishment, and reforms.