



2024

Impact Report



Innocence Canada

Letter from the Co-Presidents

Dear Supporters and friends,

As we reflect on 2024, we take immense pride in Innocence Canada's progress in righting past wrongs.

This year, we celebrated three exonerations: Robert Mailman, Walter Gillespie and Clarence Woodhouse. All three men fought for decades to clear their names, and their hope and strength continues to inspire us as we confront the lasting consequences of wrongful convictions.

The acquittal of Clarence Woodhouse, our 30th exoneration, serves as a powerful reminder of the ongoing fight against systemic racism in wrongful convictions. We are also awaiting a response in the nine applications before the Criminal Conviction Review Group — nine more people who we believe are innocent waiting for their day in court to clear their names.

2024 ended with the announcement of the passing of The David and Joyce Milgaard Law, which creates an independent review commission. The commission has been requested since before Innocence Canada existed, starting with the Royal Commission of Inquiry into the Donald Marshall Jr. case in the 1970s. Several Public Inquiries have recommended its creation and academics and practitioners have lobbied for an independent commission for nearly forty years. This is a significant moment in Canadian law and history, and we were honoured to celebrate with Minister of Justice, Arif Virani, and Susan Milgaard.

Education remains a vital aspect of our mission. Our student programs now extend to almost every law school in the country, inspiring future legal leaders to do their part in preventing wrongful convictions.

This year was also one of growth and stability for Innocence Canada. We welcomed back our former Director of Education, Stéphanie Nowak, as Executive Director. Stéphanie brings valuable insights and international experience, having completed her MBA in France, and worked as a foresight consultant in Germany. Her fluency in French, her years of service in Canada's access to justice sector, and her commitment to justice will be invaluable as we expand our efforts.

None of these achievements would have been possible without the unwavering dedication of our supporters. Your commitment empowers us to address systemic issues and provides hope to those who have been failed by the justice system. From your generous contributions to your participation in events like the 10th Annual International Wrongful Conviction Day, you have made a profound difference in the lives we serve.

As we look ahead to 2025, we remain steadfast in our commitment to advocating for the innocent, addressing systemic failures, and educating the public about wrongful convictions. With your continued support, we are confident that together, we will achieve even greater milestones.



A handwritten signature in blue ink that reads "Jonathan Freedman".

Jonathan Freedman

Co-President of Innocence Canada
and Innocence Canada Foundation



A handwritten signature in blue ink that reads "Ron Dalton".

Ron Dalton

Co-President of Innocence
Canada & Exoneree

Letter from the Executive Director

Dear friends,

This year, we had much to celebrate: the Royal Assent given to The David and Joyce Milgaard Law, three exonerations, a declaration of innocence by Chief Justice Joyal of Manitoba, the 10th anniversary of International Wrongful Conviction Day, and increasing our reach to law students nationwide. We also mourned the loss of a shining spirit, Mr. Walter Gillespie, soon after his acquittal. These highs and lows, among others, represent years of hard work and care that goes into every wrongly convicted person we encounter. From our case reviewers and Board of Directors to our supporters and funders — each of you has played an integral role in our journey and we feel immense gratitude for your continued efforts.

None of these achievements could have happened without our amazing team: Pamela Zbarsky, Win Wahrer, Pam Glatt, Charlotte Turner, Rebecca Schwartz, Stacey Seward, Alicia Sanchez, Kylee Bertrand and Lea Keren. The humility, compassion, and zeal they bring to the work is inspiring.

When I look back at where we were three years ago, sitting at 23 exonerations for almost 2 years, its remarkable to see the progress that's been made to bring us to 30 exonerations. But it also highlights the amount of time it takes to right the wrongs of the justice system. We are honoured to have the privilege of fighting for the wrongly convicted. Through this report we hope to offer a glimpse into what that work means for all of us at Innocence Canada.

In 2025 and years to come, we will continue to leave no stone unturned, in our unwavering quest to prove their innocence and give them back their freedom. We look forward to sharing our most precious moments with you.

Sincerely,



Stéphanie Nowak
Executive Director

Contents

2024 Exonerations	3
Remembering Wally Gillespie	4
Righting Past Wrongs Together	6
Education Across the Country	9
Changing the Law	10
Our Exonerees	11

Thank You to Our Supporters

Lindy Green Family Foundation in honour of Sam Chaiton and Terry Swinton



"It's important not only to place in perspective the awesome results we've had but also to thank those out there who are supporting us and allowing us to achieve these results."

— Jerome Kennedy, Chair of Innocence Canada's Case Review Committee

2024 Exonerations



Clarence Woodhouse

Acquitted: October 3, 2024

Convicted: March 5, 1974

Time Served: 12 years in prison

Lead Counsel: Jerome Kennedy, K.C and James Lockyer

Clarence Woodhouse, a member of the Pinaymootang First Nation, was wrongfully convicted of the murder of Ting Fong Chan in Winnipeg when he was just 21 years old. He spent 12 years in prison for a crime he did not commit.

His co-accused Brian Anderson and A.J. Woodhouse were exonerated and declared innocent on July 18, 2023. Russell Woodhouse, Clarence's brother was another of the co-accused who sadly passed away in 2011.

At his trial in 1974, the prosecution's case relied heavily on a confession that Clarence allegedly made in fluent English, despite Saulteaux being his primary language and his limited understanding of English. He reported being coerced into signing this false confession following a brutal assault by Winnipeg police officers. Unfortunately, the trial judge and an all-white jury dismissed his testimony, which exemplifies how systemic racism influenced his conviction.

On October 3, 2024, fifty years after being wrongfully convicted, Clarence Woodhouse was finally acquitted, and declared innocent, marking a historic moment in his long quest for justice.

"There is nothing I can say to you that can give you back those 12 years... You were wrongfully convicted. You were innocent."

—Chief Justice Glenn D. Joyal



Robert Mailman and Walter Gillespie

Acquitted: January 4, 2024

Convicted: May 11, 1984

Time Served: Mailman, 18 years, and Gillespie, 21 years

Lead Counsel: Jerome Kennedy, K.C and James Lockyer

Robert Mailman and Walter Gillespie were wrongfully convicted of murder in 1984. They spent a combined total of nearly 40 years in prison. Despite being offered an early plea deal that would have implicated Mr. Mailman, Mr. Gillespie refused to betray his friend, leading to a longer sentence.

The case against them relied on the testimonies of key witnesses who later recanted their statements, admitting they had lied under oath. Innocence Canada lawyers also uncovered receipts that showed a key eyewitness was paid in return for his testimony. Furthermore, no forensic evidence connected either man to the crime, and both had strong alibis placing them far from the scene of the murder.

Throughout their ordeal, both men adamantly maintained their innocence. Finally, in January 2024, they were exonerated.

"Mr. Mailman and Mr. Gillespie have been deprived of decades of their liberty and shrouded by the shame of a murder conviction. Hopefully, their acquittals to the charge will provide Mr. Mailman and Mr. Gillespie with a sense of peace accompanied by the public recognition that they have been found not guilty of this crime."

—Chief Justice Tracey K. DeWare

Remembering Wally Gillespie

August 31, 1943 – April 19, 2024

Written by Win Wahrer, Director of Client Services, Innocence Canada



The Wally Gillespie and Bobby Mailman case came across my desk very soon after AIDWYC (now Innocence Canada) was formed, so I feel in many ways that Wally has been a part of my life for a very long time and in the ensuing years became a member of my extended family.

Wally faced immense loss and hardship, but nothing compared to the pain of being wrongfully convicted. Alongside Bobby, he endured a fight against a profound injustice that seemed unimaginable. While Bobby was more vocal in their shared battle for justice, Wally approached it with a quiet determination, dedicating himself to understanding the intricacies of his case. He systematically examined how he had become entangled in a system that ultimately turned against him.

After nearly four decades of struggle, Wally and Bobby were acquitted on January 4, 2024, a day they had both longed for. Chief Justice Tracey K. DeWare acknowledged the miscarriage of justice during the hearing, and I was honored to witness this pivotal moment alongside Wally, Bobby, and their supporters.

Tragically, just as the door to exoneration opened, fate took Wally from us unexpectedly. He held a special place in the hearts of all who knew him—he was a determined, funny, and gentle soul who inspired hope in countless others.



Win Wahrer & Wally Gillespie

Wally's legacy became evident during a memorial held by the John Howard Society Halfway House in Saint John. Those in attendance shared how Wally had touched their lives through his courage and unwavering spirit. Saying goodbye to someone we had hoped to have with us for years was heartbreaking, but we found solace in knowing he had lived to see his most fervent prayer answered.

Wally's recent remembrance at the 10th Anniversary of International Wrongful Conviction Day highlighted his impact. Fellow exonerees and supporters honored him with portraits by artists Ray Gray and Tori Mongrain, ensuring his memory endures.

With deep sorrow at the loss of such a genuinely good man, may Wally's spirit continue to inspire those who strive for justice.

Righting Past Wrongs Together

In this interview, Pamela Zbarsky (PZ), Innocence Canada’s Chief Legal Counsel, and Jerome Kennedy (JK), Chair of Innocence Canada’s Case Review Committee (CRC) talk about tackling complex cases and their experiences fighting for the wrongly convicted.

Can you each talk about your roles?

PZ: I lead the case team and have direct day-to-day oversight and management of Innocence Canada cases. We have over 50 cases that we are actively reviewing, over 70 cases on our waitlist, and a legal team of three staff lawyers, an articling student, and an administrative assistant. I lead the team in evaluating claims of innocence and bringing cases forward to Jerome, that have the potential for a successful claim of innocence.



JK: My role is to ensure that the cases are proceeding as efficiently and as expeditiously as possible. I work directly with Pamela and guide the cases through the Case Review Committee. The other thing I do is actively work on cases. That gives me much more hands-on involvement.

What gives you the sense that it’s time to move a case in a certain direction?

JK: I think for me, it comes from experience. I’ve been the Chairman of the Case Review Committee for eight years now. I’ve worked on a lot of Section 696.1 applications. I’m familiar with most of the cases, so I generally have a good feel for what will constitute new matters of significance as required by s.696.1 of the Criminal Code. Essentially what we’re always looking for is innocence, and can we meet the criteria to satisfy the Minister of Justice that a miscarriage of justice likely occurred.



“We go a step further. We try to prove the clients are innocent.”

—Jerome Kennedy

How do you approach decision-making when there is a difference of opinion on a case?

JK: In 2016, I performed a case review audit. From there, the decision was made to move to a staff lawyer model. We developed a team approach, and that approach is one that we still use today. We’ve got to perform a complete review of the file. These are very tough applications. It’s not another appeal. Staff play a very significant role in not only the investigation of a potential wrongful conviction but also the writing of a Section 696.1 brief. This will, by its very nature, lead to differences in opinions.

PZ: This type of work lends itself well to collaboration and hearing diverse perspectives. These cases are complex. Essentially, all of the cases we work on are homicide cases, and achieving an exoneration is an exceptional remedy. Ultimately, I think we all have the same goal. We all need to focus and follow our mandate, which is to exonerate the innocent.

Pamela, what has your experience drafting a 696.1 application been like?

“By the time we’re working on a 696.1 application, we all very much believe in the client’s innocence.”

—Pamela Zbarsky

PZ: These applications are voluminous. They’re hundreds of pages plus an application record, which is tens of thousands of pages. You learn by doing and your experiences in prior cases shape your approach to the next one.

What lessons from 2024 will you carry forward into your work in 2025?

JK: I think the lesson is that we have to streamline our case review process. Improving the case review process from the preliminary assessment to bringing it to the case review committee for adoption or declaring it inactive is the issue we want to continue to make progress on in 2025.

“Getting through all of the cases and giving each case the attention it merits, is one of our biggest challenges.”

—Pamela Zbarsky

What are the things that you’re most proud of when you look back at this year?

JK: One of the biggest this year is the Mailman and Gillespie cases. We started working on them around 2018 and the case goes back to 1985. This case was very important because you have two men who all their lives have maintained their innocence. The fact that we finally achieved the exoneration is very important.

The other case that sticks out, is Clarence Woodhouse. It’s an important one because it’s the third of the four cases of the young Indigenous men who were convicted in 1974 in Winnipeg, Manitoba.

We brought forward and argued systemic racism as the cause or a significant contributing cause to their convictions and that was accepted by the Chief Justice of King’s Bench in Manitoba.

There’s another case, one of our oldest cases, the Chris Bates Case. The conviction goes back to 1992. I’ve been involved in the case since 2004. The message there is that we never give up, we declare cases inactive, always on the basis if something new arises, we will take your case up again. That approach is one that I’m proud of.

PZ: The exonerations that we’ve achieved this year of course but that we also involve wrongly convicted individuals in our work. One of our co-presidents, Ron Dalton, was wrongly convicted. I think that’s really important. It brings a unique perspective and lived experience that benefits everything we do in the organization.

It is important to recognize the invaluable contributions of the many brilliant senior lawyers who, either independently or alongside Jerome, lead the cases that result in exonerations. In particular, James Lockyer and Joanne McLean, both of whom have been with the organization since its inception, have made a profound impact in overturning wrongful convictions.

3
Exonerations
in 2024

“It takes a lot of energy to maintain your innocence and for that many years.”

—Jerome Kennedy



Path to Exoneration

The journey to exoneration is a long and complicated process, often spanning several decades. Applicants with claims of innocence only come to Innocence Canada as a final resort after exhausting all their appeals and often having completed their sentence or still serving years in prison.



Application Submitted

Eligibility Check

- Convicted of a homicide offence and claim innocence
- Unsuccessful appeal at Provincial Court of Appeal (may include an unsuccessful appeal to the Supreme Court of Canada)



Review Begins

- Undergoes a series of reviews including a preliminary assessment, and, where warranted, followed by a full review and investigation
- For the case to move forward new and significant information that points towards innocence must be identified



Application Submitted to Criminal Conviction Review Group (CCRG)

- CCRG undertakes a review of the application which then undergoes several stages of assessment.
- The CCRG makes a recommendation to the Minister of Justice who then issues a decision



Case Waitlisted

- Requests sent to relevant parties to preserve case materials for the review process



Case Adopted

- Innocence Canada Case Review Committee (CRC) comprising 13 of Canada's top criminal defence lawyers/legal professionals vote to adopt case
- Innocence Canada supports with completing and submitting a 696.1 application to the Minister of Justice



Minister's Decision

Three possible outcomes

- **Dismissal** – No further action
- **Grant Application:** Order a new Trial
- **Grant Application:** Refer the matter to the respective provincial/territorial Court of Appeal

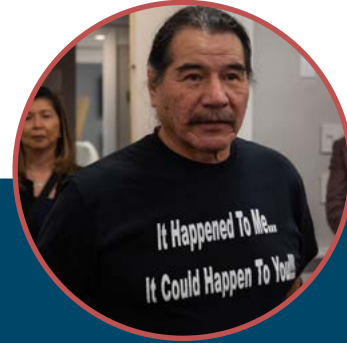
International Wrongful Conviction Day

October 2nd marked the 10th Annual International Wrongful Conviction Day (IWCD). Founded by Innocence Canada's Director of Client Services, Win Wahrer, this year saw over 200 attendees and generous support from sponsors across the legal community and beyond. We are pleased to share photos from this memorable event along with why attendees feel this day is so impactful.



It means a lot to me. You come here and you meet a lot of other people, and you share your pain with them, and you listen to their stories. It's good for everybody.

—Dinesh Kumar, Exoneree



[IWCD] means a lot to us guys that were in the system. I'm glad we got out of it, but it still haunts you.

—Brian Anderson, Exoneree



This day is so important because it allows those who have been wrongly convicted to connect with each other. There is a lot they share with each other that they wouldn't share with us. In my case it's keeping Mum and David alive and their dream of change.

—Susan Milgaard, Sister of David Milgaard and daughter of Joyce Milgaard



I have been fighting for 36 years to prove my innocence, 23 years of those I was imprisoned. It shouldn't happen but it does all too often. I am looking forward to my exoneration day. I believe that any innocent person in prison needs to be supported and exonerated. This day means hope, freedom and exoneration.

—Tim Rees, Current IC Applicant



Education Across the Country

Innocence Canada's Director of Education, Pam Glatt, has significantly expanded the organization's Education Program, transforming it from a general community awareness initiative into a well-established lecture and education program for law schools across Canada. The goal is to empower and inspire the next generation of lawyers in the criminal justice system to recognize how their biases and actions could contribute to wrongful convictions.



In 2024, Innocence Canada's Education Program:

Delivered lectures to

16

Canadian law schools

Created

34

law student programs

Hired

6

summer students

Supervised

11

externships

Changing the Law

December 17th marked a historic day for Innocence Canada and the wrongly convicted. After more than three decades of advocating for the creation of an independent wrongful conviction review commission, the Miscarriage of Justice Review Commission Act came into force.

This new law, also known as David and Joyce Milgaard's Law in honour of their lifelong fight for justice for Mr. Milgaard and all wrongly convicted in Canada, eliminates the present Ministerial review process that has been in place for over a century. It shifts the responsibility for reviewing claims of innocence to an independent commission that will be easier, faster, and more supportive. Most importantly, it aims to save years of suffering.

Just before everyone took off for the holiday season, Innocence Canada welcomed the Honourable Arif Virani, Minister of Justice and Attorney General of Canada, Susan Milgaard, the sister of the late David Milgaard, and Innocence Canada's James Lockyer. Together, they celebrated the new legislation and its transformative potential.

Justice Minister Virani underscored the commission's critical role in dismantling and addressing systemic



"[The David and Joyce Milgaard Law] is a constant reminder and will be a constant reminder to all actors in the justice system, from police forces to forensic experts, to crown attorneys to defence lawyers and to judges that you better do your best to get it right because if you don't David and Joyce Milgaard's Law is lurking, waiting to correct justice if you get it wrong in trying to administer it."

—James Lockyer, Innocence Canada

barriers, particularly for Indigenous and marginalized communities, who are disproportionately affected by wrongful convictions.

The Minister emphasized the importance David and Joyce Milgaard's Law has in helping restore Canadians' faith in the justice system and promised to continue the work to establish an independent commission quickly.



"It didn't take a village. It took a country to achieve what we have. We have done it. We changed the law and that is amazing. Think of all those people who are still inside, wrongfully convicted, who are going to benefit because you took a moment to help and make a difference."

—Susan Milgaard



"The next step is for me and my team to get this commission up and running and to get it up and running quickly, and that is what I commit to you that we will do. We will do exactly that because that will help fulfill the work that needs to be done to bring this full circle."

—The Honourable Arif Virani,
Minister of Justice and Attorney General of Canada

Our Exonerees

Guy Paul Morin
Exonerated: January 23, 1995

David Milgaard
Exonerated: July 18, 1997

Thomas Sophonow
Exonerated: June 8, 2000

Clayton Johnson
Exonerated: February 18, 2002

James Driskell
Exonerated: March 3, 2005

Steven Truscott
Exonerated: August 28, 2007

William Mullins-Johnson
Exonerated: October 15, 2007

Erin Walsh
Exonerated: March 14, 2008

Robert Baltovich
Exonerated: April 22, 2008

Anthony Hanemaayer
Exonerated: June 25, 2008

Kyle Unger
Exonerated: October 23, 2009

Sherry Sherrett Robinson
Exonerated: December 7, 2009

Romeo Phillion
Exonerated: April 29, 2010

Jack White
Exonerated: November 26, 2010

Dinesh Kumar
Exonerated: January 20, 2011

Richard Brant
Exonerated: May 4, 2011

Tammy Marquardt
Exonerated: June 7, 2011

Leighton Hay
Exonerated: November 28, 2014

John (Jack) Salmon
Exonerated: June 22, 2015

Maria Shepherd
Exonerated: February 29, 2016

O'Neil Blackett
Exonerated: October 3, 2018

Frank Ostrowski
Exonerated: November 27, 2018

Glen Assoun
Exonerated: March 1, 2019

Joyce Hayman
Exonerated: April 12, 2021

Bernie Doyle
Exonerated: June 12, 2023

Brian Anderson
Exonerated: July 18, 2023

Allan Woodhouse
Exonerated: July 18, 2023

Robert Mailman
Exonerated: January 4, 2024

Walter Gillespie
Exonerated: January 4, 2024

Clarence Woodhouse
Exonerated: October 3, 2024



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