

THE TRIALS OF STEVEN TRUSCOTT

Introduction

Focus

On August 28, 2007, the Ontario Court of Appeal (www.ontariocourts.on.ca/appeal.htm) overturned the 1959 conviction of Steven Truscott for the murder of 12-year-old Lynn Harper. *News in Review* looks back at the original trial and Truscott's lengthy battle to clear his name, and at some of the people who helped him in that battle. We also look at the implications of the court's decision in recognizing Truscott's wrongful conviction.

Further Research

To learn more about other cases being pursued by the Association in Defence of the Wrongly Convicted the go to its official Web site at www.aidwyc.org.

The acquittal of Steven Truscott, more than 48 years after his trial and conviction for murder, resolved one of Canada's lengthiest miscarriages of justice. In 1959, at the age of 14, Truscott was convicted of the rape and murder of a 12-year-old girl. Following a brief trial, he was sentenced to be hanged—a sentence that made him the youngest person ever to be sentenced for execution by a Canadian court.

Truscott's sentence was commuted to life imprisonment, and he served 10 years before being paroled. Following his release, he assumed a new name and lived, worked, and raised a family in Guelph, Ontario. But Truscott never stopped protesting his innocence in the murder of Lynne Harper. While maintaining his anonymity, he continued to work to clear his name.

Truscott had several defenders, and they ensured that the Truscott story remained in the public eye over the years. The first book in his defence, Isabel LeBourdais' *The Trial of Stephen Truscott*, appeared in 1966. It was instrumental in pushing the federal government to ask the Supreme Court to review the Truscott trial. The most recent book, Julian Sher's *Until You Are Dead* (2001), followed after a CBC documentary that criticized the conduct of officials at the time of the trial in 1959.

That documentary led to a huge outpouring of support for Truscott and to a pledge by Justice Minister Ann MacLennan to review any allegations of wrongful conviction that Truscott's lawyers brought to the government. By this time, several prominent cases of wrongful conviction had already been in the headlines, and it seemed increasingly likely that Truscott's case was another example.

With public sympathy more and more on his side, Steven Truscott himself stepped back into the limelight. With the aid of lawyer James Lockyer and other members of the Association in Defence of the Wrongly Convicted, Truscott filed an official request with the Justice Minister for a review of his case. Following an official inquiry, the Justice Minister referred the case to the Ontario Court of Appeal. It took nearly six years from the filing of his request, but Steven Truscott finally won his day in court.

The appeal resulted in Truscott's acquittal and a vindication for all those who had supported him over the years. The only sour note was the court's inability to declare him "factually innocent." In other words, while the court found that the evidence available was certainly insufficient to convict him, it did not prove that he did not, after all, commit the crime.

The Ontario government was quick to issue an apology. Attorney General Michael Bryant announced: "For that miscarriage of justice, on behalf of the government, I am truly sorry. It is a decision that will not be appealed by the Crown—it is over" (*Toronto Star*, August 29, 2007). He also announced that the government would be looking into providing Truscott with financial compensation.

A *Toronto Star* editorial (August 29, 2007) summed up the meaning of the Truscott case for Canadians. "The judgment . . . brings to a close a disturbing chapter in Canada's history that shows once again how fallible our justice system can be. Truscott now joins David Milgaard, Donald Marshall, Guy Paul Morin, James Driskell, Thomas Sophonow, and others whose convictions have been overturned,

sometimes years after the fact, as lessons to police, lawyers, and judges that they must always remain vigilant against

miscarriages of justice. The Truscott case is the best answer to those who still advocate the death penalty.”

To Consider

1. Of what crime was Steven Truscott accused when he was 14 years old?

2. Who was instrumental in helping Truscott clear his name?

3. What was the final decision of the Ontario Court of Appeal?

4. What actions did the Attorney General of Ontario take?

5. On August 28, 2007, Tim Shufelt wrote in *The Globe and Mail*: “There is no official avenue in the Canadian legal system to declare Mr. Truscott, or anyone else before the courts, innocent. The closest verdict is an acquittal, meaning guilt could not be proven beyond a reasonable doubt, but not necessarily that innocence was proven.” The decision of the Ontario Court of Appeal reflects this fact. Do you believe this will result in any lingering doubts as to the innocence of Steven Truscott?

6. How much confidence do you have in the Canadian legal system? Explain.

THE TRIALS OF STEVEN TRUSCOTT

Video Review

Quote

"They finally got it right after all these years. I'm so used to fighting. Now we don't have to fight anymore." — Steven Truscott in the *Toronto Star*, August 29, 2007

Answer the questions in the spaces provided.

1. How many years did it take to clear Steven Truscott? _____
2. How old was Truscott when he was convicted in 1959? _____
3. How old was Lynne Harper, the murder victim? _____
4. What sentence did Truscott first receive?

5. When was he released from prison? _____
6. In what year did the federal justice minister order a court review of Truscott's case? _____
7. When was Truscott finally cleared by the Ontario Court of Appeal? _____
8. Who is James Lockyer?

9. How long did it take Isabel LeBourdais to get her book into print? _____
10. Where was her book first published? _____
11. What did the book call for the government to do to address the injustice to Truscott?

12. How did the Supreme Court of Canada rule in its review of the Truscott case?

13. Did Isabel LeBourdais get to celebrate Truscott's victory with him?

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The Crime

Further Research

Read more about the Steven Truscott trial at www.cbc.ca/news/background/truscott/index.html.

Did you know . . .

According to Julian Sher, author of *Until You Are Dead*, police have subsequently looked into 10 to 15 “persons of interest” since doubts were raised about Truscott’s guilt (*The Globe and Mail*, August 29, 2007).

Did you know . . .

Penistan himself later wrote a paper that he called an “agonizing reappraisal” of his evidence at the trial, questioning its accuracy. This was forwarded to the lead police inspector. The document was not given to the defence; as a result it was unavailable for the 1966 review of the Truscott case by the Supreme Court.

The crime of which Steven Truscott was accused shocked the small town of Clinton, Ontario, and his trial attracted attention across Canada.

The Murder

The victim, 12-year-old Lynne Harper, lived on a nearby base where her father was in military service. She was last seen alive on the evening of June 9, 1959.

At that time she was seen riding on the crossbars of a classmate’s bicycle. That classmate was Steven Truscott, a 14-year-old who was in the same combined grade 7-8 class on the base. Her father reported her missing late that same night.

Her partially nude body was found by searchers two days later in a local woodlot called Lawson’s Bush. She had been raped and strangled with the blouse she had been wearing.

The Accused

From the beginning of their investigation, the police focused on Steven Truscott as the chief suspect. He was interrogated several times, once without either of his parents present. He was never warned that anything he said might be used as evidence against him. No one suggested that his family might wish to hire a lawyer. On July 11 he was taken into custody for further questioning. At 2:30 a.m. on the 12th he was charged with murder. No other suspect was ever seriously investigated by police before his arrest.

Truscott freely admitted having given Lynne Harper the bicycle ride. He said that he had dropped her off at the highway so that she could hitchhike. After he left her, he turned back to see her getting into a car with either a bright license plate or a plate with a bright

sticker on it. That, he said, was the last he saw of her that evening.

The Evidence

The evidence on which Truscott was convicted was almost all circumstantial, and the bulk of it has been discredited in the years since the trial. The most damning evidence was medical, provided by John Penistan, the doctor who examined Lynne Harper’s body and performed her autopsy.

Penistan, analyzing the contents of her stomach, claimed to be able to place the time of death between 7:00 and 7:45 p.m.—precisely the time when she was with Steven Truscott. Pathologists now are in agreement that stomach contents cannot be used to pinpoint time of death with that amount of accuracy.

A second doctor, David Brooks, examined Truscott and testified that he found lesions on his genitals that were likely caused by raping Lynne Harper—“. . . a very inexperienced attempt at penetration” (*The Globe and Mail*, February 7, 2007). It is now clear, however, that the lesions were instead caused by a skin condition. In 2002, Brooks himself told investigators reviewing the case that some parts of his testimony were “absolute garbage.” (*Ibid.*)

Witness testimony from two children who have subsequently been branded as liars was also important in convicting Steven Truscott. Years later one of them confessed to friends that she had lied in court; the second changed his story several times over subsequent years.

Evidence and eyewitness testimony that Truscott was telling the truth was discounted by investigators, and some key evidence was withheld from his defence team and from the jury.

Did you know . . .

The Truscott sentence was one of the critical milestones in Canada's decision to eliminate the death penalty as a punishment for crime. Truscott was only a few weeks away from execution when his sentence was commuted.

The Verdict and Sentence

Authorities decided that the nature of the crime warranted trying Steven Truscott as an adult. The murder trial lasted less than two weeks. It took the all-male jury only six hours to arrive at a verdict: guilty, with a request for mercy.

The presiding judge, Ronald Ferguson, refused the request. He sentenced Truscott to be hanged before the end of the year.

The federal government led by Prime Minister John Diefenbaker refused to countenance the hanging of a 14-year-old boy. When Truscott lost his appeal in the Ontario Court of Appeal, the federal cabinet immediately commuted his sentence to life imprisonment. He served 10 years, first in a training school and then in a penitentiary, before his parole in 1969.

For Discussion

Some of the notoriety of the Truscott affair was the result of a 14-year-old being tried and convicted in an adult court, and then sentenced to hang. Do you think Truscott's wrongful conviction would have generated as much public interest had he been sentenced as a juvenile or received an initial sentence of life in prison? Explain your ideas in a well-written paragraph.

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Truscott Timeline

Further Research

Another timeline can be found on the CBC Web site at www.cbc.ca/news/background/truscott/timeline.html.

Here is a timeline of major events in Steven Truscott's struggle for justice.

1959-1963

June 9, 1959 In Clinton, Ontario, the parents of 12-year-old Lynne Harper report her missing to police. She was last seen riding with 14-year-old Steven Truscott on the crossbars of his bicycle.

June 11, 1959 Lynne Harper's body is found in a shallow grave in a local woodlot. She has been raped and strangled; her blouse is tied around her neck.

June 12-13, 1959 The police arrest Truscott and charge him with murder.

June 29, 1959 A magistrate rules that Truscott is to be tried as an adult. As a result, he now faces a possible death sentence.

September 16-30, 1959 Truscott's trial takes place in Goderich, Ontario. After six hours of deliberation, the jury finds him guilty, but with a plea for mercy. The presiding judge, Justice Ronald Ferguson, sentences Truscott to hang. His execution is set for December 8, 1959. Truscott is the youngest person to be sentenced to death in Canadian history.

November 20, 1959 Truscott's execution is postponed to February 16, 1960. This is done to provide time for his lawyers to appeal his conviction.

January 20, 1960 A panel of five judges on the Ontario Court of Appeal dismisses Truscott's appeal.

January 21, 1960 Prime Minister John Diefenbaker's federal cabinet commutes Truscott's sentence to life imprisonment.

February 1960 Truscott is transferred to the Ontario Training School in Guelph. He will remain there to serve his sentence until he turns 18. At that time he will be transferred to an adult correctional facility.

February 26, 1960 The Supreme Court of Canada denies leave for Truscott's lawyers to appeal his case to them.

January 18, 1963 Truscott turns 18 and is transferred to Collins Bay Penitentiary.

1966-1967

January 1966 *The Trial of Steven Truscott* by Isabel LeBourdais is published in England because she was unable to find a Canadian publisher willing to risk handling it. The author's position is that Truscott's trial was a travesty of justice. The publication causes a storm of controversy, and several federal politicians take an interest in the case.

March 23, 1966 The federal government refuses to allow members of Parliament—including NDP leader Stanley Knowles—to visit Truscott in prison.

April 26, 1966 Under pressure, the federal government refers the Truscott case to the Supreme Court of Canada (www.scc-csc.gc.ca) for a rehearing.

October 1966 A two-week hearing is held in the Supreme Court. This is the first case in which the Supreme Court hears live testimony by witnesses.

May 4, 1967 By a vote of 8-1, the Court upholds the conviction of Steven Truscott. In a lengthy dissent, the lone justice to vote against the conviction, Emmett Hall, eloquently argues that Truscott failed to receive a fair trial.

1969-present

October 21, 1969 Truscott is paroled. The National Parole Board (www.npb-cnrc.gc.ca) orders that he live under an assumed name. For three decades he lives in Guelph, working as a millwright. He marries, and he and his wife Marlene raise three children.

October 1971 Bill Trent publishes *The Steven Truscott Story*, questioning the conduct of Truscott's trial and his conviction.

1979 Trent publishes a second book, *Who Killed Lynne Harper?* He further questions the conduct of the police investigation of the murder and suggests several possible suspects who did not receive proper attention.

1997 Truscott asks for the assistance of lawyer James Lockyer of the Association in the Defence of the Wrongly Convicted to help him clear his name. Lockyer had already helped David Milgaard and Guy Paul Morin in their successful fights to overturn their wrongful convictions.

March 2000 CBC's *the fifth estate* broadcasts a documentary about the trial of Steven Truscott showing that the original police investigation was incomplete and that some evidence indicating Truscott's innocence was withheld from the defence.

October 2001 Julian Sher, an investigative producer with *the fifth estate*, publishes a new book on the Truscott case titled *Until You Are Dead*.

Activity

Review the timeline carefully and select what you believe are the three most significant events in the long journey of Steven Truscott. Explain your choices carefully.

November 29, 2001 James Lockyer and his co-counsel begin the process that will ultimately result in Truscott's acquittal. They request that the federal justice minister overturn the original conviction and order a new trial.

January 25, 2002 The federal government appoints Fred Kaufman, a retired Quebec Court of Appeal judge, to review the Truscott case. Kaufman had previously presided over a judicial inquiry into the wrongful conviction of Guy Paul Morin.

October 28, 2004 After receiving Justice Kaufman's report, Canadian Justice Minister Irwin Cotler asks the Ontario Court of Appeal to review the original Truscott conviction.

January 31 - February 14, 2007 A five-judge panel of the Ontario Court of Appeal hears arguments from Truscott's lawyers that demand his conviction be overturned. The Crown argues that the original conviction should stand.

August 28, 2007 The Ontario Court of Appeal announces its verdict. The conviction is quashed and Truscott is acquitted of the murder of Lynne Harper. No new trial will be held. Michael Bryant, the Ontario Attorney General, apologizes to Truscott and announces that he has asked Sydney Robins, a former Court of Appeal judge, to advise him on compensation.

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The Champions

Further Research

A 1966 interview with Mrs. Truscott, on *This Hour Has Seven Days*, is available in the CBC archives at archives.cbc.ca/IDC-1-68-2177-13225-11/arts_entertainment/twt/.

Did you know. . .

Justice Ronald Ferguson, the judge who presided over the Truscott trial, was so angered by LeBourdais' book that he asked the justice minister (who, at that time, was Pierre Trudeau) to prosecute her.

Further Research

You can watch *the fifth estate* program on the Internet at www.cbc.ca/fifth/truscott/.

From the very beginning of his ordeal, Steven Truscott had his defenders. His lawyers worked tirelessly to free him, taking his case to the Ontario Court of Appeal and attempting to get the Supreme Court of Canada to review the case. Unfortunately, they lost in the former, and the latter refused to hear the case.

His family supported him. His mother visited him monthly while he was in prison and clearly believed his claim of innocence. According to Julian Sher, author of *Until You Are Dead*, even Truscott's fellow prisoners supported him. He quotes Ted McGuin, who served time with Truscott: "It's like nobody touched him because . . . we all believed in his innocence. He went to a tougher court than any court in this country, and he was found innocent in our court" (www.lawyersweekly.ca/index.php?section=article&articleid=532&rssid=4).

Isabel LeBourdais

It was Isabel LeBourdais who first made the Truscott case truly notorious. LeBourdais, whose own son was only eight months older than Truscott, was appalled that a 14-year-old could be sentenced to hang. Outraged, she began to investigate the case out of curiosity. She sought out and met with the lawyers who had handled the case and with all 12 of the jury members.

LeBourdais soon became convinced that Truscott had been wrongfully convicted. She began writing what she thought would be a magazine article. Eventually all of her arguments resulted in a book, *The Trial of Steven Truscott*. Unable to find a Canadian publisher, LeBourdais gave the book to Victor Gollancz in England. Its publishing

created a furor in Canada and ultimately caused the federal government to ask the Supreme Court to review the original trial. By a vote of 8-1, the Court affirmed the original verdict.

But LeBourdais had aroused public interest in Truscott's cause, and his innocence or guilt remained a popular topic of discussion. LeBourdais' book sold well in Canada and around the world. Other books—Bill Trent's *The Steven Truscott Story* and *Who Killed Lynne Harper?* both appeared in the 1970s and kept Truscott's case in the public eye.

Linden MacIntyre and *the fifth estate*

Truscott lived quietly in Guelph, Ontario, under an assumed name until March 2000, when the CBC program *the fifth estate* broadcast a documentary with reporter Linden MacIntyre reviewing the evidence from the Truscott trial and criticizing inconsistencies in testimony and police methodology. The documentary also pointed the finger at a far more likely suspect as the real perpetrator of the crime.

Public reaction to the documentary was overwhelmingly in support of Truscott. On March 29, Progressive Conservative justice critic Peter MacKay raised the matter in Parliament. At that time, Justice Minister Anne McClellan asserted that she would review any allegations of wrongful conviction submitted by Truscott or his lawyers.

In October 2001, yet another book arguing Truscott's innocence was published. *Until You Are Dead*, by Julian Sher, chronicled the 40-year struggle to clear Truscott's name.

James Lockyer and the Association in Defence of the Wrongly Convicted

In 1997, Truscott had been impressed with the work of the Association in Defence of the Wrongly Convicted that had led to the freeing of David Milgaard and Guy Paul Morin. Both men had been jailed for murders they did not commit, and both were freed when DNA evidence exonerated them.

Truscott approached lawyer James Lockyer, who had led the teams working on the Milgaard and Morin cases, and asked for help in clearing his name.

In November 2001, Truscott and Lockyer filed a 700-page official request for a review with the Justice Minister. In

January 2002, the Minister asked Fred Kaufman, formerly of the Quebec Court of Appeals, to assess the case. Kaufman took 19 months to review the case, and presented Justice Minister Irwin Cotler with a four-volume report in the spring of 2004. The following October the minister sent the case to the Ontario Court of Appeal for consideration.

It would be January 2007 before the Ontario Court of Appeal began what would be the last act in Truscott's wrongful conviction saga. It took the near-heroic assistance of writers, investigative reporters, and lawyers to finally bring the case to its final conclusion.

For Discussion

In his report on the Truscott trial, Justice Kaufman stated that a miscarriage of justice had likely occurred. In turn, the federal Justice Minister stated that he had found "there was a miscarriage of justice in this case," and ordered the Ontario Court of Appeal to review the case (*The Globe and Mail*, October 29, 2004). Given these statements by two well-informed authorities, why do you think the Ontario Ministry of Justice decided to fight Truscott's appeal?

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The Judgment

Further Research

The full text of the Ontario Court of Appeal decision in the Truscott case is available from the Association in Defence of the Wrongly Convicted at www.aidwyc.org/.

The CBC televised all of the 2007 Ontario Court of Appeal proceedings in the Steven Truscott case. The proceedings are currently available on the Web at www.cbc.ca/news/background/truscott/video.html.

Quote

"The Truscott case is a prime example of the need for a fair, accessible process for reviewing convictions in circumstances where the trial process was deeply flawed or where new evidence has become available which might exonerate a convicted person."
— Rob Normey, a Constitutional Law specialist, *LawNow*, August-September 2002

Steven Truscott's appeal of his 1959 conviction opened on January 31, 2007. There were three possible outcomes to the appeal.

- The court could uphold the 1959 conviction.
- The court could order a new trial.
- The court could vote to acquit Truscott of the murder.

A panel of five judges, led by former Ontario chief justice Roy McMurtry, heard arguments from lawyers representing both Truscott and the Crown. Some of the justices expressed concern over the difficulty of coming to a final resolution after so many years had passed. James Lockyer, leader of Truscott's legal team, had an answer ready: "The court will have to be inventive and creative in a case as old as this . . . to get to the truth of the case" (*The Globe and Mail*, February 1, 2007).

Truscott's lawyers made several key arguments over the next few weeks:

- Two of the eyewitnesses used to uphold the case against Truscott turned out to be serial liars.
- Evidence that Lynne Harper had fought with her parents and stormed out of the house intent on hitchhiking to a friend's was suppressed by the Crown.
- The scientific evidence used to convict Truscott—especially the pinpointing of the time of death by examination of the victim's stomach contents—had been discredited by modern science.
- One of the autopsy reports written by the examining physician indicated that the time of death was probably about 12 hours after Truscott was with Harper.

- Truscott had a skin condition that caused the genital lesions that, at the trial, were described as the result of "a very inexpert attempt at penetration" (*The Globe and Mail*, February 28, 2007).
- The police failed to consider any other suspects in the case, including individuals who had already been accused of exhibitionism and child molestation.

The Crown argued throughout the trial that none of the evidence brought by the defence was really new. All of it, they said, was either irrelevant or available to earlier defence teams who decided not to use it in the trial or in the Supreme Court Appeal of 1966.

When the hearing closed on February 14, both sides agreed on one point: a retrial would be impossible. Too much time had passed, and most of the previous judges and lawyers were dead.

Acquittal

On August 28, 2007, the Court of Appeal issued a unanimous 300-page ruling. The main points included:

- Truscott's 1959 conviction was a miscarriage of justice that had to be overturned.
- The court could not declare, as the defence hoped, that Truscott was "factually innocent." "The court is not satisfied that the appellant has been able to demonstrate his factual innocence. . . . The court is not satisfied that an acquittal would be the only reasonable verdict of a new trial" (*The Globe and Mail*, August 29, 2007).
- Given the length of time that had passed since the murder, a new trial would be both unfair and practically impossible.

Quote

"He's got the highest rank of acquittal, the highest rank of innocence you can get. One way of looking at it is that Steven Truscott is as innocent of Lynne Harper's murder as I am. There's no DNA evidence to show that I didn't do it."
— James Lockyer,
Toronto Star,
August 29, 2007

Quote

"I have more faith in the court system today than I did yesterday."
— Steven Truscott,
The Globe and Mail, August 29,
2007

- Most of the evidence presented by the defence claiming unfair tactics by the police and the prosecution was not provable.

In much of its ruling, the court followed James Lockyer's recommendation to be inventive and creative. It imagined a hypothetical retrial and systematically demolished

the evidence that the prosecution would bring in order to seek a conviction. The justices felt that, given the new evidence—especially the pathology related to time of death—any jury would have reasonable doubt of guilt.

It took more than 48 years, but justice in the Truscott case was finally served.

To Consider

1. Briefly summarize the key elements in the 2007 Ontario Court of Appeal decision.
2. Do you personally agree or disagree with this decision? Explain fully.

THE TRIALS OF STEVEN TRUSCOTT

Determining Compensation

Quote

“My own view is that Steven should get every penny he can out of the government after what he has been through. Think of the damage done to him: the loss of his childhood and living under this awful shadow for so many years.”

— James Lockyer,
The Globe and Mail,
August 29, 2007

Further Research

A good discussion of wrongful conviction and compensation in Canada is on the CTV Web site at www.ctv.ca/servlet/ArticleNews/story/CTVNews/20060203/wfive_VictimsofJustice_060204/20060204?hub=Wfive.

Quote

“How can you possibly put a figure on what it must have been like for a boy to be told he was going to be executed for something he didn’t do, let alone the time he spent in custody, let alone the time he had to spend in anonymity?” — Louis Sokolov, lawyer, in *Toronto Star*, August 29, 2007

In cases of wrongful conviction, governments sometimes—but not always willingly—negotiate cash settlements with the victims to provide some compensation for the time they have lost out of their lives. Indeed, in Canada, most victims of wrongful conviction have had to file civil lawsuits before their compensation packages were negotiated. Some recent Canadian cases include:

- David Milgaard, wrongly convicted of murder, served 23 years in prison before his release. He received a total of \$10-million from the federal and provincial governments.
- Donald Marshall Jr., wrongly convicted of murder, served 11 years in prison. He received \$900 000.
- Guy Paul Morin, wrongly convicted of murder. Morin spent 1.5 years in prison and received compensation of \$1.25-million.
- Maher Arar, a Canadian citizen deported (on suspicion of terrorist links) by the U.S.—apparently with Canadian collusion—to Syria, where he was jailed and tortured. He received \$11.5-million in compensation.

Ontario Attorney General Michael Bryant has appointed Sydney Robins, a former justice of the Ontario Court of Appeals, to advise him on the compensation he should offer Steven Truscott for his wrongful conviction in 1959. Among other details, he will have to consider that:

- Truscott was only 14 when he was tried and convicted of murder and sentenced to be hanged.
- He spent a total of 10 years in prison before his release on parole.
- The reversal of the verdict against him—his full acquittal—did not take place until 48 years after the crime.

Other matters also complicate the award. It would be useful for you to read the section titled “The Judgment” in this guide to help you understand the full implications of Truscott’s acquittal by the Ontario Court of Appeal.

Your Task

What compensation would you recommend Steven Truscott receive from the Ontario government for his wrongful conviction in the murder of Lynne Harper? Should the compensation come from only the provincial government, or does the federal government share some responsibility for the long delay in bringing him justice?

In small groups of no more than four students, discuss the Truscott case. Identify the aspects of the case you feel especially entitle him to compensation. Finally determine the amount of compensation you would offer Steven Truscott and his family.

Once you have completed your deliberations, appoint one student in the group as your advocate. She or he will then present your compensation package to the full class. Once all the packages have been described and presented, try to agree on one final package that best represents the majority opinion. You may wish to pass along your finding to the Attorney General of Ontario (www.attorneygeneral.jus.gov.on.ca).