

Flaws in the System

The judicial system is not perfect. Sometimes, innocent citizens have been convicted of crimes by mistake. One of the best-known examples of this is the case of David Milgaard.

In 1969, 16-year-old Milgaard was arrested for the rape and murder of Gail Miller. Milgaard and some friends had stopped in Saskatoon en route to Alberta. On January 31, 1969, Miller's stabbed body was found in Saskatoon. The police posted a reward for information. Three months later, Milgaard's friends told the police that Milgaard had committed the crime. They said that Milgaard had blood on his clothing on the morning of the crime. Milgaard was arrested.

At the trial, the prosecution argued that Milgaard had become separated for 20 minutes from the others when their car was stuck in heavy snow. This happened about the same time of Miller's death. One of the three teenagers stated that she had witnessed Milgaard stabbing Miller. Milgaard was convicted of first-degree murder.

Milgaard spent the next 23 years in federal penitentiaries. His mother, Joyce, devoted herself to gathering evidence to prove his innocence. Helped by organizations and a sympathetic Winnipeg law firm, the family finally won Milgaard's freedom when the Supreme

Court of Canada overturned the conviction. One of the key witnesses admitted to lying at the original trial. The others contradicted themselves when recalling the events of the day Miller was murdered.

In 1999, Larry Fisher, the real killer, was convicted from DNA evidence. David Milgaard was given a cash settlement of \$10 million by the Saskatchewan government for the 23 years that he spent in Canada's penitentiaries.



▲ This is David Milgaard, in about 1993, after being released from prison, where he spent 23 years for a crime he did not commit.

Questions

1. How can cases such as Milgaard's be used as arguments against capital punishment, or the death sentence?
2. How would a modern Crime Scene Investigation Unit have helped to establish David Milgaard's innocence? Support your answer with specific evidence.