

# Wrongful Conviction Day 2020 with guest exoneree Robert Baltovich | Text Transcript

This is a text transcript for the Wrongful Conviction Day 2020 event, presented by the Criminal Justice & Public Policy and Criminology & Criminal Justice Policy programs at the University of Guelph. Guest speaker Robert Baltovich shared his experience of wrongful conviction and exoneration with attendees. The event was moderated by Prof. Dennis Baker and Prof. Carolyn Yule and was recorded on October 1, 2020.

Transcript:

## Dennis Baker:

Okay good evening everyone and welcome to our event honouring Wrongful Conviction Day. My name is Dennis Baker and I'm the Director of the Criminal Justice programs here at Guelph. I'm here tonight as the emcee but you won't be hearing much from me tonight, to my students' great relief I'm sure. But, I'm going to try and keep things organized so we use this new forum effectively.

I hope you'll bear with us as we will no doubt have a few technical bumps this evening. This is CJPP's first major event in this very different academic year. So, the plan for the evening is to have an introduction from Dean Byron Sheldrick and then Professor Yule will introduce our guest Rob Baltovich. And, ask some opening questions for about 30 minutes before you'll have the opportunity to ask yours. That's assuming I could figure out how Zoom works.

We'll be taking questions via the chat function, so feel free to type yours as the evening progresses. They will come to me and then we'll have readers read them out. That's how we're going to proceed, at least at first. We're going to ask you to keep your camera off and we recommend you use speaker view for the best experience. So, without any further ado, Dean Sheldrick, the floor is yours.

## Byron Sheldrick:

Well thank you very much Dennis and welcome everyone, it's really my great pleasure as Dennis said. I'm actually the Acting Dean for the College of Social and Applied Human Sciences. And, it's really a great pleasure to be here tonight and welcome you all to Wrongful Conviction Day.

The college has been celebrating or, actually, well honouring Wrongful Conviction Day for some time now and really, it's a wonderful opportunity to highlight kind of some of the central themes of our Criminal Justice and Public Policy program, and some of the focus on justice issues. So, it's really a great pleasure to be here and to welcome you all to this very important event which highlights a central issue of our justice system.

Before we go on and really start things though, I also want to acknowledge that the University of Guelph resides on the traditional treaty lands and territories of the Mississaugas of the Credit. And, this territory has been historically governed by the Dish With One Spoon Covenant.

While we might all be spread out across the province or even the country, it's important as we gather to recognize and think about the traditional lands and territories and the Indigenous peoples that have historically and continue to reside on those lands; and the importance of us trying to ensure that reconciliation is at the forefront of everything we do. So, welcome once more and with that I'll turn it over, I think back to Dennis who's going to commence the proceedings of the evening. Welcome everyone!

### Dennis Baker:

Thanks Byron! So, very quickly I will turn it over to Professor Yule to introduce our honouree and exoneree.

### Carolyn Yule:

All right. Good evening everyone! It is my honour and privilege to introduce Mr. Robert Baltovich as our guest this evening. As many of you likely know, Mr. Baltovich was wrongly convicted in the 1990 murder of his girlfriend Elizabeth or Liz Bain. He spent eight years in prison and then spent another decade fighting to prove his innocence. Mr. Baltovich was deemed not guilty by the courts in 2008.

And, given that our goal tonight is to help bring attention to the injustices faced by the wrongly convicted, we're incredibly fortunate to have Rob joining us. Thank you so much for being here! I'm not going to say any more by way of introduction right now, as I'd like Mr. Baltovich to be able to have an opportunity to tell his own story in his own words. So, without any further ado, if you can sort of tell us in your own words, what happened in 1990? What led to your wrongful conviction?

### Robert Baltovich:

Well first of all, I'd just like to say thank you very much for inviting me. Well, in 1990 I was actually a graduate of the University of Toronto Scarborough campus. I graduated on June 8th, 1990 and 11 days later, my girlfriend at the time, Elizabeth Bain, went missing. She left her house sometime in the late afternoon, early evening of June 19th, 1990 and she never came back. Liz and I actually met in the fall of 1987.

We started dating around June of 1989 so we'd actually been in a relationship for about a year and when she went missing, in the beginning, we didn't really know what to think. She had left some, somewhat cryptic diary entries suggesting that she might have just wanted to run away or that she might have wanted to harm herself. But, you know, we found her car about two and a half days after she went missing. The car was examined. There was blood found in the back of her car, which as it turns out, belonged to her.

And, from that point on it became an investigation of foul play with the suspicion that she'd been murdered. I was actually invited to speak to the police several times during the period when she was first reported missing which was the Wednesday morning, June 20th, 1990. And, it was actually on June 24th, which was a Sunday, that I was asked to attend for an interview by the Toronto Police Homicide Squad.

About halfway through the interview that's when they proceeded to tell me that they were absolutely convinced that I had murdered her and that it would probably be easier for me if I just confessed which of course I couldn't do because I didn't know what had happened to her. And, you know, I had no idea where she might have been or even if she was still alive. But, five months to the day after Liz went missing, I was arrested. I was charged with first-degree murder.

I spent a year in custody before I was granted bail; in large part because after a preliminary hearing I was committed to trial on second-degree murder, which in Canada is considered to be a less serious offence. Still a very serious offence but certainly less serious than first-degree. My trial began in January of 1992 and on March 31st, you know, much to my disappointment I was convicted of that crime.

It was really in 1999 when my fortunes really changed. That's when I first contacted the then, Association in Defence of the Wrongly Convicted, now of course, Innocence Canada. I was fortunate enough to get two very good lawyers to represent me, James Lockyer and Joanne McLean, they were able to get me bail. A year later in 2000, pending the hearing of my appeal, I was out and I guess you could say I got back to a fairly normal life with the hope that eventually my appeal would succeed. Took a long time.

The appeal began in September of 2004. In December of 2004, I was granted a new trial. My conviction was quashed. Another four years of endless judicial red tape and lots of different hearings and a couple false starts then it all ended on April 22nd, 2008 when a crown attorney walked into court and asked the judge to instruct the jury to quit me and that's exactly what happened.

I know that is a profoundly inadequate summary because it's been an incredibly complex case with a lot of twists and turns. But, I think just for the sake of a summary and an introduction that would probably suffice because otherwise I think I could probably be here for a couple of hours.

### Carolyn Yule:

Yeah no, absolutely. I mean as you've said, eyewitness misidentification is one of the leading causes of wrongful conviction. Very difficult to convince a court and a jury when you've got somebody pointing the finger on saying, "I saw this person and I knew it was him" to convince them otherwise.

## Robert Baltovich:

Yeah, and I know just looking at the literature, it's a really difficult problem in particular because juries historically have credited honest and sincere witnesses with a lot more accuracy than they deserve. I think the good news is that, I think since my trial in 1992 we know a lot more about the limits of identification evidence and the various ways that you can, you know, try to minimize the likelihood that those types of mistakes will happen.

But, as someone who sat in court and listened to two people basically say, "that's the guy I saw." I can tell you that it is as the literature says, deceptively credible. But, it can be devastating, devastatingly effective even in a case where you're dealing with someone who is factually innocent.

## Carolyn Yule:

Absolutely. Yeah, absolutely. So then, can you tell us a little bit about your legal representation at the first trial. So, you know, you're in the court and you've got these eyewitnesses saying that, with confidence, that they think you're the person. How would you describe your legal representation looking back? As well as at the time did you feel that your defence team was working in your best interest? Were they, you know, what would you have to say about them?

## Robert Baltovich:

Well, I mean. I guess one of the things that handicapped me from the outset is that I kind of sensed early on that I was going to need a lawyer. Just to kind of navigate my way through the investigation because the police, you know, essentially came right out and said to me, "we know you did it," right. So, I actually consulted with the lawyer after my initial interrogation by the police and of course he said, you know, "don't talk to the police anymore," right; which I tried to abide by to the best of my ability.

So, you know, I'd never been in trouble with the law before. I didn't really know if I could afford a lawyer. I didn't know how legal aid operated. So, I was somewhat in the dark. I mean somewhat paradoxically, I think if I'd been in trouble with the law before I might have had a little bit more insight into who I needed to represent me on such a very serious, serious charge.

In any event, on the day I was arrested I effectively had a lawyer and I was so shocked that I was arrested. I was just glad to have anyone representing me. I wasn't really in a position to do a lot of due diligence. It wasn't really until later on that I realized that the people that were representing me, regardless of the fact that they were earnest, were not very experienced. They were former crown attorneys. They had never defended a murder case before. They were quite young.

And, it wasn't really until the trial that I realized that through no fault of my lawyers or at least largely not due to them, they were pretty much outmatched. You know, I mean, I still remember actually not long after I was arrested somebody approached me when I was in custody and he asked me who my lawyers were. And, when I told him he kind of gave me this

very strange look and he said, you know what, he said "you got to get new lawyers" he said "because you're facing a very serious charge and I don't think you really truly understand what you're up against here, like you gotta get"; like, he gave me a list of five of them.

Ironically, one of the lawyers he gave me on that list was James Lockyer. But, I guess the other problem I had is that I knew I was innocent. So, for me being somewhat naive, I mean I was just shocked to have even been charged and then committed to trial. I guess in the back of my mind I thought everything was going to be fine and it wasn't until it was too late that I realized that, you know, maybe I needed to have better representation.

I wouldn't say they didn't work hard but it wasn't really until years later that I realized that I didn't have the representation I really needed; maybe for no greater reason than the fact that they were just very, very inexperienced and we were up against a very experienced and very capable prosecutor.

### Carolyn Yule:

So, one of the sad features of this case and obviously there are many, is that to this day we don't know what happened. It's been suggested that Paul Bernardo might be the real culprit in this case. So, my question to you I guess is, who raised this as a possibility? And, in your view, is there much merit to the speculation?

### Robert Baltovich:

Well, at the time that Liz went missing it was actually somewhat odd that the police didn't think there was a possibility that she had been the victim of the Scarborough rapist. Now to go back to 1990, particularly the spring of 1990, Paul Bernardo had not been identified. Now clearly there was a serial rapist operating in Scarborough beginning in 1987.

So, when Liz went missing it had only been three weeks since the Scarborough rapist's last attack which was May 26th, 1990; and that was a very, very brutal attack so much so that we found out later. I only found out during the course of my second trial or at least the pre-trial arguments that the victim had almost died. In fact, her parents had been told that there was a very good chance that she wasn't going to make it through.

So of course, against that backdrop, Liz went missing; a lot of people were talking about it but the police certainly didn't consider it as a possibility. Now they may have privately but then it just kind of went away. And then so my trial began in January of 1992 and it wasn't really until about halfway through my trial that a woman who believed that a former boyfriend of hers was actually the Scarborough rapist because again, I mean, we knew that the Scarborough rapist was out there and he was unapprehended.

But, we just didn't have a name and a face to put to the case. So, she actually contacted my lawyers and she said "I think that I know who the Scarborough rapist is and I think he might have known Elizabeth Bain." So that was really the first time that the Scarborough rapist as an

alternate suspect really came up in my case. And, then of course, you know, it didn't really develop that much. I was convicted and it really never came up again until I think February 1993. Now by that time I'd been convicted for almost a year and then suddenly out of nowhere he was arrested.

So basically, from about February 1993 right up until 2000, when I was released, a lot of the work we did on the case, particularly work done by a private investigator that my original lawyers had hired but who stayed on the case, was looking for evidence to connect then of course, Paul Bernardo to the crime. He lived in Scarborough at the time. He was known to frequent areas where young women were likely to be.

He obviously went on to kill three women, two of whom he abducted, and there's always been speculation that Liz was abducted. I would say up until maybe around 2013, 2014, I thought that Paul Bernardo was a very viable suspect in Liz's disappearance. I think he actually still is but, in my view, based on information that came to the attention of my civil lawyers in 2013, I think that likelihood is probably low now.

So, that's not who I would think is a person responsible. But then, you know, it's hard to say certainly in terms of propensity and I guess track record and where he was living at the time. Yeah. It's shocking to me that the police never considered him a suspect in Liz's disappearance. Frankly, I think he should have been the suspect and it may very well be that they were afraid that he might have been the person responsible. But as of right now, I would say the likelihood, I would put that fairly low.

**Carolyn Yule:**

Okay.

**Robert Baltovich:**

Yeah. Now obviously, I mean my appeal lawyers they felt that there was certainly evidence that suggests that he was the person responsible and that was something that we continued to develop, you know, right up until 2008 when I was acquitted. We never got a chance to see that evidence tested in court and it would have been interesting to see how that would have gone. But again, it never really got to that point.

**Carolyn Yule:**

Yeah. So, I mean you've mentioned that there was a lot of pressure on you by the police to confess.

**Robert Baltovich:**

Yes! Very much so. Yeah. Very much.

Carolyn Yule:

A few minutes ago, you said you couldn't confess because you didn't know what happened to Liz.

Robert Baltovich:

Correct.

Carolyn Yule:

So, I guess my question then is given the pressure, you know, we know that many people in your situation do make false confessions and confess to crimes that they didn't commit. You did not. How did you sort of continue to be strong and pursue the truth? What advice would you give, I guess, also to other people in terms of those who are maintaining their innocence while they're in custody?

Robert Baltovich:

You know, I think there are so many different variables, a lot of personality factors that go into it as well. I mean, some people can be moved. Some people can be pressured. You know, if you're looking at false confessions, in a lot of cases the pressure that the police put on these individuals is so unbelievably strong. They just kind of want to get out of the room you know.

So, they kind of feel like if I just tell them what they want to hear this can all just go away. I mean it sounds somewhat crazy but as someone who's kind of been in that situation where the police are kind of acting like you would be crazy not to think that you're guilty, you know. I know that environment can be very oppressive. That's the bad news. The good news for me is that I'm a pretty stubborn person and I don't like to admit I'm wrong when I know I'm right.

Carolyn Yule:

Right.

Robert Baltovich:

I've said to people in the past, I don't really know what would have happened if the circumstances had been the same; only they actually had found Liz as opposed to not having found Liz because I mean my position has always been I can't 'A', confess to a crime I didn't commit but 'B', I can't tell you what you need to know which is where she is. Right.

Of course, they would just say, "oh well he's just stubborn." Right. But I know that particularly that first night, the 24th of June where I went in and originally, I thought they just wanted to ask me like a series of very simple questions and then like three hours later I'm like, oh my god like these guys actually think I did it.

Carolyn Yule:

Yes.

Robert Baltovich:

And, then part of me was like starting to panic and part of me was like just calm down, like by the time this interview is over they're going to realize that you didn't do it. Right. You can convince them that you didn't do it by appealing to their sense of rationality and that just never happened. That was really the only time I might have been, you know, might have been tempted to say something like just to get me out of the room.

But, again, I mean, I just engage them and say like, tried to explain to them why it couldn't have been me and I just, you know, it's a really helpless feeling. I think maybe, maybe because I had a background in psychology, having like studied psychology, I kind of knew okay now is the time that you have to stay calm. Okay. But I know that I've met other people who through no fault of their own, if they were in that situation they probably would have freaked out.

So, I guess I could just say I was lucky. It's just the type of personality I had. I was the type of person who wasn't going to budge. But, I mean who knows, as I say if they had found Liz and they said, "listen we already found Liz so just tell us you did it and this is all gonna be over with." I mean heck, like a year later they were offering me a manslaughter plea.

Carolyn Yule:

Right.

Robert Baltovich:

But, I had to tell them where she was and I couldn't do it. So, I said to my lawyers, I said, "you know I can't plead guilty because I don't know where she is and they said, "yeah we know but they asked you and so...". But I can certainly understand, understanding what it's like to be in that environment, in those conditions, why someone would actually falsely confess.

And, I know a lot of people who've never been in that position would probably say, "You're crazy. I would never say I did it. I would pound my fists on the table. I would say no I didn't do it, I didn't do it." I'm like no you don't actually know what you would do until you're in that position. So, I'm not surprised that there are false confessions at all.

Carolyn Yule:

Oh, I mean and all the research shows just the intense, intense pressure in the interrogation room. And, actually how much being innocent hurts and works against the innocent because often the feeling is I know I'm innocent so even if I confess to it now it's all going to come out once I'm out of the interrogation room. It's going to become obvious that I can't...

Robert Baltovich:

I think that was the case in the Romeo Phillion case.

Carolyn Yule:

Yes.



Robert Baltovich:

Where it was just a silly false confession that he figured you know what, they're going to figure out that I'm full of it. And, it never happened. I think the other problem too is that many police officers, particularly homicide investigators are trained to conduct an interrogation under the assumption that the suspect is already guilty.

Carolyn Yule:

Absolutely. It's a guilt presumptive.

Robert Baltovich:

Yeah, it's called the Reid technique.

Carolyn Yule:

Yes.

Robert Baltovich:

Right. Where and, I remember I actually cracked open a copy of the Reid technique. I was kind of interested in it for personal edification. And, I laughed out loud at when I saw the chapter headings because it was kind of like, it was like, what to do when you know the suspect's guilty, what to do when you're pretty sure the suspect's guilty; it was almost like there was no possibility that the suspect that you're about to interrogate is actually innocent.

And, so if the interrogation is conducted in that way it's kind of like there's only one possibility in their minds which is 'A', you're guilty and 'B', you're going to confess. I don't think that's going to be a very helpful interrogation if you've got an innocent suspect but unfortunately, they don't always look at it that way. And, I think that's a major flaw.

Carolyn Yule:

Yes. Well, the Reid technique has been described as very good at eliciting confessions from the guilty. The problem is that it's also very good at eliciting confessions from the innocent.

Robert Baltovich:

And, that's actually one of the things that really threw me off. Right. I often wonder how I would have viewed that interrogation if I hadn't just finished four years of university where I was around people who were a lot more open-minded, a lot more reasonable, and a lot more willing to change their mind if the evidence actually persuaded them that they should.

I remember just being struck by how impervious they were to any suggestion that they might have been wrong. Okay, and that's kind of one of the things that stayed with me all these years, is just how futile I realize it was, then for me to even try to talk them out of not being convinced I was guilty because they had pretty much already made up their minds. I mean, you could even say that it wasn't even an interrogation as it was the early stages of my prosecution.

Carolyn Yule:

Right.

Robert Baltovich

Yeah, the thought that I might have actually been innocent is something that they had never even contemplated. And, unfortunately, I think that that kind of stayed with the case from start to finish.

Carolyn Yule:

Yeah, absolutely another example of tunnel vision; where once they've set their sights on you they're ignoring all other evidence and they're just, the goal then becomes to find the evidence that proves [inaudible].

Robert Baltovich:

Yeah, tunnel vision for sure, and also, tunnel vision married with confirmation bias.

Carolyn Yule:

Right.

Robert Baltovich:

You know, anything that isn't consistent with guilt we're not interested, or if we have to live with it we'll see if we can twist it and make it at least marginally consistent with guilt. But, anything that could be construed as evidence of guilt I mean, we love that, you know, I mean and I guess the sad thing is that like we all suffer from that. The difference is that confirmation bias isn't as much of a problem for people in the ordinary course of human affairs.

Carolyn Yule:

Right.

Robert Baltovich:

But, when you're a homicide investigator and you're dealing with someone's liberty you know, someone's life, I think you have a duty to try to be as broad-minded. Now I've been told that police officers are better trained now to be more aware of their cognitive biases but, I'm not sure that even being completely aware of those biases is going to do away with phenomena like tunnel vision and confirmation bias. So, yeah.

Carolyn Yule:

I'm going to shift gears a tiny bit and ask about your, the process of your exoneration. So, as you are very well aware Innocence Canada is a non-profit organization that's dedicated to identifying and advocating on behalf of individuals who have been convicted of a crime that they didn't commit.

You mentioned that Innocence Canada was involved in your case. We have Win Wahrer joining us tonight from Innocence Canada. She's been described as the backbone of the organization. Can you just describe your involvement and your experience with Innocence Canada? You know, how they worked with you to help you prove that you didn't commit the crime of which you were convicted.

### Robert Baltovich:

Okay. Well, Win probably won't mind if I give a little bit of a historical overview of Innocence Canada. I'll try to make it brief. When I was wrongly convicted in 1992, there was another case that was going on at the same time in London, Ontario it was the Guy Paul Morin second trial. Innocence Canada really grew out of the Guy Paul Morin case. Win became interested in Guy Paul Morin and the Guy Paul Morin saga; and, she ultimately met with some lawyers and they kind of coalesced into a group.

But, at the time that I went to prison, wrongful convictions weren't really on the radar screen of a lot of people, they were very much seen as anomalies you know. And, I think part of that was because this was still kind of in the pre-DNA era, where you didn't really have something that was bulletproof enough for people to say definitively that someone had been wronged and convicted. But, by the time I'd been in prison for maybe two or three years I knew that Innocence Canada had already taken up the case of Guy Paul Morin and David Milgaard.

In both cases, they were able to get DNA testing done and they were able to get those convictions overturned and get those individuals exonerated. So, I was actually incarcerated at Warkworth Penitentiary in Campbellford, Ontario and it just seemed to me that every few months Innocence Canada was in the news getting somebody out of prison, somebody who had been wrongly convicted.

And, suddenly by '95, '96, this was an issue and, you know, even prison guards were saying to me, "Wow you know, like I didn't realize that innocent people could actually be wrongly convicted of murder but now I realize it can happen because we now know", right. So, I was just kind of watching from the outside in and I wasn't particularly happy with how I was being represented on my appeal. I mean I was convicted in 1992, I thought maybe I might win my appeal by 1994 and '94 gave way to '95 and '96 and '97.

And, so I didn't know if Innocence Canada was aware of my case. I didn't know, I knew that they generally only represented people who had had their appeals exhausted and I still had an appeal. It was taking an incredibly long time but finally I just got to the point where I knew they were out there. I thought, you know what, I think this is a case they would be interested in. If they are that's great, if they're not well, I mean I haven't lost anything. So, I got in touch with them and it turns out they were aware of my case.

They'd been asking about it and they were kind of wondering what was taking so long. And, so it was just kind of like a happy coincidence that they were aware of me and I was aware of

them and the great work that they had done. So, I contacted them in 1999 and I asked them if they would take on my appeal. James Lockyer came to see me in person which shocked me because he was like a star by then, right. I mean he had kind of become the face of wrongful convictions in Canada.

He came to see me and he said, "We'd be glad to take your case" and I just remember going back to my cell that day and I was as ecstatic as anyone can be when they're serving a life sentence for something they didn't do. But, I felt like it was the first time in my life I had someone who really believed in me and who understood that innocent people go to prison.

And I'll never forget he said, because there had been some talk because of the Bernardo connection and some evidence that might have connected him to the case, that I might have actually gotten bail pending the hearing of my appeal which is quite rare; and James said to me, he said, he goes, "The good news is I'm taking your case" he said, "the bad news is" he said, "I think you can put any hopes of bail away. I don't think it's gonna happen. It's not really realistic."

So, I said, "Okay, that's fine" and then he called me like three months later and he said, "You remember when I told you that you weren't going to be able to get bail?" I said, "Yeah." He goes, "Well, I think I was wrong. I think I can get your bail." And, March 31st, 2000 I was out. So, yeah, I mean it was an incredible result and great organization.

And, I was very fortunate to kind of be adopted by their organization and they've basically, they stayed with me right up until the day I was acquitted. Win was there in the courtroom. Of course, James and Joanne were there because they were my lawyers. I mean, they just continue to do stellar work.

I think as Canadians we should consider ourselves very fortunate that we have organizations like that; and, that they've really put the issue of wrongful convictions on the map because most people in the ordinary course of affairs, would never dream that they could be accused falsely of a serious crime because that's just not the way life is supposed to work. It's not the way most people think our criminal justice system works. But, for Innocence Canada and people who work for that organization, they understand that, you know, despite the fact that we have all these safeguards I mean, the worst can happen and sometimes it does.

### Carolyn Yule:

Absolutely! And, I mean, I can also add to what you already know, that you know, Innocence Canada works tirelessly to support the wrongly convicted; Win Wahrer and I see, Ryan Truscott has joined us, make a habit of coming to speak to students at the University of Guelph every year to say sort of just exactly what you've said, that most people would never believe that one day they could be accused and convicted of something they didn't do. And you know, we're very fortunate in Canada to have an organization like that because one day you know, you just don't know if you might need them to have your back. And, they're there when you do.

### Robert Baltovich:

The other thing to point out too is because of their advocacy and because of the credibility of the organization and the track record, they've actually been an instrumental in getting the system to reform when it might not necessarily want to reform itself; like, sometimes you kind of have to hold people's feet to the fire before they'll actually enact change.

And, I think that's another great thing that Innocence Canada has done is you know, they have enough credibility that when they speak, whether it's at the provincial level or the federal level people listen, right. And, now I know that there are a lot of police colleges and criminal justice programs they incorporate wrongful convictions into their curricula you know, and I know that that wouldn't have existed 30 years ago. So yeah, we should be very thankful for that.

### Carolyn Yule:

I just have one more, I mean I have many, many more questions, I have one more question that I'm going to ask now before we sort of turn it over to members of the audience to ask. As you know, Maria Shepherd is another Canadian exoneree and she has been very vocal about the detrimental consequences and impact of wrongful conviction. She has been quoted as saying that, "victims of wrongful conviction share one thing in common, and that is a psychological life sentence." To what extent, so this is really a question now that's asking about life after exoneration, right.

### Robert Baltovich:

Yeah.

### Carolyn Yule:

What does that statement mean to you? To what extent does that resonate for you in your life?

### Robert Baltovich:

Well, I think if you can make sense of it which obviously isn't an easy thing to do, it makes it a lot easier. When I think of the fact that you know, it's a life sentence even when you get out, even when you're exonerated, I just think about things like the loss of your reputation, the loss of your credibility, the effect it might have on forming new relationships with people who don't know a lot about the criminal justice system.

You know, when I was released in 2000, it was difficult for me for the first couple months to adjust but I was very fortunate. I was blessed to have a family that supported me and friends. Somewhat paradoxically, I never really felt like I ran into a lot of difficulty until after my case became very highly publicized. And, then suddenly, the jobs stopped, the job interviews stopped.

When you got the job interview you kind of felt like the person was kind of evaluating you in a way that you know wasn't necessarily consistent with just being an applicant for a job and that

kind of thing. I think it really varies. I can understand why for some people it's just they can't really comprehend how something so horrible could happen.

For example, in a case like Will Mullins-Johnson, I mean he was wrongly convicted of one of the worst and heinous crimes you could ever imagine. And, it was a family member and so he stood to lose his entire family. So, it, I mean it's definitely something that stays with you and I don't think you can really outrun. In Maria's case, obviously she was accused of killing her own child, which is horrific. In my case, it was the woman I love. And, so yeah, I mean they can get you out of prison but I don't know if they can get the prison out of you.

For me, I don't think about it a lot but I'm always reminded of it. Just little things, like I went to a bank the other day just to have a sit-down conversation, right. And, normally if you go to a bank you just have a conversation with one person, right. But, in this particular case, I sensed that the person at the bank knew who I was and she went and grabbed another person and brought her in the room and she kind of stood by the door. Like just kind of, and I kind of thought oh, this is kind of interesting like I wonder if she's afraid of me, right.

So that's kind of, like for me, that's the most difficult part, is always wondering does the person know you? What do they know about you? What do they think about you? Do they really believe you're innocent? Do they think that you're lying? Or, if they think that you're innocent, is he weird now because he's been in prison? And, so there's so many different aspects of it. I don't think you can ever get back to normal. I think the best you can do is just try to minimize the effect it's had on you. But yeah, definitely the effects are long lasting and I wouldn't say that they ever completely go away.

**Carolyn Yule:**

All right. Well, thank you for sharing that.

**Robert Baltovich:**

You're welcome.

**Carolyn Yule:**

I think now we'll turn it over. I mean I have many more questions, but I think we should turn it over and give other people an opportunity to ask their questions.

**Robert Baltovich:**

Sure. Yeah.

**Carolyn Yule:**

So, I believe that Professor Baker is going to start moderating that.

**Robert Baltovich:**

Okay.

**Dennis Baker:**

Yeah and we're going to start with a grad student who's going to ask us a question from our CJPP program. Sabrina, hopefully I've done this right.

**Sabrina Sousa:**

Hello?

**Dennis Baker:**

Hi, Sabrina.

**Sabrina Sousa:**

Hi. So, my question was recently wrongful convictions have become popular in mainstream media through movies and tv shows like Just Mercy, Confession Tapes and Making a Murderer. My question is, what are your thoughts on the media depiction of wrongful convictions? Do you think they're accurate or do you think more needs to be done?

**Robert Baltovich:**

Well, I think that any attention that's given to them is good. I think if I have any quarrel it's sometimes they tend to focus more on individual failings as opposed to systemic issues. Now I'm not the type of person who thinks that the system itself is completely inept; but, you know, I've said to people that I'd like to see less of an adversarial system and more of a system where the point is to get out the truth.

I think sometimes what happens with the wrongful conviction movies and the series is they tend to focus on like a bad cop or a couple bad cops. And, believe me I know they exist but, sometimes they don't talk as much about how you know, it's important to have greater transparency, it's important to ensure that lawyers have all documents that are relevant to investigation. That being said, I think they're great. I have to admit I try not to watch them because they just really make me angry and they kind of put me in a bad mood.

But, some of them are pretty good. I think it's almost like a new genre now and I think that's a good thing. I think if there's one drawback it's just, I don't want people to think that like the whole system is corrupt. It's not all corrupt. It just makes mistakes. Right. But, I think that anything whether it's a podcast, whether it's a made for tv, movie, whether it's a Netflix series, anything that shines the light on wrongful convictions I think is great. And, the more, the better.

**Stephanie Howells:**

I'm gonna jump in with a question from our audience now. Somebody has asked: Since being exonerated have you received any reparations or compensation? And, if so, how difficult was the process to get it?

## Robert Baltovich:

It's a very good question. Okay, so compensation is an interesting issue because if you go back to the early to mid 90s when suddenly like everyone was shocked to find out that innocent people went to prison. I actually thought the federal government and the provincial governments really stepped up and started offering compensation.

I think the problem was I don't think they realized how bad the problem was. When they started to realize that uh oh I'm not sure if we can really afford like to start compensating everyone, they started to be a little more selective. Now the first thing I should say is it's my understanding that there actually is no right to compensation in Canada. Okay. You can get it.

They can make what's called an ex gratia payment. Some people have called it 'shut up and go away money.' I don't mean to sound cynical. I would say right now the issue of compensation I don't think is where it needs to be. That's the bad news. The good news is there are civil avenues that are available now. And, if I take that good news I can also separate that into good news and bad news.

Good news is the Supreme Court of Canada has affirmed that if you are exonerated okay, and if you for whatever reason cannot persuade the government to compensate you, you can sue. And, they have affirmed the right of plaintiffs to sue the police for things like negligent investigation. Unfortunately, they have made it a lot more difficult to sue Crown prosecutors and that's really unfortunate because I think you should be able to do both.

Now in my case, I was not given compensation. I was forced to go the civil route. I can't actually talk a lot about that unfortunately, all I can say is that that's over. But yes, I would say going forward it's going to be more and more difficult for wrongly convicted people to get compensated. That's the bad news. The good news is that there are provisions now for suing the police, particularly in cases where their conduct is, meets the standard of negligence.

I personally, I don't think you should have to do that but for whatever reason it just seems that they're becoming less and less willing to compensate and more and more tempted just to say, "hey, if you want money you can always sue." And, I don't think that's necessarily fair but, unfortunately that's where we are.

## Stephanie Howells

Thank you!

## Robert Baltovich:

I think, sorry, I'll just add to that. Now there is this issue of factual innocence. What's factual innocence? Okay, so if you have a case where it can be proven with DNA, let's go back to the David Milgaard case. Not only did the DNA exonerate him, it pointed conclusively at another suspect and that suspect has now been convicted. Okay. Now that would probably be what



some people call the gold standard, that would almost cry out for compensation. But short of that, I think that unfortunately it's become more difficult. And, I don't like it.

### Minh Do:

Okay, I'm going to jump in with the next question from the audience. So, this question is: Are you still angry or resentful towards anyone who was involved in the process of you being convicted? Or, just angry in general?

### Robert Baltovich:

Oh, angry at certain people. I'm angry in particular at the two police officers who were in charge of the investigation. Mostly because I feel like they ignored very powerful exculpatory evidence. In addition to being angry I'm just puzzled, you know, I'm puzzled because of course my lawyers found out in 2014 that four days after I was arrested, a police officer, one of the two lead detectives, had a meeting at the Centre For Forensic Sciences, during which he was told that his theory of the crime, which would have had to be correct in order for me to be guilty, was a scientific impossibility.

That evidence never made it to my lawyers. It never made it to my trial. It never made it to my appeal and it almost never made it anywhere, were not for the fact that one of my lawyers who was very diligent during the civil process, actually found it. Found a note that was made referencing that meeting. So, yeah. That's, I mean, yeah there were a lot of witnesses at my trial who said things that weren't true. There were witnesses that were inaccurate. There were other witnesses who lied.

But, I think ultimately, I think the ultimate responsibility goes to the two police officers. And, frankly, I think it goes to the two prosecutors as well. I just don't think they were ever particularly interested in finding out what happened. I think they were just interested in having a very troubling case brought to a conclusion one way or the other. I mean I don't allow myself to be consumed by anger but I am somewhat disappointed that I feel like the two police officers weren't really held accountable.

You know, maybe I'm going out a little bit too far here but I actually believe that some of the conduct that took place in my case might have even been criminal. But, you know, I mean, we're still hoping to ultimately get the case reopened, get it reinvestigated, bring the right person to justice and maybe that's the best way of actually dealing with that anger, is just using it to motivate me.

I'm not an angry person by nature and I know a lot of people have said to me, "Gee Rob, I mean you don't really seem very angry" and I guess my response is that I try to kind of, you know, not be consumed by anger because I feel like then other people don't want to be around you. It can affect your psychological well-being. It can affect your physical well-being. But, yeah, I have my moments and I still feel that the Toronto police service has a lot to answer to in this case and that's one of the things I'm trying to ensure happens.

### Stephanie Howells:

I have another question from the audience that actually lands itself nicely after the question about anger. So, kind of a two-parter. The one part is asking if this many years later, do you view what happened to you as a burden or trauma of sorts or do you view it more as an opportunity to educate others? I'll start there and ask the follow-up in a second.

### Robert Baltovich:

Yeah, you know, I've said to people that great wisdom sometimes comes with a price. And, I think it's given me a lot of perspective. It's made me more forgiving. It's kind of broadened my understanding of certain things. You know, it's, when I was released in 2000 I kind of felt like I'd been given a new lease on life and I didn't, you know, I mean, there's no greater laboratory like to understand human nature than prison.

Okay, because in some ways it's a microcosm of society. So, in that sense I learned a lot and I was actually willing to try and like let that go and just try to make it somewhat of a positive experience for me as much as I could. But, then for the next eight years it was just a nightmare to get anybody to basically admit that they got it wrong. So, it's kind of been up and down. Where I am right now, is that I'm just happy it's over with.

But, I just feel like there's still a few loose ends and one of them is like obviously bringing Liz's killer to justice. But, the other is just trying to get as many people as possible to understand that what happened was wrong. I know that, like I've kind of gone through stages where I spend way too much time thinking about it and it just kind of brings me down.

And, that's when I say, "okay you know what, you just gotta like take a break and just kind of like you know, you're out, the worst is over and you got the rest of your life, it's not easy but..." I've met other people who have been consumed by anger and bitterness. And, I kind of said to myself, "you know what, I kind of don't want to be like that because it's just going to make my life even worse than it would normally be."

### Stephanie Howells:

And, the other part of that question from the same audience member was wondering about what you're doing today? And, so you did talk about some of the challenges of getting a job and kind of the stigma associated with it, but what are you doing today? Is educating people and working with wrongful conviction your main job or do you have a different role in your day-to-day life?

### Robert Baltovich:

Well, I worked in the library when I was in prison, right and I know I liked it. So, when I got out in 2000 I basically decided that I was going to become a librarian. So, that's what I did. I went to Seneca College for a year then I worked for a year at the ROM and then I went back, I did a master's degree at University of Toronto in Library Sciences. And, so basically, I worked as a

librarian up until 2010. Then, it kind of became a little bit tough because again, the case was getting a lot of publicity and you know, libraries were starting to close and the economy wasn't great.

So, I kind of transitioned to teaching ESL. I basically taught ESL to private clients in Toronto from 2013 to 2019 and I also work part-time at the John Howard society in Toronto. I've never really thought about making a career out of wrongful convictions. I make it a personal interest of mine to follow them and follow issues. But, one of the things I've been doing for the last little bit is actually going back and reviewing every piece of evidence that was found during the course of the investigation in Liz's disappearance in the hope that we can ultimately get the case reopened.

This COVID thing has kind of made things difficult because I should be in Toronto right now teaching ESL. And, that was my plan for the beginning of May. I was staying with my brother a bit here because my civil suit was going on and I thought there was a possibility there might be some movement in it. So, as of right now I'm still kind of on the fence. Do I want to go back to Toronto and teach ESL when it looks like they might be getting ready to shut down again?

But that's, you know, I mean basically librarianship and ESL up until 2019; 2019 to now I've just kind of like been shelved a bit. You know, still reading voraciously, still going through transcripts and other motions and this, that and the other. But, the good news is civil suit is finished. So, now I'm kind of ready to like get back into hopefully getting this case reopened. So yeah, but always keeping my eye open for another library job or another ESL gig. So, a lot will depend on whether I go back to Toronto. I should have word on that within the next couple months.

### Minh Do:

Thank you! The next question asks: How was your prison experience? Were you scared and/or nervous?

### Robert Baltovich:

I was scared. Especially the first couple weeks and it was also made more difficult by the fact that I was put in something called level three administrative segregation. So, basically, I was locked up for 24 hours a day for months and months. I got the occasional visit but it was very difficult. I wasn't scared for my physical safety at first.

I was just scared about what was going to happen, then of course when I was convicted and I knew I was going to prison, I was a little bit nervous. But, what I did is because I was in pre-trial custody for about a year before I was granted bail, I just thought maybe I should pick the brains of anyone I knew who had also been to the federal penitentiary; just to know how I should act, what I should do, what I shouldn't do.

And, so when the worst happened and I was convicted, I mean for the first couple weeks yeah, it was really scary. I actually still remember like getting off the bus in Kingston and I was in leg

irons and handcuffs and we were being marched into this you know, basically looked like an empty factory. And, then there was this whole huge holding bed and I was, I just remember thinking to myself, my god like what awaits me. But, I just tried to pick up on prison culture as much as I could and, you know, I got into a few disputes with people but for the most part I just tried to keep my head down.

And, just try to not involve myself in things like gambling or drug use or anybody else's disputes that type of thing. Yeah, it's a scary place and there are a couple times when I got involved in disputes and I feared for my safety. But, I guess if I can be thankful for anything it's the fact that I looked really young when I was first convicted. I think some of the people who were deciding where to send me they kind of thought, okay well, maybe we shouldn't send him here and here because these are rougher places.

So, the place I went, like obviously it's prison, and prison's prison, but you know, once I got used to it, I just kind of kept to myself. Again, you know, you always have to keep in the back of your mind, I mean you could end up getting in a physical confrontation and you have to be ready. So, it's not somewhere you can ever relax but you know, certainly I felt a lot better when I was granted bail. I felt a lot safer outside of prison than inside. It's, you know, there's some pretty scary characters in there. Some interesting characters but some pretty scary ones too.

### Stephanie Howells:

Another one of our students asks: With the lived experience of being wrongfully convicted as well as your education, which you said played a role in your perception, did you experience moments where you questioned your own innocence? And, then she's also wondering, how do you think that this impacts those with a lack of education, a lack of resources, people of colour or any type of other disadvantage? How would your experience be different do you think?

### Robert Baltovich:

Well, I think I said very early on that I was just immediately struck by how certain these two police officers were that I was guilty. I knew I wasn't but, in my mind, I thought okay, there must be something or someone that has convinced them I'm guilty. And, I know I wasn't. So, I guess I can say that I never really for a second doubted my innocence.

But, I guess there was like a very brief moment where, and it wasn't actually when I was being interrogated by the police, it was just kind of like a night I went out with a couple of my friends. We just went out to see a movie. It was maybe about two months into the investigation and they were going around telling everybody, "Oh, we know Rob did it. We know Rob did it." And, I just couldn't understand what was going on and it was just so bizarre.

I remember I just turned to a friend of mine, like very close friend who ironically enough was thinking about becoming a police officer but kind of got turned off it, and I just, I can't believe I said this but I said, "You know Neil" I said, "This whole experience is so bizarre." I said, "I'm starting to think you know, like is it possible I could have done this and I just forgot?" And, he

just kind of gave me this look like Rob like whoa wake up, right because I was with him, talking to him on the night it happened.

So, he knew right, but I said okay, alright, okay, thank you. But yeah, it's really, it was like, as I said, I can understand why some people who might feel like their being socially or environmentally pressured into saying they did it, they might think like maybe I just blacked out, maybe I just forgot. And, the police will sometimes give that to you as an option, right.

I can honestly say at no time during the course of my copious conversations with the police, which as I said like offline my lawyer's kind of wished I had been muted, that I ever felt like saying to them, "Okay you know what, you're right and it's just because I knew I didn't do it." I have to apologize — I kind of forget the second part of your question, but if you could repeat it? Yeah.

### Stephanie Howells:

No worries. This student was wondering about how an individual with a lack of education or a person of colour or a lack of resources may have had a more disadvantaged experience, if that's even possible.

### Robert Baltovich:

Well, I think that, I mean at the end of the day I felt for me, I don't think that I really had a lot of resources. I think some people on the outside looking in might have thought that I came from a fairly well-to-do family; I didn't. I had to have legal aid, that type of thing.

But, I know that there were definitely moments when I was going through what I went through and I thought to myself okay you know what, I came from a nice middle-class family, I'd never been in trouble with the law before, I'm white, I went to university, I have a nice suit and I'm getting screwed.

So, I mean what chance would someone else had have if for example, they were black, they were poor, maybe they had a criminal record for something not particularly serious but made them more of a target for the police. And, that's when I realized like whoa, like I mean, if what happened to me could happen to me it's probably happened to others who are much more vulnerable than I was.

I would only say that in the end maybe that might have worked against me too, only because some people might say, "Oh well, he can't be a victim you know, because he's privileged" right. Not that privilege was really like an issue as much being talked about in 1992 but yeah, I can definitely see how others who are somewhat on the margins, they'd be up against a lot more than I was. You know but, hard to say.

I think one of the things that's remarkable about wrongful convictions, and you'll see this if you walk into the Innocence Canada board room when you see those unfortunate people whose pictures are on the wall, is a lot of them come from interesting walks of life; and, not

necessarily all poor, not necessarily all marginalized. So, I'm not going to go out and say it could happen to everyone because obviously it doesn't. But, I mean it can happen to someone even if they think they're invulnerable, you know. Yeah, I think some people are more vulnerable than others, but I don't think that anyone is invulnerable.

### Dennis Baker:

Hi, Rob. We've had a number of questions in the chat about how difficult it was to cope with losing someone you loved and to go through this ordeal at the same time. And, some related questions about your relationship with Liz's family both then and now and those relationships.

### Robert Baltovich:

Well, it was such a unique case because when Liz went missing we were all kind of just mystified as to what had happened; because not only did she go missing but we couldn't, we didn't know where her car was. So, for the first couple days we weren't really necessarily thinking that she'd been murdered or even that she'd taken her own life because there were some vague illusions to that in her diary, that she was depressed and that she might have wanted to take her own life.

So, our main concern, my main concern was really just finding her, all right. You know, hopefully she had only like just decided to take off for a couple days just to clear her head whatever, she was under a lot of stress. It really wasn't until the Friday when her car was found that it started to look like she might have been the victim of foul play. But, it was just a car and again because we didn't know anything, the car is found, but Liz isn't in the car.

And, then in the midst of all of that, I mean when I'm just starting to kind of put my feelings together and to think about the possibility that she was gone, then suddenly the two police officers are telling me that I killed her, right. Unfortunately, from that moment forward whatever thoughts I had of mourning Liz were immediately transferred to protecting myself, right. And, I've said this to many people, one of the things that I'm still very bitter about is the fact that I never really got a chance to mourn Liz until well after I was arrested.

In a certain sense, I feel like I never really have, and I think part of that is because she's never been found but part of it is because out of necessity I had to become somewhat selfish. I'm not proud to say that but you know, I think other people who have been in similar circumstances will tell you it's one thing to lose someone you love but to then have the police turn around shortly thereafter and say, "and you're the person who killed her", it almost makes it impossible to mourn.

So, it wasn't really until years later that I had the chance to do that but then the immediacy was gone. And so, you know, it would, I think if you ask any family whose loved one has gone missing they kind of feel like they can't really fully mourn because there's still kind of that hope that they might still be out there. So, I never really got that chance. And sorry, the second part?

Dennis Baker:

About your relationship with the family, whether they accepted your wrongful conviction.

Robert Baltovich:

I mean, I had a decent relationship with Liz's family. I wouldn't say it was idyllic, her father was very protective and he was very strict. I don't think he appreciated the fact that you know, Liz kind of wanted to have a little bit more freedom. But, for the first week after she went missing I mean, we were a unit and we were looking for her and we were working together.

When I was first accused by the police I was so shocked that I didn't really know what to think but in the back of my mind I thought to myself, I wonder if someone in Liz's family might have pointed the finger in my direction. I spoke to a lawyer the day after I was interrogated and I told him, I said, "I want to go back like, to spend time with Liz's family to sit down with them and talk to them." And, he said, "Rob, you can't do that." And, I said, "But I feel like I have to." He said, "Rob, you can't... you know, I'm sorry, but your relationship with Liz's family is over."

I mean it was advice, it was probably good advice, but unfortunately, I never really got a chance to connect with them again. You know, I don't know looking back if the Bain family ever really truly believed I was guilty. But they weren't necessarily complimentary of my relationship with Liz at the trial which kind of made me a little bit bitter toward them but at the same time, they never once said that I ever treated Liz anything other than well. I think as of now my understanding is they still are of the opinion that I'm the person responsible for Liz's death, which is unfortunate.

I don't like it, I wish I could change it because I think that if I could it might actually go a long way to possibly being able to work with them to try and find out what happened. But, then at the same time, I mean, I don't know. All I can say is I don't really have a relationship with Liz's family. And, whatever relationship I had it was pretty much over from the moment the police first accused me of her murder and you know, it hasn't really gotten any better since.

Dennis Baker:

So, I'm going to try something now. We have a question from Ryan Truscott and I'm gonna ask him if he... if I can do this properly, we can get him on camera.

Robert Baltovich:

Hey, Ryan! What's going on?

Ryan Truscott:

Hey Robert, how are you? It's good to see you.

Robert Baltovich:

Last time I saw you, you were at the Soulpepper Theatre.

Ryan Truscott:

Absolutely! Yes, actually, I think I have one of the posters for that right there.

Robert Baltovich:

Oh, there you go. Yeah, there's that good-looking fella, your dad.

Ryan Truscott:

Yeah, he's doing really well. Thank you!

Robert Baltovich:

Good, give him my best!

Ryan Truscott:

I will, absolutely. So, my computer screen's just gone a little bit weird but, my question was, first of all, thank you for sharing your journey I know that it's tough for people to constantly bring this up. I know it's one of the reasons that my dad just doesn't get out and speak anymore is that it just you know, brings up a lot. As the son of Stephen Truscott, that, you know, is a very well-known case, that he can call a press conference and people show up or ask for a lawyer and people are there you know, I often say that we were very lucky even though unlucky.

What challenges do you think that those cases that are less well-known struggle with? And, how can the general public help them? So, the people that are you know, that don't have big notoriety, how did they get help?

Robert Baltovich:

Well, I think that the media can be somewhat selective. Sometimes certain cases are considered more newsworthy than others.

Ryan Truscott:

Right.

Robert Baltovich:

I've often wondered actually why my case generated as much publicity as it did. I think part of it was because there was a certain narrative that was media, I guess attractive to the media, 'boy meets girl', 'boy loses girl' you know, 'turns out boy killed girl', that type of thing. I think sometimes the problem with the media is they're more interested in telling a story than actually giving a voice to someone who's been wrongly convicted.

I think the other problem too unfortunately is sometimes the media doesn't really ask questions until it's too late. You know, you've been accused, you've been tried, you've been wrongly convicted and then everyone just kind of assumes that justice was done, right. Sometimes it takes a little bit of hard work. For example, Innocence Canada is great because



even though you as an individual might not be able to summon the media to your cause, they can bring attention to your cause.

And, sometimes they need to kind of be pushed and prodded to do that. I'd like to see the media a little bit more proactive, you know, I'd like to see a little bit more investigative journalism in Canada where they're willing to go out and ask tough questions even at the initial stages say of a trial, like hmm this evidence doesn't seem particularly strong you know, maybe there's something that needs to be said here.

As far as like people who say are on the margins, I think unfortunately, once you're in prison I think people are kind of afraid because they don't want to be shown up you know; they don't want to be proven to be wrong, like there's, I think there's kind of a fear there, we don't want to give this story a lot of attention until everybody else is pretty sure, right.

So, it's tough, I mean sometimes I'll hear of a wrongful conviction I'm like oh this is the first time I've heard of it, right and I think "why didn't we hear about this before?" I think sometimes they just are a little bit sleepy and I wish they'd be a little bit more attentive to some of the problems that exist within criminal justices because wrongful convictions aren't going away.

**Ryan Truscott:**

Right.

**Robert Baltovich:**

Who knows, maybe they need to assign more reporters to look into these cases, you know. I mean not everybody has the good fortune of say someone like, who's the fella out on the east coast who is heir to the Moosehead fortune? Dennis Oland. You know, like that was a great documentary, right.

But, for every Dennis Oland, there might be another 15 or 20 people who are never going to get their story told. And, unfortunately, sometimes the only time we ever hear about them is when Innocence Canada does a lot of the leg work and then can kind of like hand it to the media and say, "Here you go", right. I'd like to see a little bit more investigative journalism.

**Ryan Truscott:**

That's, for the second part, my favorite thing is going in and speaking in Carolyn's class just because I think that being able to just you know, right before people are graduating and they're getting out and trying to make a difference in the world, their biggest question to me is always, how do I help? What do I do? And, what do you have to offer them? Like, what would you, would your answer be to that?

**Robert Baltovich:**

Well, several. First of all is they can volunteer for Innocence Canada, they can become lawyers. You know, one of the most disappointing things I ever heard anyone say and I won't say who

said it because, he's very, very nice person. This person who will remain unidentified, articulated with James Lockyer, okay and he knew all about wrongful convictions. Sorry, I said "he." Okay, that's it.

Anyway, this individual ended up going to work in the crown's office. And, this person told me, he said, "You know what, I can honestly say that nobody in that office even thought for a moment that anyone they were prosecuting was innocent or could be innocent because it just wasn't even a consideration." So, for anyone who's planning on being a lawyer, always keep in mind that you could be wrong.

Okay. If you're becoming a police officer, always keep in mind that you could be wrong. If you're just an ordinary citizen you know, don't believe everything you hear on television or in the newspaper, right. Just be cautious and be skeptical. And, if you're ever in a position to help someone who's wrongly convicted, try to do whatever you can. It doesn't have, you don't have to move heaven and earth but sometimes just a little bit of effort can go a long way.

I mean sometimes all it takes is finding that one piece of paper in a box that's sitting in the Innocence Canada office. And, that can actually make the difference between somebody say, you know getting their innocence acknowledged and maybe spending like the rest of their life in prison. So, you know, we can all make a difference in different ways. But, those are some of the ways we can do it.

**Ryan Truscott:**

Awesome! Thanks again for sharing!

**Robert Baltovich:**

No problem! Take care. Good seeing you again.

**Minh Do:**

So, the next question is also more about what we can do. This question asks: What can judges do to mitigate wrongful convictions, and what can other justice actors do to prevent such wrongs?

**Robert Baltovich:**

Well, they can be, unlike my judge, you know, I think they need to understand that as judges the person who comes before them, could very well be innocent. Now most people would think that as a judge that's your duty, like to be impartial, I think unfortunately human nature being what it is, judges sometimes prejudge certain cases. I feel like that happened in my case. That's the bad news. The good news is that the Court of Appeal agreed.

I think something else judges can do is ensure that adequate disclosure is made to the defense; that the prosecution doesn't take liberties, the prosecution doesn't stretch the evidence beyond that which it should go, to not be too critical of defense counsel particularly when

they're not necessarily very experienced. You know, I felt like I had good judges in 2007 and 2008.

I was kind of disappointed at my appeal because I felt like at least one of the judges had already decided that I was not going to be acquitted on appeal and that I was going to have my conviction quashed, I was going to get a new trial. But, you know, I think sometimes judges are in tough because I don't want to say they live privileged lives but I think sometimes you kind of have to understand what life is like for ordinary people when you have a defendant that comes before you.

That being said, I think judges probably get better education now because now we have a body of wrongful convictions. I can tell you when I went to prison in 1992, this doesn't have to do with judges as much as prison guards but, if you told somebody who worked in prison that you were innocent they laugh in your face, they think like yeah right whatever, right.

But, by like 1995/1996 I started to sense that they understood, you know. So, I think that judges are probably in a better place now to do that but you know, just to try and be as objective as possible and understand that everyone who comes before you should truly be presumed innocent you know, before any type of sentence has passed.

**Carolyn Yule:**

Rob, our time together is quickly coming to an end so I'm going to ask one last question from the audience.

**Robert Baltovich:**

Wow. That was quick.

**Carolyn Yule:**

I know, it's been an amazing hour and a half. If you could make sort of one or two recommendations to reform the criminal justice system, you know, in an effort to reduce the number of wrongful convictions that happen in this country, what would those recommendations be?

**Robert Baltovich:**

Well, I think I alluded to one earlier but I'll just repeat what I said and that is that there was really a moment during the course of my trial where I kind of felt like, do I even need to be here? You know, because I felt like it was, and not casting aspersions on lawyers at all but, I kind of felt like it was just a fight between two sides and I wasn't really sure that the whole point was to get out the truth as much as it was just to win a debate.

And, that whoever won that debate didn't necessarily get the result that was consistent with what had actually happened. So, that's a convoluted way of saying I'd like the system to be a little bit more open and transparent and more oriented toward getting at the truth, finding out

what actually happened; like I never forget, I overheard somebody say during my trial, "You know what, this isn't a who done it, Rob. This is, did you do it?" And, I thought you know what, that's kind of sad because we're all kind of here because we want to find out what happened.

Now I'm sure a lot of criminal lawyers in North America would not be happy to hear me say this because they believe in the adversarial system. They believe that you should just choose up two sides and have the two sides wage war with one another and whoever presents the better case you know, that's the case that wins the day.

I'd like to see more of, kind of a participation between all sides to say, "Okay, let's look at all this evidence and see where it actually leads"; because that way you avoid the, I guess the danger of "oh we're going to give you this but we're going to not give you that," "well, we're going to keep this because we think that you could actually use that for some purpose we don't want you to.

I'd like to see it just a little bit more open, a little bit more egalitarian, a little bit more objective and a little bit more oriented toward getting at the truth and finding out what happened, as opposed to just like having a fight and let's see who wins.

**Carolyn Yule:**

Alright. Thank you.

**Robert Baltovich:**

Oh, you're welcome!

**Carolyn Yule:**

I want to thank you so much for coming tonight. We recognize that your story is not an easy one to share you know, it's very difficult past and we do really sincerely appreciate that you took the time to explain to us. As you know the purpose of wrongful conviction day is to educate people about wrongful convictions and just the incredible costs that they inflict on individuals, on families, on communities.

And, so hearing your story and have you explain in your own words what your experience was like, really helps shed light for the rest of us on sort of the causes and consequences of miscarriages of justice. And, gives us some ideas as to what we can do to help the cause and also to work, as we have students moving on to be the next you know, leaders in criminal justice, what they can be doing to help ensure that we have fewer wrongful convictions moving forward. So, thank you so much for being here!

**Robert Baltovich:**

Oh, thank you for having me!

Carolyn Yule:

This is typically where you would hear a very loud and warm round of applause. So, we can just imagine that that's going to be right now. [Everyone's screens are shown with multiple individuals clapping].

Robert Baltovich:

Yeah, I can imagine. Well, thank you very much, so much for having me! And wow, the time went fast but you know, I hope that I was able to help contribute to the event and thank you for the invitation.

Carolyn Yule:

It's been wonderful. Thank you! I also want to quickly do a shout out. I'd like to thank the College of Social Applied Human Sciences for supporting the event. Also, very importantly I'd like to thank Win Wahrer from Innocence Canada because without her these sorts of events don't come together. So, thank you very much Win!

And, also absolutely to our administrative assistant Lauren van Veen, for all the effort and countless hours that she's put into making tonight possible. I also want to thank the members of the audience for coming tonight and for your very thoughtful, insightful questions on what is undoubtedly a very, very important topic. So, thanks for your participation! We hope that you all stay safe and that you will be able to join us this time next year for Wrongful Conviction Day. Have a great night.

Robert Baltovich:

Okay, bye-bye everyone! Nice to meet you!

Carolyn Yule:

Bye, goodnight!

Dennis Baker:

Bye. Thank you, goodnight!