

CONCLUSION

The Commissioner concluded his Report in these terms:

This Report ends where it started. An innocent person was convicted of a heinous crime he did not commit. Science helped convict him. Science exonerated him.

We will never know if Guy Paul Morin would ever have been exonerated had DNA results not been available. One can expect that there are other innocent persons, swept up in the criminal process, for whom DNA results are unavailable.

The case of Guy Paul Morin is not an aberration. By that, I do not mean that I can quantify the number of similar cases in Ontario or elsewhere, or that I can pass upon the frequency with which innocent persons are convicted in this province. We do not know. What I mean is that the causes of Mr. Morin's conviction are rooted in systemic problems, as well as the failings of individuals. It is no coincidence that the same systemic problems are those identified in wrongful convictions in other jurisdictions worldwide. It is these systemic issues that must be addressed in the future. As to individual failings, it is to be hoped that they can be prevented by the revelation of what happened in Guy Paul Morin's case and by education as to the causes of wrongful convictions.

My conclusions should not be taken as a cynical or pessimistic view of the administration of criminal justice in Ontario. On the contrary, many aspects of Ontario's system of justice compare favourably to other jurisdictions. Most of its participants, police, forensic experts, Crown and defence counsel and the judiciary perform their roles with quiet distinction. These participants are justifiably proud of their roles in the administration of justice, and the roles performed by their colleagues. It is understandable, then, that a Report which focuses on systemic inadequacies may be viewed by some of them with dismay, if not frustration.

As several Crown counsel told me during the Inquiry, prosecuting someone who turns out to be innocent is a Crown attorney's "worst nightmare." I accept that. I also accept that no Crown counsel involved in this case, and no police officer involved in this case, ever intended to convict an innocent person. Although I have sometimes described the human failings that led to the conviction of Guy Paul Morin in very

critical language, many of the failings which I have identified represent serious errors in judgment, often resulting from lack of objectivity, rather than outright malevolence.

The challenge for all participants in the administration of justice in Ontario will be to draw upon this experience and learn from it.

A particular challenge presents itself to the Government of Ontario. Some of the recommendations presented in this Report rely, for their efficacy, on the availability of resources. Indeed, some of the experienced counsel, Crown and defence, who testified at this Inquiry were concerned that the failure to allocate adequate resources will not only prevent the implementation of important changes, but result in more miscarriages of justice. As Mr. Wintory noted, the ability of the adversarial system to prevent miscarriages of justice relies on the existence of fully competent, fully resourced adversaries. In his context, miscarriages of justice include both the conviction of the innocent and the failure to apprehend and successfully prosecute the guilty. Adequate resourcing can only benefit the public of Ontario in the long term.

I am grateful to have had this opportunity to make recommendations for the improvement of the administration of criminal justice in Ontario. If this Report results in one less innocent person being charged, or prosecuted or convicted, it will have been worth the effort.