

David milgaard



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The potential of an innocent person wrongfully being arrested, convicted, and punished has always been a risk and a fear on our justice system. As the justice system is handled by humans, it is bound to make mistakes and such errors can lead to circumstances in which an innocent is found guilty; this is called a miscarriage of justice. Miscarriage of justice means the failure of a judicial system or court in the administration of justice, especially when an innocent is convicted in a crime.

An example would be the wrongful conviction of David Milgaard involving the rape and murder of Gail Miller back in 1969. The Canadian justice system failed tremendously wasted millions of dollars and lost the public confidence of the system. More importantly, this even took away two decades of one man's life. The factors of social perception of deviance, the influence of the media, and the misconception of investigating police and prosecution played a substantial role in the resulting miscarriage of justice.

The Canadian justice system did indeed fail David Milgaard because there was not enough valid evidence to hold him as guilty in the time since his conviction. Media of all types were a part of this miscarriage of justice as there was misinformation and facts that was being spread around about David Milgaard. There is no valid reason why media sources had to target Milgaard in the eye of the nation and say false information to the rest of the country. All the media was doing was putting fear into the heads of people who lived in Saskatoon.

Even the police were pressured knowing that the public wanted a killer to go in to jail. The police already thought it was Milgaard, who was the one that did the raping and killing of Miller but in May of 1969, Saskatoon police were

getting desperate to find Miller's murderer. It had already been four months since the time that she was murdered and since Milgaard had a bad history, it seemed perfect to police to look at him as the suspect. At the time when Miller was murdered, there were a number of other women who were raped throughout Saskatoon.

In a coincidence, one of Miller's neighbours had been sexually assaulted right after Milgaard was arrested there were newspapers that mentioned Miller's murderer was possibly responsible for up to 3 other rapes in that community that could potentially been Larry Fisher. This was just one way that the media picked on Milgaard, and the fact that the media wanted to push some fear into the community. In the community that Gail was living in, there were posters that were posted publicly. All the posters would have a picture of Miller and just above that it would say " MURDERER".

It was just a matter of time where everything and everyone seemed to be pointing to one person, David Milgaard. Everything started to go downhill once Milgaard was arrested. The media was the main force behind this case. The media know the in and outs of finding unique events and they try to make it like it is an everyday occurrence. The media was feeding on the fact that the community that Miller was murdered in was a quiet community. There were no crimes of this size that was made in that particular community until the day Miller was murdered.

Because of this the media made it look like Milgaard a serial rapist. Since all the pressure was on Milgaard, both the community and everyone else in the country wanted him to be locked up in jail. At the time of Milgaard's arrest, he was only 16 years-old, but at the time of the trial, Milgaard was 17 years-

old. Milgaard was tried as an adult. Since Milgaard was tried as an adult, this helped by comforting people's concerns. In Milgaard's conviction, the Canadian media and society's image of deviance played a major role.

The professional and institutional misconduct was also held responsible for the major injustice that has fell upon Milgaard and his family. There was barely any evidence for police to arrest Milgaard. The main reason why the police arrested Milgaard was because of they thought that they saw characteristics of a crime, so they decided that a crime control approach would be needed. But clearly, there was no characteristic that was shown by Milgaard that proves that he committed a murder in any way.

The Saskatoon police started an investigation into Milgaard's life once Albert Cadrain (a friend of Milgaard's, who mentioned that Milgaard was the one who committed the murder). The police wanted to find out if there was any motive as to why Miller may have been killed by Milgaard. The police were unsuccessful on realizing Cadrain's claim. The police did recover illustration of truthful facts. Since police had a fixed mind so they decided to neglect the truth. In the present circumstances police figured Milgaard was a clear suspect.

Milgaard was a teenager whose appearance looks like a hippie and he was involved in drugs with his friends. According to Melvyn Green, Milgaard was in the "eye" of public and police. The police decided to neglect the truth. Police had single vision and they ignored to expand on the investigation and follow the facts which they found. So rather than investigating and discovering the true offender who has committed the act, the Saskatoon police singled Milgaard as prime suspect of the murder of Gail Miller After the

trial, Milgaard was then put to life in prison for a crime that both he and his family did not do.

The Crown attorney did prosecute a case whose goal was totally wrong. During his time in jail, there were multiple times where Milgaard tried to get a new trial, but was rejected. While in jail, Milgaard's mother tried to reopen the case multiple times; it took roughly twelve years for her efforts to pay off. During those 12 years, the case eventually opened and Milgaard was then released from prison after the courts concluded that he was wrongfully convicted. Furthermore, his mother spent some of the 12 years trying to clean Milgaard's name. By doing so, his record was cleared.

David Milgaard was broken down by the Canadian justice system during the time of his conviction due to lack of accurate evidence claiming that he was guilty. After David Milgaard had gotten out of jail, he had lost 23 years of his life. This tragedy could have been prevented if this case was more thoroughly investigated. This is just one of the few cases that prove to show that the Canadian criminal justice system is not perfect. The public's opinion of Milgaard was heavily swayed by the media, which had a direct impact on his prison sentence.

His bad behavior in high school also made him an easy target. These factors had a profound effect on the jury's position and the witness testimony. In the prosecution of the case, the trial ended in a guilty verdict due to the misconceptions that the Canadian criminal justice system created around the case. There were three main issues behind the wrongful conviction of David Milgaard, each and every one of these played their own role in the ruling.

Work Cited

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