

Joseph Dean Webber Awarded \$392,500 For 19 Months Of Wrongful Imprisonment

Joseph Dean Webber has been awarded \$392,500* as compensation for more than 19 months of wrongful imprisonment in Ontario, Canada.

In November 2006 two armed masked men invaded an occupied home in Bayham, which is near Lake Erie in southwestern Ontario, Canada. After [finding more than](#) \$2,500 that was in the house, one of the masked men forced the husband, Duane Hicks, to drive to a bank where he withdrew \$4,500 in cash and they then went to an ATM where Hicks withdrew \$600. After they returned to the house Hicks, his wife, son and his son's friend were tied up before the robbers left with almost \$8,000. Webber, 26, lived in Bayham with his wife and 6-year-old son. Hicks told police that he looked into the eyes of one of the robbers and they were the eyes of Webber, who he knew through a mutual friend and in 2004 Webber had helped pour concrete at his house. Webber was arrested and charged with armed robbery, forcible confinement and extortion. The second robber wasn't identified.

Webber was jailed until his four-day trial began in late October 2007. There was no physical or forensic evidence tying him to the crime, and the State's key evidence was Hicks' in-court identification of him. Hicks testified he was positive Hicks was one of the robbers. Webber's defense was he had been misidentified. He waived a jury trial and after considering the evidence the judge convicted him on [December 7 by stating](#): "I'm satisfied that Joseph Dean Webber was one of the two armed men. I find him guilty on all charges." Webber was sentenced on February 8, 2008 to 7-1/2 years in prison with credit for the 15 months he had been in custody.

Four months after Webber's sentencing Justin Parry [confessed to](#) authorities in June 2008 that he had committed the robbery Webber had been convicted of. Parry had an extensive criminal record that included bank robbery, drug thefts and convictions for 25 home invasions throughout southwestern Ontario. Parry's confession was credible not just because of his criminal history but because it contained specific details about the Bayham home invasion that had not been released to the public. Parry was only a year younger than Webber

and they were similar in size and build. Apparently their eyes were also similar.

Based on the new evidence Webber filed for a new trial. After a hearing during which Parry repeated his confession in court, Webber was released on bail on June 28, 2008 pending the outcome of his appeal.

After Webber's release Parry's accomplice, Mansa Adisa Fraser, admitted he was the second robber. While Webber's appeal was pending Parry and Fraser [pled guilty](#) to the robbery Webber was convicted of committing.

The Ontario Court of Appeals held a hearing on January 6, 2010 concerning Webber's appeal. The next day the appeals court issued a two sentence ruling in [R. v. Webber](#), 2010 ONCA 4, that simply stated:

"The Crown acknowledges that the fresh evidence overwhelmingly shows the appellant did not commit these crimes. The fresh evidence is admitted, the convictions are set aside and acquittals are entered."

Webber then filed a claim for compensation with Ontario's government for his 594 days of wrongful incarceration. On December 21 it was announced that Webber's [claim was settled](#) for \$392,500* -- which amounted to \$660 for every day he was incarcerated, plus his legal expenses. Ontario's Attorney General John Gerretsen said in [a written statement](#):

"The Court of Appeal extended its apologies to Mr. Webber and today, on behalf of the Government of Ontario, I'd like to offer my sincere apologies to Mr. Webber for the miscarriage of justice that occurred. It is my hope that Mr. Webber and his family will now be able to move forward and put these events behind them. We wish Mr. Webber well in his future endeavours."

* On December 21, 2011 the exchange rate was CAN\$1.0286 to the US\$, so Webber's award of CAN\$392,500 was the equivalent of US\$381,586.62.

Sources:

[R. v. Webber](#), 2010 ONCA 4

[A poster boy for justice gone awry](#), *The Globe and Mail* (Toronto, CAN), Feb 17, 2010

[Webber free after being wrongfully accused](#), *St Thomas Times-Journal*, January 8, 2011

[McGuinty Government Compensates](#) Joseph Dean Webber, Press Release, Government of Ontario, December 21, 2011

[Wrongly convicted man awarded \\$392,000](#) 'blessing' by Ontario in armed robbery sentence, *The Star* (Toronto, CAN), December 21, 2011

[Joe Webber Acquittal Case Update](#), *Aylmer News*, February 3, 2010

Innocents Database Now Lists 3,640 Cases

The [Innocents Database](#) linked to from Justice Denied's website is the world largest database of wrongly convicted people. It now lists 3,640 cases. All the cases are supported by sources for research. Those sources include court decisions, newspaper and magazine articles, and books. [The Innocents Database](#) includes:

- 573 innocent people were sentenced to death.
- 726 innocent people were sentenced to life in prison.
- 1,483 innocent people convicted of murder were imprisoned an average of 9-1/3 years before their exoneration.
- 524 innocent people convicted of rape or sexual assault were imprisoned an average of 10 years before their exoneration.
- 504 innocent people were exonerated after a false confession by him or herself or a co-defendant (246 of these people were convicted in the U.S. and 247 in other countries.)
- 200 innocent people were convicted of a crime that never occurred.
- 161 innocent people were posthumously exonerated by a court or a pardon.
- 59 innocent people were convicted of a crime when they were in another city, state or country from where the crime occurred.
- 1,027 innocent people had 1 or more co-defendants. The most innocent co-defendants in any one case was 28, and nine cases had 12 or more co-defendants.
- 12% of wrongly convicted persons are women.
- The average for all exonerated persons is 7-1/2 years imprisonment before their exoneration.
- 31 is the average age of a wrongly convicted person.
- Innocent people convicted in 102 countries are in the database.

[Click here to go to the Innocents Database.](#)

Zieva Konvisser deserves special recognition and thanks for going through all the cases of women convicted in the U.S. to make them as accurate and up-to-date as possible. Zieva has a special interest in imprisoned innocent women, and her article, "Psychological Consequences of Wrongful Conviction in Women and the Possibility of Positive Change," was published in the *DePaul Journal for Social Justice*, (Spring 2012), 5(2), 221-94. Zieva can be emailed at, zkonvisser@comcast.net.