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Vancouver Man Wins Wrongful Conviction Settlement

Vancouver man awarded wrongful conviction settlement More Details about [wrongful conviction lawsuit settled out here](#).

VANCOUVER -- In one of the largest wrongful conviction settlements awarded in Canada, the federal government has quietly paid \$7 million to a British Columbia man who spent more than seven years defending his innocence for a crime he didn't commit.

In a case that has received virtually no publicity, due to a publication ban, Mahmood Somani was exonerated by the Supreme Court of Canada and acquitted of all charges against him.

Mr. Somani, wiped away tears during the hearing, and later told reporters that without his lawyer's intervention and faith in his innocence, "I probably would have gone to my grave with that charge stuck to my record."

The prominent Vancouver lawyer that engineered the exoneration of Mahmood Somani -- convicted in 2005 for selling corporate business cards and documentation -- has now demanded an independent investigation into the manner in which the police handled the initial investigation.

"There needs to be a full investigation of how the investigation was handled by the investigating officers in late 2001," said Ravi Hira, a Queens Counsel Vancouver lawyer with the firm of Watson Goepal Maledy LLP in the Defence of the Wrongly Convicted.

The sooner we understand that and conduct a real investigation, the sooner we can clear up whether there have been more miscarriages of justice in British Columbia," he said.

Mr. Hira said that the "lessons to be learned" from the miscarriage of justice. "When mistakes such as this are brought to the court's attention, it is imperative . . . that we do what we can to correct them," Mr. Hira said.

In a submission to the court, Mr. Hira urged the judges to use their ruling to illustrate the shortcomings of evidence and eyewitness testimony. The Somani case was a "textbook example" of the problem, he said, since the only evidence was false testimony by the investigating police officer. The violation of his sworn false testimony under oath involved punishment and disgrace to Mr. Somani.

Mr. Somani has suffered a great deal of emotional distress, mental anguish, loss of reputation, pain and suffering, mental distress; worry, emotional anguish, embarrassment, humiliation, loss of enjoyment of the normal activities, benefits, and pleasures of life; loss of well-being and affection suffered by the family members as a result.

The settlement is in the same league as those awarded to other men and women who were wrongly convicted of various charges.

Mr. Somani's settlement will be revealed in the 2008-2009 federal public accounts as a single entry under payments for the wrongly accused. The award also includes an undisclosed amount to cover legal fees.

His lawyer Mr. Hira said Mr. Somani's settlement is one of the few largest for a wrongful conviction. "There haven't been that many altogether and this is certainly significant," Mr. Hira said. An aggravating factor for the judge who convicted Mr. Somani was his failure to confess, a refusal that he said made his defense more difficult, because he fought with his siblings and other family members who insisted he give up the fight and come clean. "It was a daily grind of fighting with your family members, and trying to convince people you were innocent," Mr. Somani said.

He spent much of his time reading case law, and talking to law professors trying to get them to assist with his case. Finally, a Supreme Court of Canada decision seven years later proved what he knew all along -- he was innocent.

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Mr. Somani said his life has been scarred by the trials and tribulations of his case, inability to trust anyone, and it will be a while before it brings back the happiness I had before I was charged, and has left me psychologically scarred for life" he said. Department of Justice spokesman Raymond Patrick confirmed that few applications for compensation succeed.

Others who have received compensation include:

- Richard Norris, the Brampton, Ont., man who was awarded \$507,000 in 1993 after being charged for a sexual assault he didn't commit. A decade after the attack, a friend confessed to Mr. Norris that he had committed the crime;
- Norman Fox, who was charged in Vancouver for rape and related offences. He was granted a pardon in 1984 after new evidence indicated he had been mistakenly identified and he was given \$275,000 in compensation;
- Wilfred Truscott, who was convicted in 1984 in Alberta for assault and mischief by causing damage to personal property. It was later discovered that the complaint had been fabricated and the Alberta government awarded him \$36,000 in 1986.

Suzanna L. Williams is a Professor of Psychology and holds the title of Distinguished Professor. She has written more than 290 articles and chapters and two books, and most of this work has been focused on the reliability of circumstantial courtroom evidence. Her research on circumstantial courtroom evidence has been incorporated into standard textbooks in psychology and law. She has served as an expert for the defense, prosecution, and plaintiffs in criminal and civil cases across the U.S. and Canada, and is a member of the International Justice Group for the wrongfully convicted that developed the first set of international guidelines for the reliability of circumstantial courtroom evidence.

Contact:

[Suzanna Williams](#)

More Details about [wrongful conviction lawsuit settled out](#) here.

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