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**CRITICAL CHAMPIONS OR CARELESS CONDEMNERS? EXPLORING
NEWS MEDIA CONSTRUCTIONS IN CASES OF WRONGFUL
CONVICTION**

by

Katy Rozad

B.A. (Honours), Wilfrid Laurier University, 2013

THESIS

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in partial fulfilment of the requirements for
Master of Arts in Criminology

Wilfrid Laurier University

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Abstract

Countless incidences occur throughout the world each and every day. However, only a few of these occurrences are deemed newsworthy by the media. One area of information quite often categorized as “newsworthy” is that surrounding crime. Within crime-related news coverage are occasionally cases of wrongful conviction – miscarriages of justice in which the innocent are labeled “guilty” and wrongly punished. Despite decades of research in both the areas of crime and media, as well as wrongful conviction studies, no research to date has examined the way that cases of wrongful conviction are constructed in the media from the beginnings of a case to the end. Thus, this SSHRC-funded research project aimed to uncover these constructions through qualitatively analyzing 1,495 newspaper articles related to three cases of wrongful conviction in Canada: Guy Paul Morin, Robert Baltovich and James Driskell. Through analyzing these cases from the time that the victim went missing to the eventual acquittal of the wrongly convicted, the employment of a social constructionist perspective yielded many interesting findings. The findings centered on investigating the media as a claimsmaker with the goal of entertaining to make a profit. Resulting from this capitalistic goal, the constructions of victims, villains and heroes in the cases relied on the just-world assumption – a culturally accessible narrative. The grounding of these stories in a just-world belief was demonstrably a way to make sense and simplicity out of these convoluted and complex cases of wrongful conviction.

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Chapter One – Introduction

Despite decades of concern around miscarriages of justice and the focus on their reduction, the wrongful conviction and imprisonment of innocent individuals continues to transpire (Martin 2002). In Canada, the Association in Defence of the Wrongly Convicted (AIDWYC) secured the acquittal of a man, John Snow, as recently as this June on the basis of a decades old manslaughter conviction (2015). The association continues to provide an in-depth look into questionable cases and are currently undertaking legal efforts in thirteen cases which they have deemed miscarriages of justice, with another 82 under review (AIDWYC 2015). Evidently, despite the passage of 80 years since the first academic acknowledgement of wrongful conviction (Borchard 1932), justice is still very clearly being miscarried. In alignment with the continued occurrence, Gould and Leo (2010) identify the importance of research on wrongful conviction as it has actively aided in such cases through highlighting the innocence of individuals. Additionally, this body of research has worked to establish governmental reform in the hopes of lessening the occurrence of this failure of the justice system. However, at this point in time, wrongful conviction research has been said to have reached an “intellectual dead end.” Leo (2005) suggests that this dead end exists because there has been “typically one big-picture book or major article published every decade or so on the subject of miscarriages of justice, often following the same general format and repeating many of the same arguments” (p.203). As a result, it is necessary for the field to embrace new research questions and methods to fully investigate and understand the many causes of wrongful conviction (Leo 2005).

This research attempts to revive this “dead end” by focusing on the media’s involvement in cases of wrongful conviction. The media is known to focus on stories of crime to a great extent, in addition to possessing a strong influence on its viewers (Stratton 2013). Thus, it is

unquestionably necessary that a content analysis of news media be included in wrongful conviction research and literature. As a result, the present study seeks to examine news reports publicized about three Canadian cases of wrongful conviction from the time that the victim went missing, to the eventual acquittal/exoneration/public inquiry that later occurred. Using a social constructionist theoretical approach, the construction of victims, villains, and criminal justice actors will be thoroughly analyzed through the progression of each of the cases.

Given that wrongful conviction literature states that these cases are not the result of single errors by sole individuals (Denov & Campbell 2005), the proposed research project adds another dimension to consider in the field of wrongful conviction. The sheer importance of studying media materials is stated by Nobles and Schiff (2004) in their remark that: “whatever we know about our society, or indeed about the world in which we live, we know through the mass media” (p.224). Acknowledging our current digital age and the ease of access to news materials, the understanding of the portrayals put forth by the media is essential to examine the presentation of these cases in the news media and the culturally acceptable nature of particular narratives as a whole.

To lend understanding to the construction of wrongful convictions and their key players in the media, the thesis will pursue the following structure. The succeeding chapter will outline the previous literature in the area of wrongful conviction, as well as crime and media studies more generally, and will, finally,¹¹ ground the importance of this study in past findings related to pre-trial publicity. The third chapter will discuss the social constructionist epistemological background of the research project as a means of contextualizing the analysis that will accompany the findings in later chapters. Next, the fourth chapter will discuss the methodology that was employed, as well as provide a brief outline of the three cases of wrongful conviction

under examination. Following this, the subsequent four chapters are divided on the basis of four stages of the criminal justice process that were deemed crucial to understanding the changes in the constructions that were put forth. Accordingly, the fifth chapter focuses on the initial constructions of the victim and the accused arising from the pre-trial stage of the cases. In the sixth chapter, the findings from the trial stage of the cases will be analyzed. Here, the number and complexity of the constructions increased, with portrayals of other suspects and police/forensic scientists being added to the mix. Subsequently, in the seventh chapter, the contestation of constructions begins throughout the articles appearing during the appeal stage of the criminal justice process. Next, the eighth chapter analyzes articles arising from news reports discussing the acquittal, exoneration or public inquiry of the three cases. This final findings chapter introduces the concept of the “incidental victim,” a novel victim classification that appears particularly salient to the construction of the original accused in cases of wrongful conviction. Lastly, chapter nine will offer concluding thoughts on the research study including limitations, contributions and recommendations for further research in the area.

As will be demonstrated in journeying through these chapters, the present study will contribute to the body of knowledge in its provision of an understanding of the media’s framing of wrongful conviction cases throughout their lifespan. More deeply, this analysis will provide an additional understanding of the media as a claimsmaker in an environment in which widely accepted cultural narratives become challenged. As Altheide and Schneider (2013) state, “any serious analysis of American life and culture – and increasingly, much of Western culture – must consider media materials” (p.75). As the succeeding chapter will demonstrate, the consideration of media materials was largely missing from the body of wrongful conviction literature, but with

the empirical additions that follow, it is clear that the “intellectual dead end” has begun to be renewed.

Chapter Two: Literature Review

In this chapter I will highlight the research gap that is present in the literature through outlining past research that has been completed in the area. First, I will present a condensed version of the research on the broader topic of wrongful conviction. Following this, I will more specifically look at what research has been completed on the media's role in wrongful conviction. In discussing the research on wrongful conviction, and the media's role in this phenomenon, the necessity of the present study will be defined and illuminated. Finally, I will summarize the literature on the topic of pre-trial publicity as a means of asserting the importance of a qualitative media analysis of news articles related to wrongful conviction.

Wrongful Conviction Literature

Throughout history, there have been a number of documented cases in which the innocent became the convicted (Roberts & Weathered 2009). Research in the area of wrongful convictions has demonstrated that miscarriages of justice are not inescapable errors inherent in the system. Rather, there are a number of significant factors that increase the likelihood of justice being miscarried (Martin 2002). Over the last hundred years, and especially more recently, individuals have worked to uncover and document these factors that are probable causes of wrongful conviction. The widely cited sources include: mistaken eyewitness identification, false confessions, tunnel vision, the use of jailhouse informant or snitch testimony, poor forensic science, police and prosecutorial misconduct, inadequate defense counsel and racial bias (Gould & Leo 2010).

The examination of all potential factors surrounding wrongful conviction is of critical importance given that this issue “raises concerns regarding the fallibility of due process, human rights violations and the limitations of the adversarial approach” (Denov & Campbell 2005,

p.225). Wrongful conviction poses questions regarding the ability of the justice system and its practitioners to actually practice justice (Denov & Campbell 2005). Ideally, following the presentation of the actual truth in these cases, those individuals and procedures involved in convicting the innocent are reviewed as a means of understanding and (hopefully) attempting to rectify the legal implications for future cases (Edmond 2002). On a large scale however, for at least a short period of time, miscarriages of justice present a certain cynicism and apathy in the general public towards the justice system because of the injustices apparent in it (Martin 2002).

Wrongful conviction and its causes are also demonstrably critical research topics because of the harms that are caused. The harms of wrongful conviction extend considerably past the public losing faith in the system of justice. Arguably most harmful is the fact that an innocent individual is subject to imprisonment—a harm which proves detrimental even once their innocence is discovered as a result of stigma and possible psychological trauma resulting from the entire “justice” process. Further, taxpayers are disadvantaged through contributing to the confinement of innocent individuals. One additional, but certainly not final, harm is the notion that the guilty party continues to enjoy freedom while this is taken away from someone uninvolved in the crime (Gould & Leo 2010).

In spite of decades of research surrounding the causes and harms of wrongful conviction, only recently have criminologists and other social scientists entered the discussion. Much of the previous literature in the area was provided by lawyers, journalists and activists (Leo 2005). Leo (2005) notes that much of this research has followed a “familiar plot” in that:

It usually begins with a harrowing, if unlikely, story of an innocent man who was unjustly accused and arrested for a heinous, high-profile crime he almost certainly did not commit...only later to be exonerated—typically as a result of the sustained, at times heroic, efforts of someone or some group outside the criminal justice system—and eventually released from prison, sometimes even death row (p.207).

This “familiar plot” has resulted in what Leo (2005) terms an “intellectual dead end” in wrongful conviction research because of its sheer repetitiveness (p.207). Resulting from the “repetition and replication” that plagues wrongful conviction research (Gould & Leo 2010, p.840), there remains “a number of gaps in our knowledge and problems—methodological, conceptual, and theoretical—in our understanding of miscarriages of justice” (Leo 2005, p. 212.). One gap that has been identified is a lack of research regarding the construction of wrongful conviction and the characters involved in it in the news media sphere. In the following section, the minimal amount of literature that has been produced in this realm will be discussed as a means of illuminating the present study’s ability to fill this obvious gap.

The Media’s Role in Wrongful Conviction

To further illustrate the research gap that the present study intends to fill, it is necessary to first outline the research in the area of wrongful conviction and the media that has been completed. Analyzing the media in the field of criminology is a critical component of this discipline and the research produced from it. Crime is heavily present in the media and past research has shown that the news media possesses a strong role in influencing the views of its audience (Stratton 2013, Surette 2011). In essence, the media act as the “public’s surrogate,” granting seemingly objective access into subjects deemed interesting or important to the populace (Canadian Judicial Council 2007). In cases of wrongful conviction, studies involving media components have identified two opposing roles occupied by the “public’s surrogate” in the justice process. In one role, the media is seen as contributing to the creation of circumstances that are related to wrongful conviction. In the other role, the media has been demonstrated to be advantageous to the innocent through investigating cases that assert doubt and assisting in the establishment of innocence (Gould & Leo 2010, Warden 2002).

As briefly mentioned above, the first role of the media outlined by previous research is one characterized by a largely passive and unquestioning stance in response to doubts surrounding a conviction. In instances where the media's role goes past passivity and is seen as making a more active contribution to wrongful conviction, a connection between crime and public emotionality can often be uncovered as an influence to this type of coverage. When violent crimes occur such as rape, murder and crimes against children, the emotions of the public are intensified and pressure is put on the justice system to apprehend the responsible individual. In the event that these crimes also appear in the media, the pressure for justice practitioners to do something is both powerful and constant. In such instances the media may be viewed as partially responsible in the creation of the conditions for wrongful conviction because this pressure to apprehend an individual may lead to rushed investigations and potentially worsen tunnel vision in investigators (Gould & Leo 2010).

Much of the past research notes that journalism throughout history has largely been unreceptive to claims of innocence by convicted individuals (Warden 2002). Principally, print reports have coincided with the beliefs of police and prosecutors who in such cases are under immense pressure to obtain a conviction. Additionally problematic is the notion that a criminal conviction represents an instance in which the media are ostensibly able to report an "objective truth." In reports of conviction, the media's need to balance the information available to maintain a neutral stance disappears and instead, where no opposing view of events is present, balance is unnecessary and therefore conviction becomes "fact." This "commitment to convictions" makes reports of issues in the criminal justice system difficult to maintain and thus their role in wrongful conviction largely remains one of careless condemnation (Nobles & Schiff 1995). In

other words, the media fail to question doubts surrounding convictions and remain committed to condemning the suspect under the guise of the continued presentation of objectivity.

Only more recently has a “revolution” of sorts been seen as taking place in media coverage of criminal justice processes. Warden (2002) notes that this shift has led to reports in which “the media have cast serious doubt on the fundamental reliability of the criminal justice system” (p.804). These “revolutionary reports” have allowed for the media to play a role in the establishment of innocence of some wrongfully convicted individuals (Gould & Leo 2010). One such example comes from David Protess and Robert Warden, former journalists, who with a group of students, uncovered injustices in a number of Illinois cases. With the assistance of journalists at the *Chicago Tribune*, Protess and Warden were instrumental in the production of an exposé that demonstrated wrongful capital convictions in Illinois. This exposé helped convince the governor at the time to further investigate the problem and issue a moratorium on capital prosecutions until the proper reforms could be implemented. Warden importantly noted:

It wasn't that Americans didn't care that innocent men and women were rotting in prison or on death row, but rather that most people simply couldn't accept the fact that such miscarriages of justice could happen on a large scale. When the public and the legal profession finally did come to recognize the alarming scope of the problem, it turned out that there was a great deal of interest (Gould & Leo 2010, p.858).

When the media puts forth coverage that assists in the demonstration of the innocence of the accused, the public is reminded that the justice system is not infallible and rather is fragile and in need of reform (Stratton 2013).

Overall, the research that has been completed thus far related to wrongful conviction and the media has largely focused on the existence of two roles based on the coverage presented. The media have been demonstrated to both contribute to wrongful convictions and to their reversal (Warden 2002). The present research project adds to this literature through completing an in-

depth, qualitative content-analysis focusing on the construction of the different individuals involved in the wrongful conviction and their media portrayals. Warden's (2002) study was the singular research project found that instituted a content analysis with regards to wrongful conviction and the media. This study differs from the present project because of its sole focus on the media's role in a variety of case studies of wrongful conviction. The present research study instead aims to present a temporal look at the construction of characters within the drama of wrongful conviction news coverage.

The addition of the analysis of the construction of victims and villains in news stories of wrongful conviction is important because the power of media reports to allocate innocence and guilt has been previously acknowledged (Ettema & Glasser 1988). Ettema and Glasser (1988) note that "just as the full reality of innocence must be constructed within and through narrative, so must the full reality of guilt" (p.18). The placement of guilt is done in the media through the use of certain story elements that encourage the assignment of guilt and innocence through the description of events under a particular moral lens (Ettema & Glass 1988). When the media does accept that a miscarriage of justice has occurred, they must reconstruct their previous narratives to assert that the initial allocation of guilt was mistaken and that the individual was not involved in the crime they were accused of committing (Nobles & Schiff 1995). While the construction of innocence and guilt in these stories is undoubtedly important, expanding this gaze to the individuals (suspects, victims, criminal justice system (CJS) officials, etc.) will allow us to see how innocence, guilt, morality, immorality, etc. is constructed temporally and on an individual level. Exploring the construction of victims and villains will allow for an understanding of the ways in which the media creates characters to fulfill either of the two roles that were outlined.

The final section in the literature review will now further illustrate the importance of this study through summarizing a large body of research on the topic of pre-trial publicity.

Pre-Trial Publicity or ‘Trial by Media’

To conclude the literature review, a summary of the body of literature focused on pre-trial publicity seemed most appropriate due to its close relation to the present study. Much research has demonstrated that pre-trial publicity largely hinders the ability of a defendant to have a fair trial (Studebaker et.al. 2000). With the increasing media focus on crime and the law, this interference to a fair trial is more obvious than ever before (Otto, Penrod & Dexter 1994). The ability of pre-trial publicity to affect the fairness of a trial has been acknowledged since the end of the 19th century through the term “trial by newspaper” (Taylor 1966). Greer and McLaughlin (2012) describe a trial by media as “a market-driven form of multi-dimensional, interactive, populist justice in which individuals are exposed, tried, judged and sentenced in the ‘court of public opinion’” (p.397). They note that the dangerousness of a trial by media should not be dismissed because they have been demonstrated to have the ability to lead to formal prosecutions based on little more than scrutiny of suspects in the press (Greer & McLaughlin 2012). This danger largely exists because of the ability of the media to present not only legal, but also extra-legal, information. Whether legal or extra-legal, the information provided to potential jurors about a crime suspect has the potential to create a bias against the defendant prior to the trial even beginning (Robbennolt & Studebaker 2003).

Laboratory research on the effect of pre-trial publicity has demonstrated that when jurors are exposed to high levels of publicity about a case it may impact their memory and decision making. In mock jury trials it was demonstrated that those jurors who were familiar with news stories regarding the case had their decision making affected in some way (Greene & Wade

1988). Considering that Tankard, Middleton and Rimmer (1979) discovered that 67.7% of newspaper articles examined contained statements prohibited by the American Bar Association's guidelines regarding prejudicial pre-trial information about defendants, it is clear that prejudicial information is out there which is concerning based on findings about its influence in cases. The published pre-trial information examined by Tankard, Middleton and Rimmer (1979) was found to most commonly be prejudicial based on its inclusion of information about the defendant's character, their guilt or innocence, evidence available in the case and also statements from witnesses. Other information included that had great potential to prejudice defendants included reports of confessions, disclosure of the individual's prior criminal record and sometimes polygraph test results.

Prejudicial information has been found to affect jurors for a number of reasons. Firstly, information presented in the media may be irrelevant or unreliable and in some cases would likely not be made a part of the trial record. However, because information presented in the media precedes information presented at trial, "facts" are displayed to jurors outside of the courtroom which may influence or interfere with information that is presented later in a more legitimate legal fashion (Kassin & Wrightsman 1988). As a result, in a number of cases where trial by media is present, the defendant is treated as guilty until proven innocent. This public persecution has been demonstrated to be relentless unless the defendant admits their guilt or apologizes. Individuals maintaining their innocence once the news media has made up their mind about their guilt have the potential to become victims of more intense media attacks (Greer & McLaughlin 2012). It becomes unsurprising then that research has demonstrated that such pre-trial publicity exerts a negative influence on the way in which jurors perceive the defendant in a criminal case (Robbennolt & Studebaker 2003).

Through acknowledging the notion that in recent years the media sphere has grown substantially, the importance of analyzing the publicity of criminal cases cannot be overlooked. Mueller (1961) notes that in criminal cases which differ from those deemed routine, the media is nearly always present, especially in cases of murder which tend to be subject to high rates of publicity. Today's mass media environment has led to a situation in which "the right to know is limited by the ability of the individual to gather and absorb information and by the right of other individuals to keep their affairs from public view" (Mueller 1961, p.2). Even with the options that judges have available to attempt to reduce the effects of publicity such as voir dire screening, change of venue and delay of trial, these options have been demonstrated to yield only marginal effectiveness in reducing the biases possessed by jurors conscious of the information presented by the media (Wright & Dente Ross 1997).

In making an argument for the importance of analyzing how wrongly convicted individuals were portrayed throughout their criminal justice system involvement it is clear that such media portrayals have the potential to have devastating effects on criminal trials. Therefore, the importance of this research is obvious through solely examining other research that indicates that negative portrayals of defendants in media greatly influence how potential jurors perceive these individuals in trial. Understanding how these individuals were portrayed in the media throughout their role as a suspect, defendant and later exonerated individual is of the utmost importance to add to this body of literature. In the *Irvin* case the court stated that "influence that lurks in an opinion once formed is so persistent that it unconsciously fights detachment from the mental processes of the average man" (Studebaker et.al. 2000, p.319). Thus, the media's presentation or framing of the accused before, during and following their trials is evidently a critical addition to the broader field of research.

The issues surrounding pre-trial publicity have become even more imperative and salient research topics in recent years. Publicity posed few concerns in the criminal trial of the past when such events generally yielded no more than local interest (Mueller 1961). However, today the interest in mass media has allowed for either national media coverage of crimes or at the very least, pre-trial publicity at the local level that has the ability to negatively influence jurors' opinions and affect their impartiality (Taylor 1966). While the present study will not examine how portrayals of wrongfully convicted individuals affect the opinions of those reading them, it is clear through analyzing research on pretrial publicity that the information published in the news media is important to study. Understanding how the reports may alter at different stages of the justice system and as more information becomes available in the trials of these wrongfully convicted individuals is a way of additionally acknowledging the importance of publicity at all stages of a criminal investigation and trial.

In spite of the vast amount of research examining pre-trial publicity and its effect on juror's decision making, this research has largely ignored or failed to mention cases of wrongful conviction. Therefore, once again it becomes evident that analysis of the media portrayals of wrongfully convicted offenders is first necessary to gain an understanding of how these individuals are represented. Following this, potential further research could connect the understanding of these portrayals with the knowledge of the effects of pretrial publicity specifically for cases of wrongful conviction. In his investigation of the case of wrongly convicted man Steven Truscott, author Julian Sher remarked: "It would have been hard to find anybody in Huron County who hadn't heard the rumours and gossip that had swept the community since the discovery of Lynne's 'ravished body' as the press described it. 'Of course everyone knew about the police case before the trial,' one juror later admitted. 'The police knew

he was guilty. It was so obvious” (2001, p.159). This example alone demonstrates the necessity to first examine newspaper articles and their descriptions surrounding the cases given that it is clear that pre-trial publicity has the potential to have substantial impact in these instances.

Almost 50 years ago, Taylor (1966) acknowledged the harmfulness of publications related to criminal proceedings and yet the role of the media in cases where criminal proceedings result in injustice clearly remains severely understudied. The present research addresses this gap through attempting to analyze how individuals who were wrongfully convicted are portrayed in the media and how this portrayal differs as time passes in the cases. Given that media reports have the potential to obstruct justice in some cases (Taylor 1966) and aid in the establishment of innocence and the successful reintegration of the wrongfully convicted in others (Stratton 2013), this is undoubtedly an important area of scholarly inquiry.

Conclusion

In conclusion, the review of the existing literature has allowed a research gap to be uncovered, as well as the critical nature of the current research to be illuminated. Through analyzing the body of research on wrongful conviction as a whole, the typically cited causes of miscarriages of justice were reported on and the importance of the topic was demonstrated. Additionally, the often repetitive nature of wrongful conviction research allowed a research gap to be determined which was related to the media's role or involvement in these types of cases. In presenting the research that has been completed related to wrongful conviction and the media it was evident that there has been little published in this topic area. The research that has been conducted has largely focused on the notion that the media occupy two roles in cases of wrongful conviction: one that condemns the individual through publishing stories that correspond to those of police and prosecutors, and one that supports the questioning of the conviction and aids in the

eventual establishment of innocence. The exploration of these two media roles also aided in identifying how a research gap was to be filled by the current study. It became evident that previous studies did not allude to the portrayals or constructions of individuals integral to the wrongful conviction stories – the victims and villains. Finally, a succinct introduction to the research on pre-trial publicity further established the importance of the study of media portrayals as the potential effects of media coverage were illuminated. Once again, the present study was demonstrated to satisfy a gap in this literature because of its focus on wrongful convictions specifically, as well as the interest in the chronological differences in the CJS process and the construction of critical characters in the media drama.

Chapter Three – Theoretical Framework

This chapter will explore the theoretical framework of social constructionism that was drawn upon throughout the analysis portion of this project. In order to align with the constructivist grounded theory approach that was also utilized, I did not enter the data analysis with a pre-set theory in mind to test the data against (Charmaz 2006). Rather, using this reflexive approach allowed me to understand the benefit of interpreting the data through a social constructionist lens. In order to understand the applicability of this theoretical framework to the current project this chapter will briefly outline the social constructionist approach, provide a general overview of the media and its coverage of crime, and then borrow from social problems theory to understand the media as a business, whose main goal is not to inform but to entertain, as a means of explaining its adherence to a socially acceptable narrative structure. Wholly, this chapter will outline the literature and theory that discusses the media's ability to construct the world in particular ways to achieve the goal of gaining and maintaining readership.

Social Constructionism

The principal belief of the social constructionist approach is that “the world we live in and our place in it are not simply and evidently ‘there’ for participants. Rather, the participants actively construct the world of everyday life and its constituent elements” (Holstein & Gubrium 2008, p.3). In other words, applying the social constructionist lens implies the understanding that categories or arrangements that appear to exist in the world are not necessarily intrinsic. Rather, such classifications act as simple and accessible ways in which to categorize it. Facts do not exist in themselves but instead are a result of the representations of the world that we adhere to (Hacking 1999). As a result of this viewpoint, the research that employs social constructionism tends to focus on what is being constructed and the process in which the construction occurs.

Social constructionist research is interested in the way that social reality is manufactured (Holstein & Gubrium 2008).

One entity that is notoriously active in the construction of information arising from everyday life is the media. Social construction research has acknowledged this notion and noted that those working in the media sphere are granted the ability to frame, modify and edit the claims that they make (Loseke 2003). As a result of the present project's research questions which inquire about the process of construction, specifically in the news media sphere, the social constructionist lens appeared to easily complement the project. It became clear in analyzing the data that the media constructed the world in a way that allowed them to achieve a specific goal: gaining and maintaining readership. The following discussion will illuminate the importance of acknowledging the media's business model and the ways in which victims and villains are constructed to both entertain and fulfill the desire for the belief in a just-world.

The Media and the Social Construction of Crime

To begin to understand how and why the media constructs particular people in particular ways, it is first necessary to acknowledge the importance of the media's role as a claimsmaker. The constructions put forth by the media are so critical to examine and understand given that the media represents the source of most of the knowledge that the public has about crime and the law (Nobles & Schiff 2004, Surette 2011). So, Loseke (2003) notes that it is therefore evident that constructions or claims purported in the media sphere will influence the audience because it represents the primary source of much of the information about our world. While acknowledging the importance of the media as a source of knowledge for the public, it is also necessary to recognize that claims and constructions presented by the media are often skewed. For instance, research on crime in the media has suggested that a correlation does not exist between official

crime rates and reports of crime in the media. Rather, there is a distorted picture of crime in the news which is grasped by the public, resulting in an understanding of crime that is misleading (Sheley & Ashkins 1981, Sacco 1995).

This picture of crime, and many of the other constructions purported by the media, are distorted because the media have the ability to decide what is deemed news and what is not. In addition, when subject matter is determined to be worthy of news coverage, the media claimsmakers have additional power in constructing the stories in ways that they believe will appeal to the public (Loseke 2003). Thus, any original 'fact' in a story (with the idea of 'facts' themselves being disputable under a social constructionist lens) has been wholly modified from its original version. Stories of crime are often deemed 'news' by the media. Attending to the goal of entertaining and appealing to the public, news about crime and the law is plentiful often solely because of its newsworthiness rather than actual relevance to the law (Nobles & Schiff 2004, Surette 2011). Crime events are viewed as so newsworthy that it is estimated that they represent somewhere between 5-25% of news reports (Sacco 1995). Reports of crime have a way of engaging the public because of the emotionality and drama inherent in the stories and the sheer sensationalism that often accompanies these reports (Stratton 2013). The emotionality and drama inherent in news stories about crime will be further explored later in this chapter. The important point to be made now is that the media decides what constitutes news and how to construct it and that crime is often deemed news because of elements inherent in these stories that are seen to appeal to the public.

Through acknowledging the power of the media to construct the news, in combination with their interest in crime, it then becomes evident that there also exists the capacity in this sphere to decide who or what is problematic or dangerous (Sacco 1995). Much like how the

presentation of crime news in general influences the public's perception of crime, the construction of individuals that takes place in the news media impacts the perception that viewers have on victims, criminals and justice system practitioners (Dowler 2003). Within stories about crime, the news media constantly remind the public who is safe and who is dangerous or who is guilty and who is innocent (Nobles & Schiff 2004). Evidently, as a result of the media's considerable influence on the public's feelings toward criminal events and certain individuals, this is unquestionably a necessary area of examination in all areas of crime and justice research. The ways in which the media chooses to frame or construct certain individuals in cases of wrongful conviction is especially relevant because of the power that the media holds in its portrayal of individuals as guilty or innocent. The present research project contributes to both social constructionist theory and literature given that in these news stories, labels of guilt and innocence are contested due to the nature of the cases. While the media's powers of construction have been illuminated more broadly, a more comprehensive examination of this capacity related to miscarriages of justice is currently missing.

The Business of the Media

In making statements about the media's ability to construct the news, it is also important to further understand the media as a claimmaker and why the news becomes framed in such ways. Much literature has acknowledged that these various constructions take place, and that this occurs on a necessarily simplistic scale so information can be easily translated to a receptive, but entertainment-motivated audience (Nobles & Schiff 2004). To appreciate why these constructions must remain relatively one-dimensional, it is absolutely essential to recognize the state in which publications occur in the media sphere. To understand the media is to acknowledge this sphere as a business.

As a result from the need to be financially successful in this capitalistic society, news organizations require entertaining stories to sell newspapers (Gilliam & Iyengar 2000). According to Pfeiffer, Windzio & Kleimann (2005) the media are subject to certain rules to fulfill this entertainment demand. The news must not only inform the public, but it also must entertain them in order to possess market value. Thus, crime makes up a large proportion of news to fulfill this requirement, despite misperceptions and prejudicial accounts that often accompany such news (Gilliam & Iyengar 2000). Gilliam and Iyengar (2000) remark that news reports about crime retain market value because of several factors inherent in such stories. Such factors include: “concrete events with a powerful impact on ordinary people, drama and emotion and above all, attention-getting visuals” (p.560). The factors that are required for news to be marketable leads to a “standard script” in news coverage of crime in which two elements are typically present. The first is that the crime reported on is violent and the second is the presence of a suspect (Gilliam & Iyengar 2000).

Evidently, the cases of wrongful conviction to be examined possess both elements of this marketable standard script: a violent crime of murder and a suspect, albeit a faulty one. However, before the construction of the crime and the individuals involved can be analyzed through this theoretical perspective, it is necessary to expand the understanding of the media’s entertainment focus. This section has allowed for the recognition that the media sphere is one that retains the goals of a business, and entertainment has been deemed the way to achieve such goals. Consequently, further examining what is constructed as entertainment, rather than simply accepting that crime stories enjoy this categorization, is necessary.

News Media as Entertainment, Crime as Entertaining

As the previous section indicated, the media as a claimsmaker in news stories must be understood as being fixated on corporate goals, or in other words the constant acquisition of readers and thus, monetary earnings. Publicizing news stories that are able to entertain readers is demonstrably one way to achieve this marketability (Gilliam & Iyengar 2000, Nobles & Schiff 2004). Also previously acknowledged was the media's ability to decide what is defined as news and what is not (Stratton 2013). Additional literature notes that as a result of the number of events that occur in day to day life, journalists have to engage in the selection of each day's news content. However, this selection must coincide with the rules of the media sphere which means attending to commercial viability, and therefore often corresponds with "official and unofficial values, norms and beliefs" (Williams & Dickinson 1993, p.33). Resulting from the rules of the media sphere, and the mass amounts of information present to select from, Milburn & McGrail (1992) state that "television news has shifted away from an emphasis on public discourse and toward one on entertainment" (p.614). Arguably, due to the decline in the popularity of print journalism, newspapers have taken the entertainment route towards gaining and maintaining readership as well.

So, once again, crime news represents such a large proportion of all news because these stories have that entertainment value in their emphasis on personal stories and vibrant imagery (Gilliam & Iyengar 2000, Barak 1994). The inner workings of the media sphere, in combination with major news sources such as law enforcement, have together created a "problem generating machine," that participates in the selection of stories which appear to both inform the public about their 'actual' surroundings, while also entertaining them. This subsequently "generates entertainment-oriented profits" (Altheide & Schneider 2013). This "problem generating

machine” that results makes stories of sex and violence rampant, and victims of such horrible crimes appear to be everywhere (Altheide 1997). Altheide (1997) characterizes the entertainment-focus of the news media as the “postjournalism era.” An important theme within this era is fear.

The “problem generating machine,” outputting both fear and entertainment, is problematic for a number of reasons. First, the overwhelming issue with the focus on the entertainment value of crime news is the power of the media to inform the public. This power to inform is often abused as the uncertainties that accompany criminal investigations and trials are published in the news as fact (Greer & McLaughlin 2012). Secondly, as Schudson (1982) acknowledged decades ago,

News in a newspaper or on television has a relationship to the ‘real world’ not only in content but in form; that is, in the way the world is incorporated into unquestioned and unnoticed conventions of narration and then transfigured, no longer a subject for discussion but a premise of any conversation at all (p.98).

The transfiguration of the “news” coming from the “problem generating machine” undoubtedly contributes to the ability to construct particular portrayals of individuals involved in crime and influence the mass audiences that consume it. The focus on entertainment additionally aids in impeding the ability of the audience to truly understand the issues being reported on and enact real social change (Altheide 1997).

The entertainment focus of the “problem generating machine” is critical to understanding the content that is publicized in the news media sphere. The parameters surrounding the selection of the content is therefore also necessary to study in order to recognize why certain constructions exist then in these publications as well. Altheide (1997) remarks that during the production of news, “formats” are used as a way to select, organize and present information which then has the ability to “shape audience assumptions and preferences for certain kinds of information” (p.651).

In addition to formats, frames are also used in the media's selection and presentation of newsworthy stories. Frames are described as "the focus, a parameter or boundary, for discussing a particular event. Frames focus on what will be discussed, how it will be discussed, and above all, how it will not be discussed" (Altheide 1997, p.651). The format of the news can be described as entertainment. The frame then is quite often the problem frame, which is appropriate given that it arises from the "problem generating machine" (Altheide 1997). The problem frame is described as being "built on a narrative structure that adds story-like coherence, with a beginning, middle and end, the problem frame is both universal and specific, abstract and real" (Altheide 1997, p.654). Importantly, the problem frame fulfills the state of news as a commodity because the reports about fear put forth within this frame makes the news appear more interesting while continuing to publicize stories that are real and rational (Altheide 1997).

Within the "realness" of these news stories however is also simplicity that is not necessarily inherent in the "problems" being written about. Rather, fear is "produced and packaged" in this way to appeal to the audience (Altheide 1997, p.655). According to Altheide (1997), the one-dimensional problem frame is attractive to both journalists and readers because,

The interaction and shared meanings of newswriters who follow the entertainment format and audience members who 'experience' the world through these mass media lenses, promotes 'sufficient communication' to achieve the news organization's goals of grabbing the audience while also enabling the audience members to be 'informed' enough to exchange views with peers (p. 658).

Inherent in this entertainment format and the process of "informing" the audience about what is to be feared in society, is also constructions of who should be feared. Here, the construction of ideal villains and heroic crime fighters that will solve such problems begin to be identified (Altheide 1997). While more about the content of the problem frame will be revealed later in this chapter, it is clear that this is problematic. The audience of news is entertained, but also believe

that they are being informed. The media appeals to this entertainment need and in turn constructs stories in such a way that allows for their continued monetary success. Milburn and McGrail (1992) regrettably note that as long as news providers continue to “place ratings before responsibility to the health and growth of society, then drama will continue to dominate the news.” This is such a simple prediction because “sensationalism is not only easier to portray than complexity, it is easier to sell” (Milburn & McGrail 1992, p.629). All in all, Loseke (2003) concisely remarks that the news coverage that depicts innocent victims plagued by trauma that results from reprehensible, evil villains make for good stories.

Appealing to Pre-Established Cultural Themes & Employing Accessible Narratives

As has been demonstrated in looking at the motives of the media pertaining to the claims that they make, it is clear that the production of news is a business in support of capitalism. Resulting from this, the news also works to maintain such structural relations between classes in society through their publications which aid in the continuance of certain privileges and prejudices (Barak 1988). The media’s active maintenance of structural differences in society ascribes them the status of “withholding or censoring systems engaged in value-laden and interest-specific concerns” (Barak 1988, p.573). Regarding news stories about crime more specifically then, these “unusual or unexpected events” are routinely chosen for publication, however, they are framed or constructed in ways that abide by pre-established cultural themes and explanations of crime (Surette 2011, p.17). To fit with the entertainment desires of the public, these complex stories must be made accessible and this is done through fitting them into a recognizable societal mould.

As previously mentioned, the amount of news stories on any given day is so plentiful and so a selection competition takes place around what is chosen for publication. Surette (2011)

notes that the “media play their most powerful role when acting as a social construction competition arena” (p.33). Important elements of stories that have an increased chance of selection reinforce what was mentioned above. These elements are found in stories that are dramatic, supported by the powerful in society, and align with pre-established cultural themes (Surette 2011). One frame that easily supports the necessity for entertainment and content that corresponds to pre-established cultural themes is the melodrama. News often utilizes the melodrama, which is described as “a dramatic form that relies on emotional arousal and simplification of characters and plot” (Milburn & McGrail 1992, p.617). The simplification of characters and plot is where the use of cultural themes or myths is drawn upon. The use of these pre-established cultural myths in a dramatic fashion allows the media to both gain and maintain a large, diverse audience because it is seen as accessible and acceptable to many members of society (Milburn & McGrail 1992). One pre-established cultural myth often drawn upon by the media purports that binary moral positions exist. In other words, they quite easily provide a single option to the readers which is the condemnation of an evil villain and the praising of a morally upstanding hero. The protagonists and antagonists in the melodrama are one-dimensional, very clearly falling on the side of either good or evil, thus fulfilling the essential simplistic characteristic of publications to achieve commercial viability (Milburn & McGrail 1992).

The melodramatic frame is demonstrably important for reasons other than its simplicity and cultural accessibility. The melodrama present in news stories also uses emotionality to gain the interest of the reader. Due to the pre-established cultural narratives employed by the melodrama, the emotionality that appears in these stories appeals to emotionology. Emotionology can then be defined as “collective emotional standards of a society” and these

standards are typically “dominated by the values of certain key groups in society” (Adorjan 2011, p.171). Social constructionists recognize that emotion stems from culture rather than from physiological feelings. The very existence of “collective emotional standards” is possible because emotions can be seen as “social products” that arise from cultural beliefs and the language used to describe them (Loseke & Kusenbach 2008, p.513). Emotionology also dictates when particular people deserve particular feelings extended towards them, which is typically related to their position on the moral hierarchy (Loseke & Kusenbach 2008). The very presence of emotionology in news stories allows for the media publications to continue to be widely applicable by appealing to cultural values and myths.

The melodramatic framework and its application of emotionology leads readers to take on the role of “untiring moral monitors, who continually render verdicts about the rightness or wrongness of a character’s actions” (Raney 2002, p.310). The audience consistently determines the likeability of the characters in the melodrama based on their perceived moral standing (Raney 2002). The likable characters, those deemed moral, are viewed as deserving good things. The unlikeable characters, those deemed morally corrupt, are oppositely viewed as deserving punishment (Raney 2002). One further way that characters are developed in the melodrama that correspond to these one-dimensional moral positions is through the use of narratives.

Narratives are described as “less encompassing, pre-established mini-social constructions found throughout crime and justice media” (Surette 2011, p.41). In other words, through using particular narratives in news stories, the media can guarantee that they are publicizing in a way that is easily recognizable to the readers. Surette (2011) gives the example of the “innately evil predatory criminal” as a popular criminal narrative that exists in the news media. Coinciding with the goal of the melodrama to present stories in a simplistic manner, criminal justice

narratives are able to “provide ready-made story lines to apply to current crime and justice events and thereby give a sense of predictability and understanding to even the most senseless crimes” (Surette 2011, p.41). The news media is able to abide by socially accepted notions of crime and justice, criminals and victims, through explaining complex occurrences in this one-dimensional manner.

The first criminal justice narrative often utilized by the media is that of the victim. Altheide et.al. (2001) notes that innocence and helplessness are often characteristic of the victim narrative. However, much research on the construction of victims also notes that these feelings toward a victim are dependent on assessments these individuals undergo at the hands of the audience. In order to be characterized as a victim, the individual must be characterized as deserving of sympathy (Loseke 2003). Depending on the blameworthiness of the circumstances surrounding the victimization, the audience can deem the victim either deserving or undeserving of their plight (Altheide et.al. 2001). Blameworthiness is often determined based on things like the victim’s placement on the moral hierarchy, meaning those individuals belonging to a “higher” moral category are seen as less deserving of their victimization (Loseke 2003). The assessment of blameworthiness of victims that occurs is demonstrably a way that the media is able to “ease wholesale societal fears” (Altheide et.al. 2001, p.317). In this way, victim construction in the media is important to maintaining a just-world belief. This is essentially a belief that things, such as crime, happen to individuals because of things they have done, or positions that they hold such as their moral status. As a result, certain types of victims evoke different emotions in the reader. The victim hierarchy is able to continue the fulfillment of the goals of the media because an emotional connection is created between the audience and the story. Additionally, the act of placing these individuals on this hierarchy based on their moral

status appeals to pre-established cultural divisions, thereby making it an accessible narrative (Altheide 2001).

The complementary crime and justice narrative to the victim is of course that of the criminal. The criminal represents the other side of the binary moral divide. As previously mentioned, one of the most popular criminal narratives found in the media is that of the evil predatory criminal (Surette 2011). The construction of criminals as evil and predatory serves a multitude of purposes. First, the evil predatory criminal evokes fear in the reader, thus making the story an entertaining one to follow. More importantly however, constructing criminals as violent and evil is described as a “socially palatable explanation of crime” (Surette 2011, p.55). The reason for this being that it others the individual, making it clear that they are not like the rest of us. Also, this infers an individual explanation of crime, rendering social factors unimportant. Instead, this narrative commands that crime is a result of individual faults, unrelated to social, political or economic hardships (Surette 2011). Once again, the presentation of criminals in this way, with crime being caused by individual deficiencies, represents an accessible narrative that also suits the melodramatic format.

Conclusion

Through outlining the social constructionist approach to research, followed by the business and entertainment goals of the media, a broader understanding of the media as a claimsmaker has been gained. It has been made evident that the news media employs frames and narratives with melodramatic intentions and pre-established cultural themes as a means of providing the public an accessible narrative that they recognize and continue to seek as an explanation of crime and justice events. Hall et.al. (2009) reinforce the importance of mediums like the media enabling these simplistic constructions of complex events like crime and justice.

They remark that the media defining what has taken place in a way that fits with pre-established cultural themes allows for complex events, those that seem to defy consensus, to re-establish order and routine. The squeezing of complex events into a pre-established cultural theme is much like fitting a square peg into a round hole, a metaphor that nicely summarizes the media's construction process.

As MacDougall (1978) states, "at any given moment billions of simultaneous events occur throughout the world...all of these occurrences are potentially news. They do not become so until some purveyor of news gives an account of them. The news, in other words, is the account of the event, not something intrinsic in the event itself" (p.53-60). As was demonstrated, the publications that exist in the news media are not fundamentally newsworthy in and of themselves. Looking at the media's background as a business attempting to sell a commodity demonstrates that publicizing is a process focused on selecting and shaping complicated events into simplistic and accessible narratives. Narratives which are seen as able to appeal to a number of socially constructed categories related to crime, criminals and victims (Hall et.al. 2009).

Chapter Four – Methodology

In this chapter I will outline the methodology utilized throughout this research study. I will begin by presenting the research questions that guided the study, followed by a brief description of the theoretical approach that was initially used to analyze the data. I will then discuss the sample that was chosen and how the data gathering process was undertaken. Finally, a brief outline of the three cases chosen for study will be supplied as a means of defining the context which relate to the findings.

Research Questions

Given the grounded theory approach undertaken by the research project, the guiding research question is: how are the wrongly convicted portrayed in the Canadian news media? As was discovered during the analysis, the portrayal of the wrongfully convicted changes as the individual goes from being suspected to arrested to convicted to acquitted. Given this, it was important for this project to examine any transformations in their media portrayals as developments occurred in the case. Thus, more specifically, the project sought to examine:

1. How the wrongly convicted are initially portrayed by the news media.
2. How their portrayal evolves as more information becomes available, as their status in the criminal justice process changes (i.e. as the wrongly convicted individual goes from being arrested to charged to convicted to being an appellant).
3. How media portrayals alter when knowledge of the wrongly accused's innocence become widely known.

Throughout the coding process, additional research questions emerged. As a result of this research project's social constructionist approach, it became obvious that delving into the

construction of the individuals involved in these cases was of critical importance. The research questions created to address these constructions included:

1. How are stereotypes and stock narratives employed by the media to construct victims, villains and heroes in the news stories?
2. How are these constructions of victims, villains and heroes altered or reconstructed as the criminal justice process progresses?
3. How are guilt/innocence and morality/immorality constructed through the use of these stereotypes and stock narratives?

Constructivist Grounded Theory Approach

The initial theoretical approach that was determined to be the most appropriate for answering the research questions outlined was a constructivist grounded theory approach. Constructivist grounded theory approaches data analysis with no pre-set theory in mind but rather looks for the theory to arise from the data (Charmaz 2006). Given the qualitative nature of the study, it was important for the news articles to tell the story of what was happening, rather than approaching them with a rigid theoretical stance. The constructivist grounded theory approach also allowed for reflexivity, or the consistent revisitation of the data, in order to fully understand the meaning inherent within it.

Sample & Data Gathering

Next, to answer the research questions previously outlined, I collected, coded, and analyzed 1,495 newspaper articles related to three Canadian cases of wrongful conviction: Guy Paul Morin, Robert Baltovich and James Driskell. Of the 1,495 articles found, 1,100 were related to the Guy Paul Morin case, 248 to the Robert Baltovich case, and 147 to the James Driskell case.

The articles were collected from *The Globe and Mail*, *The National Post*, *The Toronto Star*, *The Toronto Sun* and *The Winnipeg Free Press*. A total of 633 of the articles came from *The Globe and Mail*, 60 from the *The National Post*, 701 from the *The Toronto Star*, 2 from the *The Toronto Sun*, and 114 from *The Winnipeg Free Press*. Additional research was done to learn where each case occurred and the smaller regional newspapers that corresponded to that area. No additional articles from these sources were found. This may be due to a number of factors such as poor online archiving or the possibility that the smaller newspapers may have not reported on the cases at all.

Articles ranging in time from the victim going missing to when the wrongfully convicted individual began being suspected or accused of the crime, throughout their trial, while they were incarcerated and then when their innocence became widely known were collected and analyzed. Prior to data collection, a timeline of critical dates pertaining to each case was created for each individual which included crucial occurrences in the life course of the case such as: the death of the victim, the arrest of the suspect, charges being laid, the accused's conviction, the appeal process, and finally, the acquittal or exoneration of the wrongfully convicted. During the sample collection phase, articles were classified according to this timeline as a means of understanding the context surrounding the case when each report was published. This allowed for an analysis of the ways in which reports altered as the criminal justice process progressed.

The three cases included in the analysis were chosen from all Canadian cases of wrongful conviction for a number of reasons. Firstly, the three cases represent the most complete set of articles present from the time that the victim went missing to the eventual acquittal of the wrongfully convicted. Articles from the Guy Paul Morin and Robert Baltovich case were publicized from the time the victim went missing until the acquittal or exoneration of the wrongly accused.

Those related to the James Driskell case did not exist as far back in the timeline, however, there were articles that corresponded to earlier periods in the timeline that was created in comparison to other cases that were not included. Other potential cases were often missing many reports prior to the acquittal or exoneration of the wrongly convicted. This could be explained by a number of factors such as poor online archives maintained by Canadian newspapers or perhaps simply the nonexistence of the articles to begin with.

A second reason that these three cases were specifically chosen for analysis was for the purpose of diversity. Despite the fact that articles related to the Guy Paul Morin case represent approximately 74% of the entire sample and the notion that the project easily could have focused on his media portrayals alone, the other two cases were introduced as a means of introducing additional information to deepen the analysis and findings arising from the project. Additionally, while the wrongly convicted individuals in each case were all white males, including these three cases also introduced diversity in the victims that were present in media reports. Briefly analyzing who the victim and ‘villain’ were when the crime occurred illuminates some of the diversity between the cases. For instance, Guy Paul Morin was in his early 20s when he was arrested for the murder of his nine-year-old next-door neighbour, Christine Jessop. Robert Baltovich was 25 when charged with the murder of his 22-year-old girlfriend, whom he had attended school with at the University of Toronto. Finally, a key reason for the inclusion of the James Driskell case was the fact that Driskell was charged with the murder of his male friend, Perry Harder. The inclusion of this case was critical because of its male victim, as well as the notion that both Driskell and Harder had a criminal background prior to the wrongful conviction.

Finally, the justification for the inclusion of these three cases is the fact that they all reached the level of national news coverage. Though claims cannot be made in regards to the

thoughts or feelings that news media audiences had when reading these articles, the importance of examining the portrayals and constructions of Morin, Baltovich and Driskell, as well as the victims in each case, cannot be denied because of the notion that their content was accessible to a large number of individuals.

In undertaking data gathering for the present research study I began by using the online database Factiva to initially search for the desired news articles. To search for the news articles that would comprise the sample, my search terms consisted of the name of the wrongly convicted individual OR the name of the victim for each case (i.e. Guy Paul Morin OR Christine Jessop). This allowed for articles that had both the name of the wrongly convicted individual and the victim, or articles that only had the name of the wrongly convicted individual or only the name of the victim to be found in the search. This prevented sorting through any duplicates that would have arisen if two separate searches would have been completed with exclusively the name of the wrongly convicted individual and then the name of the victim. As a means of further narrowing the search terms, I chose the applicable newspapers for each case from a drop-down menu on the Factiva database that would allow the sources to be limited. Next, a PDF of each article was individually downloaded. As each individual PDF article was downloaded they were saved in a folder corresponding to the case, then a folder corresponding to either their national or regional newspaper source, and finally, a folder corresponding to the period in the case timeline. Articles that reported on the topic of wrongful conviction in general and listed only the names of the wrongly convicted were not included in the analysis.

Following the downloading of the PDFs from the Factiva database, each article was imported into NVIVO classified according to whether they were: National Newspaper (i.e. which national newspaper the article came from, or N/A if from a regional paper), Regional Newspaper

(i.e. which regional newspaper the article came from, or N/A if from a national paper), Case (i.e. which case the article covered), and Timeline (i.e. which period in the timeline of the case the article corresponded to).

Data Analysis

In analyzing the data gathered, I decided to employ a constructivist grounded theory approach (Charmaz 2006). Charmaz (2006) notes the ability of grounded theory methods to “complement other approaches to qualitative data analysis, rather than stand in opposition to them” (p.9). The constructivist grounded theory approach differs from other approaches in that theory is constructed through the data, rather than data being constructed through predetermined theoretical underpinnings (Charmaz 2006). Rather than employing a linear approach to the research project, grounded theory allowed for new findings and ideas to continually shape the research process. Any rigid guidelines were abandoned. Since the focus of the present study was to understand the portrayal of wrongly convicted individuals in the news media, entering that sphere with a rigid collection of codes was seen as counterproductive. Three main aspects of the constructivist grounded theory process were utilized in the research project and will be briefly outlined.

Initial Coding

Charmaz (2006) writes that during the initial coding process, researchers should both explore all theoretical possibilities and also stay close to the data. Thus, during the initial coding stages of this project, I randomly selected a number of news articles from different cases, different newspapers and from different periods in the timeline of events. Through reading these articles and compiling ideas about their content, I began a working code book that would guide the rest of the coding process. As per Charmaz’s (2006) suggestion, this process was done

quickly, the codes created were short and concise and I always remained open to what was present in the data.

Focused Coding

The next step in the coding process was focused coding. Focused coding is described as “more directed, selective and conceptual than initial coding” and only occurs following the establishment of a fairly strong analysis of initial codes (Charmaz 2006, p. 57). Focused coding allows the researcher to determine the “adequacy” of initial codes as they continue to analyze large sets of data (Charmaz 2006). As my research questions became more developed following initial coding, it became more apparent during the focused coding stage which codes were important to the study and which were inadequate.

To begin the focused coding process, which was ongoing, I finished coding the remainder of the articles in my sample. Following this, I went back to those used for initial coding and re-coded them once again. Continually, ideas for new or better codes would arise and I was able to revisit articles read earlier to constantly update the project as codes emerged or became focused. In total, during the focused coding process, I ended up with a code book that contained a total of 46 codes and their descriptions.

Analytical Memos

The final, critical employment of constructivist grounded theory in the research study was the creation of analytical memos. Charmaz (2006) describes that the creation of analytical memos represent “the pivotal intermediate step” between the collection and coding of data and beginning the writing process. Memos represent a means of developing analysis and theories surrounding the data, discovering the connection between codes, and starting to provide answers to the research questions developed.

I kept a number of analytical memos from the beginning stages of the research process to the end, keeping track of important data and codes and their relationships to each other. However, some of the most salient analytical memos that I created followed the completion of the coding process. Since one of my main research questions focused on how the portrayal or constructions of the wrongly convicted and the case victims altered throughout the criminal justice process, it was important to create memos based on the four stages in the timeline that were created. As a result, I cross-tabulated my data following the coding of all articles. Cross-tabulation allowed me to see where content corresponding to certain attributes was coded. In other words, if I wanted to investigate which codes were the most prevalent during the pre-trial stage in the timeline, cross-tabulation demonstrated how many excerpts were coded at each node for sources classified in the pre-trial attribute.

The completion of cross-tabulations for each stage of the timeline for each case allowed analytical memoing to be accomplished which guided the understanding and theorizing about what exactly was happening at each period in the timeline. As previously mentioned, analytical memoing was utilized during a number of different stages of the research project, however the memos following coding and cross-tabulation information yielded from the software proved to be some of the most useful memoing in understanding the answers to the posed research questions.

Case Overviews

Next, to fully understand the findings in the sections that will follow, a more in-depth overview of each case is necessary. Here, the three wrongful conviction cases under analysis will be briefly explained so that contextual considerations with regards to what was occurring in the timelines can later be made. While these outlines will only very briefly delve into the larger

factors that allowed for a wrongful conviction to occur in each case, it is acknowledged that these are very complex circumstances. Given that entire books have been written about some of these wrongly convicted men, the descriptions here hardly do these stories of injustice justice. All of the information on these cases was retrieved from the website for the Association in Defence of the Wrongly Convicted (AIDWYC). AIDWYC was formed in response to the miscarriage of justice that was apparent in the Guy Paul Morin case and remains a non-profit organization that works to advocate for the wrongly convicted and help exonerate wrongly convicted Canadians whenever possible (2015).

Guy Paul Morin

On October 3, 1984, Christine Jessop went missing in Queensville, Ontario. Her body was not found until December 31, 1984 in a field that was 50km out of town. On February 14, 1985, police suspicions toward Guy Paul Morin began when Janet Jessop, Christine's mother, was said to have made a remark to them about her weird neighbour who played the clarinet. Morin was subsequently arrested on April 22, 1985. His first trial began on January 7, 1986 and lasted just four weeks, after which he was found not guilty on February 7, 1986. The Attorney General of Ontario, unhappy with the acquittal, appealed on March 4, 1986 claiming that the trial judge had erred in his charge related to reasonable doubt. As a result, a new trial was ordered on June 5, 1987, but did not begin until May 28, 1990. Lasting much longer than the first trial, over two years later, on July 30, 1992, Guy Paul Morin was found guilty of first-degree murder.

Three more years would pass until in 1995, DNA testing showed that semen found on Christine Jessop's underwear could not be matched to Morin. So, on January 23, 1995, an acquittal was entered in his case by the Ontario Court of Appeal. Following this, on June 26, 1996, a public inquiry into the case, called the Kaufman Inquiry, began. The findings from the

inquiry were released in April of 1998 and were focused on some of the crucial causes of his wrongful conviction. Very briefly, these included: police tunnel vision, poor forensic science, and unreliable witness and informant testimony. Overall, Guy Paul Morin spent 18 months of his life in prison, and an additional 10 years in court fighting his wrongful conviction. Christine Jessop's real killer was never found (Harland-Logan 2015a).

Robert Baltovich

On June 19, 1990, University of Toronto Scarborough student, Elizabeth Bain went missing. To this day, her body has not been found. On the basis of circumstantial evidence, Bain's boyfriend, 26-year-old Robert Baltovich, was arrested on November 19, 1990. Baltovich was subsequently charged with Elizabeth Bain's murder and was convicted following his trial on March 31, 1992. Baltovich was sentenced to life imprisonment with no possibility of parole for 17 years. Baltovich served a total of 8 years of his sentence in prison until he was granted bail on March 31, 2000. On December 2, 2004, amidst questions about the reliability of the conviction, the Ontario Court of Appeal ordered a new trial and temporarily set aside his first-degree murder conviction. On April 22, 2008, to much surprise, the prosecution called no evidence at the new trial. This was said to have largely been based on a Supreme Court of Canada ruling surrounding the use of hypnosis in eye witness recollections which had been highly utilized in the Baltovich case. As a result, the prosecution essentially had no witnesses to call and Robert Baltovich was acquitted of the crime.

The causes that were largely cited as aiding in this wrongful conviction included inappropriate judicial conduct in the form of a biased jury charge, bad "science" (i.e. the use of hypnosis to "help" witnesses with recollection), as well as other issues related to eyewitness testimony. Like in the Christine Jessop case, the real killer of Elizabeth Bain was never

discovered, though as the findings will illustrate, an additional prominent suspect was identified (Harland-Logan 2015c).

James Driskell

James Driskell and murder victim, Perry Harder, were running a “chop shop” together in the late 1980s in which they would sell parts taken from stolen vehicles. When the police learned about the “chop shop” in November 1989 both men were arrested. Perry Harder opted for a plea deal in relation to the charge but failed to attend court on June 21, 1990 to enter the plea. Harder’s body was found on September 30th with two shots in the chest. Police immediately suspected that Driskell was responsible under the premonition that he was nervous that Harder would testify against him in the case as a part of his plea deal. As a result, Driskell was arrested and charged with Harder’s death on October 23, 1990. His trial began on June 3, 1991 and just 11 days later, on June 14, 1992, Driskell was convicted of first degree murder and sentenced to no opportunity for parole for 25 years. Driskell entered an application for appeal in 1992 but was subsequently denied. After a 13 year stint in prison, Driskell was released on November 28, 2003 and his murder conviction was overturned on March 3, 2005. Manitoba decided that an inquiry was warranted into the causes of wrongful conviction in the case and this began on December 7, 2005. The main factors seen as contributing to Driskell’s wrongful conviction included: police tunnel vision, lack of disclosure between police, prosecutors and the defense (this pertained mainly to issues of witness credibility in that the defense was unaware that witnesses had been paid/received rewards in the diminishment of sentencing), and poor forensic science. Similar to the other cases under analysis, Perry Harder’s real murderer remains a mystery (Harland-Logan 2015b).

Conclusion

Conclusively, now that the methodological outline has been described, the findings, which were garnered through utilizing this approach, will now be discussed in the subsequent chapters. Additionally, the contextualization of these findings will be available now through remembering the case overviews that were outlined here. The case overviews will allow for a deeper understanding of the findings that emerged from the data as they identify what was occurring in these cases at different points in time. They provide a starting point for understanding the constructions put forth by the media. The findings will be outlined in four sections related to four periods of criminal justice involvement that appeared pertinent to the understanding of the alterations that occur in the construction of victims, villains and criminal justice practitioners. The four sections include: pre-trial, trials, appeals and acquittal/exoneration/public inquiry. As will begin to be seen, the findings emerging from these four periods employ very different constructions, as well as modifications of these portrayals, of the individuals of interest. Results from this analysis will now be discussed.

Chapter Five – Pre-trial – Establishing an Emotional Connection

As was outlined in the conclusion of the methodology chapter, the following empirical chapters will be structured according to the four timelines that were created to correspond to important occasions in the cases. The purpose of this chapter then is to demonstrate how the media initially attempt to get readers interested in the story through using a number of techniques outlined in the theoretical framework. The publications that correspond to these findings are from the time period designated “pre-trial.” This includes all reports classified as the victim going missing, when the victim’s body was found, or finally, when the accused was arrested and charged with the crime. There appeared to be three clear ways that the media reports constructed the pre-trial stories to garner the attention of readers. These included the creation of a sympathy-deserving victim, the building of fear, and finally, the justification of a specific direction for moral outrage. Through the development of these three themes, it will become evident that the claims being made in these stories work to facilitate the attraction of viewers to the story. Thus representing an attempt to fulfill the media’s goal of producing news that can be sold as an entertainment commodity. Finally, an anomaly related to the case of James Driskell will be discussed and here it will be illuminated how the lack of reports around this case similarly achieve the goals of the news business.

Creating a Sympathy-Worthy Victim

In dissecting the news articles corresponding to the pre-trial stage of the timeline, it became quite clear that one important construction that appeared was that of the sympathy-deserving victim. The construction of the victims in these cases as sympathy-deserving can be demonstrated to be one way that the news reports attempt to gain the attention of the reader through evoking an emotional response and appealing to pre-established cultural narratives.

Through analyzing the construction of the victims, there appeared to be three distinct ways that the media reports suggested that these individuals were deserving of sympathy. These included: portraying the victim in an innocent manner, establishing their position on the moral hierarchy, and also, through demonstrating their relatable nature to others in the population. It will be argued that these publications worked to garner sympathy for the victims because this fulfills two distinct goals. The first being the creation of emotional arousal in the reader because a moral, sympathy-deserving individual is also an individual that is liked by the audience (Milburn & McGrail 1992, Anker 2005). If an individual is liked by the audience then logic would suggest that they would become invested in the ongoing story. Secondly, the creation of a sympathy-deserving victim also attends to an entertainment format often sought out by readers – the melodrama (Milburn & McGrail 1992). Constructing a victim deserving of sympathy is able to satisfy the “good” side of binary moral divide that superficially exists in culture. The importance of satisfying this divide is related to the easy accessibility of the “good versus evil” storyline and its applicability and acceptance by a diverse audience. Therefore, if successful, the melodramatic format aids the media in gaining and maintaining readership (Milburn & McGrail 1992, Anker 2005).

The Innocent Victim

As the introduction noted, the creation of a sympathy-deserving victim is important in creating an emotional connection between the reader and the story (Loseke 2003). Loseke (2003) outlines that there exists “cultural feeling rules” that dictate to a certain degree how an audience is supposed to feel about a particular claim within a story. One cultural feeling rule that exists is the attribution of sympathy to victims that display innocence (Loseke 2003). Within the pre-trial reports, especially those related to the Morin/Jessop case, the news publications clearly

emphasized the innocence of the victim as a means of garnering sympathy toward them. For instance, one report detailing the physical description of Christine Jessop can be seen as constructing her in an innocent manner due to the focus on her child-like qualities. It reads:

The girl was last seen Wednesday afternoon at about 3:45 p.m. near the Queensville general store on Leslie Street, about a kilometer away from her home. Her mother, Janet, found her bicycle in the garage when she returned at 4:10 p.m. Her jacket was left in the kitchen. She is 4 feet 6 inches tall, 90 pounds, thin, has dark brown, straight long hair, freckles under her eyes, and was wearing a blue sweater with a zipper on the front, blue cords and blue-grey running shoes (*Globe and Mail*, 5 October 1984).

As can be seen by this report, certain characteristics about Christine are mentioned that conjure the image of a child. Describing her as a girl quite evidently ascribes her child status, even though her exact age is not mentioned. Similarly, the mention of her mother finding her bicycle in the garage also creates the image of a child riding a bike. Finally, the description of her physicality also indicates child-like qualities given her small size, as well as details like those about the freckles under her eyes that portray a certain childish image. A second example of a report around this time that relatedly attended to this child-like construction noted:

Christine, a Grade 4 student at Queensville Public School, went missing after buying bubble gum at the local Queensville general store on her way home from school. When last seen, the brown-haired, brown-eyed youngster was wearing a blue sweater, blue pants and grey running shoes (*Globe and Mail*, 10 October 1984).

Here, it is evident that once again the media report is focused on the portrayal of Christine Jessop as a child. The discourse around her stopping to buy bubble gum indicates a childish activity much like the mention of her bicycle in the garage did in the previous report. Similarly, the description of her as a youngster, once again in absence of her actual age, very clearly indicates that the missing individual is a child.

So, it is clear from these two news report excerpts that the pre-trial media constructions of Christine Jessop emphasized the fact that she was a child. Attending to the development of an

emotional connection, the emphasis on her child status is important because cultural feeling rules dictate that children are innocent simply because they are children (Loseke 2003). They lack culpability in their victimization because they are children. So, the media reports subtle reinforcement of the victim's status as a child is a way that they are able to demonstrate that this victim is innocent in their victimization. If a victim is demonstrably innocent then this means that they are also deserving of sympathy – they played no role in their victimization (Loseke 2003). Loseke (2003) remarks that if a victim is deemed deserving of sympathy then the audience is able to develop an emotional connection with them and emotional arousal encourages readers to maintain their interest in a story. Similarly, the demonstration of the victim's innocence and thus deservingness of sympathy places them on the “good” side of the moral divide and begins the construction of the story as one that ascribes to the melodramatic format (Milburn & McGrail 1992, Anker 2005). Abiding by the melodramatic format also encourages the continuation of readership because it is both entertaining and culturally digestible as a result of its adherence to pre-established cultural narratives regarding good and evil (Milburn & McGrail 1992).

Placing the Victim on the Moral Hierarchy

Similar to the employment of an innocent victim narrative that classifies these individuals as deserving sympathy from readers, the construction of victims in these cases as moral beings attempts the achievement of the same goal. Like the cultural feeling rules that denote that an individual that is innocent is deserving of sympathy, those deemed moral are awarded the same privilege (Loseke 2003). Once again, if an individual is determined to be deserving of sympathy then an emotional connection is seen as being developed between the reader and this “character” in the story (Loseke 2003). A second reason that the establishment of a particular position on the moral hierarchy is important is because readers are consistently judging the morality individuals

in the media based on their actions (Raney 2002). Readers function as “untiring moral monitors, who continually render verdicts about the rightness or wrongness of a character’s actions” (Raney 2002, p.310). Those individuals considered moral are also those that are more liked by readers. Therefore, if a reader both determines that a victim is a moral being, and thus likeable and deserving of sympathy, this also establishes an emotional connection to the story (Loseke 2003).

Raney (2002) remarks that this moral monitoring and establishment of likes and dislikes is very similar to our social relationships as readers would similarly hope for good things to happen to those that are deemed likeable and bad things to happen to those that are not. So, if this connection is developed, it is logical to assume that the reader would be invested in the conclusion of the story as they would be seeking justice for a sympathetic victim (Raney 2002). The reader’s investment in the story is key because, once again, the media is a business and so has interest in the continuation of selling a particular commodity, which in this case is a news story (Surette 2011).

The first example of the media constructing the victim in a way that suggests high standing on the moral hierarchy is related to the case of Elizabeth Bain. The excerpt states:

Clutter, pictures of daughters and a son in graduation gowns, lots of shoes in the front hall, a hall cupboard filled with toques and scarves. Hear three telephones ringing, the sure sign of a house full of adult children. That’s where the lived-in look of a happy family home stops. Then you see boxes upon boxes of flyers bearing one of the pictures that so proudly adorn the walls and tables of this family home. The first-born of the Bain family, Elizabeth, a young woman, dark-haired, dark-eyes, a beautiful mixture of her Oriental mother and Caucasian-Latin father, has been missing almost five months (*Toronto Star*, 8 November 1990).

There are a number of suggestions here to Bain’s placement on the moral hierarchy. Firstly, the description of the house as being one filled with “adult children” relates back to the previous section around innocence being inherent in child-like qualities. The very description of this

house as cluttered and filled with different pieces of outdoor winter clothing portrays a picture of a chaotic family home. This in combination with describing some of the residents as “adult children” allows them, and especially Bain, to retain some of that child-like innocence which endeavours to evoke sympathy in the reader. Arguably, the innocence constructed by these statements would also place Bain somewhere high on the moral hierarchy given that innocence indicates a lack of culpability in one’s circumstances (Loseke 2003). Further, Bain’s placement on the moral hierarchy is additionally cemented through the emphasis on the pictures on the wall as being “proudly adorned.” The notion that Bain’s parents are proud of her and her siblings suggests that they are good kids and thus moral beings. Finally, the morality and likeability of Bain is further encouraged through the description of her as “beautiful” but in an asexual manner. This depiction is asexual because of her beauty being described in relation to that of her parents’ features. This construction is beneficial to the development of her likeability and morality because in terms of likeability, attractive individuals are perceived as more likeable by audiences (Dion, Berscheid & Walster 1972). This once again fuels that emotional connection with a victim. Physical beauty generates an emotional bond because the stereotype, “what is beautiful is good,” continues to exist (Dion, Berscheid & Walster 1972, p.285). Additionally, the description of her beauty aids in the construction of Bain’s morality because its asexual nature demands likeability but also suggests morality because of the simple nature that it is asexual. If it were described in a sexual way then questions could emerge around her culpability in her victimization because the sexuality of young women continues to be a starting point for victim-blaming (Whatley 1996).

The final way that media reports appeared to construct the morality of the victims in the Jessop and Bain case was through emphasizing their connection to religion. As noted by Loseke

(2003), according to the moral hierarchy, a nun, for example, is interpreted as acquiring a superior stance on this scale than an individual belonging to a social category like “prostitute.” It was demonstrated in the pre-trial news reports that referencing this connection to religion was a strategy utilized by the media as the connection to Christianity, or religion more broadly, was referenced with respect to the victims. For example, one report used the following quotation from a detective working the case:

‘It’s been a tough investigation,’ Reesor said today. ‘The only part that bothers us is that we haven’t found her body. We feel for the family who want to give her a decent Christian burial’ (*Toronto Star*, 19 November 1990).

The suggestion that Bain’s missing body is bothersome because a Christian burial is unable to occur because of its absenteeism inherently begins to establish a place for Bain on the moral hierarchy. This place is one that is quite high on the spectrum because of the connection made to her family’s Christian status. Not only are they victims of losing their daughter, they are also religious, and therefore moral people, who just want to put their daughter to rest. The same reference to religiousness is made in the Jessop case:

Anglican minister Beverly Hall, a close friend of the girl’s family, told those at the funeral that people in the village were shocked and angered by the murder of Christine. But she said it had made Queensville a truly caring community (*Globe and Mail*, 8 January 1985).

Here, a very similar connection is made in the news report between the victim and a religion. Referencing the Jessop family’s “close friend” of moral standing certainly aids in constructing them, and Christine, with the sympathy associated with being viewed as a moral character. Purportedly, if the Jessop family is close to an individual that, according to cultural feeling rules, would be placed highly on the moral hierarchy, then that too would award them with a similar standing. Once more, constructing an individual as moral also aids in developing sympathy for them which in turn allows the audience to be interested in their story and its outcome (Loseke

2003). The maintenance of the audience's interest is crucial in satisfying the goals of print journalism to maintain readership in a market economy (Surette 2011).

Constructing a Relatable Victim

The final way that the pre-trial reports were found to construct a victim deserving of sympathy was through portraying these individuals as relatable to others in the population. Developing a victim that others can relate to was seen as serving two functions in attaining the media's business goals. First, if a victim can be constructed as relatable, then an emotional connection between the story and the audience can be developed because of the ability to create empathy. Secondly, the relatability of the victim was also seen as a way that the media was able to begin to build fear around the case through using a strategy known as constructing equal opportunities (Loseke 2003). Constructing equal opportunity conditions is quite simply creating a situation in which it is suggested or implied that the tragedy that befell the victim could quite easily affect the audience as well (Loseke 2003). It is a complicated way of making the remark that "this could happen to you." Similar to the construction of the victims as innocent and moral advancing the likeable nature of these individuals, it will be demonstrated that creating a relatable victim holds the same ambition of connecting readers to the story.

Throughout the pre-trial reports regarding the Elizabeth Bain case, equal opportunity conditions were very clearly constructed. Regarding the search for Bain, one news excerpt read:

Vera Stuino, whose daughter is a friend of Elizabeth Bain's brother, Mark, said she took the day off work. 'I have three daughters around Elizabeth's age and this kind of thing hits a little too close to home, so I wanted to help any way I could,' she said (*Toronto Star*, 27 June 1990).

Here, the quotation used in the report demonstrates how at least one individual, Vera Stuino, felt that she was able to relate to Bain's circumstances because she too has daughters and thus could easily feel empathetic. Loseke (2003) notes that this ability for audience members to relate to

victims is important because in constructing these individuals as regular people who readers share similarities with there is a personal connection that can be made to the story. Audience members consider the fact that it could be them in the same circumstance. The ability to acknowledge the relatable nature of the case can work as yet another strategy to construct the victim as sympathy deserving and moral (Loseke 2003). From there, if the victim is constructed in this way then they likewise fulfill the “good” side of the binary moral divide, therefore continuing to provide the audience with an easily accessible, and entertaining, cultural narrative. A comparable reference to the relatable nature of Elizabeth Bain, arising from reports regarding local citizens joining her search party, remarked:

Chris McBride, one of Ms. Bain’s high-school teachers, got involved in the search just after his former student disappeared. ‘I had only seen Liz once after she graduated high school and I didn’t know her family before this,’ he said. ‘But I have a couple of daughters around that age and I could imagine how the Bains felt. It is awful to think about it, but the search was something I could do’ (*Globe and Mail*, 19 November 1990).

Again, the inclusion of a quote from an individual who is personally expressing relatability to the victim is a clear way to encourage other audience members to feel the same way. The construction of equal opportunity conditions can be demonstrated as one strategy to cause others to acknowledge the seemingly random nature of the crime and then naturally fear for their daughters, other female family members and friends, and even themselves (Loseke 2003). As previously mentioned, the development of this relatability can be one way to evoke sympathy and thus create a connection between the reader and the story, causing them to want to follow it to ensure that justice outcomes are achieved (Raney 2002). Additionally, the relatability aspect and the empathy and sympathy derived from the ability to be relatable also aids in constructing the victim as morally good (Loseke 2003). However, there appears to be another important construction occurring here amongst relatability which is the creation and building of fear. As

will be expanded on in the next section, Altheide (2002) observes that fear and entertainment have been amalgamated in the news media sphere. Through portraying the relatable nature of the Bain case and creating fear amongst others in the community with young daughters, the story adds to its entertainment value. Additionally, the construction of fear creating entertainment further adds to the newsworthiness of the story. So, it can be seen once again that these constructions are important as they ultimately achieve the media's goal of gaining and maintaining readers who want to be entertained (Surette 2011).

Conclusion

In conclusion, the first section of this chapter has begun to demonstrate how the construction of victims in the pre-trial news reports endeavours to fulfil the media's goal of initially attracting readers to the story. The first way that the media constructions demonstrably attempt to connect readers to a news story was through the creation of a sympathy deserving victim which was done in three ways: establishing their innocence and as a result lack of culpability in their demise, exhibiting their moral nature, and finally, through suggesting their relatability to others. The construction of a sympathy-deserving victim can be seen as supporting the media's business goals because firstly, if a victim is deemed deserving of sympathy then the audience has greater potential to form an emotional connection to the story (Loseke 2003). If an emotional connection is formed then they also become invested in following the news reports to ensure that proper justice outcomes are sought for this individual (Raney 2002). Secondly, the construction of a moral victim also represents the beginning of fulfilling the character requirements for the melodramatic format. The melodrama is important because it is a culturally accessible narrative, pitting good against evil. The melodrama needs a victim as a part of its simple and culturally comprehensible narrative, which facilitates its position as a form of

entertainment. The more accessible the narrative, the more diverse the audience, the more the news business is able to thrive (Milburn & McGrail 1992, Anker 2005).

Building Fear

The second theme that emerged in the pre-trial reports with respect to the construction of the story was that the news reports clearly engaged in the encouragement of fear. The introduction and pervasive use of the discourse of fear within the news media is important for a number of reasons. The main reason is that fear is entertaining and readers have “come to expect entertainment” (Altheide 2002, p.59). Through analyzing the use of the discourse of fear, it became clear that the way the construction of fear was most often utilized by the media was in expressing concern about the safety of others in the population – therefore, potentially the readers themselves. Altheide (2002) remarks that news publications express such anxiety surrounding safety, and in some cases (including the ones in this particular project) the fear of death, because it is able to “promote ‘the story’” (p. 59). This serves to increase the newsworthiness of stories of crime where this discourse can be employed (Altheide 2002). So, as will be demonstrated, during the pre-trial reports the media make many references to concerns that individuals should have about their safety. Given the nature of the crimes being murder, the concerns around safety would suggest that this is a concern about death. It is argued that the inclusion of such safety concerns that promote fear in these early reports is another device used by the news media to attract the attention of readers to the story. This device proves useful as much literature has noted the amalgamation of fear and entertainment (Altheide 2002).

Sponsoring Safety Concerns

As recently discussed, a discourse of fear has invaded journalism because of its ties to the production of entertainment (Altheide 2002). As a result, examining excerpts from news articles

at the pre-trial stage that enable this discourse of fear can be demonstrated as another way that the media promotes their entertainment agenda. There appeared to be one distinct way that the publications from this stage of the cases appeared to promote fear and this was through making suggestions regarding concerns for safety. One pertinent example of a report that made remarks about the potential of safety being jeopardized stated:

Even in grief, the Jessop family took the time to thank police, friends, neighbors, the news media and the hundreds of volunteers who searched for Christine. 'I don't think anyone could have asked for more,' Mr. Jessop said. 'All I hope is the police apprehend the person who did this so it could put the community at peace. We always felt safe living here. That's why we moved here. But this has scared everyone' (*Globe and Mail*, 2 January 1985).

This excerpt very clearly uses a quote that addresses concerns of the safety of the surrounding community to add a discourse of fear to the story. Firstly, the quote from the victim's father makes mention to the fact that no perpetrator has been apprehended which promotes feelings of fear because a murderer is presumably on the loose. Secondly, the quotation also references the fact that the community was safe until this happened. This combined with the notion that no arrest has been made very clearly alludes to fear and concerns for safety. Altheide (2002) would presume that the use of quotations like the one above fulfil the audience's demand for entertainment by endorsing this fear and consequently can be viewed as another measure taken by the news media in establishing a connection between the story and the reader.

Another example of the media endorsing fear through the presentation of concerns about safety was through presuming links between multiple cases. For instance, one report referencing the possible connection between the Bain case and other Toronto area crimes read:

In April, some women in the Annex area became so terrified of being attacked by a rapist, they put bars on their windows and jammed ironing boards against their doors. The harried volunteers at the Toronto Rape Crisis Centre handled 4,000 rape or sexual violence cases last year, up from 3,000 the previous one. And whenever another woman is murdered as 21-year-old Lynda Shaw was, or disappears as 23-year-old Elizabeth Bain

did, the number of calls from women who are simply terrified goes up (*Toronto Star*, 15 September 1990).

This excerpt very clearly demonstrates the promotion of fear exercised by the media by connecting the Elizabeth Bain case with both another murder, as well as an increased rate of sexual violence cases in the city. Through expanding the scope of the case from one disappearance to being potentially connected to a murder, to being combined with the coverage of a rape crisis in Toronto, alarms about the safety of women are clearly being sounded. With respect to the same concern for safety, another article remarks:

The bodies without names and the names without bodies. Dismembered, burned, strangled, stabbed, mutilated, buried, hidden. Too many cases unsolved. Yes, men die too, horribly. At the hands of strangers and close friends and lovers. But why does it seem that so many of them were somehow participants in their own misfortune? That they were not killed for just being. While the women were only going on about their lives. Their brutally foreshortened lives (*Toronto Star*, 15 October 1990).

The above report works to heighten the fear outlined in the previous excerpt through its inclusion of descriptive language about the atrocities that have occurred against women. While both of these excerpts target a very specific group to fear similar conditions, it is evident that the discourse of fear is promoted here by connecting the case with many others. Regardless of the unfounded validity of these connections, the media as a claimsmaker serves to benefit from presuming the association because of the entertainment value inherent in fear (Altheide 2002). A final example related to the Bain case that very clearly expresses distress regarding the safety of women asserts:

Bain disappeared from the University of Toronto's Scarborough campus on June 19. Blood was found in her abandoned car three days later, but despite hundreds of hours of searching, no traces of her have been found. 'Women want so badly to believe there is one thing to protect themselves' said Marilyn McLean, a counsellor at the [Toronto Rape Crisis Centre]. But there isn't. So the fear mounts (*Toronto Star*, 15 September 1990).

This is yet another excerpt that undoubtedly includes a discourse of fear and strongly references the idea that women in Toronto have to be concerned about their safety. Not only does this excerpt go as far as to suggest that women should be anxious about their safety, but also explicitly determines that there is nothing that women can do to protect themselves. It has now been submitted a number of times in this section that the benefit of promoting fear is that entertainment is seen as going hand in hand with this discourse (Altheide 2002). Beyond entertainment value however, Loseke (2003) also remarks that we take issues more seriously when we fear them. Presumably, if readers are to take the issue of raped and murdered women seriously then they would develop a sort of connection to the story (Loseke 2003). Through constructing equal opportunity conditions by implying that all women are at risk, there exists a broad audience of women who relate to the story and develop that emotional connection that facilitates continued readership (Loseke 2003). Thus, the fear promoted by these publications serves the interests of the media as audiences are both entertained and emotionally invested.

A similar attempt by the media to stimulate the fear associated with the cases occurred in the pre-trial reports related to Christine Jessop's disappearance. Like the reports connecting the Bain case with other murders and sexual assaults occurring in Toronto, there were very clear attempts to broaden concerns regarding safety through attempted connections between the Jessop case and other missing children. For example, one report read:

Confirming that there are no suspects, the chief said that if no firm leads are turned up, his force will start comparing notes with Metro police and other forces on similar crimes, among them the strangulation death last year of 9-year-old Sharin Morningstar Keegan of Toronto. Police aren't ruling out the possibility of a link between the Orangeville murders and the disappearance of Christine Jessop, 8, in Queensville, Ontario, 50 km to the northeast, on October 3 (*Globe and Mail*, 7 November 1984).

Much like the associations made between the Elizabeth Bain case and others, this media report emphasizes the notion that police believe that there may be a link between multiple cases of

missing/murdered children. The expansion of concern from one missing child to multiple missing children quite obviously increases the fear associated with the situation which again may affect the likelihood that audiences take the issue seriously and develop investment in the story (Loseke 2003). One child missing is frightening, but may be interpreted as an anomaly. Multiple children missing and murdered and the fear associated with that makes the story much more fascinating (Altheide 2002).

A final example of the news media making a connection between one of the cases up for examination and other occurrences in the area remarked:

Police were concerned that the boy may have been an abduction victim similar to Christine Jessop, 9, of Queensville, Ont., who has not been seen since Oct. 3 (*Globe and Mail*, 10 December 1984).

This particular excerpt is interesting to note because within the article where this was mentioned, the boy being referred to in the quote had already been found, under no suspicious circumstances. The very mention of the Christine Jessop case in this specific article seems to be present to serve the purpose of promoting fear because the concern related to the boy's safety as noted by the police was included, even though it was no longer applicable to the story. The supposition that the disappearance of Jessop was even more serious than it initially seemed functions in a way that makes the story more fearful, therefore more entertaining, and thus, more attractive to an audience (Altheide 2002).

Conclusion

In conclusion, this section demonstrated another way that the media attempt to meet their goals of selling news as a commodity to achieve their capitalist model. The way that this was determined to be facilitated was through promoting a discourse of fear within the news articles published in regards to the Bain and Jessop cases. Promoting a discourse of fear was revealed to

be beneficial in the accomplishment of the media's capitalistic undertakings for two main reasons. First, Altheide (2002) states that the very nature of print journalism in this day and age has merged fear with entertainment. The news media is seen as being successful when they are able to entertain their readers and fear appears to be demanded by readers because it is entertaining (Altheide 2002). Secondly, encouraging feelings of fear in media reports is noted as a way in which to increase the chances of the audience taking the story more seriously (Loseke 2003). The more feared a particular story from a news report is, the more seriously an audience may take it and from taking the story seriously, a certain emotional investment is developed (Loseke 2003). In analyzing the pre-trial reports that fostered the creation of fear, there appeared to be one clear strategy for how this was attempted. It appeared as though the news reports endorsed fear through making connections between the individual cases and other criminal occurrences in the surrounding area. Seemingly, a single missing or murdered individual is not as newsworthy as are potential connections between multiple missing or murdered individuals. Regardless, this analysis led to the conclusion that the pre-trial reports used the promotion of fear to attract the audience to the stories because of the entertainment value of fear and the seriousness that accompanies such discourse.

Providing a Target for Moral Outrage

The final theme that emerged from the pre-trial reports in these cases of wrongful conviction regarded the media's initial efforts to direct moral outrage towards a specific target. In other words, if the media's previous attempts to construct a sympathy-deserving victim and build fear around the case were successful, then it appeared as though it was now time to justify why a specific target was an appropriate one for the audience's moral outrage to be directed at. Throughout the pre-trial reports there appeared to be very little information regarding the

personality or actions of the suspect. The construction of a villain was rather absent from this publication process. Rather, when a suspect was determined, it was apparent that the media reports included information that endeavoured to justify why this particular suspect was very likely the perpetrator – the individual deserving of moral outrage. Providing an individual justifiably worthy of moral outrage to the readers was theorized as benefiting the media in two ways. First, putting a name to the side of “evil” in the melodrama, and justifying with evidence why this suspect belonged on that side of the binary moral divide, allowed for this simplified narrative to continue. The purpose associated with the continuation of a simplified narrative is that it appeals to a diverse audience and of course, entertains (Milburn & McGrail 1992). Secondly, if the media was initially successful at creating an emotional connection between the audience and the murder victim, and as a result, built fear in the news reader population, then directing moral outrage somewhere specific is also newsworthy because it eases those societal fears that were created (Altheide 2001). In the event that this connection has been facilitated between the story and the audience, then Raney (2002) suggests that the audience would be seeking justice for the victim. Providing a target for moral outrage could be seen as beginning this justice process, therefore encouraging the audience to maintain their interest in the story to see how the justice progresses. Altheide (2001) remarks that the process of alleviating societal fears is important for both authorities and news organizations because “when it comes to fear and victimization, it is newsworthy to be specific even if wrong” (p.318). Justifying the focus on, and perhaps even evidence against, a particular suspect is the news media’s way of being specific and granting its audience a recipient seemingly deserving of blame.

Identifying a Blameworthy Suspect

The identification of a blameworthy suspect productively begins the fulfillment of the requirements for the battle between good versus evil as required by the melodramatic format. As previously demonstrated, if the construction of the sympathy-deserving victim from the media's pre-trial reports has attained success, then the "good" side of the moral divide is occupied. Given that the melodrama attends to a single outcome, which is the absolute triumph of good over evil (Milburn & McGrail 1992), there must first be a physical representation of the "evil" side of this divide. As a result, it became apparent in the pre-trial reports that there was a focus on the connection between a particular suspect and the crime. This connection was established and justified through the presentation of evidence and other suggested associations between the suspect and the crime. As will be demonstrated in Chapter 6, the construction of the suspect as a villain came later in the news reports. The pre-trial reports discussed here merely establish a justifiable direction for the audience's moral outrage.

The first example from a pre-trial report that suggests a suspect through the presentation of some form of evidence reads as follows:

As early as last week police were saying the killer was likely someone she knew. Police have also compiled a psychological profile of Bain's killer prepared by the U.S. Federal Bureau of Investigation, but say they can't release any details (*Toronto Star*, 20 November 1990).

A critical additional piece of information to note with regards to this excerpt is that it was taken from an article entitled, "Bain's body not found but boyfriend charged." This is important because it makes the essential connection to Bain's boyfriend, Baltovich, as the suspect. This also fits with the information provided in the excerpt that suggests that the police believed that it was someone she knew that caused her disappearance. It essentially confirms that the police were correct in their assumption because her boyfriend has been charged with the crime and he

was obviously someone known to Bain. The second way that this report provides a direction for moral outrage is through the mention of the psychological profile created by the FBI. The FBI is a body that can be seen as possessing legitimacy in the eyes of the public. Thus, without even releasing details about the profile created by the Bureau, the connection to Baltovich supplied by the article's title suggests that evidence exists within that profile that indicates that he is responsible.

A second instance in which a pre-trial report provided a scapegoat for reader's moral outrage in the Bain case read:

Her boyfriend, former University of Toronto student, Robert Baltovich, 25, has been charged with first-degree murder on the basis of scientific tests on bloodstains found in her abandoned car (*Globe and Mail*, 2 April 1991).

This excerpt provides additional detail as to why any moral outrage possessed by the audience should be directed toward Baltovich. The report once again provides a form of evidence, albeit this time it is scientific evidence, which in combination with outlining the charge connects Baltovich to the death of his girlfriend. It is also critical to note the context of the scientific blood tests that were completed in reference to this case. These tests did little more than confirm that the blood belonged to Bain and that the amount found indicated her death. However, the wording of this excerpt is suggestive of the notion that there may have been evidence within the bloodstains that tied Baltovich to the crime. As a result, this very clearly represents another example of the media constructing evidence in a way that provides a linkage between a suspect and the crime.

The pre-trial reports arising from the Jessop/Morin case similarly presented information that was suggestive of a connection between the suspect and the crime. The difference in these suggestions as compared to those referring to the Baltovich/Bain reports was that the suggestions

were much more circumstantial in nature than “evidence-based.” The excerpts are important to consider nonetheless because of the clear attempt by the media to direct blame towards a suspect. To put the reports which make one of the main connections between the accused and the victim in context, it is first necessary to examine a publication that describes Christine Jessop when she went missing. This article stated:

Christine went missing on Oct. 3 after stopping at a Queensville store on her way home from school. When last seen, the brown-haired, brown-eyed youngster was wearing a blue sweater, blue pants and blue and grey running shoes. Det. Abraham said police have learned the girl was likely also carrying a recorder, a flute-like instrument from her music class (*Globe and Mail*, 12 October 1984).

The importance of this excerpt lies in its inclusion of Christine Jessop being described as carrying a flute-like instrument. This seemingly arbitrary description reported in the media, and arising from police statements, is important in the direction of moral outrage toward a Queensville resident that was to follow. Rather than stating the basic fact that Morin was arrested and charged as was done in the Baltovich reports, it appeared important in those about Morin’s arrest to note where he was headed when apprehended by police. One such article mentioned:

A 25-year-old next-door neighbour of Christine Jessop has been arrested and charged with first-degree murder in the death of the 9-year-old Queensville girl. The man was arrested Monday night by Durham Regional Police Detectives John Shephard and Bernard Fitzpatrick after his car was stopped on Highway 48 in Markham. Police say Guy Paul Morin, who is unemployed, was on his way to Stouffville for what they believe was a band practice (*Globe and Mail*, 24 April 1985).

Another report echoed:

The accused, a next-door neighbor of the Jessop family, was arrested by Durham Regional Police on April 22 as he drove to a weekly band practice in nearby Stouffville (*Globe and Mail*, 27 June 1985).

Here, in making the suggestion that Jessop had a musical instrument with her when she disappeared, followed by reports noting that Morin was on his way to band practice when arrested, can be interpreted as a way to justify the direction of moral outrage toward him as a

suspect. This rather circumstantial suggestion demonstrates the attempt by the police (as they provided this information to the media) and the media (as they provided this information to the public) to give the audience what they want: a blameworthy perpetrator.

A final example of a pre-trial report that undoubtedly establishes a connection between Morin and Jessop's death draws on the statement from a judge at Morin's preliminary hearing.

The article states:

A 25-year old unemployed wood shop worker will stand trial for the first-degree murder of a 9-year-old girl last year, a Provincial Court ruled yesterday. 'In my opinion, the evidence is sufficient to put the accused on trial on the charge before the court,' Judge Norman Edmonson said at the conclusion of a three-day preliminary hearing into the charge against Guy Morin of Queensville, Ont. (*Globe and Mail*, 27 June 1985).

Here, the focus on the judge's statement that enough evidence exists to try Morin is critically indicative of establishing a blameworthy suspect. A judge has declared that there is enough evidence to suggest that this is the correct suspect, so an audience absent of a criminal justice background should be convinced that this charge is justified as well. This is a much more concrete way that the media can provide "evidence" that they have apprehended the right person.

Conclusion

Conclusively, the excerpts from the pre-trial reports deduce that in working to establish an emotional connection between the news reports and the audience, an additional step that the media appears to take is the establishment of a blameworthy suspect. The first reason that the identification of a blameworthy suspect is important is, if the media's construction of the victim as deserving of sympathy has been successful, then the melodramatic format needs a perpetrator. It is critical to remember that the basis of the melodrama is the battle between good and evil, in which good prevails in the end (Milburn & McGrail 1992). The establishment of a perpetrator, as attempted by the excerpts outlined here, fulfills the evil side, thus, formulating the continuation

of the melodramatic narrative. If the victim has been characterized as moral, and the audience has connected to them on an individual level, moral outrage must be directed toward a suspect. Here, it is clear that the media does not know much about the suspect but they do know that there is “evidence” that tells the audience that they are worthy recipients of this moral outrage. The persistence of the melodrama and the direction provided for moral outrage do two things for the audience. One, the occupation of the “evil” side in the melodrama allows for this simplified discourse to continue alongside the beginning stages of complex criminal cases. The simplification both entertains and appeals to a wide audience (Milburn & McGrail 1992). The second thing that the melodrama does is (again, only if the victim is successfully constructed as deserving of sympathy) fuel the desire of audience members to seek justice for the victim. An undeniably critical step in seeking justice is identifying a perpetrator. As a result, as the audience pursues a justice outcome for the victim, they remain emotionally connected to the story, anticipating consequences for the perpetrator (Raney 2002). Finally, another reason that providing a direction for moral outrage facilitates the goals of the media is due to its ability to alleviate the audience’s fear. As previously stated, Altheide (2002) notes that fear and entertainment have become fused in the media sphere as the goals of the media are largely capitalistic. However, there is also newsworthiness in alleviating the fears that the media has helped build (Altheide 2001). The identification of a suspect and the justification provided for why they were charged can additionally be viewed as a way that the media, and the police providing information to the media, use the direction of moral outrage to accomplish the supplementary goal of easing fears about a perpetrator on the loose.

Conclusion

In conclusion, the goal of this chapter was to demonstrate how the media attempted to initially get readers interested in these stories at the pre-trial stage of reporting. Through analyzing the articles from this time period it became clear that the media reports largely revolved around the goal of building some type of emotional connection between the story and the readers. This was outlined as being done in three distinct ways, all which accomplished the same apparent goal. First, the news reports facilitated the creation of a victim deserving of sympathy. Second, the articles promoted the building of fear in the audience. And finally, the media identified a blameworthy suspect at which the audience could direct their moral outrage. The establishment of the emotional connection between the audience and the story were done in diverse ways across these three themes. In creating a sympathy-deserving victim, the identification of the victim as a moral being, relatable to the audience, was seen as able to create an emotional connection because such an individual is one that is ostensibly liked by the audience (Milburn & McGrail 1992, Anker 2005). Secondly, the building of fear promotes a connection to the story because of its entertainment value - its inherent excitement (Altheide 2002). Thirdly, the likeable nature of the sympathy-deserving victim causes the audience to seek justice for this individual (Raney 2002) and so, through providing a blameworthy suspect moral outrage can be correctly administered and likewise fear alleviated. The continued facilitation of the emotional connection occurs as the story progresses to ensure justice is achieved for the moral victim (Raney 2002).

Importantly, the establishment of these diverse emotional connections also all fit with a pre-established cultural narrative that is sought by audiences as a result of its simplicity (Milburn & McGrail 1992). The construction of the sympathy-deserving victim easily fulfills the “good”

side of the moral divide necessary for the melodrama, just as the construction of a blameworthy suspect begins to satisfy the “evil” side. The simplified story line gains readership because of its accessibility, and the creation of the emotional connection is a clear attempt to maintain it (Milburn & McGrail 1992, Raney 2002). All in all, this chapter clearly demonstrated the way in which pre-trial reports in two cases of wrongful conviction were framed and constructed in a way that focused on the media’s goal of entertainment and continued readership.

One final concluding thought which reiterates the media’s goal of attending to accessible cultural narratives and the melodramatic format comes from the lack of published reports in regards to the James Driskell case at this stage. In fact, there were no reports at this stage pertaining to the James Driskell/Perry Harder case. Arguably, a more in-depth look at the absence of such publications may further enlighten us as to which individuals are viewed as victims worthy of press coverage and audience sympathy. According to Loseke’s (2003) cultural feeling rules, the notion that both Driskell and Harder had criminal backgrounds would render them undeserving of sympathy by the audience. This rendering based on their apparent immorality given their background would leave them unable to satisfy the role of victim in the melodrama, thus complicating the simplistic entertainment format looked for by audiences. A seemingly immoral individual being murdered by another seemingly immoral individual strays from the good versus evil outline of the melodrama. The establishment of an emotional connection would be more difficult here because of the lack of relatability that likely exists between the audience and the apparently one-dimensional victim. Additionally, criminals murdering criminals is not as fear inducing as a criminal murdering a moral, sympathy-deserving victim. And finally, the call for a perpetrator is unnecessary because the victim’s immorality would not produce the same moral outrage in the audience as would the death of a moral victim.

So, this lack of reports, in combination with the abundance of publications surrounding the other cases demonstrates the media's efforts to publish a story in a fashion that encourages readers to gain and maintain interest in the story.

Chapter Six – Victims and Villains on Trial

To continue exploring the research question of how the wrongly convicted in Canada are portrayed in the news media, this chapter focuses on the trial stage of reporting. It includes an analysis of articles from the first, and in some cases second, trials of the three cases examined. Similar to the first chapter, the construction of victims and the accused will be explored. In addition to this, the construction of police and forensic scientists will also be examined as this was heavily present at this stage of reporting. The main argument revolves around the notion that the various constructions apparent at this stage of the criminal justice process delineate a clear boundary between good and evil individuals. In these cases, the complexity of each individual presented in the reports, as well as the evidence offered, is continually simplified to easily fit within pre-defined cultural categories and narratives.

Media Trials

Research on media trials suggests that these events represent a great opportunity for entertainment-centred reporting (Surette 2011). Surette (2011) notes that media trials are characterized by “massive and intense coverage” (p.24) which was demonstrated in the data. Reports on the trial far outnumbered reports from the three other stages that were described. The reports from the data set likewise validated the notion that, during a media trial, a number of extralegal factors, from the idiosyncrasies to the outfits of those involved in the case, were frequently mentioned. The media’s coverage of criminal trials represents one of the main ways that the criminal justice system is socially constructed for audiences (Surette 2011). However, given the entertainment and profit-driven nature of the media, this construction of the criminal justice system is typically one that puts forth very simplified and individualized explanations of crime (Surette 2011).

Despite the one-dimensional explanations of the trial and the crime, the media are able to ground these explanations in “the authoritative and dramatic vehicle of a ‘real’ trial” (Surette 2011, p. 24). This ability allows the media to appear objective and neutral, while also satisfying the drama and entertainment quotient that is required to keep the audience interested. Trials represent a win-win for the media and as Surette explains, “the end result is that in media trials the merging of information and entertainment is fully achieved” (2011, p.24). This style of reporting will be demonstrated throughout the following sections on the construction of different individuals and aspects of this trial stage. The simplistic nature of trial reporting will be demonstrated through these constructions as a result of their straightforward nature and the notion that they easily fit within pre-defined moral categories. Here, entertainment is not sacrificed for complexity.

Continuing to Construct a Victim Worthy of Sympathy

As equally demonstrated in the first findings chapter, at the trial stage of reporting, the news media appears to continue constructing a victim that is deserving of sympathy. Here the reports are seen as doing this in four ways: outlining the morality of the victim, commenting on their attractiveness and powerlessness, and finally, continuing the framing of the victim as innocent. These three strategies will be outlined alongside theorizing regarding the function of these themes and narratives. As always, it is crucial to acknowledge the profit-driven nature of the media which helps define their role as claimsmakers. As Surette (2011) noted, the media trial represents an opportunity for massive, entertaining coverage, and so the construction of victims deserving of sympathy fuels the attraction of the story based on its fit within pre-defined cultural feeling rules as well as the presentation of a dramatic story that aims to captivate.

Maintaining Morality

As previously discussed, Loseke (2003) remarks that one strategy of constructing victims revolves around presenting them as moral beings. Moral beings are “good people” and thus deserving of sympathy from an audience. Like other forms of entertainment media, the news reports at the trial stage present a myriad of characters to an audience. Audience members like those individuals that they define as moral beings and, as a result, wish for justice on their behalf (Raney 2002). Audience members develop likes and dislikes with respect to certain people in these real-time crime dramas because, according to social construction research, emotion stems from culture (Loseke & Kusenbach 2008). In other words, social constructionist researchers see emotion as arising not from a physiological state, but rather as informed by cultural beliefs. These cultural beliefs inform feelings because our culture largely dictates which feelings are felt for particular social actors in particular situations. These cultural beliefs are often defined by moral distinctions (Loseke & Kusenbach 2008). As a result, news reports that facilitate a binary moral divide allow the audience to experience emotion stemming from culture which prescribes likeability to moral victims and despicability to evil villains. The creation of emotion then allows the audience to become attached to the story being presented (Loseke & Kusenbach 2008). So, maintaining the moral status of the victim allows the media reports to continue to emotionally involve the reader.

During the trial, there are a number of ways that the victims are portrayed as possessing high morality. The first, found especially in reports pertaining to Elizabeth Bain, centered on her moral nature, particularly in relation to her employment. An excerpt from one report that more generally outlines her moral nature remarked,

Elizabeth Bain was a vegetarian who didn't drink, smoked only when she was terribly stressed, and was vigorously devoted to jogging and exercise...she never did the nightclub scene, said Coventry, and spent much of her free time at the library. She was dedicated to her studies and close to her family – her parents, her two brothers, her sister (*Toronto Star*, 7 February 1992).

Her employment as a child care helper, which portrays her as a caring, moral individual, is often mentioned: “When she vanished, Bain was a child care helper for working mothers and worked with the physically handicapped at the Kidbrooke group home” (*Toronto Star*, 1 April 1992).

Similarly, echoing her mother's sadness regarding the tragedy, one report quoted Julita Bain saying,

‘We don't even have a grave to put flowers on,’ Bain's mother, Julita, 55, sobbed yesterday on the witness stand. ‘In her heart she had a special place for small children and the handicapped. That is why it is so inconceivable that her life would end up this way,’ she said (*Toronto Star*, 6 February 1992).

Moral categorizations such as these were also found in reports which discounted alternative theories of Ms. Bain's disappearance and death offered by defence counsel. For instance, one report read,

During six hours of charge by the judge yesterday, the four women and eight men were asked if they could really conclude that Elizabeth Bain simply disappeared, or committed suicide, as suggested by the defence. ‘If Elizabeth Bain was alive today do you think she is the kind of person who would sit back and watch her boyfriend being tried with murder?’ Mr. Justice John O'Driscoll asked. ‘Would she torture her parents’ by playing a game of hide-and-seek, he asked (*Toronto Star*, 27 March 1992).

The reporting on the good nature of the victim implies the “kind of person” that she is. In this case, Elizabeth Bain is represented as a highly moral individual and subsequently would be judged as deserving of sympathy. The construction of the victim as moral and therefore deserving of sympathy aids in the construction of a melodramatic story for the media to report. This characterization is tailored for the narrative of good versus evil (Anker 2005) by very clearly identifying this particular party as “good.” The nature of the melodramatic narrative is

noted to produce emotional arousal in the audience (Milburn & McGrail 1992) – a feature key to the entertainment goal of the claimsmakers here - the news media.

The Role of Appearance in Constructing Sympathy

A second way that the news reports from the trial stage appeared to construct a victim as deserving of sympathy was through remarks referencing their appearance. This included asexual comments in relation to their attractiveness, as well as suggestions about their physical size which implied their lack of power, and therefore lack of culpability in their tragedy. The discussion of the attractiveness of the victim attends to moral monitoring in some respect because, as previously noted, audience members develop likes and dislikes for individuals presented in a report. Those that are perceived as possessing high moral standing are liked by the audience and therefore deemed to be deserving of sympathy (Raney 2002), and attractive individuals are typically perceived as more likeable (Dion, Berscheid & Walster 1972). The asexual nature of the descriptions is, once again, equally important to the description of the victim as attractive. Such descriptions must be asexual in nature to demonstrate morality because, if instead sexualized, questions would likely arise relating to victim blaming. Research has demonstrated that a sexual young woman is often interpreted as an immoral young woman (Whatley 1996).

For instance, the attractiveness of Elizabeth Bain was conveyed through a description of her mother, thus presenting these features in an asexual way through this comparison between the women. The report read,

Julita Bain is a small, elegant Filipina, dressed in black with a string of pearls at her neck and her raven hair pulled back in a French braid. Her daughter's beautiful and youthful face – so familiar from newspaper photos and the missing person posters that were plastered all over Metro 18 months ago – is very much echoed in her mother's. This is what Elizabeth Bain would have looked like if she had been given a few more decades of life (*Toronto Star*, 7 February 1992).

This detailed description constructs her as attractive. Comparing her to her mother allows the description to remain asexual, which is key because research notes that to garner sympathy it is important to abide by conventional femininity (Baker 2008). Once more, the construction of asexuality is so important because women's sexual behaviour can so often be reinterpreted in a way that blames them for their own victimization (Whatley 1996). Critically, a lack of culpability is vital in the acceptance of a victim as truly deserving of an audience's sympathy (Loseke 2003).

Similar to constructing the victim as deserving of sympathy through highlighting their attractiveness, a number of reports, especially those in relation to Christine Jessop, remarked on the size of the victim. These remarks are important because they also aid in developing a narrative around a morally righteous victim because surely, an individual so small and powerless could not have played any role in their tragedy.

Examples of such reports include: "Christine, a petite schoolgirl, was taken from her home in the small town of Queensville on Oct. 3, 1984, and stabbed to death in a lonely clearing 50 kilometres (31 miles) away" (*Toronto Star*, 9 February 1986). Further, an even more detailed description from a report referencing her small size remarked, "Jessop described her daughter as 'shy, quiet, full of fun...a normal little girl,' who weighed about 40 pounds at the time of her disappearance" (*Toronto Star*, 11 January 1986). Finally, additional comments relating to the weakness of the victim were present in reports such as the following:

Kenneth, now 21, had been adopted as a baby, after Mr. and Mrs. Jessop were told by doctors that they could not have children. Four years later, they were astonished to learn that Mrs. Jessop was pregnant with Christine. The girl almost died at birth, suffered from gastroenteritis for most of her life, and weighed only 40 pounds (18 kilograms) when she died (*Globe and Mail*, 31 July 1992).

Once more, these reports, which construct Christine Jessop as a tiny schoolgirl, suggest her lack of culpability and therefore her sympathy worthiness because a girl of such stature possesses a certain inability to resist susceptibility to such attacks. Deeming a victim as worthy of sympathy translates into a fondness for said victim and therefore an emotional attachment to the already dramatic story.

Insisting on Innocence

A third way in which news reports at the trial stage constructed a victim worthy of sympathy, and therefore audience attention, was through insistences that the victim possessed an innocent nature. The most common way that this innocent image was attained was through the discussion of the child-like qualities of the victim. A prominent cultural theme in North America is that children are inherently innocent. Some examples of reports highlighting the child-like innocence of the two female victims include one article referencing the testimony of a childhood friend of Jessop. It read:

The day Christine disappeared, Oct. 3, 1984, they waited together until her school bus arrived to take her home at 3:45 p.m. They had planned that day to meet at the general store with their Cabbage Patch dolls and ride to the park on their bikes, Chipman recalled. However, when Chipman called at 4 p.m. to see if her friend was still coming, there was no answer at the Jessop house. Nor was there any answer when, after Christine failed to show up, she returned home and tried to call Christine again around 5 p.m. (*Toronto Star*, 18 February 1992).

Likewise, the same report also echoed,

Chipman, who did not testify at Morin's first trial, told the court she didn't see Morin again until she noticed his picture on television after his arrest. 'I knew then that was the man we'd been talking to.' It was routine for the girls, who both attended Queensville Public School, to meet every day at the general store in Queensville after school on their bikes and go to a nearby park to play with their dolls (*Toronto Star*, 18 February 1992).

Both of these reports clearly depict the childlike nature of the victim and her young friend through the imagery of them meeting at the local general store, riding bikes, and playing with

dolls. Resultantly, the innocent nature of the victim depicted here categorizes Christine as lacking culpability in her suffering and therefore also enhancing her likeability with the reader because of the notion that “sympathy norms carry moral weight” (Thoits 1989, p.323).

Regardless of Elizabeth Bain being older at the time of her disappearance, a similar reporting style or construction of her as childlike occurred. For example, one news article asserted,

Her remains may still be missing but Elizabeth Bain is very much a presence in this courtroom. She was there in the evocations of Arlene Coventry, the childhood friend who grew into womanhood with Elizabeth, the two of them giggling together and sharing secrets on the phone even after Arlene moved to Ottawa to attend university (*Toronto Star*, 7 February 1992).

Relatedly, another report highlighted the childlike nature of Elizabeth while countering suggestions that she was a troubled young woman:

Bain, who vanished from the Scarborough campus of the University of Toronto on June 19, 1990 was holding down two jobs and taking night classes. ‘She was a perfectly normal kid who had bitten off a lot to chew’ in terms of what she wanted in life, the doctor said (*Toronto Star*, 21 February 1992).

Important to note is the fact that the doctor was involved in the trial at this point to comment on Elizabeth Bain’s physical and mental state prior to her death as a means of disputing the defence team’s suggestions that she may have committed suicide. In this report, the quote from the doctor that calls the young woman a “kid” highlights the childlike qualities of the victim. It also re-establishes Bain as a moral being through discussing what a hard working individual she was and consequently deserving of sympathy perhaps even before her disappearance because she was going through so much.

One final excerpt from a report that is worth mentioning here because of its direct mention of innocence in relation to Jessop takes a slightly different tone. This report states,

Morin told Shephard that Christine had come into his yard two weeks before her Oct. 3, 1984, disappearance, and had watched him while he planted seeds in the garden. “She says, ‘Are they honey seeds?’ Now isn’t that sweet? I never heard anyone say anything like that. That’s how innocent she was. She was a very, very innocent kid. She wasn’t aware that there was anything bad out there” (*Toronto Star*, 14 January 1986).

While continuing to proclaim the innocence of the victim, reports like the one about the victim’s innocence also work to build suspicion against the accused perpetrator. This article was titled, “Secret Tapes Made Police Suspect Morin, Trial Told” and so contributes to the melodrama by introducing and putting a name to the evil side of the binary moralistic environment. Despite the fact that numerous other reports and individuals suggested the innocent characteristics of Christine, the accused doing the same inevitably fuels the dramatic nature of the story and provides a direction for the audience to send their condemnation and moral outrage.

Finally, like constructing the victim as moral, attractive, and physically weak, emphasizing the childish qualities of this individual also encourages readers to have an emotional reaction through demonstrating the victim as deserving of sympathy. The introduction of the accused in one of these instances undoubtedly adds to the dramatic narrative which then increases the entertainment value of the story. Given the length of the trials in the cases examined, the media require their readers to develop these emotional connections as a means of staying interested in the story as it potentially transcends years. The establishment of a victim deserving of sympathy, and a suspicious, potentially predatory accused is an easy way to entertain while also abiding by cultural myths that suggest a clear line between good and evil (Milburn & McGrail 1992).

Conclusion

As has been demonstrated, during the trial stage of reporting in the cases examined for this project, it is clear that the media continues to construct the victim in the Bain and Jessop

cases as deserving of sympathy. This is managed through outlining the moral nature of the victims, portraying them as attractive and physically weak, and finally, demonstrating their innocence through their childlike qualities.

The continued construction of the victim as an individual deserving of sympathy is useful for the news media for a number of reasons. Offering the suggestion that the victim deserves sympathy, and is therefore innocent with respect to their victimization, attends to common narratives around victimhood which represent “socially shared symbols of crime and justice” which “can remain unstated yet implicitly accepted” (Surette 2011, p. 41). A victim lacking culpability in their circumstance adheres to the cultural narrative which suggests that there is a distinct line between good and evil (Anker 2005). This melodrama not only fits within widely held cultural myths, which makes it easily accessible, but it is also entertaining (Milburn & McGrail 1992). The easy acceptance of such a narrative, and the dramatic and entertaining features that it possesses, attains the media’s goal of packaging and marketing a story that audience members will become emotionally invested in and hence, hopefully, continue reading about. Overall, the victim constructed here is easy to sympathize with and interesting to read about.

Victim-Blaming? Contrary Constructions of the Victim

Due to the nature of the media trial, especially in the cases up for analysis, it is important to remember that during the trial both sides are presented – those of the prosecutors and the defence. As a result, the reporting on the trial subsequently gains complexity as these two sides contend with one another. With regard to victim construction, the entertainment value of a trial can be amplified through the presentation of a victim contrary to that which was previously outlined. Introducing previously unknown information about the victim can re-ignite an

audience's interest. It gives the audience something new to read about. While it was formerly stated that the construction of a sympathy-deserving, blameless victim attended to the fulfillment of cultural myths, while remaining entertaining, the introduction of “deviant” features of the victim allows the story to establish longevity while also attending to other cultural requirements, such as a just-world belief. The just-world belief is defined as a necessity for individuals in society to maintain their psychological well-being (Correia, Vala & Aguari 2007). It is more fully explained as:

Those more or less articulated assumptions which underlie the way people orient themselves to their environment. These assumptions have a functional component which is tied to the image of a manageable and predictable world. These are central to the ability to engage in long-term goal-directed activity. In order to plan, work for and obtain things they want, and to avoid those which are frightening and painful, people must assume that there are manageable procedures which are effective in producing the desired end states (Lerner 1980).

Individuals want to believe that they possess control over conditions in their life. Often coinciding with this belief is the desire to engage in victim blaming. Through victim blaming, individuals are able to ascribe personal responsibility for those that they witness suffering those “frightening and painful” circumstances aforementioned as a means of maintaining the illusion of control in their own state of affairs (Maes 1994). This is one way to explain the presentation of excerpts from reports at this stage and the blaming that occurs within them. While an audience wants a victim that they can sympathize with, they also want to believe that there is something that they can do to prevent being victimized themselves.

Research on news production reminds us that “things are newsworthy because they represent the changefulness, the unpredictability and the conflictual nature of the world. But such events cannot be allowed to remain in limbo of the ‘random’ – they must be brought within the horizon of the ‘meaningful’” (Hall et.al. 2009). One strategy to make seemingly random events,

such as the murder of moral individuals, meaningful and therefore less threatening to the reader, is through assigning some culpability to the victim in their demise. The assignment of culpability is key. Whether it be the victim or a perpetrator bearing the blame, the audience demands that someone must possess responsibility. There appeared to be three main ways in which blaming the victim to some extent seemed to occur. These included the addition of contrary remarks regarding their morality, the presentation of scenarios that suggest their naiveté or carelessness, and finally, through presenting them as more troubled than perhaps previously believed.

Questioning the Victim's Moral Nature

In the reports surrounding Christine Jessop during this phase in the case, her status as a helpless, moral, schoolgirl was sometimes questioned. For instance, when shocking parts of her family history were revealed, other reports highlighting the involvement of Christine with older boys and men was reported on as well. One example from a report noted,

The police accepted at face value her family's assessment of Christine as a shy girl who would never go anywhere with a stranger. Much later it was revealed she had spoken of having an older boyfriend and had engaged in sex with her brother, Kenneth, and two older boys. Some friends said she seemed strangely mature for her nine years (*Globe and Mail*, 4 February 1995).

Another report described a similar situation involving Christine. It read,

A mysterious 'older man' placed phone calls to nine-year-old Christine Jessop shortly before she was abducted, raped and killed, the Guy Paul Morin murder trial was told yesterday. Police investigators learned from a babysitter several months after the abduction that Christine was particularly upset by one such call around the time she disappeared on Oct. 3, 1984. The babysitter told police she didn't report the incident at the time. Instead, she assumed that Christine's mother knew about the calls because the babysitter happened to notice a note lying around the house informing Christine that an older man had called (*Globe and Mail*, 2 January 1992).

A third excerpt from an article refers to the phone calls, while also suggesting an additional level of victim blaming through commenting on the alteration of Christine's walk home. It commented, "It is also known that a man had been phoning Christine before her death. She is

known to have been taking a circuitous route home from the local park shortly before her abduction” (*Globe and Mail*, 4 February 1995).

The addition to victim-blaming and a redefinition of who exactly the victim is, with the contrast between the petite schoolgirl and the mature nine-year-old, undeniably adds to the entertainment goal of the media story. The just-world hypothesis explanation, in which individuals seek a feeling of control over the outcomes in their lives, authorizes the addition of perceiving the victim as blameworthy for a very similar reason to why individuals wish to read about a victim that deserves sympathy. Victims deserving of sympathy fit well with the cultural myth that there is a clear distinction between good and evil. The media reports in ways that adheres to cultural myths as a means of simplicity, as well as to attract a diverse audience (Milburn & McGrail 1992, Anker 2005). The myths are cultural. Culture is vast and therefore such myths are accepted by many. Likewise, the just-world hypothesis and its encouragement of victim-blaming also makes sense because cultural myths may also seek an explanation for why seemingly random victimization occurs. The trial, and as a result the media, fulfills the desire for this explanation through suggesting possible reasons for the crime and easing the public’s anxieties about their potential for victimization.

The Careless, and Therefore Condemnable, Victim

Similar to the publications from the Jessop case that engaged in secondary victimization, reports from Elizabeth Bain trial were found to also introduce the possibility that Bain shared a portion of blame in her victimization. This section will demonstrate how Elizabeth Bain’s carelessness or naiveté was depicted in the news reports in a way that allowed for blame to be assigned to her for her tragic condition. For example, one news story noted:

Student Elizabeth Bain, who vanished from a university campus 21 months ago, occasionally jogged on a trail that had a warning about the possibility of being accosted,

court has heard...The sign posted on the path read: 'Caution, assaults have occurred on this unofficial path to the college. If walking along, you are strongly advised to use the main entrances to the campus.' The path is in the valley of the Scarborough campus of University of Toronto on Military Trail where Bain attended night classes and disappeared on June 19, 1990 (*Toronto Star*, 12 February 1992).

Bain's carelessness in regards to this path and its cautionary sign was reported on once again.

This excerpt references the testimony of a tennis coach that knew Bain and was on campus the day that she disappeared. It noted:

Perz told the defence counsel Michael Engel she was unable to think of any reason a person would park their car at the Old Kingston Rd. parking lot if they were going to the tennis courts. She said it is a long walk, it is not safe and there is a warning that people have been accosted on the trail (*Toronto Star*, 19 February 1992).

An additional report around the same time period outlined Elizabeth Bain's father's feelings about her more general inattentiveness: "[Bain] said his daughter tended to be sloppy – always keeping the car doors unlocked and the windows open – but when her car was found it was completely locked" (*Toronto Star*, 12 February 1992).

These reports subtly imply that Bain had some hand in her own victimization without explicitly saying so. Comparable to the addition of discourse around Christine Jessop as a mature young girl, the carelessness of Bain and her naiveté towards signs warning of danger allow the media reports to engage in secondary victimization. Here, Bain's carelessness and inattention towards the potential of danger casts her in the narrative of the naïve and unintelligent female victim. Because this narrative is also commonly seen in criminal justice related stories, it is also easy for the audience to accept and acknowledge in relation to the stories presented.

Additionally, this discourse also outlines ways in which others could potentially avoid victimization. Therefore, this active victim-blaming attends to both the entertainment desires of the reader, as well as the potential reduction of anxiety because they are able to see what the victim did wrong that contributed to their victimization.

The Troubled Victim

The final addition to this more complex storyline surrounding the victims is the inclusion of remarks about their troubled nature. This was especially pertinent in the Elizabeth Bain case. As will be demonstrated, depicting the victim as troubled once again alludes to the attainment of the just-world belief. Presenting Bain's troubled nature caters to the just-world belief's need to see the world as "manageable and predictable" (Lerner 1980) because avoiding a similarly troubled existence should mean the avoidance of similar victimization. Additionally, and most importantly when considering the medium that is being analyzed, the presentation of Elizabeth Bain's troubles here adds an undeniable amount of drama to the story. As mentioned in the section on media trials, such reports often contain a large amount of extra-legal information regarding things like personalities and personal relationships (Surette 2011). The inclusion of entries from Bain's diary in the trial and the resulting reports demonstrate this.

A myriad of reports came from the discussion and reading of entries from Bain's diary at the trial. Some of these included:

Earlier in the day, the jury of eight men and four women heard that Miss Bain may have attempted suicide more than once, and that the discovery of entries in a private diary talking in profane terms of suicide, distrust of others and violence against Mr. Baltovich, her boyfriend, had shocked her family and friends (*Globe and Mail*, 7 February 1992).

Further, another report referencing the journal read:

In the entries, all addressed 'Dear Meg,' she showed an obsession with diet and exercising, and often castigated herself for engaging in eating binges to fight depression (*Globe and Mail*, 13 February 1992).

A third description, adding to the dramatic storyline arising from the diary commented:

Three days before she disappeared, Bain wrote in her diary, 'Life sucks and it's getting worse by the day. Every morning I rise and try to find a reason not to put a bullet in my head. I want death to come and end this...pathetic life that is getting worse by the day.' Coventry, 24, said she was shocked when she saw this diary entry because in the 15 years

she and Bain had been friends, she had never heard such talk (*Toronto Star*, 7 February 1992).

A final, and arguably most dramatic, excerpt from a news report referencing the presentation of Bain's diary at the trial remarked:

Hand-written entries in a journal Elizabeth Bain kept in the six months before she vanished variously described the boyfriend now accused of murdering her as 'feminine,' a male chauvinist and a person who 'treats me like gold.' But the entries...stopped short of suggesting that the year-long love affair was at an end. Even the most damaging entry to the defence, penned three days before she disappeared on June 19, 1990, talked of doing violence to Mr. Baltovich and others. 'Last night I wanted to put a bullet through Rob's head and everybody that was bothering me,' she wrote. 'I hate my job, I hate school and Rob is becoming a pest. I have to break free and be alone...I hate this life. I want to get up and kill somebody.' The final entry by the 22-year-old University of Toronto student concluded, in large block letters: 'I want death to come' to my pathetic life that is 'getting worse by the day,' and death to those '...people who toil on me day after day, may they rot in hell.' (*Globe and Mail*, 13 February 1992).

The reports focused on Elizabeth Bain's diary very clearly add depth to the story and complicate the narrative surrounding the innocent and moral victim. Because such behaviour and thoughts originating from a victim do not easily fit within a particular narrative, it is easy to assume that they are taken up by the news media as newsworthy because this adds inherent drama to the story. The entertainment value outweighs the complexity that complicates cultural myths and feeling rules. Diary entries speaking of suicide and murder can be easily packaged because of their inherent entertainment value in addition to their ability to calm the audience's anxieties about being victimized themselves because they can de-identify with Bain here.

Another pertinent finding from the reports depicting Bain as troubled is their ability to also begin to cast blame towards the suspect. The excerpts from reports detailing diary entries above already begin to cast Robert Baltovich in a negative light to some degree or at least describe the fact that Elizabeth Bain is not happy with him. Further reports specifically referring to Baltovich's suspicion that Elizabeth Bain was engaging in self-harm, appear to re-establish the

line between good and evil and the cultural myths that come with it. Or at the very least they provide the ability to direct additional culpability toward a seemingly deserving party. For example, one report observed,

Robert (Rob) Baltovich, Bain's boyfriend of one year, was also at the house and said Bain had been suicidal and had slit her wrists twice, court was told. The 26-year-old psychologist said Bain had told him of cutting her wrists when she was 16 and again about five weeks before she went missing. He told Detective Austin May, the following day, that he asked to see the marks but she wouldn't show him. May said Baltovich mentioned catching a 'glimpse of her wound' and it scared him. When Baltovich told Martin about the incidents both parents said they would have noticed if their daughter had ever done such a thing (*Toronto Star*, 3 March 1992).

The same report cites the same police officer and directs suspicion toward Baltovich once again by stating, "Martin said Baltovich was the only person who ever suggested that Bain may have taken her own life" (*Toronto Star*, 3 March 1992).

The addition of these reports following those that focus on the content of Bain's diary appears to reconstruct the cultural myths around good versus evil because they clearly divert the problems of Elizabeth Bain and essentially use Baltovich's confirmation of such issues as a justification for his current predicament for being on trial for her murder. So, as demonstrated, the construction of the victim as troubled was important for two reasons during the trial. First, making reference to the victim's problems, such as suicidal thoughts and general unhappiness, fulfills the just-world belief because constructing the victim as troubled can be used as a form of victim blaming. In this case where much of Bain's unhappiness appeared to stem from her relationship, the audience is able to identify ways in which they could avoid a similar fate (i.e. do not remain in an unhappy relationship). Additionally, the troubled nature of the victim was also demonstrated to be a way in which the justification of the arrest of the suspect was furthered because Baltovich appeared to be the only person referencing the problems of the victim, making him a suspicious character. Thus, whether the construction of the victim as troubled is

successful, or the construction of the suspect as suspicious is furthered, an audience possessing moral outrage and seeking an explanation for this horrible crime is given opportunities to lay blame on either the victim or the accused. Culpability is justified in either direction.

Constructing the Accused

Throughout this section of the chapter, the construction of the accused during the trial stage will be examined. Media studies research notes that the evil predatory criminal is a longstanding and popular narrative when it comes to the construction of crime and justice stories (Surette 2011). The fear that comes from constructing an individual in a way that denotes evil characteristics not only enhances the melodrama, but also contributes to the construction of crime as based on individual pathologies rather than societal issues. The othering that occurs with respect to these individuals is important because it allows readers to acknowledge that there is merely a subset of “evil” individuals in society rather than recognizing that society may be involved in the creation of such tragedy. It becomes much easier to direct moral outrage and condemnation towards someone who is so blatantly outside the “norm” (Surette 2011) rather than having to address the prospect of a “sick society.”

There were two key ways that the news reports constructed the accused as an evil, predatory criminal throughout the trial reports. These included reporting on past behaviour that appeared to be indicative of criminality/guilt and constructing the accused as a dangerous outsider through highlighting their inherent evilness, or in the case of Morin, othering based on mental illness.

Justifying Condemnation by Reconstructing the Past

In examining the reports from the trial stage in relation to how the accused was presented, it became very clear that the reports often centred on the past actions of the suspect. At first

glance many of these actions/behaviours seemed benign, however, in the context of being accused of a horrific crime, these actions were recast as indicative of guilt. Here, Mead's (1929) theory about the symbolic reconstruction of the past becomes useful. This reconstruction allows for the present, in this case the trial of an accused murderer, to dictate what actions and behaviours in the past meant. In this case this look at the past, which is based on present circumstances, seems to indicate guilt on behalf of the accused.

In discussing the symbolic reconstruction of the past, Mead (1929) asserted that the past is oriented in the present. In order to maintain continuity and arrange images in our life in a seemingly temporal order, things that occurred in the past are always framed based on present circumstances. He argues that "the symbolic reconstruction of the past involves redefining the meaning of past events in such a way that they have meaning in and utility for the present" (Maines, Sugrue & Katovich 1983, p.163). Individuals comprehend the past in a way that allows it to explain or contribute to contemporary conditions (Maines et.al. 1983). In the excerpts from reports that follow, it will be demonstrated how seemingly arbitrary past events are reported on in ways that reconstitute them to correspond with the present - an accused on trial for murder.

This process is evident in the Morin case through highlighting his absence from the search parties looking for Christine at the time of her disappearance. For instance, one report noted, "[Janet Jessop] said Morin never took part in the search for Christine, never visited the funeral parlor or attended her funeral service and never offered condolences about her death" (*Toronto Star*, 5 February 1992). Similarly, another wrote:

Christine's father also testified that the Morin family stood out prominently from other villagers by failing to help with the massive search effort for the missing girl. He said virtually everybody else in the area helped in the search (*Globe and Mail*, 15 November 1991).

A third remarked, “Many villagers emphasized that Morin did not participate in the search efforts, which they said they found surprising” (*Toronto Star*, 16 March 1992). Guy Paul Morin’s lack of involvement in the search efforts appears to be reconstructed here as being a potential indicator of his involvement in the crime. In the present context of a trial, to determine one’s guilt or innocence, relatively unremarkable behaviour in the past is symbolically reconstructed as the suspicious behavior of a man accused of murder.

Another way in which the accused’s past actions were reconstructed as evident of guilt was through reporting on family involvement in the apparent cover-up of information. For example, one news article commented,

Alphonse Morin, the accused man’s 56-year-old father, admitted under cross-examination yesterday morning that he refused to allow police to search their home the night Christine disappeared. ‘I allowed them to search my property,’ the father testified. ‘But I am quite capable of searching my own house.’ He also admitted that he had ignored a series of messages to contact the police for routine interviews during their investigation into the girl’s disappearance. ‘I felt that...there was no point,’ he told the court. ‘Everything that could have been said had already been said.’ (*Toronto Star*, 28 January 1986).

A comparable report was published in connection to the Baltovich trial,

Robert Baltovich’s mother told a friend not to mention to police that her son had asked her to teach him to drive a car with a standard transmission because the investigating police would ‘turn it around and make a lie out of it,’ and Ontario court jury heard yesterday. Mr. Baltovich has been charged in the second-degree murder of his girlfriend, Elizabeth Bain, who disappeared June 19, 1990. Her car, which had a standard transmission, was found three days later, but her body has never been recovered. The court had earlier heard that Mr. Baltovich did not know how to drive a car that was not automatic (*Globe and Mail*, 17 March 1992).

These reports from the trial both suggest sinister intentions on behalf of the family of the accused individuals. Again, the theory of symbolically reconstructing the past notes that it is important to consider that the present determines the way that the past is depicted (Mead 1929). So, once again, the present situation is Morin and Baltovich on trial as the prime suspects in a murder

case. The past is Morin's father not allowing police to search his home or conduct interviews with him, as well as Baltovich's mother suppressing information about her son learning to drive a car with a standard transmission. These events are deemed newsworthy because of the present. The present circumstances attach suspicion to these otherwise unimportant, extralegal, past events.

A final way that the past appears to be reconstructed in news reports based on the present is through reports on old statements made by the accused. Once again, the reporting on these statements works to justify both suspicion and the trials of these men for murder. One example report reads as follows,

Five days after the 22-year-old went missing, police Inspector Steven Reesor asked the accused if he had any idea what could have happened. Baltovich said she might have been murdered by someone who knew her, in the valley of the University of Toronto's Scarborough campus. He detailed how the body could be hidden in the bushes, then carried to a junction at Manse and Old Kingston Rds., and left there. Then Bain's car could be driven from where it was last seen to where the body was left (*Toronto Star*, 12 March 1992).

Another excerpt from a news article stated:

Robert Baltovich said he contemplated killing Elizabeth Bain when she rejected him, but those feelings faded some years ago, his murder trial has been told. Baltovich made the taped statement to Detective Frank Wozniak a couple weeks after Bain, his 22-year-old girlfriend, vanished from the Scarborough Campus of the University of Toronto...her car was discovered with blood, similar to her own, in the back seat. 'I think they should die,' he added. 'If I was to ever kill Liz it would never...involve any pain, any blood or suffering,' Baltovich said" (*Toronto Star*, 7 March 1992).

Related reporting occurred in Morin's case regarding past statements made to police and other individuals around the time of Jessop's disappearance. One article remarked:

Morin tells the officers he wasn't happy in his old job at a Weston furniture factory. After they discuss the elaborate, \$6,000 marble tables that were made at the plant, Morin abruptly changes the subject. 'Otherwise, I'm innocent,' he says. Morin tells the officers he suspected harm had come to Christine as soon as he saw the 'first cop car' pull into the Jessop driveway on Oct. 3. And told his father so. 'I said, I bet that little Christine is gone' (*Toronto Star*, 14 January 1992).

A final example from a news report during Morin's trial observed:

A week before Guy Paul Morin was charged with murder in the slaying of 9-year-old Christine Jessop, he told a woman that the girl had died the same night she disappeared, Ontario Supreme Court heard yesterday. Mandy Paterson, who played clarinet with Mr. Morin in the Whitechurch-Stouffville Concert Band, said they discussed the killing at band practice last April 15. 'He sounded like he really didn't care...he said things like that happen,' Mrs. Paterson said (*Globe and Mail*, 17 January 1992).

Akin to the other examples presented, the reports highlighting statements made by the accused around the time of the disappearance of the victims is another way that the symbolic reconstruction of the past appears to be occurring in the news reports from this time period. Once again, these statements recorded in the news reports aid in justifying the suspicion and charges against these individuals because their status as a murder suspect implies that these statements suggest some guilt or involvement in the crimes.

This symbolic reconstruction of the past is important for the media to engage in as claimsmakers because of its ability to justify the current state of affairs that the accused individuals find themselves in. The justification of these men on trial is necessary because the audience is looking to direct moral outrage toward a perpetrator and assign culpability. Where evidence is lacking, since these are cases of wrongful conviction, reconstructing the past to look suspicious is a way that the charge can be justified in absence of scientific proof. The accused's status as the prime suspect in a horrible crime orients the audience's understanding of his past acts. What would normally be benign is now suspicious and confirms for the audiences that the system works - the right man has been found. To connect this back to the larger argument, it must be reiterated that the media act as claimsmakers for the purpose of packaging and marketing a story that will interest readers. If we reconsider typical crime and justice narratives, along with the easy cultural acceptance of the melodrama, this reconstruction of the past simply

acts as a means of working to fill the role, and justify that fulfillment, of the character at odds with the victim – the villain.

Designing a Dangerous Outsider

The second, and more blatant, way that the accused is constructed as the evil perpetrator in reports from the trial is by presenting them as a dangerous outsider. Loseke's (2003) research on the construction of villains highlights that in order for people to be willing to blame and condemn other individuals, they must be constructed as though they are not "one of us" (Loseke 2003). Individuals in society, or the readers of a newspaper, do not want to admit or acknowledge that a dangerous criminal could be just anyone. Rather, they want reassurance that this person is "different" somehow and that this individual level difference explains their criminality (Surette 2011). Constructing the villain as dangerous and an outsider also strengthens the melodrama. In melodramatic stories, there is a well-defined division between good and evil and not everyone can belong to the malevolent side of this partition (Anker 2005). Unlike tragedy, in which the villain is identified as human and "the audience is led to ask itself, 'what is the villain within ourselves?'" (p.617), melodrama requires a villain who is inhuman, an outsider, unlike the rest of us (Milburn & McGrail 1992). Illustrations of this phenomena arising from the Baltovich case focused on his apathetic nature. These reports constructed him as less than human, or an outsider, based on this lack of emotion because it is assumed that a more human individual would behave differently in the same circumstance. Excerpts from the news reports will further illustrate this construction. For instance, one news article quoted:

'It has been very hard,' Julita Bain said yesterday, fighting back tears. She said Baltovich's aloofness during the investigation made family and friends believe he was the killer. 'That's what convinced us he did it – his demeanor' she said. 'If you love someone, you don't act like that' (*Toronto Star*, 1 April 1992).

A further comment on Baltovich's demeanor was published in another news report which stated:

Cathy Bain has told the jury in Ontario Court, general division, of her older sister's anger at Baltovich because she knew he was spying on her and suspected he had other students watching her for him...she refers to the 26-year-old psychology graduate as being possessive, domineering, jealous and chauvinistic (*Toronto Star*, 13 February 1992).

Finally, a third article referenced the case judge's feelings about Baltovich in the following report:

Mr. Justice John O'Driscoll portrayed Mr. Baltovich as a cold, calculating killer. Remarking on Mr. Baltovich's calmness, the judge described his demeanour as 'very cool, very calculated,' betraying 'no emotion.' The judge observed that 'you do it all as if you are moving figures around on a chessboard,' adding that in the circumstances 'you are right to expect justice but have no claim to mercy.'...He told the prisoner: 'your acts from Day 1 are as reprehensible as one can imagine...you have high intelligence but are absolutely devoid of heart or conscience.' (*Globe and Mail*, 2 May 1992).

These reports very clearly construct Baltovich as cold and inhuman, devoid of conscience or remorse, different from that of a "normal" individual – othering him and maintaining the clear dividing line between good and evil individuals. Rather than allowing the audience to explore the way that they may act in a similar situation, the reports and those quoted within them outline that this is an unacceptable way to act following the death of a girlfriend. It simplifies the story and identifies the perpetrator clearly.

Differently, in the Morin case, othering occurred through reports which referenced his mental illness. While he was already constructed as suspicious and weird, the mental illness aspect brought a new level of othering to the case, along with dramatic claims regarding what could have happened during the crime. One report noted the significance of the introduction of this information, stating that "More than any other factor, it was the psychiatric evidence that convinced many people – including the Jessop family – that Mr. Morin abducted, sexually assaulted and killed Christine on Oct. 3, 1984 (*Globe and Mail*, 31 July 1992). Like Baltovich's lack of emotion, Morin's status as a schizophrenic individual allowed individuals to determine

how he was different from the general population and therefore capable of committing such an atrocity. A second report referencing his schizophrenia read:

In reviewing the evidence of insanity with the jurors, Judge Craig noted that psychiatric experts who testified on Mr. Morin's behalf found him to have a major mental illness that caused him to suffer from disorders in thinking and communication and an inability to deal with reality (*Globe and Mail*, 7 February 1986).

Along with reports that note that Morin possessed a mental illness were articles that reported on the hypothetical situations discussed at trial regarding events during the criminal act that may have occurred. These were specifically related to Morin's schizophrenia and the notion that because of this illness he was often disconnected from reality. For example:

Dr. Basil Orchard told the court today that Morin probably could not have understood what he was doing if he in fact stabbed the 9-year-old Christine Jessop to death. 'It is likely he could have been disconnected from the act,' Orchard said. 'In fact, he may have been in an explosion of strong, intense, inappropriate feeling' (*Toronto Star*, 3 February 1986).

Reports like this, which were common when Morin's mental illness was revealed, not only serve to other him and fulfill those cultural stereotypes but also add another dramatic aspect to the story. They cement Morin's weirdness or differentness, while also explaining why it was likely that he committed the act. A final, dramatic, example involving mental illness as a form of othering and constructing Morin as a villain noted:

The news of Morin's schizophrenia offered a new interpretation to otherwise-damning evidence obtained by police, who secretly tape-recorded Morin in his jail cell last spring. On those tapes, Morin repeatedly used a strange phrase borrowed from a horror film, reversing the word 'murder' to spell 'redrum,' and telling an undercover policeman the way to deal with frustrations was to 'redrum the innocent' (*Toronto Star*, 9 February 1986).

This entire section regarding the construction of the accused as justifiably on trial based on a symbolically reconstructed past, as well as positioning them as a dangerous outsider must be understood in the media context. The media make claims and follow crime and justice oriented stories because they are newsworthy (Surette 2011). One of the reasons that they are newsworthy

is often because of their ability to employ a melodramatic storyline. One of the components of this melodramatic storyline is the presence of a villain. This villain must fit into “one-dimensional representations of clearly defined moral valences” (Milburn & McGrail 1992, p.617). Part of aligning with the evil side of these moral divide is being an “other.” This allows for a simplistic representation of good versus evil because audiences are able to simply identify the characteristics that make the accused individual different from the general population. Milburn and McGrail importantly remark that “sensationalism is not only easier to portray than complexity, it is easier to sell” (1992, p.629). A simplistic villain who is different from the rest of society is easy to direct moral outrage at. They are not like the rest of us. The more easily an individual fits into such a widely held cultural narrative, the more likely a diverse audience will emotionally connect to and become interested in the story (Milburn & McGrail 1992). The more individuals interested in a story, the more newspapers can be sold.

Maintaining Confidence in Criminal Justice Practitioners

While the media did a great deal of work to construct the villains in these cases, in some instances doubts began to be raised about the strength of the cases. Accusations regarding police tunnel vision and poor forensic evidence were put forth by the defence, appearing to add to the complexity of the story. When this occurs, questions about the fairness of the justice system can be raised and, in doing so, threaten the public’s faith in their “just world” assumption. However, this section of the chapter will demonstrate that once again simplicity and an adherence to easily accessible cultural archetypes outweigh the desire for a full, complex storyline. Questions about the quality of the case against the accused were framed in a way that directed attention to problems with individuals (and excuses for them) rather than problems with the criminal justice system.

The third character that is employed in the melodrama is the heroic saviour (Anker 2005). Given the nature of the criminal justice system, the role of heroic saviour is most typically attributed to the police and other criminal justice actors that represent justice. There are a number of narratives that are frequently commissioned with respect to the crime fighter in the media. One very important characteristic of these narratives is that they belong on the side of justice, or the good side of the binary moral distinction (Anker 2005). A flawed justice system and the identification of systemic issues would remove the hope of the attainment of justice (Surette 2011). Within this section it will be demonstrated that the activities of criminal justice representatives that ran contrary to this narrative were downplayed or individualized in the media.

Immoral intentions do not align with the cultural myth which surmises that criminal justice practitioners exist to promote justice. Reports in which these criminal justice organizations appeared to possess responsibility for errors in these cases were individualized. As a result, news reports that questioned the culpability of police and forensic scientists appeared to exist within three main themes: the presentation of the incompetent criminal justice actor narrative, a demonstrated lack of intent with respect to situations that appeared to denote direct interference with evidence, and finally, the construction of these actors as sympathy-deserving despite their flaws.

The Incompetent Investigator

The first theme in reports focusing on the problems associated with police officers and forensic scientists during the trial was that they were often portrayed as incompetent investigators. This incompetence worked to individualize any blame that arose from the presentation of problematic evidence at the trials. The police services and Centre of Forensic Sciences as a whole in the cases were able to retain their position as heroic crime fighting agencies by attributing these

mishaps to individual incompetence rather than systemic evils. One example of such a construction reads as follows:

Detective Sergeant Bernie Fitzpatrick, one of the two main investigators assigned to the Morin case, told the jury that not all of the interview was recorded...He and his partner, Detective John Shephard, hadn't used the recording equipment before. They thought they had a 90-minute tape, but it ran out after 45 minutes, Fitzpatrick told prosecutor Leo McGuigan (*Toronto Star*, 14 January 1992).

A second excerpt regarding the police and a purported lack of competency stated:

A police officer who searched a remote field where Christine Jessop's corpse was discovered says a white object thought to be a cigarette butt was photographed as evidence before anyone realized it was just a piece of birch bark (*Globe and Mail*, 12 December 1991).

In another instance a report remarked:

The smoking plot grew still thicker yesterday when Durham Regional Police Sergeant Ken Hudson testified that he must have been mistaken two years ago when he told Ontario Provincial Police investigators that a faded cigarette pack found near Christine's body was collected in a bag as evidence...At the time of his statement, the OPP were interviewing Sgt. Hudson in connection with irregularities in the evidence at the Morin case. During a second interview a month later, he said the 'cigarette pack' was more likely to have been a milk carton (*Globe and Mail*, 30 April 1992).

The forensic scientists involved in the case appeared to be reported on in a similar fashion which emphasized their incompetence while also refraining from suggesting intentional tampering. For instance:

Several times yesterday, Mr. Pinkofsky [Morin's defence lawyer] openly questioned Ms. Nyznyk's competence to reach conclusions in the field of hair and fibres. He suggested, for example, that any trained hair analyst would have rejected two of three hairs found in Mr. Morin's car because they featured a characteristic known as 'looped' cuticles, whereas Christine's hair lacked this trait. Ms. Nyznyk said she could not comment on this because she did not scrutinize the hairs for looped cuticles and has forgotten the meaning of the phenomenon anyway (*Globe and Mail*, 31 March 1992).

A final example targets the individual ineptitude of the police and scientists involved in the Morin case. This report commented:

The jury also heard the Jessop family found some of Christine's bones several months after a supposedly thorough police search of the crime scene. Her body was later exhumed to verify that the bones were hers, leading to the discovery of massive injuries that had gone undetected at the first autopsy (*Globe and Mail*, 21 July 1992).

As these quotes demonstrate, at the trial stage the Guy Paul Morin case was becoming increasingly complex and the defence team was actively illuminating issues with the police investigation and the resulting tests conducted with respect to evidence. The reports on these issues cast police and forensic scientists as making simple or "honest" mistakes. The presentation of the officers and forensic scientists as incompetent fits well with the lampooned police narrative as outlined by Surette (2011). The lampooned police narrative presents police in a way that highlights their mishaps and foolishness (Surette 2011). The incompetence of the criminal justice practitioners offered in the news reports is clearly constructed in a way that suggests stupidity or silliness, rather than intent to frame a suspect. The lampooned police narrative is facilitated here because of its ability to adhere to the just-world belief. While lampooned police are perhaps difficult to view as heroes, this narrative serves to portray the practitioners in a way that is less threatening than considering the notion that they may have purposely tampered with evidence. As Surette notes, "a police force that can be poked fun at is not one that is likely to be perceived as oppressive" (2011, p.86). So the construction of individual criminal justice practitioners who can be made fun of attends to the just-world belief because it saves the entire criminal justice system from being portrayed in a malicious manner. Rather, it demonstrates that there are a few foolish police officers and forensic scientists employed within this system, going about their work dutifully and occasionally making silly mistakes. In employing the just-world belief, audiences seek feelings of control and predictability (Lerner 1980) and the protection of justice by criminal justice practitioners is one seemingly predictable way to control one's environment. So,

constructing issues arising from a criminal case as attributable to a few well-intentioned, yet less than competent practitioners maintains the view of a just-world overall.

Excusing Evidentiary Issues

Another way that reports from this stage highlighting evidentiary issues appeared to maintain the image of morally upstanding crime fighters was by demonstrating the excusable nature the actions of criminal justice practitioners. Surette (2011) remarked that crime news stories related to the trial are most often simplistically associated with individual pathologies rather than systemic problems. So, another way to associate the issues with individual pathologies, and even further render them as lacking intent, was through descriptions that excused the actions of the practitioners. This allowed for the news reports to continue to construct and fit these criminal justice actors into their culturally acceptable position and for the audience to maintain their just-world assumptions, making the information easily consumable by a wide range of viewers.

One example of an article suggesting a lack of intent was related to Constable Robertson's involvement in faulty evidence production through the use of his personal canine as a police dog. It was constructed as excusable in the following report: "An officer lied about his pet dog tracing the scent of a missing girl to Guy Paul Morin's car because he was desperate to become a police 'dog master'" (*Toronto Star*, 27 November 1991). Framing Constable Robertson as an individual who held the aspiration of becoming a 'dog master' and lying because of this goal depicts his actions as not malicious, but instead as misguided. Likewise, the forensic science mishaps were also constructed as inevitable and therefore excusable, thus restoring or continuing the ability of the organization to remain on the good side of the moral divide. Reports justifying these mistakes read:

Neighbor, who has conducted forensic tests for close to 400 criminal cases, said fibre transfer is such a common problem that Durham Region police investigators could have

inadvertently deposited the evidence on the clothing and inside the car (*Toronto Star*, 7 May 1992).

The addition of ‘inadvertently’ quite clearly retracts the blame from these criminal justice actors.

The inadvertent transfer of evidence is excusable because it demonstrates that officers were not biased. Not vindictive. Another similar report read:

A prosecutor at the Guy Paul Morin murder trial has suggested that a defence witness misled the jury with unrealistic standards for analyzing hairs. Forensic scientist George Neighbor had testified that hairs believed to link Mr. Morin to the murder of Christine Jessop were too old and had deteriorated too much to be of use. Crown counsel Alex Smith said in cross-examination yesterday that virtually any other laboratory in North America would have gone ahead and compared the hairs, using caution in reaching conclusions (*Globe and Mail*, 7 May 1992).

Similar to the other examples, this description that “virtually any other laboratory in North America” would have done what the organization in this case did yet again demonstrates the construction that any issues are explainable and do not stem from intentional malfeasance.

The examples here representing the excusable nature of mistakes made by criminal justice practitioners demonstrates another way that the media is able to link errors in the case with individuals and specifically well-meaning individuals. The importance of excusing these actions and representing them as mere mistakes is necessary for the maintenance of the audience’s belief in a just-world and the criminal justice system’s place in sustaining order in such a world. As noted in the literature review, wrongful convictions directly question the capability of the justice system and the practitioners working within it to provide justice (Denov and Campbell 2005). Wrongful conviction research has further noted that when wrongful convictions are revealed, the public responds with cynicism and apathy towards the workings of this system. All they can see are the injustices that have become apparent within it (Martin 2002). So, it has been made clear here that part of the media’s strategy during the trial period is the prohibition of such a view of the justice system by demonstrating its employment of a few bad apples, yet overall efficiency. Even when

evidence is questioned, demonstrating the excusable nature and lack of malicious intent in the actions of said bad apples facilitates the maintenance of a view of the justice system as a body which is moral and keenly attentive to bringing a perpetrator to justice.

Seeking Sympathy

The final theme that emerged from the trial regarding problems with evidence and criminal justice practitioner actions was that these practitioners deserved the public's sympathy, allowing them to maintain a positive construction in the media. Many of these reports focused on police Sergeant Michael Michalowsky, one of the lead investigators in the Guy Paul Morin case. Sergeant Michalowsky was the individual from the police service that was largely blamed for evidentiary issues which came out during Morin's second trial and as a result he was charged with a number of offences. However, as this last section will demonstrate, despite the OPP investigation surrounding his faulty police work, the construction of this individual in the news media purported the notion that he was deserving of sympathy. One example of a report that constructed him in this manner read:

Courtroom formality was abandoned at the Guy Paul Morin trial yesterday to help ease the high stress of an ailing police officer on the witness stand. Mr. Justice James Donnelly wore a turtleneck sweater and left his bench to sit casually in a chair on the courtroom floor. Lawyers wore casual clothes, the murder suspect sat outside the accused's dock and the witness – weeping and swallowing pills – sat at a desk shielded by a screen (*Toronto Star*, 3 June 1992).

Here, the frailty of the officer is clearly outlined with the description of him as “weeping and swallowing pills.” It begins to construct an individual that is sympathy worthy. This construction as an individual deserving of sympathy is another means in which that role can be maintained to fit the culturally acceptable story because it similarly demonstrates a lack of malicious intent to do wrong.

Another news article regarding Michalowsky's predicament noted, "[d]uring his testimony yesterday, Michalowsky, who suffers from angina and other heart problems, frequently broke down. His doctor and wife were at his side" (*Toronto Star*, 3 June 1992). Once again, the feebleness of the officer is implied in this report. Just like previous reports which implied the weakness of the victims and thus their innocence, a similar construction of criminal justice practitioners is appearing here. The weakness of the police officer responsible for vast evidentiary issues demands sympathy and perhaps alludes to a lack of intent. A further article described, "[a]ccompanied by his doctor, Michalowsky broke into tears frequently and at one point squirted a ventilator spray into his mouth as he was questioned by defence counsel Elisabeth Widner (*Toronto Star*, 4 June 1992). A fourth example dramatically described, "Sergeant Michael Michalowsky, 57, was admitted to the coronary care unit of Oshawa General Hospital last Thursday night – just hours after a bid to postpone his trial was denied by a judge" (*Toronto Star*, 4 June 1991). A final example not only proposes the sympathy-deserving nature of Michalowsky but this excerpt also provides a potential explanation or excuse for his behaviour. It reads:

Sergeant Michael Michalowsky also testified at the trial of Guy Paul Morin that he has been trying to purge the case from his memory in order to combat recurring nightmares and post-traumatic stress resulting from the sight of Christine's body (*Globe and Mail*, 4 June 1992).

All in all, it is clear from these three sections that despite the arising complexity in the Guy Paul Morin case at the trial stage, the media reports appear to abide by a storyline that is culturally digestible. The issues arising in relation to evidence were seen as fitting into a narrative about incompetent investigators, were individualized and excused, and then were commodified in a way that implied that these individuals were deserving of sympathy. The storyline remains digestible amid emerging complexity because framing the issues as individualized, well-intentioned mistakes by sympathy-deserving individuals protects the audience's view of a just-world through continuing

to portray an overwhelmingly functional justice system. If we continue to keep in mind that the goal of the media is the packaging of a story in a way that is easily accessible to a diverse public (Surette 2011), then the construction of criminal justice actors in this way makes sense. Just as the melodramatic narrative requires an innocent victim and an evil villain, an audience also seeks a hero (Anker 2005). Given the nature of crime and justice, this hero is often law enforcement. As a result, the portrayal here infers that the problem is not with all police, or all forensic scientists, and then recommends that these individuals with problems are still sympathy worthy. This allows law enforcement officials in general to remain in the role of the hero. Someone must bring justice to the victim as a just-world assumption would dictate.

Conclusion

In this chapter, the presentation of the characters in the melodrama of a media trial have been explored further. While some portrayals were added, and others altered slightly from the first stage of the criminal justice process outlined in Chapter One, the overall conclusion of this analysis was that despite the rising complexity in the cases during the trial, the media maintains the story in a style that does not stray from that of the melodrama. As continually mentioned, complexity is difficult to sell (Milburn & McGrail 1992) and “the better an event fits pre-established themes, the more likely it is to be selected” (Surette 2011, p.17). As a result of this, reports from the trial stage do not always attend to the complexity emerging in these cases. One explanation for this is that such stories would no longer adhere to the organization of pre-established cultural themes if they included such intricacies. Constructing or interpreting the issues surrounding the case evidence as arising from issues inherent within the justice system would remind the public that often this system is fallible and in need of improvement (Stratton 2013). Such suggestions would not only add to the complexity, complicating these simplistic narratives that have been methodically

constructed, but would threaten the audience's just-world belief. The audience's confidence in a predictable world where good things happen to good people, bad things to bad people, and heroes, often criminal justice practitioners, manage the society when this order goes awry would be shattered.

This chapter saw the complication of the victim and their status as an innocent moral being. However, while complicated, this portrayal functioned in a way that continued the maintenance of the just-world belief, allowing for the relief of audience anxieties through outlining the means in which they may avoid becoming victims themselves. As a result, the presentation of the victim then arguably adhered to the pre-established cultural narrative, while also employing the psychological desire for a just-world.

The accused in these reports continued to be constructed in a way that suggested the justification of suspicion toward them. This was done through systematically and symbolically reconstructing their past, picking out instances that implied their guilt and premeditation, thus assigning them to the category of an evil, predatory criminal. Additionally, they were constructed as dangerous outsiders, or as not being "one of us" through reports on their emotionless demeanor and mental illness. The combination of these constructions continued to relegate them to the undesirable side of the binary moral divide.

Reports from the trial stage saw the introduction of the construction of the police and other criminal justice actors. Attending to some of the complexities of the trial and the evidence presented at it, the introduction of these officials was on a negative basis. Despite the context in which they were introduced, once again, the just-world assumption was maintained. Such a narrative requires a crime-fighter to avenge the victim. While these criminal justice practitioners were not portrayed heroically, which is often the case (Surette 2011), the negativity that may have

been suggested by their incompetence with respect to the criminal investigation was combatted by excuses, explanations, and sympathy-suggestive reports in their favour. Their cultural status as belonging to a fair and righteous justice system aided in their construction as simply incompetent or distressed as a result of the investigation.

Conclusively, as demonstrated throughout the chapter and in this brief overview, irrespective of the complexity of the cases at this stage of reporting, the constructions and portrayals of the individuals involved continued to be relegated to culturally accepted myths and narratives – especially those related to the melodrama and belief in a just-world. Such narratives are easily relatable, digestible and emotionally connectable for an audience. In addition, they are entertaining – especially given that the media trial appears to give viewers an inside look into a real, ongoing criminal justice production, while remaining simplified enough to be palatable (Surette 2011). Here, the media remained claimsmakers for the sole purpose of packaging and commodifying an entertaining product while still appearing to be objectively covering the trial of an accused individual.

Chapter Seven – The Appeal Stage and the Management of Emerging Complexity

Following the analysis of victims and villains on trial, it is important to next explore reports emerging from the appeal stage of the trials where arguably even more complexity was materializing. The articles that were classified in reference to this stage were those that concerned any appeals, as well as the accused individual being released on bail. Naturally, during this stage there was an increase in both the amount and the intricacies of arguments and evidence being brought forth pertaining to the accused individual's perceived guilt. However, much like the developing complexity that arose during the trial stage, the reports pertaining to this time period demonstrate the media's continued attempt to ground these intricacies in a familiar cultural narrative. The appeal stage of these wrongful convictions represented both an opportunity for issues surrounding evidence and justice practitioner procedures to be aired. Overall, the appeal stage represented the point in which the guilt of the accused began to be seriously questioned and so the following analysis will describe how this uncertainty was managed in the media to maintain the presentation of a particular storyline.

Up until this point in the reports the news media had established a fairly clear and palatable narrative of innocent victims and evil criminals. While the addition of some victim-blaming and evidentiary issues were included at the trial stage, the reports succeeded in continuing to put forth a simple melodrama, appealing to emotion and remaining confined within a just-world view. As will be demonstrated here, the information disclosed at the appeal stage counters such simplistic views and is certainly newsworthy in that it seems to represent changefulness as these established constructions are challenged. Despite the fact that the information arising from the appeals is more complicated, it will be demonstrated that the media persist in creating a narrative that is culturally appetizing. As Hall et.al. remark, regardless of the conflictual nature of news stories, "such events

cannot be allowed to remain in the limbo of the ‘random’ – they must be brought within the horizon of the ‘meaningful’ (2009, p.649). As this chapter, and the constructions that it will analyze demonstrate, the frame that is developed works to reinforce the status quo amidst information attempting to complicate it.

Gone and Somewhat Forgotten –Reiterating the Pain of the Victim’s Family

The first interesting theme emerging from the reports arising from the appeal stage involves the relative disappearance of the victim. Despite the attention paid to constructing this individual as moral and innocent, but also later slightly deserving of their victimization, during the appeal stage these more personal constructions seem to disappear. Surette (2011) remarks that usually criminals are comprehensively constructed in the news media, that victims are usually missing in this process. While the previous two stages of criminal justice involvement have not seen this to be true, reports from the appeal stage make this appear to be accurate. Instead, during the appeal stage the victim’s family and their woes take the centre stage.

The families of victims of crime are typically portrayed as suffering from double victimization. The first victimization they encounter is from losing their loved one as a result of the offence. The second experience of victimization comes from the justice system. This secondary victimization is detailed during the appeal stage which can be explained by the notion that they no longer possess a clearly defined perpetrator with which to direct their hate and moral outrage towards. Rather, the guilt of this individual is being questioned much to the dismay of those who believed that the case was solved and that closure had been gained. The presentation of these stories in the media, despite not concerning the victim on a personal level, function as a means in which to maintain the audience’s emotional connection to the victim, even in absence of a distinct perpetrator. They reinforce the victim’s position in the ongoing confrontation between good and

evil – even though the representative of the side of evil has become uncertain. In fact, these reports often included suggestions that the accused's guilt should not have been questioned. Rather, in putting forth stories representing the pain of the victim's relatives, quotes from family members routinely asserted their certainty regarding the original suspect's guilt.

An example of one of the reports in which a family member contests the lack of clarity regarding the accused individual's culpability reads:

Outside the court the slain woman's mother characterized the bail hearing as a waste of taxpayers' money. 'I'm satisfied that the right man has been convicted,' Julita Bain said. They should have kept Baltovich in prison and 'thrown the key away. Are we going to have another Nina de Villiers to prove him wrong?' Police believe suspected killer Jonathan Yeo murdered de Villiers and another woman while out on Bail (*Toronto Star*, 9 October 1992).

Another example focuses on the troubles faced by the victim's family during the appeal stage remarks:

Robert Jessop, the father of the dead girl, said he gets angry thinking of the people lining up to support Morin and writing promises of apologies or payoffs following the decade of turmoil. 'No one has ever mentioned apologizing to me. Who would do it? The victim is rarely mentioned. It seems the victim is the person least considered' (*Toronto Star*, 23 January 1995).

A final quote that demonstrates this double victimization states:

There is still no rest for Christine Jessop. Nor can her family find peace while her killer lives in freedom. 'It doesn't matter that Christine's buried below the ground, not walking on the ground. Her spirit is alive. And there will be no rest for her until the killer is brought to justice,' said her father, Bob Jessop...After more than 10 years of trials and investigations that brought much more pain and sadness than happiness for the Jessops, it all came down to the word of science... 'Obviously I'm disgusted that such a severe decision has come down to the discretion of three scientists from a country I'm not even from. Their word is gospel' (*Toronto Star*, 24 January 1995).

These excerpts are important to analyze closely because of their appearance in the appeal context where the attention has largely been refocused from an injustice done to an innocent victim to a potential injustice done to an innocent "perpetrator." Amidst the arising questions however, the

inclusion of the woes of the victim's family clearly continues to promote an emotional connection to the victim – or at least to their relatives whose suffering continues. They appear to justify the initial arrest of the accused individual and argue against any contestation in the case that defies this justification. In this respect they persist in their demand for a perpetrator. These excerpts portray a very specific individual to be the perpetrator, but really, at this point in the case, the importance is that they continue to construct a villain.

The continued construction of a villain is important for the melodrama and cultural narrative concerning the unambiguous distinction between morally good and morally evil to be upheld. Julita Bain's proposed worry about a situation similar to that of Nina de Villiers promotes fear in that whether Baltovich is the accused or not, there is a culpable individual who is free from prison and able to commit similar crimes. Similarly, the lack of rest for Christine Jessop and her family also prompts such fear in that the accused is free from prison as a result of DNA evidence. While this emerging scientific evidence is not accepted by the father of Jessop, this revelation both demands sympathy for the victim and her family, and continues to construct an accused – whether this is Morin or another culprit. The portrayal of the victim's family at this stage of the criminal justice process reflects the media's tendency to "[mine] for moral truths and understandings presumed to be held by the audience" during the presentation of complex information (Altheide 1997, p.654).

A single anomaly to note here is the continued absence of the construction of Perry Harder, or his family, as a victim. Nowhere in any of the articles from this phase of the justice process, or the previous stages outlined, was there any mention of Perry Harder aside from his relationship to James Driskell and the criminal enterprise that they ran together. Not even here, during the appeal stage, when the guilt of the accused perpetrator is being contested was there any sort of

construction of Harder as a victim. Similarly, despite the concerns of the other victims family members being acknowledged in reports from this stage, Harder's family is never mentioned nor quoted. This is directly indicative of the hierarchy of victims as described by Altheide et.al. (2001). As previously discussed, victims are assessed on a moral hierarchy and typically achieve victim status in the event that they are demonstrably moral, innocent beings. Given his background that involved a history of criminality, and his death purportedly relating to this criminality, it is clear that Harder is not assessed as being a real victim. Resulting from this lack of victim status, even as the accused individual in his crime is up for appeal and his guilt is being questioned, the voice of Perry Harder and his family remains silenced.

Challenging Constructions of the Accused

Following the theme of the additional complexity emerging during the appeal stage, the constructions of the accused during the appeal broadened and most clearly demonstrated three key themes. First, in many news articles, the original accused individual continued to be constructed as deserving of condemnation. Despite forthcoming evidence that challenged this denunciation, the content in a number of articles appeared to persist in presenting information that justified the culpability attached to this "offender." However, alongside these constructions, positive portrayals of the accused began to emerge. These positive constructions provided a novel opportunity for the symbolic reconstruction of the past in which events previously read as indicative of guilt were reread differently. The final, and arguably most important addition to news reports at the appeal stage was the introduction of other suspects. This addition to the articles is the most critical in maintaining the melodramatic narrative present in the coverage. Naturally, the negative versus positive constructions of the original accused individual complicate their role in the melodrama and the moral monitoring that occurs around their character. However, the ability to both introduce

and justify condemnation toward a new suspect fulfills the evil predatory criminal requirement in this ongoing narrative.

In reference to the changing context of the trials under examination, it is important to note that audiences act as “untiring moral monitors, who continually render verdicts about the rightness or wrongness of a characters actions” (Raney 2002, p.310). These verdicts are not permanent and “. . . are subject to change as the drama progresses” (Raney 2002, p.310). For these shifts in moral standing to remain palatable for the audience the inclusion of a new villain is key. Doing so protects the audience’s myths about crime and the criminal justice system (Hall et.al. 2009). If aspects of the justice system appear to be failing since an innocent individual may have been tried for a crime, then certainly the presentation of an alternate suspect, who possesses evil qualities, aids in continuing the sensationalism associated with the event rather than delving into the problems with the system. This is a much more commercially viable approach (Williams & Dickinson 1993). As will be demonstrated in this section, among continued constructions of the accused as a villain and oppositely new constructions of the accused as innocent, the creation of a new suspect appears to be the media’s most commonsensical approach to combat the evolving complications in these cases.

Explaining Errors through Continued Condemnation

The first way in which the accused was constructed during the appeal stage did not stray from previous constructions. Rather, negative information pertaining to them and their association to the crime were revealed. This negative construction allied itself with the most simplistic narrative because it aligned with the character constructions from the original trial. The innocent victim was murdered, the accused was an evil predatory criminal, and the crime-fighters employed by the justice system found and arrested this individual – the correct perpetrator.

The differences in the three cases that were analyzed will also be distinguishable by examining the ways that the accused individuals were constructed during the appeal stage. As will be demonstrated, most of the excerpts containing negative constructions of the accused were related to the Baltovich and Driskell case. Later, as will be discussed in the section pertaining to the positive constructions of the accused, reports from the Morin case dominate these portrayals, a few reference Baltovich, and positivity associated with James Driskell is absent. As questions regarding the guilt of the perpetrator are raised, the differences in the cases are reminiscent of a hierarchy of victims (Altheide et. al. 2001). The believability surrounding the suspect being a victim of the justice system is related to their character – just as the sympathy-deserving nature of a victim of crime is assessed along a hierarchy.

To begin to illustrate this notion, first the negative constructions of the accused that were publicized must be analyzed. One example of this in reference to the continued condemnation of Robert Baltovich stated:

At the trial, the Crown staked a great deal on the theory that Baltovich's behaviour revealed his 'consciousness of guilt.' This behaviour – such as tracking down people who might have seen Ms. Bain, suggesting to police that she had committed suicide, and telling police about some of her male friends whom he found suspicious – was constructed by the Crown as obstructive, devious and, above all, evidence that he was hiding something (*National Post*, 30 September 2004).

Another example related to the Baltovich case, which reaffirms the “evidence” against him, reads:

The Crown theory is that Mr. Baltovich was a brooding, controlling boyfriend who became increasingly obsessed as Ms. Bain, 21, slipped from his clutches. It maintains he pried into her diaries, followed her around surreptitiously, and finally killed her in a jealous rage after realizing she was seeing other men. After the murder, the prosecutors allege, Mr. Baltovich planted false evidence such as a cigarette package and a fake note. They say he slyly pointed police toward phantom stalkers and even one of Ms. Bain's ex-boyfriends (*Globe and Mail*, 25 September 2004).

These two examples put forth incriminating information about Baltovich, however, they remain framed as the theory of the Crown. There also existed reports where such negative information was not framed with reference of the Crown. Such an excerpt states:

Robert Baltovich is a convicted killer. Keep your eye on that ball for a minute. A jury made the determination 12 years ago, after weighing the evidence in a three-month trial that was essentially circumstantial in nature. Verdicts predicated on circumstantial evidence are hardly unusual. No one should be aghast about that. Sophisticated forensics cannot always tie an accused irrefutably to a victim (*Toronto Star*, 29 September 2004).

This quote demonstrates the media's insistence that nothing appears inherently wrong with the process associated with the Baltovich case. Rather, the report highlights that this case followed the same protocol as many others going through the criminal justice system in which forensic evidence is absent. The important thing to remember is that Robert Baltovich is a convicted killer. So, while this report does not reconstruct him as a villain, it certainly aids in disputing the notion that issues may be inherent in the case. The negativity and suggestion of guilt apparent in this news report are reminiscent of this stage of the Baltovich trial as a whole. The "hierarchy of victims of the justice system" that exists in conjunction with victims of crime applies to the Baltovich case at this stage. Certain characteristics and behaviours of Baltovich throughout his trial placed him on this scale in a place that never quite allowed this negative portrayal to be fully altered. Luckily for the media, the continued condemnation of the original suspect allows for that precise fit in the cultural narrative that many are able to accept.

Many of the first constructions of James Driskell also arose from the appeal stage. Despite the absence of his case from the pre-trial and trial coverage, during the appeal reporting Driskell was often constructed in a negative, guilt-suggestive way. This once again would speak to the hierarchy of victims outlined by Altheide et.al. (2001). Like a victim of crime, those who are seen as somewhat culpable in their victimization are not regarded as highly on the moral hierarchy

(Altheide et.al. 2001). Reports regarding James Driskell focus on his lack of morality prior to the crime, thus being suggestive of his guilt. Driskell's immoral nature was also seen as challenging any other information regarding his lack of culpability that was arising from the appeal process.

One example of such a report insists:

In the late 1980s, Mr. Harder and Mr. Driskell ran a 'chop shop,' cutting up stolen vehicles and reselling the parts...On June 15, 1990, Mr. Harder vanished, just five days before he and Mr. Driskell were to appear at a preliminary inquiry on joint charges of possessing stolen goods. Three months later, a passerby found his remains. The Crown convinced the jury that Mr. Driskell had killed Mr. Harder to ensure that he couldn't implicate him in the court case...Mr. Harder's girlfriend said he had been under pressure from Mr. Driskell to take the full rap on the stolen-goods charges, yet didn't want to do so (*Globe and Mail*, 15 March 2003).

Another article referring to the questionable moral status of Driskell reads, "Mr. Driskell was no angel before his conviction for first-degree murder...He had been partners with Mr. Harder in a 'chop shop,' cutting up stolen vehicles and selling the parts" (*Globe and Mail*, 27 November 2003).

Similar to the continuation of the negative portrayal of Robert Baltovich amidst the emergence of novel information pertaining to the case, the construction of James Driskell in this way also speaks to the appeal of melodramatic cultural myths in the media. The portrayal of James Driskell as a criminal plotting his friend's murder to save himself from charges easily adheres to the narrative of the dangerous outsider or evil, predatory criminal – fulfilling the evil side of the moral divide. Even if we consider the information that contrasts this construction, Driskell's past would render him low on the hierarchy of victims of the criminal justice system. Since the status of victims is correlated with the extent to which an audience assesses them as being blameworthy or culpable (Altheide et.al. 2001), even amidst information suggesting that he may have been wrongly convicted, Driskell was still be constructed as possessing some blame in his circumstance because of the notion that his moral status would explain the suspicion directed toward him in the first place. In this way, continuing to construct Driskell and Baltovich as responsible for their

situation also attends to the just-world belief. Now that questions around Baltovich's and Driskell's convictions are arising, the audience must also be able to note that there is something that they can do to prevent themselves being a victim of wrongful conviction. Thus, these portrayals demonstrate that if an individual occupies a certain place on the moral hierarchy, such a circumstance is unlikely to occur. This then makes the world predictable and ordered once again, as required by this assumption (Lerner 1980). It perpetuates the belief that either these men committed the crimes, which explains their predicament, or they were bad or suspicious people and therefore justifiably accused of such crimes, also accounting for their current situation.

To further exhibit the negative constructions of the accused that still exist among other information that contested this label, reports pertaining to the Guy Paul Morin case also included such portrayals. While these were few and far between, they demonstrate the cultural myth associated with the belief in the justice system and its supposed infallibility. It appears from these reports that a label attached to an individual by a jury is so strong and so well supported by cultural myths that even amongst information contesting this categorization it is difficult for it to be accepted by all. For example, one news article revealed:

Outside the prison entrance yesterday, two women calling themselves members of a group known as 'Voices for Children's Rights' were angered by Morin's imminent release. 'He's a convicted murderer,' said Lyne Bergeron. 'He should be spending time behind bars in Kingston Penitentiary until the appeal is heard,' added Virginia Foster, another member (*Toronto Star*, 12 February 1993).

Comparable to the Baltovich article that opposed the view that a case built solely on circumstantial evidence is disputable, the emphasis on Morin's status of a convicted murderer highlights the adherence to the cultural myth that the justice system is infallible. An excerpt like this one clings to the notion that it is both easier and more rewarding for the news media to present a simplistic narrative (Surette 2011). A narrative that suggests that a story about a dangerous child killer who

should not be released from prison has more potential for capitalistic reward than an article detailing the issues in the case and why the accused should be released on bail.

To conclude this section, it is clear that there are two main reasons for the continued (or in the case of James Driskell first) construction of the accused in a negative manner. Firstly, this construction continues to abide by cultural rules that suggest that the accused is the perpetrator. This is insinuated through outlining their past actions/behaviours that appear to be indicative of guilt. As a result, these implications allow them to continue to fulfill the role of the villain in the media's melodramatic portrait of the criminal justice process. Additionally, these negative, guilt-suggestive portrayals also attend to the simplistic cultural narrative that the justice system is infallible. These excerpts proclaim that the justice system would not make a mistake like this. Secondly, if we further consider the context in which an appeal is being heard, where there are other, contrasting portrayals of the accused in circulation, then these negative constructions can also be a means of placing the accused on a hierarchy of "victims of the criminal justice system." The damaging constructions in these articles would place them low on such a hierarchy, according to research regarding the blameworthiness of victims of crime (Altheide et.al. 2001). The undesirable information casts these individuals in a light that makes remarks towards their moral status and culpability in their own tragedy. This in turn takes more of the blame away from the criminal justice system, thus fulfilling the well-accepted narrative that it is infallible. This occurs because these constructions advocate for the system as they purport the question, how could criminal justice actors not have suspected these individuals given their questionable morality and behaviour evocative of a guilty conscience?

Portraying Positivity – Complicating Constructions of the Accused

In contrast to the negative portrayals of the accused individuals as reported above, reports from this stage in the timeline also put forth positive constructions of these individuals as more information was discovered. As a result, the constructions of these men became complicated in that their positive qualities were also noted in a number of reports. Despite the addition of positive portrayals to the coverage of these cases, it will be demonstrated that the presentation of this information also serves the media in a number of ways. Additionally, differences in the reports between the cases will once again be highlighted within this section as it is pertinent in understanding the ways in which the news media constructs individuals and problems.

First, while Robert Baltovich received some positive portrayals in the news media during the appeal stage, these were infrequent and also lacking in detail. Some reports that appeared positive in that they referenced the questions surrounding his culpability in the death of Elizabeth Bain also seemed to suggest that his actions warranted the suspicions of his guilt in the first place. These reports, and the absence of detail regarding the positive qualities of his character in others, allows for the presentation of a simplistic storyline to continue. The following “positive” report on the Robert Baltovich case depicts the way in which the news media are able to harness new information that reports his potential innocence, while still attending to the pre-established cultural themes that make news articles accessible and popular:

Some observers of the trial suggest that ultimately Mr. Baltovich became his own worst enemy. Although suspected virtually from the moment of the car’s discovery, he volunteered interview after interview with police without a lawyer being present, and even consented to a polygraph test that lasted more than six hours, during which he candidly admitted that he had thought of harming Ms. Bain on being rejected by her soon after they met in 1987. Describing himself as having suffered enormous depression at the rejection, he said that in a state of irrationality he felt that if he could not have her, no one else would, but also added that the feeling had quickly faded and since then he had never had any thought of harming her (*Globe and Mail*, 3 June 1996).

As discussed, this report essentially notes all of the reasons that it was Baltovich's fault that he was condemned for Bain's murder. This article once again corresponds to the just-world assumption because the report essentially remarks that Baltovich's circumstance is due to his own actions.

The majority of additional reports about Baltovich that could be classified as containing a positive portrayal were greatly lacking in information. One such example of a report notes that "Mr. Baltovich was released on bail in mid-2000. Since then, he has led a quiet life, acquiring a degree and working as a librarian" (*Globe and Mail*, 18 September 2004). Clearly such a portrayal does not offer much information, but rather notes that not much has happened. These "positive" portrayals are interesting to further analyze in the Baltovich case. During the appeal process, given the circumstantial nature of the case and lack of available evidence, while there were doubts raised about his guilt, there was not the same presence of questionable evidence as there was in the Morin trial. So, there was also a lack of positive portrayals or of constructions that declared his moral nature. It appears that the media was hesitant to put forth such portrayals in the absence of clear evidence that suggests this.

Contrastingly, the positive portrayal of Morin was entirely different during the appeal stage of the process. There was once again a symbolic reconstructing of the past that seemed to appear based on the present evidence or issues with evidence which worked to cast Morin in a positive light. Through this novel construction, Morin's morality is suggested and he is constructed very much like a victim through the details of his life, descriptions of his family, and tales of his supporters. An example of one report that begins to construct Morin in this altered way states:

Morin, a clarinet player and jack-of-all-trades who lived next door to her, was charged with the slaying and acquitted in February 1986. A new trial was ordered, however, and Morin was convicted of first-degree murder and sentenced to life imprisonment last July 30 (*Toronto Star*, 22 December 1992).

This quote illustrates the difference in the reconstruction of Morin's past during the trial and during the appeal. Where previously he had been referred to as "unemployed," here he is positively referred to as a "clarinet player and jack-of-all-trades." The very basic alteration of Morin's employment status in the wake of information regarding his possible innocence is one key example in how his past reconstructed based in current circumstances. Another example reads:

You don't need to spend much time with Guy Paul to learn that he enjoys building and repairing things (he talks proudly of the cars he's rescued from the scrap heap and restored to working order – after first checking out their reliability in consumer magazines). Or that he likes cooking (he tells me about baking 11 pies by himself one day). This is, after all, a young man who has kept bees, gardened, and played the clarinet in community bands. This is a young man who, by his very nature, respects orderliness (*Toronto Star*, 18 January 1993).

This report similarly represents a reconstruction based on present circumstances related to the appeal stage of the trial because Morin's chattiness and hobbies were previously constructed as weird and worthy of suspicion. Excerpts from police interviews with Morin where he similarly described his hobbies and engaged in conversation with them were constructed entirely differently than the way that this conversation is reported on here. Morin's chatty nature was previously described as a key reason he went from being interviewed as a witness to being considered a suspect. For example, an earlier report from the trial stage of the case remarked:

The man on trial over the sex slaying of Christine Jessop blurted out 'I'm innocent,' then chuckled in the middle of a police interview, a jury has heard...Morin, who lived next door to Christine, was being questioned only as 'a witness,' Fitzpatrick told the court. But he made several statements that detectives considered strange...Morin tells the officers he wasn't happy in his old job at a Weston furniture factory. After they discuss the elaborate \$6,000 marble tables that were made at the plant, Morin abruptly changes the subject (*Toronto Star*, 14 January 1992).

Here, the differences in the constructions of Morin's talkative nature can be seen in contrasting a report from the appeal stage that celebrates this character trait versus an article from the trial stage that condemns it. Thus, this demonstrates symbolic reconstruction of the past since something as

arbitrary as his conversational disposition is reinterpreted at these varying stages of criminal justice involvement.

Returning to the positive constructions of Morin that were discovered at the appeal stage, a third excerpt purports:

Ida Morin sat on the sofa with her hands folded, glancing out the front window every now and then. A pot of fresh coffee simmered on the stove, filling the Morin's Queensville home with a welcoming smell yesterday afternoon. From a pair of old speakers, came the recorded sounds of Ida's son, Guy Paul Morin, playing a piano... 'He's got a marvelous touch – he's gifted. Who could want a better son?' Her husband Alphonse wore a big smile. He waited for his 33-year-old son, convicted in July of murdering neighbor 9-year-old Christine Jessop, to walk through the front door (*Toronto Star*, 13 February 1993).

Like the previous two examples, this detailed description of a reporter's visit to the Morin home constructs an entirely different household than did reports pertaining from the earlier two stages. Previously the Morin home was described as messy and Alphonse Morin was described as "controlling," rather than wearing a "big smile." These were some of many excerpts that blatantly contradict earlier constructions of Morin and his family. Yet again, this demonstrates how the past can be entirely reconstructed as a means of attending to the human desire for events to make sense, to maintain a temporal order (Mead 1929). Additionally, presenting Morin in this way also constructs a new victim for the audience to sympathize and emotionally connect with. Presenting him as a normal, moral, pie baking individual just gives another reason to the audience to keep reading and ensure that he achieves justice.

Given the evidence coming forward at the appeal stage, the media is unable to adhere to their previous constructions. Rather, they appear to engage in a reconstruction. In some of the cases this reconstruction attends to continuing to assert blame, and in others it mostly removes such a suggestion. However, it is also critical to acknowledge that the news media fail to either recognize or divulge that they are engaging in this reconstruction. Instead, the current news story is published,

and based on the available evidence or issues reported, the construction of the individuals involved follows along with what is appropriate and culturally acceptable for an audience.

To conclude this section it is also important to acknowledge an anomaly discovered here. The emerging positive constructions of the accused represented another area in the media reports where James Driskell was absent. Just as blameworthy victims are not typically described as newsworthy (Altheide et.al. 2001), Driskell's "morally corrupt" nature does not appear to allow for the news media to print the positive aspects of his character. Regardless of the contestation regarding his conviction occurring in the court system during this time period, it seems to remain that because Driskell was a criminal prior to his murder conviction he persists in his role as a character rendered undeserving of sympathy and media coverage.

Replacing the Villain

The final theme that occurred with respect to constructing the accused during the appeal stage was the introduction of other suspects. It appears that this introduction may take place for a number of reasons. First, it fulfills the need for a villain in the melodramatic narrative. Resulting from new information and evidence coming forward during the appeal stage this distinction between the two unwavering sides of morality has become slightly murky. So, the introduction of a new villain attends to this and once again makes the story easily acceptable within the dominant cultural narrative of good versus evil. Like the discussion on constructing the accused as a villain in earlier chapters, reports on this individual also serve to cast them as an outsider and in some cases create fear as well. Introducing a new villain also serves to bring faith back to the cultural narrative that the criminal justice system is dependable. Altheide et.al. (2001) remark that "authorities can mitigate fear by claiming to have narrowed blame and thereby to have eliminated diverse potential suspects or sources of danger. Thus when it comes to fear and victimization, it is

newsworthy to be specific even if wrong” (p.318). This clearly denotes the importance of introducing a new villain when the culpability of the original accused is being questioned. As Altheide et.al. (2001) noted, it is beneficial for both the police and the media to take this route even if it is unsubstantiated.

As will be demonstrated through presenting reports that outline other suspects in both the Baltovich and Morin case, these news reports effectively construct the individual as an outsider who easily fulfills the villain status. For instance, there were a number of reports related to the Guy Paul Morin case that suggested other suspects may have been more likely perpetrators. One example from a report reads:

On the day Christine disappeared, W.P. was seen driving his van through the Queensville area where she was abducted, on his way to pick up used auto parts from car wreckers along Ravenshoe Rd. The next morning, a knife-carrying man was seen washing down the interior of the van with a high-powered hose and detergent, paying special attention to the dashboard and seats. Investigators later found his past included problems with theft, a stint in a Queensville group home and a familiarity with Ravenshoe Rd., one of the quickest routes to the field where Christine’s body was found. Police didn’t know about W.P. until the day of Christine’s funeral, Jan. 7, 1985, and while they seized the van, the man was long gone. Suggestions of grease or oil were found on a small stain on the turtleneck sweater Christine was wearing when she disappeared, but necessary tests to confirm were never conducted (*Toronto Star*, 24 January 1995).

This article very clearly constructs another suspect. The suspicious circumstances around him aid in creating fear that a likely suspect may have gotten away. This fear in turn provides a forum for increased entertainment in a case receiving extensive, lengthy coverage. As Altheide (2002) remarks, fear is often synonymous with entertainment. Additionally, certain aspects of this report also aid in othering this individual and constructing them as immoral. For instance, highlighting the individual’s issues in the past illustrates his immorality because, as this report purports, he was a criminal. Also, the description of him as “knife-carrying” also corresponds to the evil, predatory criminal narrative.

A second report referring to additional suspects in the Morin case states:

A cemetery worker, the driver of a grease-spattered van and a man given to making strange utterances. As Metro police take over the probe of Christine Jessop's 1984 murder, the investigative spotlight will return to three suspects considered – and dismissed – by Durham Region police detectives who conducted the original murder investigation (*Toronto Star*, 24 January 1995).

Despite providing relatively little information, this report begins to other these additional suspects through the discourse that is chosen to describe them. This excerpt is most important in that it describes the fact that these suspects were originally dismissed by the initial police report. So, the notion that they are constructed as other suspects in the news is interesting and relates to Altheide et.al's (2001) assertion that it does not matter if the suspects or villains presented are the perpetrators. What is important is that authorities, with the help of the media, present a villain as a means of mitigating fear and retaining their own dignity.

A third report referring to another suspect in the Morin case also appears to add to the drama in the case. Additionally, this report also serves to mitigate fear given that the suspected individual is deceased, yet it still provides a suspect to satisfy the cultural requirement for a villain.

This report notes:

Police recently investigated the possibility that nine-year-old Christine Jessop was killed by her grandfather and not by Guy Paul Morin, the next-door neighbour serving a life sentence for her murder in 1984. The Jessop investigation reopened quietly after a tip to the Durham Regional Police that the grandfather, Gordon Simpson, had confessed the killing to a friend in 1985. Shortly after making the alleged confession, the wealthy stockbroker died. His friend, who has also died, relayed the information to a psychiatrist, who in turn told the police late last year (*Globe and Mail*, 9 January 1993).

The grandfather as an additional suspect is not othered in this excerpt, but rather he is described as a “wealthy stockbroker” which undoubtedly adds to the dramatic narrative of the story and also satiates the public's need to condemn.

Now, the case in which the presentation of an additional suspect was the most prevalent was that of Robert Baltovich. Given that the other suspect purported was Paul Bernardo, who at the same time had been charged with murder and was associated with the Scarborough rapes, the construction of Bernardo as an alternate suspect perfectly fit within the narrative of the evil predatory criminal. Bernardo represented a pre-established villain that easily corresponded to the cultural narrative about who commits crime. As the following examples will make evident, the way in which Paul Bernardo was constructed as the villain in the case of Elizabeth Bain represents a “socially palatable explanation of crime” (Surette 2011, p.55) because of how well this construction fits with the narrative of the evil predatory villain.

The first example that constructs Bernardo as both the accused individual in the Bain case, as well as an evil villain, reads:

The man his lawyers will suggest is more likely the killer is Paul Bernardo, convicted last year of first-degree murder in the deaths of schoolgirls, Leslie Mahaffy and Kristen French and declared a dangerous offender after admitting to a series of violent rapes in the Toronto suburb of Scarborough, where he, Mr. Baltovich and Ms. Bain, 22, all lived (*Globe and Mail*, 3 June 1996).

Referring to Bernardo’s murder conviction and dangerous offender designation naturally begins to construct him as an evil villain. Additionally, describing Leslie Mahaffy and Kristen French as schoolgirls also constructs them as innocent victims, adding to the proposed evilness of the suggested perpetrator. A second report referring to the possibility that Bernardo committed the murder of Elizabeth Bain remarks:

The Baltovich lawyers allege that several connections existed between Ms. Bain and Mr. Bernardo, including their mutual attraction for particular local restaurants and a local strip mall, and the fact that Mr. Bernardo once flew into a rage because one of his girlfriends had a crush on Ms. Bain’s brother. Mr. Bernardo frequently had sexual encounters with girlfriends in the Scarborough park where Ms. Bain disappeared, the defence said. In addition, a pack of Mr. Bernardo’s favourite brand of cigarettes – DuMaurier Light – was found in the glove compartment of Ms. Bain’s car after her disappearance (*Globe and Mail*, 21 September 2004).

This report adds to the suspicion around Bernardo as a potential alternate suspect in the Baltovich case and includes some circumstantial evidence that is suggestive of his involvement. Another excerpt that again constructs Paul Bernardo as fear-inducing and evil explains:

On the very afternoon Elizabeth Bain ‘seemingly vanished from the face of the earth,’ a man bearing a striking resemblance to Scarborough rapist and serial killer Paul Bernardo was seen in the university building where she had classes...Late that same afternoon – sometime between 4 and 6 p.m. – another woman, who was also a student, felt the presence of someone staring at her while she spoke with her fiancé from a payphone outside the university’s humanities building...For reasons she can’t explain, the woman, known only as R.A. was ‘scared’ of the blond-haired man and ‘just got a horrible feeling about him,’ the court was told. Later, when she saw how much a composite sketch of the Scarborough rapist resembled the man who had frightened her, she nearly ‘jumped out of (her) skin,’ she said. The woman’s story is one of several ‘chilling’ pieces of circumstantial evidence, which, taken together, strongly suggest it was Bernardo who killed Bain (*Toronto Star*, 21 September 2004).

This news article excerpt clearly promotes fear regarding the alternate accused, Paul Bernardo, as well as places him in the same vicinity as the victim. Again, referring to Bernardo as the “Scarborough rapist and serial killer” already villainizes him before even discussing the woman’s fear of being in his presence because they construct him as a highly immoral, dangerous outsider. One final example to be presented that reports the possibility that Bernardo is culpable in Bain’s murder states:

In their submissions last week, Mr. Baltovich’s defence team argued that she likely was Mr. Bernardo’s first murder victim. They noted that Ms. Bain disappeared three weeks after Mr. Bernardo attacked a young woman in this area – one of 13 rapes he would admit to – and before he killed two schoolgirls. They told the Ontario Court of Appeal that Mr. Bernardo had met Ms. Bain, who looked like one of his long-time girlfriends, and that he was intimately familiar with the campus and surroundings. Mr. Bernardo is known to have been there in the days just before and after Ms. Bain was killed, and a student swears she saw a person matching his description outside Ms. Bain’s class the evening she vanished (*Globe and Mail*, 28 September 2004).

This excerpt is very similar to the ones already presented in that it clearly establishes why suspicion exists around Baltovich in reference to his movements around the time of Bain’s

disappearance. Additionally, it further constructs his other victims as innocent given their status as “schoolgirls,” and constructs him as an evil villain through referring to his murders and rapes in the same area.

Prior to reiterating why other suspects are constructed in these cases, it is critical to note that once again the construction of an alternate suspect was absent in the coverage of the James Driskell case. Speaking to the notion that media audiences seek to fulfill culturally established myths and narratives, it is important to consider the lack of coverage in the case at all – especially in constructing the victim. Perry Harder was operating a chop shop with James Driskell at the time of his death and was about to be in court on charges related to this criminal enterprise. Culturally acceptable narratives around the construction of victims notes that sympathy-deserving victims must be high on the moral hierarchy (Loseke 2003). An individual with a criminal past would not fulfill such requirements. Cultural myths and narratives, as well as the melodramas so often employed by the media, call for a villain when an innocent victim is constructed (Raney 2002). Since there is no innocent victim in the case, there is no need to really construct a villain. Despite questions about Driskell’s culpability, there is not the same necessity to replace him as there is in the other cases because an audience is lacking the emotional connection to Harder since he was never constructed as deserving of sympathy.

Conclusion

To conclude, this section has illustrated how the construction of other villains in the Morin and Baltovich case served a very simplistic need in the news media. Given the notion that the status of the original accused individuals is being questioned at the appeal stage, to regain the cultural narrative regarding crime and who commits it, the construction of suspicious, morally questionable suspects was necessary. Surette (2011) purports that “the media focus and immense

public interest in violent predatory criminality is ironically tied to a socially palatable explanation of crime” (p.55). Since the violent predatory criminal nature of the initial accused individuals is being disputed at this stage, the audience essentially calls for the replacement of this individual and this call is satisfied. Rather than potentially threatening the audience’s just-world belief through criticizing the justice system’s possible involvement in a wrongful conviction, the more entertaining route to take for the news media is constructing this new villain to replace the old one. After all, media audiences are more interested in simplistic, individual explanations of crime than acknowledging broader social issues (Surette 2011).

The Systemic Evasion of Denunciation

A third finding arising from the news reports on the appeal stage revealed the constructions of police, judges and prosecutors that also continued to fit within a dominant, cultural, melodramatic narrative about crime. Specifically, a narrative that furthered the idea that the justice system is infallible and thus, facilitated the façade of a just-world. While the legitimacy of these individuals appeared to be questioned, in the end these constructions continued to portray justice organizations as being committed to fairness overall, despite the presence of some bad apples within them. Examining the construction of the police, prosecutors and judges involved in these trials revealed that they tended to be portrayed in three distinct fashions that worked together for the continued support of pre-established social constructions about their role in the criminal justice system. Coinciding with the rest of the coverage already discussed, in lieu of complicating evidence, information and other suspects being presented, these individuals were constructed in a way that minimized their guilt. This minimization allowed for the adherence to the role of the crime-fighter in the melodrama (Anker 2005).

The means by which the constructions of these criminal justice actors were allowed to maintain this noble construction was threefold. First, reports once again tended to place the blame on an individual within these organizations rather than citing the entire justice system as being at fault. In addition to this, even when blame was individualized, the other accomplishments or good qualities of the individual being condemned were also noted to demonstrate that they were not morally questionable overall. Secondly, reports highlighting justifications for these individual mistakes were outlined. These also served to demonstrate the lack of intent to cause harm or wrongfully convict. Finally, another common report involved these individuals passing the blame between organizations. This allowed for the responsibility to remain uncertain because it was never truly attached to or acknowledged by a specific criminal justice actor or organization.

Individualizing Culpability while Upholding Character

First, to demonstrate the lack of organizational culpability that is portrayed in these news articles, the individualization of specific members of the police and judiciary will be outlined. One example remarks:

It's hard not to look at Ewatski's [Chief of the Winnipeg Police Service] uptight and defensive news conference manner this week and not contrast it with his warm and fuzzy demeanor while apologizing on behalf of the police service for the tunnel vision that led to the arrest of Tom Sophonow. Ewatski would never see the irony in all of this – that he might be a victim of tunnel vision in the Driskell case...In the end if Jack Ewatski still wants the police chief's job, it's probably his. On the whole I think he's been a good chief. And, after all, he's done nothing wrong in the Driskell case. He simply failed to do the right thing (*Winnipeg Free Press*, 29 November 2003).

This excerpt very clearly individualizes the culpability associated with the Winnipeg Police Service by specifically focusing on the chief. Additionally, the portrayal of Ewatski here also counters the placement of blame through referring to him as “a victim of tunnel vision” and adding that “on the whole he's been a good chief.” This contradiction between his culpability in a potential wrongful conviction and his good nature allows him to retain an honest cop construction (Surette

2011). It is presented here that he is simply an officer who tried to do the right thing but circumstances may not have allowed for it.

A relatable construction of the judge in the Baltovich case was published which similarly presents a portrayal which individualizes the blame. For instance, one news article reported:

O'Driscoll, [Baltovich's lawyers] argue, abandoned all fairness and used his influential position to guide the jury toward its verdict of second degree murder. His jury instructions they say, were laced with contempt for the defence and effectively endorsed the prosecution's theory that Baltovich killed Bain in a fit of jealousy and attempted to cover his tracks. But McNeely argued yesterday that O'Driscoll did an 'incredible' job and his jury instructions were a fair and balanced representation of the case (*Toronto Star*, 29 September 2004).

Here, one of the issues with the trial is clearly individualized through specifically citing O'Driscoll as being the individual to blame. As previously discussed, focusing on individual deficiencies rather than scrutinizing the criminal justice process as a whole is much more palatable to media audiences (Surette 2011). It is also important to note that the alleged issues with O'Driscoll are articulated by the defence, while McNeely, the Crown prosecutor, who is cited in this excerpt, notes that there was no problem with the jury charge. Like the previous example, there is a clear contradiction between the presentation of issues that may have been caused by the criminal justice actor with the addition of a convincing counter-argument. Citing an issue in the justice system and then individualizing it adheres to a "bad apple" narrative that disqualifies the entire criminal justice system from being condemned. Countering this individual denunciation with an additional narrative around the overall goodness of this individual reinstates their morality, appealing to the cultural myth that the system and those working within it are generally fair and lack intent to do wrong.

Excusing Errors

The second way that criminal justice actors were constructed within the coverage of the appeal stage was as being at a disadvantage given the nature of their jobs. These portrayals presented reasons why investigative or trial issues may have occurred, consequently excusing the parties from culpability. Such articles once again constructed these actors as possessing good intentions in unfortunate circumstances. One example of an article that suggests the excusable nature of mistakes given the nature of their work insists:

The passage of years – it'll be 11 in October – means police will be operating under 'a tremendous disadvantage,' the officer noted, 'because witnesses die, move or begin forgetting small but crucial details, and evidence deteriorates or will have disappeared.' In fact, Guy Paul Morin's second murder trial, in 1992, was mired in controversy over missing evidence and an incompetent investigation by Durham police (*Toronto Star*, 24 January 1995).

Highlighting the disadvantage facing the police essentially constructs them as excusable because their resources and the nature of the evidence will make it increasingly difficult for them to solve the crime given the time that has passed. Even in reflecting on all of the problems at Guy Paul Morin's trial, this excerpt is still framed in a way that justifies the issues surrounding police investigations, thus negating some of their blameworthiness. A comparable report referencing the nature of the work of prosecutors reads:

Brian Gover, a former prosecutor who spent more than a year arguing pretrial motions for the prosecution before the Morin retrial, said the revelation of Mr. Morin's innocence will inevitably have a dramatic impact on virtually all prosecutors. 'Many people associated with the Crown side do it not for the money, but because they find it professionally satisfying to be cast in the role of the public interest,' said Mr. Gover... 'This is a case where the process apparently broke down. On the one hand, we can be confident because the right result was ultimately achieved. On the other hand, we cannot help but have our confidence shaken in the administration of justice' (*Globe and Mail*, 23 January 2005).

This news article clearly frames the prosecution in a favourable light. While still remarking on the emerging complexities in the Morin case that suggest his innocence and acknowledging problems,

it is important to note the difference in constructions between villains who do wrong and criminal justice actors who do wrong. Here, the morality of prosecutors remains intact through stating that many individuals become Crown prosecutors to represent justice, not for a pay cheque. This once again represents the way in which the construction of criminal justice actors adheres to a simplified and culturally acceptable view of the justice system as fair and impartial. While there may be problems within the system, those acting within the system seek to represent justice, and after all, “the right result was ultimately achieved.”

Unclaimed Condemnation

The final way that the media appears to allow criminal justice actors to maintain their credibility, amidst evidence and information that questions it, is through leaving condemnation unclaimed. Rather than specifically outlining the responsibilities of each criminal justice organization and citing what went wrong within such duties, the news coverage surrounding these issues simply facilitated the passing of blame between justice system organizations. During appeal coverage, criminal justice practitioners were quoted in ways that condemned others, while not acknowledging their own role. This once again contributed to the maintenance of the cultural myth that the justice system is fair and impartial because the denial of accepting culpability and passing it to others constructs blame as not really belonging to anyone working within the justice system.

One instance in which a news report portrayed one criminal justice organization as redirecting responsibility that related to investigational problems was in the Morin case. The following excerpt clearly demonstrates the transferal of some blameworthiness from the police to the Centre of Forensic Sciences. It states:

One of the lessons we’ve learned from the Susan Nelles, Donald Marshall and David Milgaard tragedies is that police sometimes have their own biases; that sometimes they’re more interested in pursuing their own pet theories about a crime than in discovering what really happened; that sometimes they find themselves under intense pressure to arrest

someone – anyone. It's important to keep this in mind when considering the role of Ontario's Centre of Forensic Sciences has played in the Guy Paul Morin case. After a crime has been committed, police often ask this government lab to examine evidence such as blood stains or soil samples in an attempt to piece together what has occurred. The centre is not, however, a neutral independent body. Its job isn't to scrutinize all the available evidence and then propose a number of different theories as to what might have taken place. Rather, any conclusions its analysts come to are strongly influenced by the assumptions of the police officers with whom they work (*Toronto Star*, 12 October 1992).

While acknowledging some of the problems with police investigations, this excerpt demonstrates the passing of culpability from one criminal justice oriented organization to another. This is displayed because alongside the acknowledgement of police investigation issues is the implication that the Centre of Forensic Sciences is the governmental body that is analyzing evidence and that they lack neutrality and objectivity. This article appears to blame the CFS for aligning their findings with police suggestions, with little regard for establishing the problems that may exist within police suggestions in the first place. Additional examples highlighting the deflection and redistribution of condemnation that appeared in the news reports were centred on the police and prosecutors arguing over which group was responsible for what. An example of this redistribution of condemnation by the police to the prosecutors was reported as follows:

On Tuesday, Winnipeg Police Chief Jack Ewatski attempted to deflect criticism about an internal police report that he co-authored in 1993, which suggested a key underworld witness probably lied to the jury and outlined a 'strong suggestion' that the witness testified against Mr. Driskell to avoid prosecution for arson. The report remained secret for more than a decade until it was unsealed this week during a federal review of the case. Chief Ewatski called a press conference to say that he passed all the report's findings to the Crown, making it their responsibility...Manitoba's prosecutions division retaliated a few hours later, issuing a terse statement that the police chief's assertions were 'inconsistent with the information in the Crown's file' (*Globe and Mail*, 27 November 2003).

A second example shows the prosecution to be the party to redirect condemnation. It reads:

Are we, then to conclude that the prosecution deliberately – and unethically – staged this offer in order to increase the chances of the jury believing these witnesses and, consequently, returning a guilty verdict against Guy Paul Morin? We may never know for

certain. Because, although regulations require police to keep detailed notes about such matters, the officer who approached these witnesses neglected to do so. Nor did anyone make any tape recordings of who said what – or in what tone of voice – during these meetings. How convenient (*Toronto Star*, 9 November 1992).

These excerpts clearly demonstrate that another theme in reporting on the involvement of police, judges and prosecutors during the appeal stage is that the articles often centre on one party blaming another for the issues in the cases. It is argued that the media would gain from publishing such accounts because reporting on these criminal justice actors blaming each other for what went wrong once again constructs the issue at hand as being more individual. Rather than discussing systemic issues, the reports instead portray an ongoing blame. This individual level focus releases the audience from having to acknowledge a broader social problem – that this sort of activity may be standard operating procedure rather than a single isolated case (Surette 2011). This relates back to the notion that in wrongful conviction cases the public's faith in the justice system is at risk when miscarriages of justice are seen as arising from the processes employed by this system (Martin 2002). Accordingly, the characterization of the issues stemming from these cases as attributable to individuals rather than systemic processes works to mitigate some of the risk of public cynicism toward the system overall.

Conclusion

In conclusion, the construction of police, judges and prosecutors at the appeal stage of these wrongful conviction cases yet again represents the simplistic route taken by the media. In lieu of continued rising complexity and information regarding the possibility of issues inherent in the procedural nature of the justice system, the news reports that focus on justice practitioners construct them in a manner that reassures people that these are isolated incidents attributable to honest mistakes. They are merely credited to honest individuals working in difficult circumstances. These reports denoting that trustworthy criminal justice practitioners are culpable is negated or

excused by highlighting their overall morality – rather than focusing on specific mistakes that may have been made in the cases.

Attributing Evidentiary Issues to Othered Individuals

The final finding within the coverage from the appeal stage of the trials was centered on the construction of evidentiary issues as stemming from individuals. Contrasting the use of evidence in the trial stage to justify the condemnation of the original accused or blame individual criminal justice actors, here the providers of evidence are constructed in a way that signifies blameworthiness. These “evidence providers” are jailhouse informants and witnesses. This continues the simplification process and maintains the balance between good and evil. Less focus on the association of evidentiary issues with the police and other CJS actors and instead on these unsavoury, criminal evidence providers redraws the line between moral and immoral with each group belonging to an obvious side. The construction of these individuals also appeals to the sensational and dramatic element of the story. This is also critical for the media since sensationalism is easier to both sell and portray (Milburn & McGrail 1992). Purportedly, an audience would rather read about the shady background of criminal witnesses/informants than follow coverage about broader problems associated with eyewitness testimony and jailhouse informants.

The first excerpt that demonstrates the novel construction of witnesses/informants as blameworthy states:

Gaping holes appeared in a 12-year-old Manitoba murder conviction yesterday after the release of a long-suppressed police report suggesting a key underworld witness was told he would not be charged in an arson prosecution in return for his testimony against defendant James Driskell...The report also contained a slew of revelations about unsavoury Crown witnesses who used the Driskell investigation to save their own skins, and, in at least one case, benefit financially (*Globe and Mail*, 25 November 2003).

Referring to the individual as belonging to the underworld, as well as “unsavoury” and detailing their past crimes clearly begins to construct this witness as deserving of blame in the conviction of the accused. Another similar report remarked:

Two career criminals, Reath Zanidean and John Gumieny testified about hearing Mr. Driskell plot to kill Mr. Harder...Saskatchewan police had stopped investigating Mr. Zanidean in connection with a home arson shortly after he agreed to testify against Mr. Driskell. Winnipeg police deny such a deal...While authorities acknowledge the frailties in the case, including the unsavoury nature of several Crown witnesses, they maintain this is typical of underworld characters (*Globe and Mail*, 15 March 2003).

This report again constructs the witnesses in the Driskell case as blameworthy through yet again referring to them as “unsavoury” and as members of the underworld. These start to illustrate the sensationalism that surrounds the construction of a different villain and the way in which these reports redirect blame from authorities toward these individuals instead. Their immoral nature is highlighted which appeals to simplicity because it is easy for the audience to blame these individuals for the problems in the case.

Similar reports pertaining to the construction of informants as blameworthy occurred in reference to the Morin case. One such example of a report reads as follows:

At the time he became Morin’s cell mate, May already had a criminal record and was facing an assault charge against a jail guard. Desperate to be released, he approached authorities claiming to have heard Morin confess. He bargained with them fiercely, saying he would help them convict Morin only if he were given a good deal. At Morin’s second trial in 1992...the Crown attorneys attempted to portray May as a reliable, rehabilitated witness – despite psychiatric evidence that he was a pathological liar with no conscience (*Toronto Star*, 19 August 1994).

Yet again, this report redirects the blame toward the jailhouse informant, constructing him as a dangerous other, much like is done with the perpetrator in earlier stages.

As these excerpts demonstrate, witnesses/informants were often constructed as dangerous outsiders during the appeal stage. This is focused on because the guilt and criminality of the original accused is being contested. With this contestation has come the emergence of issues

related to evidence. Since a popular cultural narrative comprehends the justice system as being a fair and impartial body, those working within it cannot accept much blame for such issues. I argue then that the blame that may be attributed to criminal justice actors is largely redirected during this stage towards these providers of “evidence.” Given the “unsavoury” background of these witnesses/informants they easily adhere to the cultural understanding that those who commit crimes are different from the general population (Surette 2011). These individuals operate on the edge of humanity. They are dangerous outsiders. It makes sense. Or at least it makes more sense than does police, prosecutors or judges intentionally convicting an innocent individual. So, demonstrably, the construction of witnesses and informants as deserving of blame in potential cases of wrongful conviction relentlessly obeys the dominant cultural narrative pertaining to crime and justice.

Conclusion

In conclusion, the analysis of news coverage arising from the appeal stage has uncovered portrayals of those involved at another phase in the criminal justice process to attend to the research question about how these portrayals alter throughout the coverage. Given the nature of the appeal stage in that both the defence and prosecution are presenting arguments that make their way into the media sphere, the information being presented is inarguably complex in nature. However, amidst this complexity, the reports that are deemed newsworthy and make their way into the coverage appeared to be grounded in popular, culturally accessible crime and justice narratives. This narrative remained aligned with many of the components of a melodrama in that it sought a victim, a villain and a heroic crime fighter. Through the constructions of the victim, the accused, other suspects, criminal justice actors and witnesses/informants that have been analyzed, it has been demonstrated how this mass of contradictory information is framed to align with the belief

in a just-world, thus continuing to align with the media's goals of simplicity to maintain a varied readership.

Chapter Eight – Acquitted, Exonerated and Inquired

The fourth and final empirical chapter will concentrate on the findings from the last identified stage of the criminal justice process in a case of wrongful conviction. This stage is represented by coverage that centred on the acquittal/exoneration of the wrongly convicted individual, as well as any public inquiry that may have followed (which occurred in both the Morin and Driskell cases). The newspaper articles related to this stage of the criminal justice process appear to highlight another slight change in the frames and narratives appearing in the reporting. First, the construction of the accused as a victim of the justice system will be discussed, which may serve to be an addition to literature as it represents the construction of victims who are defined as neither innocent nor deserving of their victimization. Next, the incidental nature of this victim will be contextualized through the numerous reports that imply an individual, rather than a criminal justice system problem. Third, the theme of acknowledging issues in the justice system more broadly will be analyzed and grounded in relation to the rest of the reports. This acknowledgement of broader, more systemic issues present in the justice system represents one of the most drastic changes in reporting from the previous stages. However, in the final section such reports will be contrasted with those that once again individualize or excuse the broader issues present, thus creating a rare and incidental victim in a system that is (usually) infallible.

The reports arising from this stage in the coverage will once again demonstrate the news media's apparent reluctance to comment on the potential of broad issues of the justice system. While the status of the original conviction of these individuals is entirely refuted at this stage, the media reports continue to frame the problem in a way that minimizes or fails to contextualize the overall issue. Ultimately, the reports at this stage in the wrongful conviction cases portray a justice system with few faults, most of those being the result of individual 'bad apples.' Thus it will be

demonstrated that the victim of the system is constructed as being largely incidental. A petite blunder in the search for justice.

Looking Back – A Victim of the System?

In the previous stages of the criminal justice process that have been discussed, there was a relatively straightforward way that the victim was constructed. For instance, an individual that possessed moral qualities and innocence and that was easily relatable was easy to construct as a victim. It was simple for the audience to sympathize with this type of victim (Loseke 2003). In other instances, the victim was constructed slightly differently, possessing some amount of blame for their victimization. However, this also served the purpose of alleviating the anxieties of the audience that they too could be victimized. This construction attended to their belief in a just-world. That individuals act in ways that produce certain outcomes (Lerner 1980).

During this final stage, where it has been acknowledged in a court of law that a miscarriage of justice occurred, the construction differs. The wrongly convicted individual's moral characteristics are not described. They are not framed as possessing innocence (despite the declaration that they are innocent in the eyes of the law). Their situation is not relatable. It is much less clear where the wrongly convicted fit into a cultural narrative of crime and justice or if they continue to fit at all. Regardless, the reports pertaining to the wrongly convicted during this stage appeared to focus on the problems that arose with their imprisonment, as well as discussions about lost time. The construction of the individuals in this way will be further theorized and expanded upon in conjunction with the presentation of what was concurrently reported on in reference to other criminal justice actors. It becomes quite clear that in garnering sympathy for these individuals, the focus is on the effects of the wrongful conviction rather than the cause.

The first way that the news reports outlined the effects of wrongful conviction, while disregarding the actual cause of the miscarriage of justice, is through outlining their experience, or their family's experience, during their period of incarceration. One example from a news report reads:

Driskell said he is still struggling to deal with his ordeal in prison, an experience that has required him to seek ongoing psychological counselling. He and his psychologist believe the inquiry will be a cathartic event that will help him deal with the anger and anxiety he build up over the 13 years he spent behind bars. 'It's very hard to deal with the memories I have of being inside (prison),' Driskell said. 'I've had nightmares, and it's given me trouble maintaining my focus. I'm hoping the inquiry will help me regain my focus' (*Winnipeg Free Press*, 3 April 2006).

Another similar example from the Baltovich case remarked:

Mr. Baltovich – whose father is seriously ill and whose mother died while he was in prison – said in an interview that he feared for his life behind bars after his 1992 conviction. 'It was a complete unknown. You're thinking: What in the world is waiting for me?' he said. Notwithstanding one incident in which he was warned that a fellow inmate intended to poison him, however, Mr. Baltovich said that he was left alone (*Globe and Mail*, 23 April 2008).

These examples demonstrate the way in which reports from this stage of the process construct the individual as deserving of sympathy as a result of the conditions that resulted from the wrongful conviction. The conditions faced here were unnecessary prison terms. Unlike the portrayal of other victims, there is no discussion of personal characteristics of the individual that make them inherently good. Rather, the focus is on the effects of the wrongful conviction instead of the cause of it. This construction of the individual as deserving sympathy, but not building up their moral character, does not demand a villain like creating an innocent victim does. This adds to the concept of the 'incidental victim' of the criminal justice system that will be further developed.

The similarity between victim construction more generally and this portrayal is that one means of constructing victims is through portraying horrible circumstances (Loseke 2003). Typically these horrible circumstances involve a large number of victims, and a victim that is

relatable – this allows the audience to sympathize because of the acceptance that they could also be victimized (Loseke 2003). The construction of the wrongly convicted as deserving sympathy through alluding to horrible circumstances differs. Of course, there is only one wrongly convicted individual in each case and these cases are rare in the grand scheme of all cases put through the justice system. This would make it difficult to relate to the individual because it is challenging for audience members to acknowledge that they could also be wrongly convicted. In fact, audience members would likely not want to recognize that as a possibility whatsoever.

It is important to keep in mind that all coverage up until this point constructed the wrongly convicted as morally corrupt and strange. This speaks to the just-world assumption again. By not altering the construction of the wrongly convicted to one in which they are described as moral, innocent individuals, along with the lack of relatability in their circumstances, there is less opportunity for the audience to sympathize with this individual. In conjunction with previous reports outlining the strangeness and suspicion surrounding the wrongly convicted, the just-world belief implies that the audience would rationalize the wrongful conviction through acknowledging that there must be an explanation for the conviction. They would seek the recognition that there was something about the wrongly convicted individual that would lead to the miscarriage of justice. This notion also connects to the lack of discussion related to the causes of the wrongful convictions in these sympathy-generating portrayals. Yet again, the focus on simplistic stories, rather than those mentioning criminal justice system issues appears to be occurring.

Additional articles continued the trend of describing the effects of the wrongful conviction status while straying from constructing the wrongly accused as an individual or attributing the cause of the miscarriage of justice to anything specific. For example, another news article highlighted the effect of the conviction on the family of the accused. It explained:

After draining their savings, Morin's parents eventually had to mortgage their Queensville home to cover the cost of twice defending their son on a charge of murder and were then forced to turn to legal aid (*Toronto Star*, 25 January 1997).

A second report, presenting similar circumstances related to the effect of the wrongful conviction on the family members of the convicted, reads:

Driskell said he hopes the inquiry will lead to charges of perjury and obstructing justice against people he declined to name. 'People's lives aren't games,' he said. 'My family's been torn apart – I'm still struggling in some areas to get the connections back.' Driskell said he has eight children and 14 great-grandchildren. While he was in prison, his kids were ridiculed at school, got into fights and were suspended. His kids grew up thinking that being searched when they went to visit him at Stony Mountain was a normal part of life (*Winnipeg Free Press*, 18 August 2006).

Both of these examples comparably outline some of the issues faced by the families of the wrongly convicted. However, the reports remain absent of information pertaining to the cause of the wrongful conviction. These articles and the way that the wrongful conviction is constructed within them continue to attempt to balance the removal of blame from wrongly convicted individuals while also not fully moralizing or casting them in the role of the victim. Centring the articles on the effects of wrongful conviction on the families of these individuals may be more relatable to the audience because family members were never implicated in the crimes themselves. For the most part, they did not endure negative coverage as they were not suspected in the crime. So, during this stage it would be much easier for media audiences to identify them as sympathy-deserving. There would not be the same conflict of information occurring as is likely happening with regards to the construction of the accused. The media seem to avoid straying too far from initial constructions.

Another common theme in the media's portrayal of effects of the wrongful conviction of the individuals in each case centred on the presentation of the time that these individuals lost. This was another way in which the media was able to acknowledge the wrongful conviction status and

what happened as a result of it, without offering the wrongly convicted full victim status. Remarking on the passage of time neither demonstrated the moral nature of these men nor referenced the cause of their wrongful conviction. However, acknowledging time lost in prison allowed the news media to acknowledge the current alteration in the story, while maintaining the typical crime and justice narrative through averting the need to delve into deeper issues associated with the conviction. Reports referencing the lengthy justice system involvement of the wrongly convicted made statements such as:

From the day they arrested him for murder, until the formal acknowledgement last week of what a terrible injustice that and what followed was, there have passed 4,733 days. It's a long time for a nightmare to last. How Guy Paul Morin got through it is a mystery. How he endured with such grace and forbearance surpasses all understanding (*Toronto Star*, 11 April 1998).

A similar reference to time passed as a result of the wrongful conviction was published in conjunction with Baltovich's acquittal. This report noted:

Mr. Baltovich, 42, spent nine years behind bars for a crime that he did not commit. He was sentenced in 1992 to life in prison after being found guilty of killing Ms. Bain, a University of Toronto student whose body has never been found (*Globe and Mail*, 16 May 2008).

While highlighting the amount of time that these individuals spent in prison is important, reducing their construction to a number does not afford the wrongly convicted the same "victim" status in the news coverage as was held by the original crime victim. The coverage following the declaration of their innocence speaks only to their justice experience and rarely to their character. They are reduced to brief descriptions of their experience in the justice system and with this they do not seem to be afforded the same construction based on personalization and an outline of their morality. The wrongly convicted are largely not reported on as victims of the justice system or actors within it. As will be further demonstrated in this chapter, circumventing this construction

permits the persistence of the cultural myth that the criminal justice system is a fair and impartial body that merely occasionally entertains miscarriages of justice.

Maintaining the Moral Legitimacy of CJS Actors

In maintaining the cultural narrative that the criminal justice system is fair and impartial, the criminal justice actors were portrayed in a way that also serves this underlying myth. This myth arises from the expectations held by emotions cultures. As previously mentioned, emotion ascending from culture entails that particular feelings are dictated as being appropriate for particular social actors (Loseke & Kusenbach 2008). Problematic events, such as wrongful conviction, complicate the assumption that society is built on consensus and order (Milburn & McGrail 1992). Additionally, a wrongful conviction has the potential to obscure the belief that criminal justice actors, who are generally tasked with upholding this order and consensus, are always acting to maintain this stability. So, in the event of problematic occurrences the media has the ability to “define what is significant for the audience,” as well as “offer powerful interpretations for how to understand these events” (Hall et.al. 2009, p.651).

The most simplistic and acceptable way for the news media to map these problematic events is through aligning them with established conceptions of society (Hall et.al. 2009). So, in maintaining these cultural understandings of certain social actors, the presentation of criminal justice practitioners during the acquittal/exoneration/public inquiry stage of news coverage continued to support an unchallenged justice system. Despite the culpability of these individuals in the miscarriage of justice, the condemnation of these evidently faulty organizations was rarely a point of news articles. This maintains the notion that news is merely “the end product of a complex process which beings with a systemic sorting and selecting of events and topics according to a socially constructed set of categories” (Hall et.al. 2009, p.648). This section will demonstrate

how the news media define the complexity associated with the role of criminal justice practitioners in a wrongful conviction. Or rather, how news media portrayals of these individuals and their wrongdoings appears to avoid the complexity in exchange for portrayals that align with underlying social constructions.

As a means of maintaining the status quo, as the news media frequently ascribes to doing (Adorjan 2011), the reports from this stage are decontextualized from the broader issue of wrongful conviction. The positive aspects of the character of criminal justice practitioners are highlighted in conjunction with their wrongdoings. Individuals in these criminal justice organizations continue to be singled out as the cause of the miscarriage of justice. With this, the social construction of a fair and impartial justice system is maintained. A justice system that occasionally produces a few bad apples that, when analyzed in-depth, are not all that rotten.

The first example that will be highlighted outlines an apology made by a prominent prosecutor involved in the Guy Paul Morin case. It reads:

Saying she doesn't understand 'how we could have made such a horrible mistake,' a crown attorney offered an emotional apology to Guy Paul Morin yesterday for any blunders she made that helped put him behind bars for murder. In an expression of repentance that continued non-stop for 11 minutes, Susan MacLean, in a tremulous voice, told a public inquiry she is 'not proud' of being involved in the 10-year prosecution of an innocent man. 'I am very sorry for any mistakes I have made that led to his wrongful conviction,' she said yesterday. 'I have lost sleep over it. I have agonized over it. I sincerely apologize to Mr. Morin' (*Toronto Star*, 27 March 1997).

This excerpt from an article following Morin's exoneration demonstrates the decontextualization from the issue of wrongful conviction that occurs when reporting on the role of criminal justice practitioners in these cases. The detailed description of MacLean's apology extends credibility to her for emotionally expressing her remorse. Additionally, this portrayal of the apology renders the wrongful conviction a simplistic mistake of the justice system, rather than delving into the responsibility of Crown attorneys in such cases or a myriad of other pertinent issues.

A second example of the decontextualization that is apparent in the construction of criminal justice actors at this stage of reporting also demonstrates the media's inclusion of positive character descriptions of these individuals. As previously mentioned, this is hypothesized to be a means of maintaining the status quo and underlying cultural myth about the protagonists in the ongoing crime and justice narrative. This report remarks:

There is no doubt that a Crown attorney's job leaves very little room for error. You're charged not only with making sure that criminals do not escape justice, but also that the innocent are not inadvertently blamed for crimes they did not commit...Before his retirement in 2000, Dangerfield was Manitoba Justice's top prosecutor, a lawyer with the lofty title of Manitoba's general counsel. At the apex of his career, he handled most of Manitoba's high-profile criminal trials. At Driskell's 1991 murder trial, he was the lead prosecutor. Prior testimony at the inquiry has described Dangerfield as a hard-working, meticulously prepared and ethically vigilant prosecutor. However, the inquiry has also heard the Driskell prosecution was plagued by a shopping list of egregious ethical breaches (*Winnipeg Free Press*, 15 August 2006).

This article is a clear representation of both the ability to individualize the issues arising from Driskell's wrongful conviction, as well as coverage that outlines this prosecutor's moral nature and overall goodness. Through only briefly mentioning the "ethical breaches" plaguing the Driskell prosecution following a lengthy, detailed description of the difficulty of the Crown's position and the respectability of one of these individuals, it means very little. Instead, this is another example where the positive construction of a criminal justice practitioner is maintained to align with the status quo and the underlying myth of fair individuals working within a fair system. This excerpt, as well as the one before, represent a decontextualization of the problem because they are framed as individual errors, merely mistakes that unfortunately had drastic consequences. The issue is that wrongful conviction research has shown that the widely cited sources of miscarriages of justice are not merely unavoidable errors inherent in the justice system. In fact, there are significant risk factors that are well-known and documented that increase the risk of wrongful conviction such as police tunnel vision and prosecutorial misconduct (Martin 2002). Risk

factors that subsequent in-depth examinations of these cases would reveal. However, attending to the presentation of a simplistic story does not allow the construction of criminal justice actors to stray too far from their heroic status in a society focused on order and consensus. Consequently, such overarching issues are unobserved in media reports.

An additional excerpt that details the media's tendency to maintain this cultural myth and uphold the legitimacy of criminal justice practitioners focuses on the life and times of the police chief implicated in the wrongful conviction of James Driskell. During the public inquiry, one article described:

The former cab driver and Canadian Football League back judge also said becoming police chief was never aspired to when he first signed on Sept. 12, 1973. He first planned for a career in broadcasting. 'There has been a tremendous emotional and psychological toll over the past three years,' he said. 'The job is complicated, it is complex, it is time-consuming and it is frustrating. At the same time, I'm the guardian of the public trust between the police service and the citizens of this city. This is a very frustrating job. It's also a rewarding and fulfilling job. It's one that changes every day. That's part of policing.' In subsequent interviews, he expressed an interest in getting more involved in the aviation field. He is a licensed pilot' (*Winnipeg Free Press*, 4 January 2007).

The excerpt above solidifies the claim that the news media outline the positive characteristics of criminal justice practitioners, even during the stage of news coverage when all evidence denotes that they have done wrong. This selection and presentation of a small aspect of complex information reveals the maintenance of the status quo even in the presence of information that problematizes it. Referring back to the media's preference to the melodrama, protagonists in this narrative style are described as "one-dimensional representations of moral beings" (Milburn & McGrail 1992, p.617). Because of their position in the criminal justice system, the moment that a victim existed, the police and prosecutors became the protagonist in this ongoing story. Articles, like the one referenced here, contribute to this one-dimensional representation by humanizing the

individual and citing the difficulties with their job, while choosing not to attend to their role in the wrongful conviction of an innocent person.

Another way that the news media appeared to construct criminal justice actors during the final stage of the criminal justice process was through presenting their role in the case as aligning with the notion of “noble cause corruption.” Research on the phenomena of noble cause corruption indicates that this is common in reference to wrongdoings in policing. Noble cause corruption can be described as protecting the public good, while perhaps engaging in means that are morally questionable (Miller 1999). It is questioned whether noble cause corruption is corruption at all given its interest in the public good. (Kleinig 2002). As a result, this contributes to the presentation of the criminal justice practitioners as adhering to the status quo by maintaining the illusion of acting in a moral fashion and excusing events that seem to stray from this moral path.

An example of a report that provides moral justification alongside the presentation of a questionable act by criminal justice practitioners remarked:

A retired Durham Region detective admits police may have tainted witnesses against Guy Paul Morin by telling them his parents were ‘awful people’ and that he would kill again. But former Inspector John Shephard told an inquiry yesterday he believed he was acting acceptably when he threatened criminal charges against another potential witness in an attempt to browbeat him into providing evidence in the case (*Toronto Star*, 25 July 1997).

This excerpt begins to demonstrate the employment and presentation of noble cause corruption in relation to police activities because of the description of the detective as believing “he was acting acceptably.” Additionally, this is another instance in which the broad difficulties of the wrongful conviction are not attended to but instead the problem becomes individualized by focusing on the interview techniques of this officer specifically. This maintains the status quo either way. In one instance this can be read as noble cause corruption where the officer truly believed Morin would kill again and thought he was acting appropriately. On the other hand, if it is read in a way that

yields a negative response toward the officer, then the individualization suggests that he is merely a bad apple in an otherwise good system.

A second example of this arose from the interrogation of the role of individuals employed by the Centre of Forensic Sciences at the public inquiry of Morin. This excerpt states:

Mr. Lockyer expressed amazement that [Stephanie Nyznyk, a CFS analyst] could be unaware of the shine being put on her evidence when it stemmed directly from her testimony. 'The judge isn't the expert,' he said. 'The Crown attorneys aren't the experts. You are the expert...Did it ever occur to you that the jurors – who were hearing evidence of hair and fibres for the first time in their lives – might be getting led down the garden path?' 'No, it never did occur to me,' Ms. Nyznyk said. She repeatedly stated throughout the day that her role as an analyst is to maintain her independence and display no favouritism to either Crown or defence when analyzing and testifying (*Globe and Mail*, 10 April 1997).

This excerpt once again portrays both the individualization of the problem and essentially provides an excuse for this criminal justice actor's actions, as well as the actions or inaction of others employed in the system. First, the role of judges and Crown attorneys in the wrongful conviction is justified in the excerpt by placing the blame on the CFS analyst by stating that Ms. Nyznyk is the expert and so it was her duty to portray the case evidence in a particular fashion. By specifically reporting on, and casting blame on Ms. Nyznyk, the broader issue of wrongful conviction is individualized and instead her specific role in the miscarriage of justice is focused on. Finally, this blame is countered through what could be described as a noble cause through the inclusion of the description of her role as analyst and the noble goals she maintains of maintaining independence and "displaying no favouritism."

One final excerpt that further demonstrates the news media's presentation of a functioning criminal justice system, even in the face of a wrongful conviction, states:

Winnipeg does not have a special problem with policing. The police service in Manitoba's biggest city has all of the positives and most of the negatives demonstrated by police forces all over Canada. The vast majority of the men and women who put on that dark blue uniform toil quietly and honorably. Occasionally, however, a few bad apples

remind us how this kind of work is not for everybody” (*Winnipeg Free Press*, 21 June 2007).

This excerpt from a news article illustrates how the media possess the power to “map” problematic events in a specific way (Hall et.al. 2009). Here, any fault of the police service as a whole is countered in two ways. First, it is outlined that the Winnipeg police service is not unique for being associated with a wrongful conviction, as police services across Canada have positive and negative aspects to their practice. Subsequently, it is underlined that most police officers have noble and moral intentions and those that do not are simply “bad apples” in the wrong line of work. This puts forth and maintains the view that the justice system as a whole lacks responsibility in the case of wrongful convictions which allows an underlying cultural myth to be maintained that it is a fair and impartial arrangement.

Conclusion

To conclude this section, in providing excerpts referring to criminal justice actors from the acquittal/exoneration/public inquiry stage of the timeline it has become quite evident that the news media shapes these constructions in a way that retains the role of these individuals (and the justice system) as the protagonist in the ongoing storyline. Through excusing the actions of these individuals through highlighting their moral nature and noble cause undertakings they are redeemed and constructed as lacking culpability. Additionally, through avoiding the contextualization of these actions in reference to the wrongful conviction that occurred, these individuals are also presented in the media as maintaining their role as protagonists in the search for justice – a mistake just happened to be made along the way. Further, through the presentation of individualizing the cause of the wrongful conviction to specific criminal justice actors, the news reports also allow for the maintenance of the underlying myth that the justice system as a whole is operating appropriately.

These media portrayals, especially at this stage where a miscarriage of justice has clearly occurred, represent the simplification of thought that is often sought in news coverage. The sympathy or anger directed towards these individuals contributes to the emotional arousal of the audience, thus ensuring that they continue to follow and remain interested in the story being presented. Attending to underlying cultural myths also allows for the continued acceptance of the story by a diverse audience (Milburn & McGrail 1992). Shaping the construction of these criminal justice actors and the criminal justice system, even during proceedings plagued by complexity and the presentation of systemic issues, caters to the entertainment goals of the news media. This construction of the justice system in the news media has the potential to have profound consequences – especially since the coverage is related to a wrongful conviction. Milburn and McGrail (1992) importantly take notice of the fact that the presentation of content in this way, and the simplification inherent in it, has the potential to “paralyze the audience into inaction and apathy” (p.618). The sheer importance of this is evident because of the numerous systemic issues that lead to wrongful conviction (see literature review) and the finding that news coverage appears to prefer attending to cultural myths, leaving the audience unconcerned with a system that they perceive as effectual.

The Infallible Justice System

The final section of this chapter aims to analyze the way in which the news media coverage from this final stage of justice system involvement portrayed the justice system as a whole. Coinciding with commentary reflecting on the outrageousness of wrongful convictions occurring in Canada, the justice system was largely constructed in a similar nature to the practitioners working within it. As a result, akin to the discussion in the previous section, the news media coverage appears to mainly adhere to the simplistic approach of allowing the story to remain

connectable and grounded in the cultural beliefs of readers. As previously mentioned, the crime and justice narrative typically highlights a very clear victim, villain and protagonist (Surette 2011). In cases of wrongful conviction this is complicated because the individual initially identified as the villain is found to be innocent. As a result, the protagonist typically possesses culpability in his or her original identification of the wrongly convicted as such. As a means of aligning with the cultural beliefs and myths that make sense to a diverse audience, the justice system's role as the protagonist is relatively preserved in the media coverage. Raney (2002) remarks that one key component of dramatic entertainment is conflict resolution. I argue that the news media's coverage essentially outlines that the determination of a wrongful conviction is an adequate resolution and so rather than complicate and upset cultural beliefs about the justice system, reports once again outline that such cases are an anomaly in an otherwise functioning system.

One common theme that appeared among the reports from this stage was the portrayal of justice system mistakes as excusable for one reason or another. An example of a report that purports such a construction insists:

Calls for an inquiry into the miscarriage of justice involving Robert Baltovich are natural, but an inquiry has already been held, at the Ontario Court of Appeal, and that inquiry set aside the flawed trial decision. The appeal court reviewed the conviction at trial and concluded it was unsafe; it was this appeal decision that led to Mr. Baltovich's vindication. Canada's justice system, like everything else, is imperfect (*Globe and Mail*, 25 April 2008).

This quote represents the maintenance of the justice system's overall image in two ways. First, it justifies the lack of inquiry into the Baltovich case – an inquiry that may highlight the flaws of the system. Secondly, by noting that the justice system is imperfect “like everything else,” the onus is removed from the system and issues within it because it is insinuated that nothing can be perfect. Another example of a report from this stage, which likewise excuses the conduct of the system as a whole, quotes a deputy attorney general and reads:

‘I do recognize the Canadian justice system is a) based on humans, and b) based on human judgement calls,’ McFarlane said. ‘When that is your foundation, you’re going to have mistakes. But I haven’t seen any maliciousness in the system yet. I’ve seen a lot of bad decision-making. That isn’t a crime, but it can lead to wrongful convictions’ (*Winnipeg Free Press*, 16 July 2006).

This example similarly excuses the justice system because the quote derived from the deputy attorney general emphasizes both that it is human to make mistakes and also that when such humans in the system make mistakes that the intent to cause harm is absent.

A second theme centred on denying the need for alterations in the system, or in some cases denying the notion that changes would do any good. One example of a report that remarks on the lack of need for the implementation of a recommendation stated:

Canada’s justice minister says she’s ‘not convinced’ the country needs an independent tribunal to review possible miscarriages of justice. Guy Paul Morin and several groups involved in the inquiry into his wrongful conviction are pressing for a new investigative body, but Justice Minister Anne McLellan said she has faith in the present system. It puts the power to review convictions, once all avenues of appeal have been exhausted, squarely in her hands. ‘I’m not sure we really need an independent agency,’ McLellan told reporters yesterday after speaking at a Canadian Bar Association conference in Toronto (*Toronto Star*, 31 January 1998).

This is one example of a report that published the insistence by an individual working in the justice system that reform to it was unnecessary. Another news article excerpt with similar observations reads:

During yesterday’s testimony, Whitley said the justice system suffers from having an adversarial culture, but it will not be changed by simply handing Crown attorneys pamphlets with guidelines. ‘That’s the principal source of my regret as I expressed it to Mr. Driskell this morning – they’re (pamphlets) not enough’ Whitley said. ‘What I see happening in prosecution now is fear,’ said Whitley, who is the Vancouver-based northern Canada regional director for the federal justice department. If a mistake is made in a case, prosecutors believe they’re ‘being singled out for crucifixion. If a mistake is made, there are no incentives for coming clean: My God, I’m going to be hung out to dry,’ Whitley said. ‘I worked with these men for 22 years. They’re good, decent men. I don’t know what happened in this case,’ he said (*Winnipeg Free Press*, 18 August 2006).

Very similar to the constructions present in the section on the portrayals of criminal justice actors during the public inquiry, this excerpt establishes the moral nature of prosecutors. It briefly touches on the structure or culture of the justice system and the inability for these individuals to admit their mistakes. However, I would argue that the focus remains on denying that the reform suggested at the inquiry will do anything and then ascertaining that those working in the system are not the problem. As a result, the narrative purporting a functional system maintains its integrity. This works for the media as well because the lack of complexity in portraying a working system that occasionally makes mistakes is more palatable to cultural taste buds.

In conjunction with reports similar to those outlined, there were also articles, especially those quoting the wrongly convicted, which expressed problems with the system continuing along unscathed. An example of one of these reports remarked:

Heads must roll in Ontario officialdom if the Guy Paul Morin inquiry is to have any lasting meaning, Mr. Morin said yesterday. In the wake of a report finding a massive amount of error and ineptitude in his 13-year murder prosecution, Mr. Morin said he has been struck by the depth of public anger toward his tormentors. 'If it were regular Joe Blows who screwed up this way, they would be out of their jobs,' he said of the prosecutors, police and scientists who contributed to his wrongful conviction. 'Well these are just bigger Joe Blows. Will the Attorney-General follow through on the severity of these mistakes?' he asked. 'Should charges be laid? Should jobs be taken? Should those who have retired lose their pensions?' (*Globe and Mail*, 11 April 1998).

This article clearly presents the position of Guy Paul Morin and his feelings about the justice system's involvement in his wrongful conviction. Morin's tirade questioning the job status and consequences for those that contributed to his wrongful conviction leads into further articles that yet again reduce the culpability of the justice system. News articles referencing the lack of necessity in removing these individuals from their positions or establishing consequences were also numerous. For instance, one article commented:

Judge LeSage said, however, that it would be impossible to sanction the prosecutors or officers now, because most have retired. He also said a criminal investigation would

probably yield little given the length of time that has passed (*Globe and Mail*, 15 February 2007).

A comparable report wrote:

Their professional conduct won't be reviewed because they have retired or are about to retire, but four Winnipeg police officers involved in the case against James Driskell were singled out in the James Driskell wrongful conviction inquest report for failing to live up to their professional obligations (*Winnipeg Free Press*, 16 February 2007).

Contrary to reports from the early stages of coverage in these cases, it is clear from these reports, condoning the impossibility of holding those who were culpable in the wrongful convictions accountable, that these criminal justice actors were never constructed as villains. During the pre-trial and trial stages, and even the appeals, the construction of the accused, or possible other suspects, as villains also demanded punishment. However, the nonchalant description of the lack of consequences here also maintains the overall construction of a justice system possessing integrity because they do not call for punishment in even close to the same way as is done with a villain. The reporting style of wrongful conviction as an anomaly unrelated to broader problems in the system does not translate into the same call for punishment despite clear responsibility in the miscarriage of justice.

The final way that the media constructed the justice system in a way that reduced its responsibility and allowed it to conform to underlying cultural myths about its operation was through citing the current inapplicability of inquiry recommendations. One instance where this was noted read:

Durham police Chief Kevin McAlpine said much has changed in policing since the original murder charge in 1984. 'In fact, most of the practices outlined in the report are no longer the practices of this force or any other in the province,' McAlpine told the Durham police board yesterday... 'Our (Durham) police officers handled the Christine Jessop case under the investigative procedures and techniques that were in effect in 1984. This was the style and type of police investigation that would have been undertaken anywhere at that time,' he said. Now that the Kaufman report has condemned those

techniques while admitting those involved acted ‘without malice,’ Boychyn said he feels the rest of the province should share Durham’s legal bill (*Toronto Star*, 17 April 1998).

A very similar report pertaining to the inapplicability of the recommendations related to the James

Driskell inquiry stated:

Police policies and practices have changed and continued to evolve since the murder of Perry Dean Harder in 1989. The Commissioner specifically noted in his report that standards and practices had changed. I am pleased the Commissioner commended the significant steps already taken by the Winnipeg Police Service, in particular the efforts of the Winnipeg Police Service in involving specific policies around police notebooks and police reports. In this same regard, I am also pleased the Commissioner recognized the work of the Canadian Association of Chiefs of Police, under Chief Ewatski’s leadership, regarding police training to prevent miscarriages of justice (*Winnipeg Free Press*, 16 February 2007).

These final examples very clearly demonstrate that the criminal justice system continues to be constructed in a positive way in lieu of public inquiries regarding wrongful convictions. The reports above essentially state that if there were systemic problems in the administration of justice then they have since been addressed and solved. Portrayals such as this suggest that if there was any complication to the underlying cultural myth of a fair and impartial justice system then these complications can be remedied because such concerns have been rectified.

Conclusion

In conclusion, this chapter has made it apparent at this final stage that the wrongful conviction of the individual originally condemned is acknowledged but, through an approach that sustains the alleged credibility of the justice system. The benefit of continuing to construct the justice system in this way is entirely related to the news media’s goal of merging information and entertainment. The presentation of seemingly neutral information allows the media to conserve an air of objectivity and have audiences accept the ‘news’ as just news. Presenting this information in an entertaining manner is a means of gaining readership (Surette 2011). Surette (2011) purports

that the media will choose unusual criminal justice stories to report on but that these are typically packaged or constructed in a way that adheres to pre-established cultural themes.

This final stage of coverage demonstrated the media's conformity to certain pre-established cultural myths about the justice system. So, one could reasonably conclude that this is indicative of the news media's goal of packaging and marketing an entertaining story to ultimately gain a profit. Consequently, through the analysis of the construction of the wrongly convicted, the criminal justice actors responsible for this wrongful conviction, and the portrayal of the justice system as a whole, it is evident that the news media in the three cases examined opted to present the problematic event of a wrongful conviction in a manner that allowed for the continued observance of a pre-established cultural assumption – a functional justice system. While slightly complicated by the discovery of the miscarriage of justice, the melodrama persists, and as this chapter revealed, the protagonist upholds their credibility and positive construction as a just entity.

Chapter Nine – Conclusion

Wrongful conviction is undeniably harmful. For one, it results in the imprisonment of an innocent person. Secondly, the acknowledgement of a miscarriage of justice has the potential to cause the public to adopt a cynical perspective with regards to the functionality of the criminal justice system. Wrongful conviction leads to questioning surrounding the fallibility of the entire process. It exposes a human rights violation within a system mandated to protect those rights. It illuminates the limitations of the adversarial approach as a whole (Denov & Campbell 2005). It demands the query, can the justice system actually do justice? And, how often does it not?

Ostensibly, the findings derived from the analysis of news articles related to three Canadian cases of wrongful conviction have concluded that combatting the second harm, a threat to the public's view of the justice system, is the media's priority. This study set out to discover how the accused individuals, victims, and criminal justice actors were portrayed in three cases of wrongful conviction and how these constructions changed as the cases progressed. Given that the media acts as the "public's surrogate" in reference to the attainment of criminal justice information (Canadian Judicial Council 2007), the understanding of these constructions was deemed irrefutably important – especially in cases of wrongful conviction where they were expected to change as different information became available. To reinforce the importance of the present study and reflect on what was discovered, this concluding chapter will reflect on the main findings from each of the four empirical chapters (i.e. the four stages of criminal justice involvement that the accused individuals went through). Following this the theoretical and practical contributions arising from this project will be outlined. Subsequently, the limitations of the present study will be alluded to and finally, this will be followed by suggestions for future research in the area of wrongful convictions and the media.

Review of Findings

Prior to outlining the contributions, limitations and directions for future research that have arisen from the current project, a review of the main findings must be completed. A summary of the discoveries that arose from each of the four stages of criminal justice involvement distinguished in the empirical chapters will be presented here.

Pre-trial – Establishing an Emotional Connection

The first findings chapter demonstrated the media's initial attempt to establish an emotional connection between the news stories and the reader. Evidently, this was achieved through constructing a victim that appeared deserving of sympathy, building fear in the stories regarding the public's risk of victimization, as well as providing a direction for moral outrage. As a result of these findings, it was undoubtedly apparent that the media was highly attendant to cultural feeling rules at this stage in the coverage (Loseke 2003). The reports offered a simplistic cultural narrative regarding who deserves victim status as well as hints concerning the existence and identity of a blameworthy perpetrator. The simplistic narrative and attendance to cultural feeling rules that dictate the audience's emotions can be seen as a concrete strategy by the media to attract and maintain a wide, diverse audience due to the accessibility of this original narrative (Milburn & McGrail 1992).

Victims and Villains on Trial

The second empirical chapter, focusing on the trial stage of the wrongful conviction cases, exhibited the way that the media coped with contrary constructions to those originally portrayed that were emerging from the cases. In dealing with this new, often contradictory, information, these reports depicted the fact that there still appeared to be value for the media in addressing these constructions and framing them in particular ways. This stage of reporting demonstrated that the

media could thrive in portraying both an innocent victim and one worthy of blame through utilizing the just-world assumption. The construction of villains also began at this stage of reporting, also attending to the just-world belief, as well as the reconstruction of the past as a way to “other” the individuals thought to be responsible. Additionally, victims and villains on trial also saw the first constructions of criminal justice practitioners. Thus, at this stage it began to be apparent that the media possessed an interest in maintaining confidence in the criminal justice system, despite evidence contradicting it. Once again, this could be explained by the attendance to, and good reception towards, the just-world belief. Accordingly, employing these measures was once more seen as a media strategy to present a digestible narrative, unthreatening to the views of the news readers.

The Appeal Stage and the Management of Emerging Complexity

The third chapter focused on findings outlined some additional intricacies that were likewise grounded in a familiar cultural narrative – most notably a belief in the justice system. The media here was seen as continually attempting to manage uncertainty by squeezing it into acceptable frames based on cultural feeling rules. Here, the constructions of the accused became much more complex – they were appealing their convictions and thus, much important information regarding doubts surrounding their convictions was aired. The three accused in the cases also showed increased differentiation in their portrayals here. Guy Paul Morin was largely afforded a new, positive construction of his being. James Driskell and Robert Baltovich were still largely regarded with uncertainty and suspicion. In the Morin and Baltovich case, new potential villains were also introduced and constructed largely in accordance to the evil, predatory villain narrative. This once again demonstrated the media’s need for an evil perpetrator at which the audience can direct their moral outrage. Finally, as complexities and doubts arose during the appeals, it was

demonstrated that any blame directed toward the criminal justice system was largely individualized. Blameworthy individuals were singled out rather than entire organizations, and subsequently often excused for their involvement in a potential miscarriage of justice. This was viewed as yet another example of the media facilitating the belief in a just-world, not allowing the public's belief in the criminal justice system as a provider of justice to be sacrificed.

Acquitted, Exonerated and Inquired

The final empirical chapter most notably saw the construction of what has been termed "the incidental victim." The incidental victim was the narrative prescribed to the wrongly convicted individual at this stage as they were portrayed as individuals who were neither fully innocent nor deserving of their victimization by the justice system. They were viewed partially blameworthy for getting mixed up in the system, but also deserving of some sympathy because of the difficulty of a wrongful conviction. Any relatability to their situation was seen as being downplayed because of its misalignment with the just-world belief. If they were constructed as fully innocent and thus, deserving of sympathy, then questions would arise as to who the audience is supposed to direct moral outrage toward. Who is to blame? Rather, the criminal justice practitioner's role in the wrongful conviction was also downplayed and continually framed as both individual and excusable. This was viewed as undoubtedly highlighting the capitalistic goals of the media and their attempt to maintain the just-world assumption because of the notion that these reports were published in accordance with ongoing public inquiries. Public inquiries in which the mistakes and culpability of the justice system were being researched and published in reports rife with recommendations for the very system that was being excused in the media sphere.

Contributions

Through revisiting the main findings in the previous section, it is evident that this study makes a number of both theoretical and practical contributions to the field. Here, three main contributions that have been discovered will be identified and discussed. These include the contributions that this research makes to the literature in both wrongful conviction studies, as well as broader research on crime and media. Additionally, it became clear from the findings that the research project could also contribute to the goals of newsmaking criminology.

Wrongful Conviction Literature

Given that within the literature review of current wrongful conviction research, Leo (2005) called the field an “intellectual dead end,” there clearly existed a gap to fill with additional research in the area. The research project undertaken did just that. As was also discussed in the literature review, the previous research in the area only focused on the role of the media in wrongful conviction, whether that be positive or negative (Warden 2002). This project instead worked to demonstrate the constructions of individuals involved in the cases that are put forth by the media. In addition, this research project also examined how these constructions altered as the conditions in the case, or the stage of the criminal justice process, altered. Thus, this project can easily be seen as contributing to wrongful conviction research through its addition to discovering the portrayals exhibited in media publications throughout some cases of miscarriages of justice.

Crime & Media Research

The second area of criminological literature that the present study contributes to is crime and media research. As demonstrated through the findings, this project contributed to the narratives often described in the realm of crime and media research. While the research demonstrated that the media largely attempted to attend to recognizable narratives, these were also altered and

complicated throughout the criminal justice process. As a result, theorizing around the importance of the just-world belief to narratives publicized in the media was widely utilized. Attributing the just-world belief to the construction, deconstruction, and reconstruction of these simplistic criminal justice narratives made them and the changes made to them easily explainable to fit with the goals of the media as a claimmaker. Analyzing the construction of victims, villains and criminal justice practitioners in cases of wrongful conviction represented an entirely novel area of research. While all crime is complex, the many facets to and alterations within the coverage of these stories allowed for a look at how the media managed the reversal of roles in which the criminal justice system became blameworthy and the original accused appeared innocent. The analysis of the construction of these characters is critical on its own because Surette (2011) noted that little research exists on the construction of victims in the news media, and Loseke (2003) said the same of the construction of villains. Thus, the completion of the present study represents the fulfillment of additional research into the very important topic of media constructions and narratives and is further important because of the complexity of the cases that were examined.

Newsmaking Criminology

The final, and more practical, contribution that this research makes to the field of criminology is its potential for the fulfillment of the goals of newsmaking criminology. One key component of newsmaking criminology is the deciphering of the images of crime that are popularly professed by the media (Barak 2007). However, newsmaking criminology goes beyond the simply untangling of crime and justice messages within the media. Rather, newsmaking criminologists work to expose the media's images of crime and punishment and actively alter public discourse around these issues to a discussion that is more evidence-based (Barak 2007). Newsmaking criminologists work to sensitize the constructions that are present in the media for

the public, who perhaps lack the tools to acknowledge the media's subjective shaping of these reports (Barak 2007). Thus, the present study could engage in newsmaking criminology because the construction of victims, villains and criminal justice practitioners in these three particular cases has been demystified. So, these constructions could be sensitized through public criminology work that allows the public to learn from these cases and perhaps be more attuned to the portrayal of individuals involved with the criminal justice system in the reading of future reports. If this research was presented in an accessible, public forum it could work to inform the public about the media's goals as a claimsmaker and the constructions that result from this that should perhaps be further interrogated.

Limitations

While the contributions made by the present research study are irrefutable and important, every research project also possesses limitations. A number of these limitations will be addressed here. Firstly, the sample size in the current project was small ($N=3$). While 1,495 articles were examined, the fact that these pertained to just three cases means that the findings are not necessarily generalizable across all publications related to wrongful conviction in Canada. Another possible limitation related to the news articles is related to accessibility. It became clear early on in the project that many of the regional newspapers that I looked to include in the study had poor archives and thus, some articles related to the cases were undoubtedly lost. Without paying for the retrieval of these articles in small-town libraries these publications remained inaccessible, though potentially contained valuable information. A third limitation is related to the timeline of the cases chosen for analysis. The earliest case began in 1984, and the most recent end to one of the cases was in 2008. With the most current case ending in 2008, seven years have since passed since the newest acquittal coverage. As a result, the potential changes in media coverage or overall societal

attitudes towards crime may make the timeline a limitation since it is not exactly current. Relatedly, a final limitation suggested is the change that has largely been observed in the journalism world from print to online journalism. Once again, given the timeline of the cases and the notion that most of the coverage occurred between the 1980s and 1990s, the switch from print to online journalism may also limit the findings and their applicability to contemporary understandings of these media constructions.

Directions for Future Research

Irrespective of the limitations that exist in any research project, there is also always an opportunity for future research. Throughout this project I was able to determine a number of suggestions for future research aligning with the fundamental findings that were discovered here. The first suggestion for research would be a more complete study of the construction of cases of wrongful conviction in Canada. Due to the fact that the timeline of a master's program only allowed me to analyze three of these cases, I believe that one valuable direction for future research would be the addition of the analysis of more of these cases given that there is much diversity within them. Additionally, another potential direction for future research could be an analysis of the construction of wrongful conviction in the United States or other countries that perhaps have justice and media practices that may differ from those in Canada. A third, and also comparative, suggestion for future research would be the comparison between the coverage of cases of wrongful conviction and cases of regular conviction. This would further enlighten the literature on formats and narratives present in the media and strengthen the potential differences found in the analysis of cases of wrongful conviction. A final direction for future research focuses on a more experimental study of the effects of these portrayals on the audiences of news media. Since much pre-trial publicity has uncovered the hindrance to a fair trial that results from such publications

(Studebaker et.al. 2000), I believe it would be an important addition to wrongful conviction research to analyze how reading this coverage effects the views of the reader. This is particularly interesting because of the alteration of the coverage as the stories became more complex. Thus, a more psychological study in which individuals would read different coverage and then be subject to a questionnaire or a mock jury situation that aimed to discover the effect of these publications would be a way to further analyze the media's role in the actual wrongful conviction. Here, it is clear that these are complex constructions that manage to attend to a simplistic just-world assumption, but what is the result of these reports? Do they factor into the audience's feelings toward the victims, villains, and criminal justice practitioners being constructed?

In conclusion, this final summary has made it evident that the present study has made contributions, possesses limitations, and also makes numerous recommendations for future research in the topic area. The construction of victims, whether sympathy-deserving, blameworthy, or incidental, has been outlined. The construction of villains, the targets of moral outrage, othering, and casualties of a symbolically reconstructed past, has been shown. And finally, the construction of criminal justice actors, excusable, good natured, and (occasionally) bad apples, has been demonstrated. The media portrayals of Canadian cases of wrongful conviction clearly represented a novel research endeavour, abounding with complexity. Amidst this complexity however was the clearly managed maintenance of the media's method of situating this coverage within a format promising capital gains. Thus, the question posed by the title, critical champions or careless condemners, has been proven much too simplistic. Rather, through the examination of these cases, the news media was both an active and passive participant in the condemnation of the wrongly convicted. Carelessness denotes thoughtlessness. But, as was demonstrated there was nothing thoughtless about the active construction of individuals to fit into a cultural narrative that allowed

for continued belief in the justice system. Just as there was little negligence in the passivity of conforming to the presentation of this positive portrayal of the criminal justice system amongst information challenging the confidence the public should hold in this system. Rather, a better description of the media's portrayals that was discovered in this analysis would be: Capital Gain Focused-Entertainment Oriented-Presenter of Stories that Are Culturally Digestible and Pose no Threat to the Current System of "Justice."

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