

*****FOR IMMEDIATE RELEASE*****

**\$1.1 MILLION ACTION COMMENCED BY ANTHONY HANEMAAYER FOR
WRONGFUL CONVICTION**

**Paul Bernardo Confessed to 1987 Break-in and Assault with Intent to Rape, but
Crown and Police did not Disclose Confession, Statement of Claim Alleges**

WINDSOR (July 7, 2010) – Anthony Hanemaayer has commenced a \$1.1 million lawsuit for damages he suffered as a result of his 1989 conviction for break and enter and assault with intent to rape. The defendants in the action are the Toronto Police Services Board, Toronto Police members, Mr. Hanemaayer's former lawyer and the Attorney General for Ontario.

On October 18, 1989, Mr. Hanemaayer pleaded guilty and was convicted of the charges which resulted from a September 29, 1987 break-in and attack on a young woman at a Scarborough residence. The woman's mother was awakened by the noise and when she discovered the attacker sitting on top of her daughter he fled. The mother subsequently identified Mr. Hanemaayer as the perpetrator, in part, based on her belief that he was working at a nearby construction site.

Mr. Hanemaayer denied all knowledge of the crime and insisted he was innocent, but, following completion of testimony from the victim's mother at his trial, Mr. Hanemaayer accepted the advice of his lawyer to plead guilty as part of a sentencing agreement. Mr. Hanemaayer was sentenced to two years less one day imprisonment.

In 2005, about fifteen years after Mr. Hanemaayer was released on parole, Paul Bernardo informed his own lawyer that he had committed the September 29, 1987 break-in and attack. Bernardo's lawyer immediately notified the Toronto Police Sex Crimes Unit and two detectives were assigned to investigate Bernardo's admission. Mr. Hanemaayer's statement of claim alleges that when the detectives interviewed Bernardo in April, 2006, he gave them a detailed and accurate account of the crime, however when they interviewed Mr. Hanemaayer the following month and he told them he didn't commit the crime and pleaded guilty on the advice of his lawyer to avoid a long penitentiary sentence, they neglected to tell Mr. Hanemaayer that he had been wrongfully convicted.

The Toronto Police detectives then prepared a report confirming that Bernardo had committed the September 29, 1987 break-in and attack which they delivered to a Crown Attorney. Mr. Hanemaayer alleges that the Toronto Police detectives and the Crown Attorney never told him that Bernardo had confessed to the crime; rather, he learned of Bernardo's confession in late 2007, about two years after the police received evidence that Bernardo had admitted to the crime. He learned of Bernardo's confession from Robert Baltovitch's defence counsel who discovered it during the course of their preparation for Baltovitch's re-trial for the murder of his girlfriend, Elizabeth Bain.

On June 25, 2008, Mr. Hanemaayer's appeal from his conviction was allowed by the Ontario Court of Appeal. His conviction for break and enter and committing an assault

was set aside and the stay of proceedings for a charge of assault while using a weapon was set aside and acquittals were entered by the Court of Appeal on both counts.

Mr. Hanemaayer was imprisoned for sixteen months. He spent eight months in prison awaiting his trial and another eight months in prison following his conviction before he was released on parole.

In his lawsuit, Mr. Hanemaayer alleges that the investigating police officer “rushed to judgment” by presuming Mr. Hanemaayer was the perpetrator of the crime and that he did not consider Paul Bernardo as a suspect even though the Scarborough Rapist had begun his rampage.

The statement of claim also alleges that Mr. Hanemaayer’s lawyer breached his duty by encouraging and permitting Mr. Hanemaayer to plead guilty while he continued to maintain his innocence.

Mr. Hanemaayer alleges that the failure of the Toronto Police detectives and the Crown Attorney to disclose Bernardo’s confession caused him to suffer prolonged “emotional and psychological damage” and delayed his application to have his conviction quashed.

Mr. Hanemaayer’s lawyer, Harvey T. Strosberg, Q.C. of Sutts, Strosberg LLP said: “This action raises the important issue of who caused an undoubtedly innocent man to be wrongfully imprisoned.”

Sutts, Strosberg LLP is one of Canada’s leading litigation law firms. In 2008, Mr. Strosberg and his partner David Robins settled the wrongful conviction claim of James Driskell for more than \$4 million. Mr. Driskell was wrongfully convicted of murder in Manitoba and spent 13 years in prison.

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