



THE ASSOCIATION IN DEFENCE OF THE WRONGLY CONVICTED

FOR RELEASE AT 9:00 A.M. EASTERN STANDARD TIME (EST)

TUESDAY, NOVEMBER 25, 2014

AFTER 28 YEARS FRANK OSTROWSKI GETS THE CHANCE TO PROVE HE WAS WRONGLY CONVICTED

The Association in Defence of the Wrongly Convicted (AIDWYC) announces the referral of Frank Ostrowski's murder case back to the Manitoba Court of Appeal, 28 years after his conviction for the first degree murder of Robert Nieman.

Today the Minister of Justice, the Honourable Peter MacKay, announced that he was sending Frank Ostrowski's murder conviction back to the Manitoba Court of Appeal for it to be re-considered by the Court.

AIDWYC lawyers James Lockyer and Alan Libman will be appearing today before the Manitoba Court of Appeal at 10:00 a.m. to ask that Mr. Ostrowski be allowed to remain on bail until the Court of Appeal hears his appeal.

A History of Mr. Ostrowski's Prosecution

On September 24, 1986 two men broke into Mr. Nieman's residence in Winnipeg, laid in wait for him, and shot him several times when he came home. He died of his wounds a month later.

Mr. Ostrowski was accused of having hired the two men who committed the murder based on the evidence of a highly questionable witness named Matthew Lovelace. Ostrowski was convicted in May, 1987 after a trial before Mr. Justice Darichuk and a jury in the Court of Queen's Bench in Winnipeg.

In February, 1989, the Manitoba Court of Appeal dismissed his appeal and in June, 1990, the Supreme Court of Canada dismissed his further appeal.

Since then, Mr. Ostrowski has tried every avenue possible to challenge his conviction. He managed to convince the Winnipeg Police Department to review his case in 1994 but to no avail. He went to private investigators and lawyers for help.

Then, in 2002, he came to AIDWYC and asked us to help him with his case.

In 2005, we discovered that the Crown had made a deal with the witness Lovelace-in exchange for his testimony against Ostrowski, Lovelace's outstanding cocaine case would be dropped. In his trial testimony, Lovelace and the Crown prosecuting Mr. Ostrowki, George Dangerfield, flatly denied such an arrangement had been made.

AIDWYC also discovered that a highly significant police report, which helped show that Mr. Ostrowski was not involved in the crime, was withheld from the defence.

In May, 2009, AIDWYC filed an application with the Minister of Justice, referring to the prosecution of Mr. Ostrowski as a '**charade**'. In December, 2009, Mr. Ostrowski was released on bail while he awaited the Minister's decision. He had spent 23 years in prison since his arrest on the charge.

Mr. Ostrowski has remained on bail for the last 5 years.

The Minister's Decision

The Minister has today ordered that Mr. Ostrowki's case go back to the Manitoba Court of Appeal for re-consideration. The Minister has this power under the Criminal Code.

This is a significant advance in Mr. Ostrowki's quest to secure justice in his case. This morning he will appear before a Judge of the Manitoba Court of Appeal to have his bail continued until his appeal is heard.

At his appeal, AIDWYC will present the evidence that it discovered in 2005 to the Court of Appeal.

Frank Ostrowski said today:

"It is a big relief that my case is getting to be heard again in the appeal court. I think they will get it right this time."

James Lockyer, Senior AIDWYC Counsel, said:

"It has been a long wait and the saga still has a way to go. The Minister has made the correct decision and it will be our task to convince the Manitoba Court of Appeal that Frank Ostrowski is the victim of a terrible miscarriage of justice."

Alan Libman, AIDWYC co-counsel, said:

"There have been several wrongful convictions exposed in Manitoba in recent years and we believe that Frank Ostrowki's should be added to the list. AIDWYC will carry on with his case for however long it takes."

After the court appearance this morning before the Court of Appeal, Mr. Ostrowski and his counsel will be at the courthouse to speak to the media. This will likely occur between 10:30 and 11:00 a.m.

Learn More about AIDWYC:

- Address: 111 Peter Street, Suite 408, Toronto, Ontario, M5V 2H1
- Website: www.aidwyc.org
- *Conviction*, the AIDWYC Blog: www.aidwyc.org/blog
- Facebook: www.facebook.com/aidwyc
- Twitter: @AIDWYC
- Instagram: @AIDWYC
- Youtube: <http://www.youtube.com/watch?v=TGD2PA2HLLQ>

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