

## FOR IMMEDIATE RELEASE

### Tammy Marquardt to appear in the Superior Court of Justice

ON: TUESDAY, June 7, 2011

AT 10:00 a.m.

Address: 150 Bond Street East, Oshawa, Ontario

Tammy Marquardt, who spent almost 13 years in prison, will be appearing before Mr. Justice Ted Minden in the Superior Court in Oshawa on Tuesday morning, June 7, 2011, for her new trial. It is expected that her case will come to its conclusion in less than an hour.

Ms. Marquardt was convicted by a jury on October 24, 1995 in Whitby, Ontario for the murder of her 2 year old son, Kenneth Wynne. She was sentenced to life imprisonment.

Her first appeal of her conviction was heard on January 16, 1998 and unanimously dismissed by the Ontario Court of Appeal on January 22, 1998.

Dr. Charles Smith (now Mr. Smith) was the pathologist who conducted Kenneth's autopsy. He testified that Kenneth's death was caused by "asphyxia", through smothering or strangulation. Smith discounted the defence position that Kenneth, who had been treated for epilepsy during his life, died during an epileptic seizure.

Ms. Marquardt testified in her defence and denied doing anything to her son to cause his death. For more than 17 years, she has always maintained her innocence.

On February 10, 2009, Ms. Marquardt asked the Supreme Court of Canada to review her case. On March 12, 2009, she was released on bail pending the decision of the Supreme Court of Canada. She had spent 13 years in prison.

On April 30, 2009, the Supreme Court of Canada sent her case back to the Court of Appeal for Ontario to consider whether her conviction constituted a miscarriage of justice.

On February 10, 2011, the Court of Appeal re-heard her case, quashed her conviction and ordered a new trial.

Experts in forensic pathology and pediatric neurology have been consulted by Ms. Marquardt and they all agree that Kenneth's death could have been caused by Sudden Unexpected Death in Epilepsy (SUDEP); in other words, the disease of epilepsy killed him.

Today, Ms. Marquardt said:

"Kenneth died on October 9, 1993. Tomorrow, 17 years later, I hope and pray it will all come to an end. Kenneth was a lovely boy and I feel he has been suffering in his grave all these years with me."

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AIDWYC is a non-profit organization advocating for wrongly convicted Canadians. Its clients are mostly poor and forgotten, and have exhausted all of their legal avenues for relief. In addition to championing the cause of innocent persons who have been wrongly convicted, the organization also works to prevent wrongful convictions through legal education and reform.

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