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VANCOUVER – A relieved and “happier than ever” Ivan Henry, who was acquitted Wednesday after spending 26 years in jail, says his first plans for freedom is seeing his grandson's soccer game.

Henry told his daughter Wednesday after hearing BC's highest court have ordered him released that he wants to watch a soccer game and go out for dinner.

A three panel of judges on the B.C. Court of Appeal quashed the convictions and acquitted Henry on all counts Wednesday as the now elderly and frail man and his daughters, who have been fighting for years to overturn the convictions, applauded the new ruling.

Henry's sentence is believed to be the longest anyone in Canada has spent behind bars for a crime in which they were subsequently acquitted.

He said he's not angry after years of trying to get himself exonerated for crimes he didn't commit.

“It wouldn't heal me if I was angry,” a jubilant Ivan Henry said Wednesday as he hugged his two daughters outside court.

“I've got grandkids that I'm so proud of. I've got a little dog that I look after, and he's my friend.”

“I'd like to say to people who are still incarcerated, `Don't give up. Keep plugging ahead and work to get out and to learn what society's all about. It's not all a dirty world. We're all here to try and help each other.”

Henry was convicted in 1983 of 10 counts of rape and indecent assault of eight women. The victims were alone at night when their assailant gained access to their basement or ground level suites. The offences included five counts of indecent assault, two counts of attempted rape and three counts of rape.

Henry was convicted by a jury and later declared a dangerous offender by a trial judge, which imposed on him an indeterminate sentence.

Henry, who represented himself in the initial court proceedings, filed appeals but none of them were successful until this latest one, which was heard earlier this year in Vancouver.

His appeal was based on a number of grounds including what was referred to in court as “consciousness of guilt.”

After Henry's arrest in 1982, he refused to participate in a physical line-up. Police officers forced him into the line-up and one officer held him in a headlock as seen in a photograph that was entered as evidence in his appeal.

While in a headlock, Henry struggled and shouted and was restrained. One uniformed constable put his arm around Henry's neck and forced his head up. His photograph was used in a photographic line-up and seen by some of the witnesses.

Another police investigation reopened doubts about Henry's guilt following a 2002 operation called “Project Smallman.” Vancouver police re-investigated 25 unsolved sexual assaults committed from April 1983 to July 1988, a period when Henry was already in prison.

DNA evidence obtained during “Project Smallman” led to the arrest and conviction of another man identified only as DM because his identity is protected under a publication ban.

Crown prosecutors noted similarities between the Henry case and the “Project Smallman” findings and brought those similarities to the attention of B.C.'s criminal justice branch which appointed an independent lawyer to reinvestigate a potential miscarriage of justice in



Ivan Henry, pictured in a headlock by police, spent 26 years behind bars for a series of brutal sexual assaults and was acquitted Oct. 27.

Supplied photo

Henry's conviction.

The courts ordered that an appeal be re-opened and a 12-day trial was held last June.

In ordering Henry's conviction quashed, the B.C. Court of Appeal Wednesday found that the trial judge had made several errors including the judge's instruction that Henry's photo resisting participation in the police line-up could be used as evidence of "consciousness of guilt."

While the court of appeal judges said the evidence from Project Small does not "exonerate" Henry, it is evidence capable of raising reasonable doubt that should have been enough to lead to his acquittal at the initial trial.

Henry was released from prison two years ago pending his appeal and has been living in North Vancouver with one of his two daughters. Tanya Olivares, 38 and her younger sister Kari Henry, 35, who were children at the time their father went to jail, have been fighting for their father's appeal.

They are expected to talk later Wednesday about the family's ordeal and whether Henry, who is now 64 and in ill health, will seek financial compensation for the time he spent in prison.

With files from Canadian Press.