

August 4, 2026

How an Underscore Sent an Innocent Man to Jail

By: Gideon Christian

Decisions commented on: *R v Klayme*, [2024 NSPC 4 \(CanLII\)](#) and *R v Klayme*, [2026 NSCA 59 \(CanLII\)](#)

It all began when a mother in Wisconsin, United States, checked her 12-year-old daughter's phone. What she discovered was horrifying: intimate images and sexually explicit communications with a man who called himself "Jay." She reported the matter to the police, who seized the phone and extracted 125 messages exchanged through a Kik (social media) messaging account bearing the username fus__ro_dah, with two underscores between "fus" and "ro."



That seemingly insignificant detail should have led investigators to the person who had communicated with the child. Instead, the police mistakenly went after fus_ro_dah, a different username, containing only one underscore between "fus" and "ro."

That account belonged to a young Canadian man named Brandon Klayme. The incorrect Kik username led police to Klayme's email address. His email address led to Google records. The Google records led to an IP address in Halifax. The IP address led to his family home. The home

led to a search warrant, criminal charges, convictions, an 18-month prison sentence, probation, and the devastating stigma of being branded a child sexual offender (see *R v Klayme*, [2024 NSPC 4 \(CanLII\)](#)) (*Klayme* 2024).

On July 23, 2026, the Nova Scotia Court of Appeal made the extraordinary and unequivocal finding that Klayme was “factually innocent...should never have been charged, let alone convicted” (*R v Klayme*, [2026 NSCA 59 \(CanLII\)](#) at para 34) (*Klayme* 2026).

This was not simply a typo. It was a catastrophic institutional failure involving every participant entrusted with protecting an accused person from wrongful conviction – from the police, to the Crown, to the defence and dare I add, the trial court.

A Digital Trail Built on the Wrong Account

Digital evidence often appears uniquely reliable. Subscriber records, IP addresses, production orders and data extracted from electronic devices carry an aura of mathematical certainty. Unlike eyewitnesses, digital records do not appear to forget, exaggerate or lie.

But even the most reliable digital evidence can be tainted by the human error that generated it. In Klayme’s case, each subsequent investigative step may have been technically accurate. The email address belonged to him. The Google account belonged to him. The IP address was associated with his residence. Internet service provider records correctly identified his home.

But all of those records flowed from the wrong username. Each investigative step confirmed the identity of the person on whom the police had fixed their sights, not the identity of the person who had actually communicated with the child. A chain of accurate deductions cannot repair a false starting premise. Each piece of digital evidence was merely another branch growing from the same poisoned root. The system mistook the volume of the evidence for the reliability of its foundation.

The Search That Should Have Ended the Case

The most powerful evidence of Klayme’s innocence emerged when Halifax Regional Police searched his home. Officers seized phones, laptops and other electronic devices from his bedroom. The search confirmed that Klayme had a Kik account. But investigators found absolutely no messaging with the Wisconsin minor – no intimate photographs exchanged with her, no evidence connecting this young man to the offending conversations and no Kik activity by him during the period in which the offences occurred. (*Klayme* 2024 at para 28)

That should have fundamentally altered the investigation. The Crown’s theory (which was accepted by the trial judge) was that Klayme had spent months sexually grooming a child through Kik social media, participating in sexually explicit video calls and receiving numerous intimate images (*Klayme* 2024 at para 58). If that theory were correct, one would reasonably expect the forensic examination of his devices to reveal some digital trace of those activities. It revealed none.

The absence of such evidence should have generated profound doubt about the account attribution. It should have caused police and prosecutors to return to the beginning of the digital chain and ask the most elementary question: Have we got the right person? They apparently did not.

When an Investigative Theory Becomes Institutional Truth

Once the investigation attributed the account to Klayme, nearly every subsequent circumstance appears to have been interpreted through the lens of his presumed guilt. The lack of evidence on his devices did not generate reasonable doubt. Circumstantial subscriber information was accorded greater weight than the complete absence of any digital evidence connecting him to the communications. The trial judge nevertheless found that his guilt had been proved beyond a reasonable doubt.

Most disturbingly, at the sentencing, Klayme's continued insistence that he was innocent was transformed into evidence of deficient character.

The sentencing reasons record that he was polite, respectful and cooperative with the probation officer but "took no responsibility" and continued to maintain his innocence (*Klayme* 2024 at para 48). That when given an opportunity to address the complainant and her family, he expressed sympathy for what they had suffered but continued to say that another person was responsible (*Klayme* 2024 at para 49).

In retrospect, this was not a lack of remorse. It was *the truth*.

The judge did not formally list Klayme's continued assertion of innocence as an aggravating factor. Nevertheless, the language of the sentencing judgment implicitly frowned upon it. (*Klayme* 2024 at paras 48 - 49).

That framing reveals one of the cruellest dynamics of wrongful conviction: *once the criminal process has prematurely settled on guilt, an innocent person's refusal to confess can be interpreted as moral failure - thus falsely admitting the crime gives the convict credit for false remorse, while continued assertion of innocence portrays the innocent convict as dishonest and remorseless.*

Klayme was trapped in precisely that position. The truth could not save him because the system had already and wrongly decided what the truth was.

The Evidence That Was Always There

During the preparation of the appeal by a new counsel, the error in the username was discovered. The Court of Appeal treated the username discrepancy as fresh evidence because it was first raised on appeal (*Klayme* 2026 at para 26).

But that smoking gun evidence was neither new nor previously unavailable. Both usernames were contained in the evidentiary record throughout the trial, staring everyone in the face yet going unnoticed (*Klayme* 2026 at para 27).

That should provoke more than embarrassment.

The police missed it. The Crown missed it. The defence missed it. The trial judge missed it. And an innocent man went to prison because of it.

The Court of Appeal was right to declare Klayme factually innocent. But it does not return the months taken from this young man's life. It does not erase imprisonment, probation, public humiliation or the stigma attached to convictions of this nature.

The Danger of Digital Tunnel Vision

Klayme's case demonstrates the need for mandatory exact-string verification of digital identifiers, preservation of raw extraction records, disclosure of the precise search terms used by investigators and meaningful forensic assistance for accused persons where identity depends on digital attribution.

Most importantly, negative forensic evidence must trigger reconsideration. When the devices of an alleged online offender contain none of the communications, images or account activity forming the basis of the charges, investigators and prosecutors must revisit their theory rather than pressing on with prosecution.

One underscore separated Brandon Klayme from the real offender.

The criminal justice system failed to see it. Once it settled on him, every subsequent fact was interpreted through the lens of guilt, while the evidence pointing toward innocence was pushed aside. The result was not merely a mistaken verdict. It was a grave institutional injustice.

This post may be cited as: Gideon Christian, "How an Underscore Sent an Innocent Man to Jail" (4 August 2026), online: ABlawg, http://ablawg.ca/wp-content/uploads/2026/08/Blog_GC_Wrongful_Conviction.pdf

To subscribe to ABlawg by email or RSS feed, please go to <http://ablawg.ca>

Follow us on Twitter [@ABlawg](https://twitter.com/ABlawg)

