

## Publisher's Note

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## Rose and Goos

# DNA — A Practical Guide

This work will serve as a complete resource for those involved in the investigation, prosecution and defence of charges involving DNA evidence.

In this update, new decisions are included which consider secondary transfer of DNA, as well as academic research on the topic, see *R. v. R.*, 2017 ONSC 5891, 2017 CarswellOnt 15571 (Ont. S.C.J.); *R. v. F.*, 2017 ONSC 5265, 2017 CarswellOnt 15333 (Ont. S.C.J.); *R. v. Sabrie*, 2017 ONSC 6134, 2017 CarswellOnt 15958 (Ont. S.C.J.); *R. v. Pierce*, 2017 BCSC 2469, 2017 CarswellBC 3726 (B.C. S.C.).

New appellate decisions on both the improper use of DNA evidence at trial and fresh evidence of DNA testing are also included, see *R. v. J.S.*, 2018 ONCA 39, 2018 CarswellOnt 1560 (Ont. C.A.); and *R. v. Tallio*, 2017 BCCA 259, 2017 CarswellBC 1869 (B.C. C.A.).

## Highlights

- **Trial Issues** — The subject of the disclosure sought was an analytical tool used by the forensic laboratory for quality assurance purposes — the court held this not to have been a first party disclosure issue, and thus found there to have been no preservation obligation: *R. v. Browne*, 2017 ONSC 5795, 2017 CarswellOnt 115099 (Ont. S.C.).

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- **Post-Conviction DNA Sampling** — Where fresh evidence suggesting that new DNA testing would exonerate the offender, and where a viable ground of appeal arises from new advances in DNA analysis, the offender may obtain leave from an appellate court to file his or her appeal late: *R. v. Tallio*, 2017 BCCA 259, 2017 CarswellBC 1869 (B.C. C.A.).