

**Forensic Review Committee  
Government of Manitoba  
Terms of Reference**

The Deputy Attorney General of Manitoba has established an advisory committee to examine criminal cases prosecuted in Manitoba where the Crown relied upon certain types of forensic evidence.

***Composition of the Advisory Committee***

The Committee shall consist of the Assistant Deputy Attorney General as Chair; a Senior Crown Attorney; a lawyer in the private sector in Manitoba designated by the Association in Defence of the Wrongfully Convicted; a representative from each of the Royal Canadian Mounted Police and the Winnipeg Police Service; and a forensic expert unconnected with any law enforcement agency, designated by the Deputy Attorney General after consultation with the other members of the Committee. Other persons with expertise may be consulted by the Committee from time to time, through the Chair.

***Objectives of the Advisory Committee***

The Committee shall examine all cases of culpable homicide:

- prosecuted in Manitoba during the past 15 years;
- in which the Crown tendered and relied upon microscopic hair comparison evidence;
- where the accused pleaded not guilty at trial, asserting factual innocence, but was found guilty; and
- appealed the conviction to the Court of Appeal, still asserting factual innocence, and the appeal was dismissed,

to consider whether there is a reasonable basis to believe that, by virtue of this evidence, a miscarriage of justice has taken place.

Amongst other issues, the Committee shall consider:

- a) the nature of the evidence tendered in the context of the trial record;
- b) whether, with the benefit of current scientific expertise, the conclusions tendered by the Crown at trial were incorrect or overstated;

- c) the extent to which the Crown relied upon this evidence to prove the case;
- d) any comments made by the trial judge concerning the probative value or weight to be given to this evidence;
- e) any other factors that may assist in assessing whether a miscarriage of justice has occurred.

During the course of its work, the Committee, through the Chair, may arrange for DNA or other scientific testing of the evidence to assist the Committee during the review.

The Committee shall provide a report on its findings and recommendations to the Deputy Attorney General by or before July 1, 2004.

Public communication concerning the work of the Committee during the review, should that prove necessary, will be made through the Chair. Upon receipt of the report of the Committee, the Deputy Attorney General will publicly announce the results of the Committee's work.

These Terms of Reference are available to members of the public, and shall be placed on the website of Manitoba Justice:  
<http://www.gov.mb.ca/justice/index.shtml>

Dated at Winnipeg, Manitoba this 23<sup>rd</sup> day of April 2003.

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