

CANADA / JUDGMENT

R. v. F.Y.B.

2025 BCSC 1644

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IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation:

R. v. F.Y.B.,

2025 BCSC 1644

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v.

F.Y.B. and J.D.P.

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Before: The Honourable Mr. Justice Gibb-Carsley

Oral Ruling on Voir Dire #1 - Admissibility of Expert Evidence Sought to be Adduced by the Crown

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Place and Dates of Hearing:

New Westminster, B.C.

March 5-7, 2025

Place and Date of Judgment:

New Westminster, B.C.

May 16, 2025

- [1] THE COURT: These are my reasons for judgment for voir dire #1 regarding the Crown's application to adduce expert evidence.

Introduction

- [2] F.Y.B. and J.D.P. (the "Accused") are charged with five counts related to an alleged kidnapping that occurred on December 2, 2022. Specifically, the accused are charged with kidnapping, assault, uttering threats, robbery, and using an imitation firearm against the complainant, J.G.
- [3] In this application, the Crown seeks an order admitting expert opinion evidence of Corporal Alex Park and retired Sergeant Andy Veltmeyer that two pieces of tape seized from different locations were at a point in time part of one continuous object. In other words, the Crown expects that the experts will testify that the two pieces of tape match each other and were from the same roll of tape.
- [4] The trial of this matter is set to be heard by a jury commencing June 2, 2025, for 20 days. On April 9, 2025, I gave judgment on this application and ordered that the expert opinion evidence of Cpl. Park and Sgt. Veltmeyer could be admitted at trial. I advised the parties that my reasons would follow. These are my reasons.
- [5] The Crown asserts that the opinion evidence of these witnesses ought to be admitted because it meets all four criteria set out by the Supreme Court in *R. v. Mohan*, [1994] 2 S.C.R. 9, and because the potential benefits of the evidence outweigh any potential risks.
- [6] The Accused object to the admission of the evidence on two grounds. First, that it will not assist the trier of fact in determining a fact at trial because the experts are not applying any specialized expertise to the analysis. Second, the Accused argue that the weight that might be afforded by the trier of fact - in this case, the jury - to the experts' evidence is prejudicial to the Accused, and that prejudice outweighs the probative value of the evidence.

- [7] In these reasons, I will provide brief background facts on the relevant aspects of the offences to provide context as to the relevance of the potential expert evidence. I will then discuss the legal principles engaged in this application. Finally, I will turn to my analysis and my conclusion to admit the expert evidence at trial.

Background

The Alleged Offences

- [8] The Crown alleges that on the afternoon of December 2, 2022, the complainant went to her friend's residence to sell her friend drugs (the "Residence"). While at the Residence, the Crown alleges that F.Y.B. and J.D.P., along with others, assaulted the complainant, threatened to cut off her fingers, and stole her property. Additionally, the Crown alleges that as the complainant sat in a chair in one of the bedrooms, her boots and lower legs were bound together using tape. Before the complainant was moved to another location, the tape was removed from her legs, allowing her to walk. She was later forced to sign over ownership of her vehicle under duress and robbed of her wallet and phone.
- [9] Later that night, when the complainant gave a statement to Detective Trent Lukey, there was a piece of black tape still affixed to one of her boots. That piece of black tape was seized and designated Exhibit E-1.
- [10] On December 3, 2022, police executed a search warrant at the Residence. In a bedroom, the police located a clump of black tape made up of multiple layers of tape stuck together. It was seized and designated as Exhibit B-1. I will refer to Exhibit E-1 and Exhibit B-1, collectively, as the "Exhibits".
- [11] The Crown wishes to adduce the expert opinion evidence of Cpl. Park and Sgt. Veltmeyer to demonstrate that the piece of tape from the complainant's boot (Exhibit E-1) and the tape found at the residence (Exhibit B-1) were once part of a continuous chain. This, argues the Crown, links the complainant to the Residence and also makes various potential connections between aspects of the alleged offences including the locations and the participants involved.

The Experts and the Expert Opinion

- [12] Corporal Park is an RCMP Forensic Identification Specialist. Corporal Park conducted an analysis of the Exhibits using the ACE-V methodology, which stands for analysis, comparison, evaluation, and verification, of comparing physical evidence. I will describe the techniques used by Cpl. Park and Sgt. Veltmeyer in more detail below under the ACE-V method.
- [13] After completing his analysis, Cpl. Park made the following conclusion:

Based on the agreement of class characteristics and randomly acquired characteristics, it is my opinion that Exhibit B-1 and Exhibit E-1 are from the same source and at one point in time formed one continuous object.

[14] At the verification stage, another trained analyst independently reviews the items for comparison and derives an independent conclusion. In this case, Sgt. Veltmeyer independently verified Cpl. Park's conclusion, in essence agreeing that the piece of tape from the complainant's boot and the tape found at the Residence were once part of a continuous single piece of tape.

[15] I will now turn to the legal principles engaged in this application.

Legal Principles

[16] Expert opinion evidence is presumptively inadmissible unless the party tendering the expert satisfies the test for threshold admissibility on a balance of probabilities: see *R. v. Abbey*, 2009 ONCA 624 [Abbey 2009], at para. 71, leave to appeal ref'd, [2010] S.C.C.A. No. 125.

[17] In *White Burgess Langille Inman v. Abbott and Haliburton Co.*, 2015 SCC 23 [White Burgess] the Supreme Court refined its landmark decision in *Mohan* to create a two-stage analysis for admissibility of expert opinion evidence.

[18] At the first stage, the expert opinion evidence must satisfy four conditions of admissibility (the "threshold *Mohan* inquiry").

[19] First, the expert evidence must be logically relevant to the issue at hand. Logical relevance requires that, as a matter of human experience and logic, the evidence makes the existence or non-existence of a fact in issue more or less likely: *Abbey* 2009 at para. 82; *White Burgess* at para. 23.

[20] Second, the expert opinion evidence must be necessary in assisting the trier of fact. To be necessary the expert evidence must provide information which is likely to be outside the experience and knowledge of a judge or jury: *Mohan* at para. 22. While absolute necessity is not required, the evidence must be more than merely helpful: *R. v. Giles*, 2016 BCSC 294 at para. 37. The expert opinion evidence is not necessary if the trier of fact can form their own conclusions without the assistance of the expert opinion: *R. v. Dick*, 2024 BCSC 1978 at para. 19.

[21] Third, there must be no exclusionary rule prohibiting the reception of the evidence: *Mohan* at para. 26.

[22] Fourth, the expert must be properly qualified. There are two branches at this stage: the witness must be able and willing to fulfill their duties to the court to provide fair, objective, and non-partisan assistance and the witness must be qualified to give the proposed opinion evidence: *White Burgess* at para. 53. To satisfy the second branch, the proposed expert must be shown to have acquired special or peculiar knowledge through study or experience:

Mohan at para. 25. Formal training or certification is not a requirement: Giles at para. 55. The expert must be qualified to express the specific opinion proffered and must be confined to express opinions within the scope of that qualification: Giles at para. 54.

[23] In *R. v. Pham*, 2013 ONSC 4903 at para. 31, Justice Durno provided a list of factors to consider in evaluating whether a proposed expert witness is properly qualified. These factors include the following:

- the manner in which the witness acquired the special skill and knowledge upon which the application is based;
- the witness' formal education (i.e. degrees or certificates);
- the witness' professional qualifications (i.e. a member of the College of Physicians and Surgeons);
- the witness' membership and participation in professional associations related to his or her proposed evidence;
- whether the witness has attended additional courses or seminars related to the areas of evidence in dispute;
- the witness' experience in the proposed area(s);
- whether the witness has taught or written in the proposed area(s);
- whether, after achieving a level of expertise, the witness has kept up with the literature in the field;
- whether the witness has previously been qualified to give evidence in the proposed area(s), including the number of times and whether the previous evidence was contested;
- whether the witness has not been qualified to give evidence in the proposed area(s) and if so, the reason(s) why; and
- whether previous caselaw or legal texts have identified the contested area as a proper area for expert evidence and if so, who might give the evidence.

See *R. v. Dupray*, 2024 BCSC 2486 at para. 31.

[24] Where the expert opinion evidence is based on novel or contested science or science used for a novel purpose, the party tendering the expert evidence must show, under the first stage, that the underlying science is reliable for that purpose: *Dupray* at para. 22, citing *R. v. J.-L.J.*, 2000 SCC 51 and *R. v. Abbey*, 2017 ONCA 640 at para. 48 [*Abbey* 2017].

- [25] The second stage is effectively a weighing of the probative value against the prejudicial effect of the evidence (the "discretionary gatekeeping step"). The trial judge takes on a gatekeeper role to determine if the benefits of admitting the evidence outweigh its potential risks, considering factors such as legal relevance, necessity, reliability and absence of bias: *Abbey* 2017 at para. 48.
- [26] In *White Burgess*, the Supreme Court outlined the various ways the second stage has been described:
- [24] In *Mohan*, Sopinka J. spoke of the "reliability versus effect factor" (p. 21), while in J.-L.J., Binnie J. spoke about "relevance, reliability and necessity" being "measured against the counterweights of consumption of time, prejudice and confusion": para. 47. Doherty J.A. summed it up well in *Abbey*, stating that the "trial judge must decide whether expert evidence that meets the preconditions to admissibility is sufficiently beneficial to the trial process to warrant its admission despite the potential harm to the trial process that may flow from the admission of the expert evidence": para. 76.
- [27] In *Abbey* 2009, the Court articulated the serious risk inherent in the admission of expert opinion evidence:
- [90] Clearly, the most important risk is the danger that a jury will be unable to make an effective and critical assessment of the evidence. The complexity of the material underlying the opinion, the expert's impressive credentials, the impenetrable jargon in which the opinion is wrapped and the cross-examiner's inability to expose the opinion's shortcomings may prevent an effective evaluation of the evidence by the jury. There is a risk that a jury faced with a well-presented firm opinion may abdicate its fact-finding role on the understandable assumption that a person labelled as an expert by the trial judge knows more about his or her area of expertise than do the individual members of the jury: J.-L.J. at para. 25.
- [28] With these factors in mind, I now turn to my analysis and conclusion that the Crown's proposed expert opinion evidence is admissible. I will also set out my limitations on the scope of the expert's testimony as it relates to being qualified as experts on this voir dire.

Positions of the Parties

- [29] The Crown contends that all four branches of the threshold *Mohan* inquiry are satisfied. The evidence is highly relevant and probative to the matters in issue and would assist the trier of fact, not confuse them. Although the Crown acknowledges that Cpl. Park and Sgt. Veltmeyer do not have extensive previous experience in making physical comparisons of adhesive tape, the methodology and rigour applied by both in their training and experience is more than sufficient to qualify them as experts. Further, the Crown argues that adhesive tape comparison is not a novel science.

- [30] The Crown also argues that at the discretionary gatekeeping step, the expert evidence should be admitted because the benefits of admitting the evidence outweigh its potential risks. The Crown asserts that the proposed evidence is highly probative and reliable and not prejudicial as it will not distort the fact-finding process, confuse the jury or consume excessive court time.
- [31] The Accused accept that the proposed expert opinion evidence is relevant, because whether the two pieces of tape did indeed form one continuous piece will be an important issue at trial that will need to be considered by the trier of fact. However, the Accused assert that the necessity criterion of the threshold Mohan inquiry is not satisfied because the trier of fact will be in the same position as the expert to determine if the two pieces of tape "fit" together and originated from the same continuous piece of tape.
- [32] The Accused advance two arguments to support that the necessity criterion has not been met. First, Cpl. Park and Sgt. Veltmeyer used no special tools or forensic devices to conclude that the two pieces of tape at one point were a continuous piece. Second, and tied to the Accused' argument on the discretionary gatekeeping step, the Accused argue that having a police expert testify to a fact that could, and indeed should, be determined by the trier of fact deprives the jury of coming to its own conclusion as to whether the tape pieces originated from one continuous piece of tape.
- [33] The Accused also contend that the expert opinion evidence fails at the fourth consideration under the threshold Mohan inquiry: specifically whether the experts are properly qualified. The Accused argue that neither Cpl. Park nor Sgt. Veltmeyer have sufficient training or expertise to be qualified as experts in the physical comparison of tape. Neither Cpl. Park nor Sgt. Veltmeyer have been trained on specifically making comparisons of adhesive tape to determine if they come from one continuous piece of tape. Further, as referenced above, the Accused say that no specialized tools were used by either Cpl. Park or Sgt. Veltmeyer in drawing their conclusions, for example, chemical or microscopic analysis. Cpl. Park and Sgt. Veltmeyer simply used a magnifying camera to look at the two pieces of tape and concluded that based on the shape, size, and colour, the pieces fit together and therefore came from one continuous piece of tape. The Accused argue that this is something that the jury could, and indeed should, do, and so, do not require an expert.
- [34] At the discretionary gatekeeping step, the Accused argue that the probative value of the proposed expert evidence is outweighed by the prejudicial effect. Specifically, for the same reasons just referenced, the Accused contend that the probative value of the expert evidence is low because the experts are really only visually inspecting two pieces of tape with no special equipment. The Accused argue that this process of comparison could be done equally effectively by the jury, and by having police officers provide the evidence it would be unfairly prejudicial due to the persuasive value of police officer testimony.

Discussion

- [35] I will start with a consideration of the Mohan factors and then address the Accused's concern regarding the scope of the qualification of the proposed experts.

Mohan Factors

Logical Relevance

- [36] I accept that the evidence of whether the two pieces of tape came from one continuous piece of tape is logically relevant; indeed, the accused have conceded as much.
- [37] If the expert evidence is accepted, it corroborates important aspects of the complainant's account of the offence. Specifically, the complainant is expected to testify that when she was at the Residence her boots and lower legs were bound together using tape and the tape was later separated to allow her to walk. The police later found a clump of black tape with multiple layers of tape stuck together at the Residence. If the jury accepts that the piece of tape from the complainant's boot and the tape found at the Residence were once part of a continuous piece of tape, it supports the Crown's theory that the complainant was at the Residence where some of the alleged offences occurred.

Necessity

- [38] In my view, the jury will not have the experience or specialized training to employ an objective scientific methodology to conduct a physical comparison.
- [39] The opinions of Cpl. Park and Sgt. Veltmeyer will assist the trier of fact in using objective criteria, such as class characteristics and randomly acquired characteristics, to decide whether the two pieces of tape were once one continuous object.
- [40] Class characteristics are the features shared by the group and are not unique but can help narrow down possible sources of the evidence. Randomly acquired characteristics are unique, accidental features that develop on surfaces or on objects as a result of interactions with other objects during use. In respect of adhesive tape, the class characteristics are the brand, colour, and shape of the tape. The randomly acquired characteristics are the tear or cut marks on an edge of the tape made by cutting or tearing the tape. I accept that these are not difficult concepts to grasp. However, without experts describing the methodology, the very concept of these two types of characteristics might be unknown to a non-expert.
- [41] Indeed, the ACE-V methodology adds rigour to the analysis, and while there are no special tools used for analysis other than simple camera magnification of images of the two pieces of tape, I am persuaded that the structured analysis providing how to compare two items is necessary. In short, I find it would assist the truth-finding function of the trier of fact.

- [42] In my view, to take the position that the Court should reject expert comparison evidence for a comparison of tape because a jury could make its own comparison is tantamount to taking the position that the trier of fact should reject the opinion evidence of a fingerprint comparison expert, a ballistics expert, or a handwriting expert on the basis that an untrained person could look at two objects and make an accurate determination whether they match or not. In my view, such an approach could be dangerous. Put another way, without the proper training on the foundational principles of comparison analysis, such determinations could lead to unsafe conclusions based on surmise, approximations, and estimates.

Absence of an Exclusionary Rule

- [43] There are no separate exclusionary rules that apply to the expert opinion evidence in issue in this case.

Properly Qualified Experts

- [44] There are two requirements of a properly qualified expert: (1) the subject matter the proposed expert will proffer is an opinion properly within the witness's field of expertise; and (2) the expert must be able and willing to fulfill their duty to the court to provide fair, objective, and nonpartisan assistance: *R. v. Scott*, 2018 BCSC 1739 at para. 78, *aff'd* 2021 BCCA 337, citing *Abbey* 2017 at para. 48.
- [45] In respect of the requirement that the experts possess special skills or expertise, both Cpl. Park and Sgt. Veltmeyer acquired special skill and knowledge through formal education, experiments, and on-the-job experience. Corporal Park has completed the Forensic Identification Course, which included physical evidence comparisons using ACE-V methodology and the Forensic Identification Apprenticeship Training Program. Corporal Park has also participated in six experiments, including one that involved matching the halves of broken tongue depressors based on unique features.
- [46] Sergeant Veltmeyer also completed the Forensic Identification Course, which included physical evidence comparisons using ACE-V methodology and successfully completed a Physical Comparison Aptitude Test, a timed exam on pattern recognition skills. Sergeant Veltmeyer participated in 11 experiments, largely on fingerprint comparison, but also on a general comparison of physical evidence (in that case, buttons).
- [47] Both officers also have in-the-field experience. Corporal Park has been a Forensic Identification Specialist with the RCMP since November 2021. In that role, he has compared and identified numerous fingerprints, footwear impressions, tire impressions, and other physical evidence, both in training and in his actual field work. Sergeant Veltmeyer began his career in forensics in 2010. His duties in that capacity include photographing crime scenes and physical evidence, and conducting formal comparisons of fingerprints, footwear impressions, and physical evidence using the ACE-V methodology. In 2016, he became the supervisor of a forensic identification group. He has now retired but continues to work as a

civilian fingerprint verifier and a person tasked with reviewing files for the Lower Mainland District Integrated Forensic Identification Services. In that role he does independent ACE-V verification work.

- [48] Corporal Park has not previously been qualified as an expert in the field of adhesive tape comparison in court. Sergeant Veltmeyer has been qualified as an expert in adhesive tape comparison in the British Columbia Provincial Court in *R. v. Quinlan*, 2014 BCPC 374. The Court referenced Sgt. Veltmeyer at para. 32 as follows:
- [32] [Sgt. Veltmeyer] testified that no two pieces touched one another during his analysis and that all parts aligned with one another except point (f) because it was tucked under. He testified that the class and characteristics agreed with one another as did the irregular surface. He concluded that at one time both the unknown and the known parts of the physical evidence were one continuous roll of tape.

I note that other than Quinlan, I have not been provided with any evidence that an adhesive tape comparison expert has been qualified in Canada.

- [49] Based on their curriculum vitae, both Cpl. Park and Sgt. Veltmeyer have kept up with the literature in the general field of comparing physical evidence. However, I note that none of the literature listed in either's curriculum vitae is specific to the comparison of two pieces of adhesive tape.
- [50] I acknowledge that I have some concerns that neither expert was able to provide evidence of the error rates in respect of tape comparison analysis. Nor did they present academic literature regarding the reliability of tape comparisons that relied on the ACE-V method. That said, I accept that in at least one case in this province in Provincial Court, tape comparison was accepted as expert evidence. Further, and more importantly, I am satisfied that it is the rigour of the methodological comparison using the ACE-V method that supports the reliability of the expert opinion evidence. In other words, it is the structure of how the two items were compared and how to undertake that process in a scientific and systematic method that I view will be of assistance to the trier of fact. In other words, the experts provide an opinion as well as a framework for the jury as to how to approach the comparison. While I expect the expert's conclusions will be persuasive to the jury, ultimately the jury will be free to accept or reject those conclusions and will be provided with a scientific manner to approach the comparison.
- [51] Turning to the second inquiry, I accept that nothing in the reports suggest any biases. Additionally, both Cpl. Park and Sgt. Veltmeyer testified to understanding that their duty to the court is to be independent, impartial, and unbiased in their opinions. In terms of the first inquiry, the aforementioned list of factors in *Pham* are helpful. I conclude that both Sgt. Veltmeyer and Cpl. Park provided sufficient evidence to satisfy me that they are unbiased and understand that their duty is to the court and not to secure a conviction. Both officers testified that their job is to review the materials placed before them and follow the evidence. I am satisfied that the experts will fulfill their duty to the court to provide objective

assistance.

Does the Proposed Tape Comparison Evidence Constitute Novel Science?

- [52] I accept that, generally, in order to admit expert opinions based on scientific techniques or knowledge into evidence, the court must have assurance that the underlying science is sufficiently reliable. Where its use in court proceedings is well established, judges will often be able to rely on a history of prior admissibility: see *R. v. Trochym*, 2007 SCC 6 at para. 31. Where the proffered expert evidence is based on a novel science, a basic threshold of reliability of evidence must be established on a voir dire, because the reliability and validity of its underlying premises cannot be assumed: *R. v. Bingley*, 2017 SCC 12 at para. 43.
- [53] As stated above, while there is little jurisprudence on the use of tape comparison experts in Canadian court proceedings, Sgt. Veltmeyer was qualified to provide expert opinion evidence on tape comparisons in the British Columbia Provincial Court in Quinlan. As such, I am not persuaded that the tape comparison amounts to a "novel science".
- [54] Additionally, as set out above, the proposed expert opinion evidence of Cpl. Park and Sgt. Veltmeyer is based on the rigour of the ACE-V methodology in making comparisons between physical objects. The use of the ACE-V methodology is well-established as a standard method of forensic analysis, albeit usually in fingerprint analysis and comparison: *R. v. Abo Zead*, 2021 BCSC 1344 at paras. 58-65. Just because a specific object itself is not often the subject of a comparison by a forensic expert does not, in my view, make the analysis a novel science: see *St Clair Boating v. Michigan Electric*, 2017 ONSC 23 at paras. 90-92. Simply put, I accept that the proposed expert evidence has applied an existing and oft-used scientific foundation to the situation at hand. In my view, this is a different situation than the novel science cases contemplated by the Supreme Court of Canada in *R. v. J.-L.J.*, 2000 SCC 51, and *Abbey* 2009.

Discretionary Gatekeeping Function

- [55] In my view, the proposed expert evidence is probative and reliable. It would assist the jury in making an important factual finding in the trial. On the resource cost side, I find that there are no significant time consumption concerns, no prejudice, and no confusion to the jury. As set out above, the method used by Cpl. Park and Sgt. Veltmeyer and their conclusions are not complicated to grasp.

Scope of Qualifications

- [56] Before concluding, I will address the Accused' concern with the breadth of the scope of the expert qualifications.
- [57] The Crown contends that it is necessary to qualify Sgt. Veltmeyer and Cpl. Park in fingerprint analysis, because prior to making the physical comparison of the tape, Cpl. Park put fingerprint dust on the tape. Given the use of the fingerprint dust, the Crown asserts that it is necessary to include some aspect of fingerprint expertise in the qualifications of these experts. Without this added qualification, the Crown asserts that the jury might be led to

believe that Cpl. Park contaminated the tape with fingerprint dust that he was unqualified to use and as such, his conclusions about the tape comparison could be negatively impacted.

- [58] In response, the Accused argue that the court should limit the qualifications of Cpl. Park to the comparison of adhesive tape and not qualify him as an expert in fingerprint analysis. The Accused' concern is that, if I were to extend the qualifications to include fingerprint expertise, it will either bolster the experts' credibility as fingerprint experts or allow the Crown to adduce fingerprint evidence should any arise in this case.
- [59] I accept that both parties' concerns have merit. It would be improper to qualify these experts in this voir dire that was primarily focused on the comparison of adhesive tape and have the experts provide opinions about fingerprint comparison.
- [60] However, from the evidence at the voir dire and Cpl. Park's testimony on the voir dire, it is clear that there is fingerprint dust on the tape. If the experts are not allowed to explain how the fingerprint dust impacts their analysis, if it does at all, and that they have the required training to apply fingerprint dust, I am concerned - although I note it is a minor concern - that the jury could be left with the incorrect conclusion that Cpl. Park did not have a legitimate reason and expertise to apply the fingerprint dust and what impact it might have to the conclusions regarding the tape comparison.
- [61] Further, the Accused' concern that the Crown would use the expert witness to tender other fingerprint evidence is negated by the Crown's acknowledgement at the voir dire that, should it seek to adduce additional fingerprint evidence at this trial, it would seek to qualify an expert in fingerprint analysis and comparison for that purpose.
- [62] To this end, I note that the qualification on this voir dire which the Crown seeks in respect of fingerprint expertise is limited to fingerprint development, not comparison. As I understand this distinction, qualification is limited to the development techniques of fingerprint analysis, and involves the use of materials such as fingerprint dust.
- [63] Finally, in respect to the issue of the limitation of the qualification on the experts at this voir dire, I expect that the Crown will abide by its statement it made on the record that it will not seek to use either Sgt. Veltmeyer or Cpl. Park's qualification on this voir dire in respect of the tape comparison to unfairly have the experts testify as a experts in comparisons between fingerprints without further leave of the Court or agreement of the Accused.

Conclusion

- [64] As I held at my ruling on April 9, 2025, I am satisfied that the Crown has met its burden to tender both Cpl. Park and Sgt. Veltmeyer as experts qualified to give expert opinion evidence at trial.
- [65] As such, I qualify both Sgt. Veltmeyer and Cpl. Park to provide evidence at trial in the following areas:

- a) Photography; and
- b) The collection, preservation, examination, analysis, and comparison of physical evidence, including tape.

[66] Additionally, I will qualify both Cpl. Park and Sgt. Veltmeyer to provide evidence at trial on fingerprint development methods.

[67] I thank counsel for their well-prepared and argued submissions on this voir dire.

"Gibb-Carsley J."

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