

**Ministry of the
Attorney General**

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Ryan Peck
Barrister and Solicitor
Co-Chair, Ontario Working Group on Criminal Law & HIV Exposure
65 Wellesley Street East, Suite 400
Toronto, ON
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Dear Mr. Peck:

I am responding to your letter to Premier Wynne dated April 23, 2013, regarding the development of prosecutorial guidance for Crown counsel in cases which allege exposure without disclosure to HIV or other sexually transmitted infections (STI).

As you know, the Ministry has engaged in extensive consultation with the Ontario Working Group on Criminal Law and HIV Exposure (CLHE). There have been several meetings with members of my division and representatives of CLHE. In addition we have received and are considering the materials you provided, such as the report entitled *Consultation on Prosecutorial Guidelines for Ontario Cases Involving Non-disclosure of Sexually Transmitted Infections: Community Report and Recommendations to the Attorney General of Ontario* and prosecutorial policies from other jurisdictions.

I understand that this is a matter of significant concern to you and the members of CLHE and I assure you we are considering your input and understand your position. We are currently developing guidance for Crown counsel with respect to cases which allege exposure without disclosure to HIV or other STI. The policy will be consistent with the principles articulated by the Supreme Court of Canada in *R. v. Mabior* and *R. v. D.C.* and should be finalized by the fall. We do not anticipate conducting any further external consultations. However, if you have new information which you would like considered, please forward it to Howard Leibovich, Director, Crown Law Office – Criminal. I would ask that any additional materials be sent to his attention by May 31, 2013.

Sincerely,

A handwritten signature in black ink, appearing to read "James Cornish", written over a circular scribble.

James Cornish
Assistant Deputy Attorney General
Criminal Law Division

c.c. The Honourable Kathleen Wynne, Premier
The Honourable Deb Matthews, Minister of Health and Long-Term Care
The Honourable Glen Murray, Minister of Transportation/Infrastructure