```
Adjudicative facts 35-36, 41-42
Administrative tribunals 3, 19, 140
Admissions 23, 38-41, 63, 68-69
Adverse witnesses 179-180, 197
Age
  of document 74-76
  of witness 17-18, 182-184
  estimate (opinion) 84, 86
Allegations, unsupported 161-164
Ancient documents 74-76
Appeal, fresh evidence upon 174-176
Argumentative cross examination 152
Badgering 152
Balance of probabilities 30-32, 69, 82, 113, 129
Best evidence rule 140-142, 195
Blood samples 8
Browne v. Dunn, rule in 144-147
Business records 69-70, 191
Cabinet confidentiality 137-139
Canada Evidence Act 16-17, 26, 56, 69, 139-140, 177-226
  s. 4 16-17, 178
  s. 4(1) 16, 178
  s. 4(2) 16, 178
  s. 4(3) 16, 178
  s. 12 124, 181
  ss. 16, 16.1 17-18, 182-184
  ss. 37-39 139-140, 199-217
Canadian Charter of Rights and Freedoms
  compellability and the right to silence 21-24, 114
  confessions 111
  illegally obtained evidence 115-118
  judicial notice 38
  real evidence 7-9
  s. 7 23, 65, 112, 163
```

```
s. 10 23, 114
  s. 11 163
  s. 13 24-25
  s. 15 16
  s. 24 116-117, 147-149
  spousal incompetency 16
Character 56, 89, 104-105, 118-124, 127, 130, 143, 179
Charter of Rights, see Canadian Charter of Rights and Freedoms
Children 15, 17-18, 56, 64-65, 110-111, 182-184
Circumstantial evidence 8-11, 22
Clergy 102-103
Co-conspirators exception 41, 78
Compellability 20-27
  accused 20-25, 222
  spouses 25-26, 178
Competency 15-19, 25, 51, 64, 65, 67, 92, 124, 178, 193
  Children 17-18, 56, 183
  Judges, jurors and lawyers 19
  Mentally impaired 17-18, 182-183
  Spouses 178
Compound questions 153
Confessions 1-2, 23, 41, 111-114
Copies, see Best evidence rule
Corroborative evidence 57-58, 62
Credibility 6
Criminal Code 25, 56, 79, 89, 104, 108, 110, 111, 116, 123, 124, 174,
  190, 199
Criminal record 124-127, 181
Cross-examination 7, 63, 153-154
```

Declarations, see Dying declarations, Declarations against interest, Spontaneous declarations, Declarations against interest 63, 70-71

Dictionary 4, 6, 8, 29, 34, 47, 53

Disability, mental 15, 17-20, 105, 179

Disability, physical 179

Discovery transcripts 4

Discretion to exclude 1, 49, 125-126

```
Distance (opinion) 85
Documents 1, 5, 10-11, 37, 69, 74-76, 80, 81, 83, 95, 99, 104, 135, 186,
Drug recognition experts 89
Dying declarations 63, 71
Electronic documents 140, 195
Evidence, civil and criminal 2
  defined 3-5
  real 7-9
Evidential burden 31, 54-56
Evidentiary shortcut 12, 79
Expert evidence, see Opinion
Eye witnesses 58-59
Facts, see Adjudicative facts and Legislative facts
Facts not in evidence 52, 152
Foreign-Language Documents 149-150
Guilty pleas 54
Handwriting 84, 86, 179, 198
Hearsay 2, 11-12, 41, 52, 57, 62-80, 92, 105-106, 134
  Aboriginal oral history 80-83
  contemporary application 64-68
  criteria for admission reliability and necessity 67-68
  defined 62-63
  documents 11-12
  expert opinion 52
  traditional approach 63-64
  traditional exceptions 63-64
     admissions of a party 68-69
     business records 69-71
     declarations against interest 63, 68, 70-71
     dying declarations 63, 71
```

Historical documents 37-38, 74-76

state of mind (present intentions) 65, 78-79

prior identification 72 prior testimony 25, 24-25, 72 public documents 74, 186

res gestae 76-78

Hypnosis 13

Illegally obtained evidence 115-118 Incriminating evidence 25, 114 Incriminating questions 178-179

Journalists 104, 217-219

Judges not competent or compellable 19-20 role 165-169

Judicial notice 14, 34-37, 43, 184

Jurors 15, 20-21, 35

Lawyers 15, 20-21, 151, 156 Leading questions 153-156 Legislative facts 14, 35, 41-44

Litigation privilege 99-100

Materiality 45, 53-54 Mentally impaired 15, 17-20, 105, 179 Models 9

Narcotics 7-8, 31, 71 Narcotic Control Act 31

Opinion 12-14, 51, 52, 83-91, 158-159, 179 Expert opinion 9, 12-14, 18, 43, 51, 52, 74, 86-89, 179 Lay opinion 84-86, 122

Oral history 80-83

Parol evidence rule 142-143

Photographs 143, 194-195

Police informants 126, 135-137

Polygraph 105

Post offence conduct 21, 51

Prejudicial evidence 50, 61, 69, 113, 115, 119-120, 126, 129, 132, 143-144

```
Present intentions (state of mind) 65, 78-79
Presumptions 29-34, 44, 196
Prima facie evidence 29, 33
Prior consistent statements 105-111
Prior convictions, see Criminal record
Prior identification 72
Prior inconsistent statements 11, 72-73
Prior judicial decisions 133-134
Prior testimony 72
Privilege 26, 91-104, 112, 117, 134-140, 193, 221
  class 93, 103, 134, 137
  case by case 93, 103, 137
  clergy 102-103
  counsellors 103
  doctors 103
  police informer 135-137
  settlement 100-102
  solicitor-client 93-94, 96-99, 117
Psychiatric evidence 52, 89, 90, 91, 95, 103, 105
Public documents 74, 186-187
Public interest immunity 134-140, 199-216
Real evidence 5, 7-9
Reasonable doubt 24, 30, 31, 111, 128
Rebuttal evidence 32, 123, 171-172, 176
Re-examination 158
Relevance 3, 45-50, 61, 87
Reopening a case 172-174
Repetitive questions 159
Res gestae 76-78
Reverse onus 32
Scientific evidence 12-14, 86, 87, 91
Scrutiny, appropriate degree 2-3
Self incrimination, see Compellability, accused
Self serving evidence 104-111, 118
```

Sexual assault 2, 27, 53, 64, 91, 108-109, 130, 133

Sexual history 159-161

Shock 76

Silence, see Compellability, accused

Similar fact 50, 127-133

Social facts 13, 41-44

Social framework fact 44

Speculative question 161

Speed 85, 86

Social science evidence 13, 42-43

Splitting the case 171-172

Spontaneous declarations 63, 110

Spouses 15-17, 20, 25-26, 70, 178

State Immunity Act 20

State of mind (present intentions) 65, 78-79

Statistics Canada 74

Stolen goods 29, 30, 109

Terrorism 25, 225

Testimony 5-6, 8, 11, 20, 67, 72

Threshold relevance 50

Throat holds 7

Tracking device 8

Ultimate issue 85, 89-91

Unreliable witnesses 56-58

Vagueness 151

Video recordings 8, 11, 57, 73, 110-111, 180

View, courts taking a view 9

Weight 11, 45, 49, 50-52, 64, 81, 82, 89, 126 best evidence rule 140-142 no minimum probative value 48 question for jury 50

Young offenders 114 Youth Criminal Justice Act 114