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CRIMINAL PRACTICE MANUAL

A Practical Guide to Handling Criminal Cases

Release No. 1, January 2026

This manual will assist the criminal law practitioner, whether defence counsel, Crown counsel, judge or law enforcement officer, with a quick understanding and approach to frequently encountered problems. Topics covered include statutory interpretation, investigation, rights and powers; the trial process—from investigation to trial; evidence, legislative compliance with the Constitution, and appeals.

This release features case law and commentary updates in Chapter 2—Investigation: Rights and Powers, Chapter 3—The Trial Process—From Investigation to Trial, Chapter 4—Evidence, and Chapter 5—Remedies.

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Case Law Highlights

- **Investigation: Rights and Powers—Rights of the Subject—Right to Counsel—Charter s. 10(b)—Practice Notes; What is the Procedure if the Detainee Cannot Afford a Law and Legal Aid in Unavailable:** The screening procedure under the Cannabis Control Act lacks the required time constraints that justify the suspension of rights in similar cases. Difficulties in implementing the accused's right to counsel could not justify non-compliance with s. 10(b)—*R. v. McGowan-Morris*, 2025 ONCA 349, 2025 CarswellOnt 6762 (Ont. C.A.).
- **The Trial Process—From Investigation to Trial—When, Where and How?—When—the Charter—Section 11(b):** Whether there were exceptional delay-causing circumstances to be subtracted from the total delay—*R. v. Callahan-Tucker*, 2025 NSCA 35, 2025 CarswellNS 404 (N.S. C.A.).
- **Evidence—Witnesses—Preliminary Matters—Questioning Witnesses—Re-Examination; Judicial Questions; Collateral Facts:** Interventions by trial judge cumulatively represented four separate errors: judge questioned accused in manner conveying impression that he aligned himself with case for Crown; how he questioned accused made it impossible for defence to present defence case; he intervened in examination in chief so much that it prevented accused from telling her story in orderly way; and his tone invited jury to disbelieve accused—*R. v. Walton*, 2025 ONCA 368, 2025 CarswellOnt 7263 (Ont. C.A.).