#### **Index**

#### **ABANDONMENT**

Defences re, § 1:34

# ABORIGINAL/INDIGENOUS PRINCIPLES

Sentencing, re, § 5:18

#### **ACCIDENT**

Defences re, § 1:32 Failure to remain at scene of, § 1:17

#### **ADMINISTRATION OF JUSTICE**

Contempt of court, § 1:8 Obstruction, § 1:7 Offences, § 1:7 to 1:8

## **ADMISSIONS**

Formal, § 3:19 Hearsay and, § 3:26 "Person in authority," § 3:13 Voluntariness of, § 3:12

## AFTER-THE-FACT CONDUCT

Evidence re, § 3:15

#### **ALIBI**

Defences re, § 1:33

#### **APPEAL**

Accused, by, § 4:14 to 4:22
Crown, by the, § 4:13
Curative proviso, § 4:22
Errors of law, § 4:16 to 4:18
Fresh evidence on, § 3:11
Miscarriages of justice, § 4:19 to 4:22
Reasons, sufficiency of, § 4:21
Verdict, reasonability of, § 4:15

## ARBITRARY DETENTION

Arbitrary, whether, § 2:8 Detention, whether, § 2:7

#### **ARREST**

Charter, cases not involving, § 2:9 Rights on, § 2:7 to 2:9

#### **ASSAULT**

Offences, § 1:9

#### **BAIL**

Pre-trial procedure, § 4:1

## **BROWNE V. DUNN**

Rule in, § 3:10

## CANADIAN CHARTER OF RIGHTS AND FREEDOMS

Remedies, § 2:11 to 2:12 Section 8, § 2:1 to 2:5 see also UNREASONABLE SEARCH AND SEIZURE

Section 9, § 2:5 to 2:6 see also ARBITRARY DETENTION

Section 10(a), § 2:7 Section 10(b), § 2:8 Section 11(b), § 2:10

Section 24(1), § 2:11

Section 24(2), § 2:12

#### **CAUSATION**

Principles re, § 1:2

## CHARACTER EVIDENCE

Accused, of, § 3:21 Complainant, of, § 3:22 Handy, R. v., § 3:20 Similar fact evidence, § 3:20 Victim, of, § 3:22

## CIRCUMSTANTIAL EVIDENCE

After-the-fact conduct, § 3:15 Inferences, available, § 3:16

## CIRCUMSTANTIAL EVIDENCE —Cont'd

Post-offence conduct, § 3:15

#### CONDITIONAL

Sentences, § 5:23

#### **CONFESSIONS**

"Person in authority," § 3:13 Voluntariness of, § 3:12

#### **CONSPIRACY**

Principles re, § 1:4

## CONTEMPT OF COURT

Administration of justice offences, § 1:8

#### **CORBETT APPLICATIONS**

Cross-examinations, re, § 3:9

#### **CORROBORATION**

Need for, § 3:17

#### **COUNSEL**

Right to, § 2:7 to 2:8

## **CREDIBILITY**

Child witnesses, § 3:5

Demeanour re witnesses, § 3:4

General, witnesses and, § 3:7

Generally, § 3:3 to 3:7

Oath-helping, rule against, § 3:3

Self-interest of the accused, § 3:6

## **CRIMINAL CODE**

Section 234.2(b), § 5:11 Section 236(a), § 5:13 Section 244.2(1)(b), § 5:14 Section 262.37(3), (4), § 5:15 Section 276, § 3:18 Section 278, § 3:18 Section 344(1)(a)(i), (a.1), § 5:12 Section 490.012, § 5:16 Section 490.13(2.1), § 5:17

### **CRIMINAL HARASSMENT**

Offences, § 1:10

#### **CRIMINAL LAW**

General principles re, § 1:1 to 1:6

## CRIMINAL NEGLIGENCE CAUSING DEATH AND BODILY HARM

Sentencing, § 5:28

#### **CRIMINAL ORGANIZATIONS**

Offences, § 1:24

#### **CROSS-EXAMINATIONS**

Browne v. Dunn, rule in, § 3:10 Corbett applications, § 3:9 Failure to cross-examination, § 3:10 Generally, § 3:8 to 3:10 Trial fairness, § 3:8

#### **CURATIVE PROVISO**

Appeals and, § 4:22

## **DANGEROUS DRIVING**

Offences, § 1:14

#### **DANGEROUS OFFENDERS**

Designation stage of sentencing, § 5:30

Long-term supervision orders, § 5:32

Penalty stage of sentencing, § 5:31 Preliminary requirements for

sentencing, § 5:29

Sentencing proceedings, § 5:29 to 5:32

#### **DEMEANOUR**

Witnesses, re, § 3:4

#### **DE MINIMIS**

Defences, § 1:35

## DETENTION

Arbitrary, § 2.6 Principles re, § 2:5 Rights on, § 2:5 to 2:6

#### **DISCLOSURE**

Pre-trial procedure and, § 4:5

#### DRIVING

Dangerous, § 1:14 Failure to remain at the scene, § 1:17 Impaired, § 1:15 Offences re, § 1:14 to 1:17 Refusal to comply with roadside screening, § 1:16

#### **ELECTIONS**

Pre-trial procedure and, § 4:2

## **ELECTRONIC DOCUMENTS**

Authentication and proof of, § 3:1

#### **ENTRAPMENT**

Defences re, § 1:28

#### **EVIDENCE**

Admissions, § 3:12 to 3:13, 3:19 After-the-fact conduct, § 3:15 Character see CHARACTER EVIDENCE Circumstantial, § 3:15, 3:16 Confessions, § 3:12 to 3:13 Corroboration, § 3:17 Criminal Code, s. 276, § 3:18 Criminal Code, s. 278, § 3:18 Electronic documents, § 3:1 Exclusionary rules see EXCLUSIONARY RULES Exhibits, § 3:1 Formal admissions, § 3:19 Fresh, § 3:11 Identification, § 3:14 Inferences, available, § 3:16 "Person in authority," § 3:13 Post-offence conduct, § 3:15 Presentation of. § 3:1 to 3:11 Voluntariness, § 3:12 Witnesses

## see WITNESSES **EXCLUSIONARY RULES**

See also EVIDENCE Accused, bad character of, § 3:21 Admissions, § 3:26

#### **EXCLUSIONARY RULES**

#### -Cont'd

Character evidence, § 3:20 to 3:22 Complainant, character of, § 3:22 Defining, § 3:23 Expert opinions, § 3:28 Handy, R. v., § 3:20 Hearsay, § 3:23 to 3:26 Informer privilege, § 3:31 Non-expert opinions, § 3:27 Opinion evidence, § 3:27 to 3:28 Principled exception to hearsay, § 3:24

Prior consistent statements, § 3:29 Prior inconsistent statements, § 3:30 Privilege, § 3:31 to 3:32 Public interest privilege, § 3:32 Similar fact evidence, § 3:20 Spontaneous utterances. § 3:25 Victim, character of, § 3:22

#### **EXHIBITS**

Authentication and proof re, § 3:1

#### EXPERT EVIDENCE

See OPINION EVIDENCE; WIT-**NESSES** 

## FAILURE TO REMAIN AT THE SCENE OF AN ACCIDENT

Offences, § 1:17

#### FAINT HOPE CLAUSE

Parole ineligibility and, § 5:26

## **FINES**

Forfeiture, in lieu of, § 5:15 see also FINES IN LIEU OF **FORFEITURE** 

Mandatory, § 5:17

## FINES IN LIEU OF FORFEITURE

Mandatory minimums and, § 5:15 Sentencing, § 5:22

#### **FIREARMS**

Offences, § 1:23

## FIREARMS—Cont'd

Sentencing re discharge of, § 5:11, 5:14

#### FITNESS TO STAND

Sentencing proceedings, § 5:1
Trials, mental disorders and, § 1:26

## **FORFEITURE**

Sentencing, re, § 5:22

#### **FRAUD**

Offences, § 1:11

## **HEARSAY**

Admissions and, § 3:26 Defining, § 3:23 Principled exception re, § 3:24 Spontaneous utterances, § 3:25

#### **HOMICIDE**

Attempted murder, § 1:13 Murder, § 1:12 Offences, § 1:12 to 1:13

## HUMAN TRAFFICKING Sexual offences, § 1:19

## **IDENTIFICATION**

Evidence re, § 3:14

## **IMMIGRATION**

Sentencing, consequences of, § 5:10

#### IMPAIRED DRIVING

Offences, § 1:15
Refusal to comply with roadside screening, § 1:16

#### INCLUDED OFFENCES

General principles re, § 1:6

#### **INDICTMENT**

Form of, § 4:4

## INDIGENOUS/ABORIGINAL PRINCIPLES

Sentencing, re, § 5:18

#### **INFERENCES**

Circumstantial evidence, re, § 3:16

#### **INFORMATION**

Laying of, § 4:4

#### INFORMER PRIVILEGE

Evidence, re, § 3:31

#### INTOXICATION

Defences re, § 1:36

# INVITATION TO SEXUAL TOUCHING

Sexual offences, § 1:20

#### **JUMP PRINCIPLE**

Sentencing and, § 5:19

#### JURISDICTION

Sentencing, § 5:13
Trial procedure and, § 4:7

## **JURY**

Address to, § 4:11 Charging the, § 4:12 Deliberations of, § 4:13

#### KIENAPPLE PRINCIPLE

Sentencing and, § 5:20

### LONG-TERM OFFENDERS

Supervision orders, § 5:32 see also DANGEROUS OFFENDERS

## MANDATORY MINIMUM

Criminal Code, s. 234.2(b), § **5:11** Criminal Code, s. 236(a), § **5:13** Criminal Code, s. 244.2(1)(b), § **5:14** 

Criminal Code, s. 262.37(3), (4), § **5:15** 

Criminal Code, s. 344(1)(a)(i), (a.1), § 5:12

Criminal Code, s. 490.012, § **5:16** Criminal Code, s. 490.13(2.1),

§ 5:17

Fine, mandatory, § 5:17

Fine in lieu of forfeiture, § 5:15

## MANDATORY MINIMUM

—Cont'd

Firearm, for discharging a, § 5:11, 5:14

Manslaughter, for, § 5:13 Robbery, for armed, § 5:12 Sentences, § 5:11 to 5:17

Sex offender information, registration for, § 5:16

#### **MANSLAUGHTER**

Sentencing, for, § 5:13

#### **MENS REA**

General principles re, § 1:1

#### **MENTAL ILLNESS**

Sentencing, re, § 5:6

#### **MISCHIEF**

Offences, § 1:22

#### MISTAKEN BELIEF

Defences re, § 1:31

## **MOTOR VEHICLES**

Dangerous driving, § 1:14
Failure to remain at the scene,
§ 1:17

Impaired driving, § 1:15 Offences re, § 1:14 to 1:17 Refusal to comply with roadside screening, § 1:16

#### **MURDER**

Attempted, § 1:13 Offences, § 1:12 Parole ineligibility for, § 5:25

## **NCR-MD**

See NOT CRIMINALLY RESPONSIBLE

#### **NEGLIGENCE**

See CRIMINAL NEGLIGENCE CAUSING DEATH OR BODILY HARM

# NOT CRIMINALLY RESPONSIBLE

Defence, § 1:27

Fitness to stand trial, § 1:26

Review board decisions re, § 1:25

## **OBSTRUCTION**

Administration of justice offences, § 1:7

#### OPEN COURT PRINCIPLE

Publication bans and, § 4:10

#### **OPINION EVIDENCE**

Exclusionary rules and, § 3:27 to 3:28

Experts, of, § 3:28

Non-experts, of, § 3:27

#### **PARTY LIABILITY**

General principles re, § 1:3

#### PERSON IN AUTHORITY

Admissions, § 3:13

Confessions, § 3:13

#### PLEAS

Pre-trial procedure and, § 4:6

#### POSSESSION

Principles re, § 1:5

## POST-OFFENCE CONDUCT

Evidence re, § 3:15

#### POST-TRIAL PROCEDURE

Appeal by the accused, § 4:15 to 4:22

Appeal by the Crown, § 4:14

Counsel, ineffective assistance of, § 4:20

Curative proviso, § 4:22

Errors of law, § 4:16 to 4:18

Evidence, misapprehension of, § 4:17, 4:19

Miscarriages of justice, § 4:19 to 4:22

Reasons, sufficiency of, § 4:21 Remedies, § 4:23

## POST-TRIAL PROCEDURE

-Cont'd

Stereotypical reasoning, § 4:18 Verdicts, reasonability of, § 4:15 W.(D.) cases, § 4:16

### PRELIMINARY INQUIRY

Pre-trial procedure, § 4:3

## PRE-SENTENCE CREDIT

Sentencing re, § 5:21

## PRE-TRIAL PROCEDURE

Bail, § 4:1
Disclosure, § 4:5
Election, § 4:2
Indictment, form of, § 4:4
Information, laying of, § 4:4
Pleas, § 4:6
Preliminary inquiry, § 4:3
Production, § 4:5

# PRIOR CONSISTENT STATEMENTS

Hearsay and, § 3:29

# PRIOR INCONSISTENT STATEMENTS

Hearsay and, § 3:30

## **PRIVILEGE**

Informer, § 3:31
Public interest, § 3:32

## **PRODUCTION**

Pre-trial procedure and, § 4:5

## **PROHIBITIONS**

Driving, § 5:24

## PROVINCIAL REVIEW BOARD

NCR-MD, decisions re, § 1:25

#### **PROVOCATION**

Defences re, § 1:30

## PUBLIC INTEREST

Privilege, § 3:32

## **PUBLICATION BANS**

Open court principle and, § 4:10

#### REASONABLE TIME

Trial within, § 2:10

#### **REASONS**

Sufficiency of, § 4:21

#### REFUSAL

Roadside screening, to comply with, § 1:16

#### RELIABILITY

Child witnesses, § 3:5

Demeanour re witnesses, § 3:4

General, witnesses and, § 3:7

Generally, § 3:3 to 3:7

Oath-helping, rule against, § 3:3

Self-interest of the accused, § 3:6

#### REMEDIES

Charter, § 2:11 to 2:12 Post-trial procedure, § 4:23

## ROADSIDE SCREENING

Refusal to comply with, § 1:16

#### **SEARCH**

See UNREASONABLE SEARCH AND SEIZURE

## **SEIZURE**

See UNREASONABLE SEARCH AND SEIZURE

## SELF DEFENCE

Defences re, § 1:29

## **SENTENCING**

Breach of trust, § 5:7
Collateral consequences, § 5:8 to 5:10
Conditional sentences, § 5:23
Credit, pre-sentence, § 5:21
Criminal Code, s. 234.2(b), § 5:11
Criminal Code, s. 236(a), § 5:13
Criminal Code, s. 244.2(1)(b), § 5:14

Aboriginal, principles re, § 5:18

Aggravating factors, § 5:3 to 5:7

## SENTENCING—Cont'd Criminal Code, s. 262.37(3), (4), § 5:15 Criminal Code, s. 344(1)(a)(i), 344(1)(a.1), § **5:12** Criminal Code, s. 490.012, § 5:16 Criminal Code, s. 490.13(2.1), § 5:17 Criminal negligence causing death or bodily harm, for, § 5:28 Cultural background, § 5:5 Dangerous offender regime, § 5:29 to 5:32 see also DANGEROUS **OFFENDERS** Driving prohibitions, § 5:24 Duncan credit, § 5:4 Employment, impact on, § 5:9 Faint hope clause, § 5:26 Family, impact on, § 5:8 Fine, mandatory, § 5:17 Fine in lieu of forfeiture, § 5:15 Fines generally, § 5:15, 5:17, 5:22 Firearm, discharging a, § 5:11, 5:14 Fitness of accused to stand, § 5:1 Forfeitures, § 5:15, 5:22 Health, impact on, § 5:8 Immigration, § 5:10 Indigenous, principles re, § 5: 18 Jump principle, § 5:19 Kienapple principle, § 5:20 Mandatory minimums, § 5:11 to 5:17 see also MANDATORY **MINIMUMS** Manslaughter, for, § 5:13 Mental illness, § 5:6 Mitigating factors, § 5:3 to 5:7 Murder, parole and, § 5:25

Parole ineligibility, § 5:25, 5:26

Restraint, principle of, § 5:2

Robbery, armed, § 5:12

Race and cultural background, § 5:5

Prohibitions, § 5:24

## SENTENCING—Cont'd

Sex offender information, registration for, § 5:16
Sexual offences, for, § 5:27
Youth Criminal Justice Act, under, § 5:33

## **SEX OFFENDERS**

Information, registration of, § 5:16

#### **SEXUAL**

Human trafficking, § 1:19 Invitation to sexual touching, § 1:20 Offences, § 1:18 to 1:21 Sentencing for offences, § 5:27 Voyeurism, § 1:21

#### SIMILAR FACT EVIDENCE

Character evidence and, § 3:20

#### STEREOTYPICAL REASONING

Use, error of law to, § 4:18

#### **TRIAL**

Conduct of, § 4:8
Fairness, § 3:8, 4:9
Fairness re cross-examination, § 3:8
Procedure, § 4:7 to 4:13
see also TRIAL PROCEDURE
Reasonable time, within, § 2:11
Witnesses
see WITNESSES

### TRIAL PROCEDURE

Conduct of trial, § 4:8
Fairness of trial, § 4:9
Jurisdiction, § 4:7
Jury, address to, § 4:11
Jury, charging the, § 4:12
Jury, deliberations of, § 4:13
Open court principle, § 4:10
Publication bans, § 4:10

## UNREASONABLE SEARCH AND SEIZURE

Authorized by law, whether, § 2:2 to 2:3

# UNREASONABLE SEARCH AND SEIZURE—Cont'd

Charter protection from, § 2:1 to 2:5

Common law, § 2:2

Execution, reasonableness of manner of, § 2:5

Reasonability of law itself, § 2:4
Reasonable expectation of privacy,
§ 2:1

Statutory law, § 2:3

#### **VERDICTS**

Reasonability of, § 4:15

#### VIDEO LINK

Testimony via, § 3:2

### **VOLUNTARINESS**

Admissions/confessions, of, § 3:12

#### **VOYEURISM**

Offences, § 1:21

## W.(D.) CASES

Errors of law, § 4:16

#### WITNESSES

Children as witnesses, § 3:5

Corbett applications, § 3:9

Credibility, § 3:3 to 3:7

Cross-examination of, § 3:8 to 3:10

Demeanour, § 3:4

Fairness, trial, § 3:8

Fresh evidence on appeal, § 3:11

Oath-helping, rule against, § 3:3

Reliability, § 3:3 to 3:7

Self-interest of the accused,  $\S$  3:6

Video link, testimony via, § 3:2

# YOUTH CRIMINAL JUSTICE ACT

Sentencing under, § 5:30