

## Index

### **ABORIGINAL/INDIGENOUS PERSONS**

Bail, **1:21**  
Gladue factors, **1:21, 7:30**  
Sentencing, **7:30**

### **ABSCONDING ACCUSED**

Generally, **4:24**

### **ACCESSORY AFTER THE FACT**

S. 23(1) of the Criminal Code, **2:7**

### **ACCUSED'S POSITION IN COURTROOM**

Generally, **4:30**

### **ACCUSED'S UTTERANCES**

See also **COMPELLED STATEMENTS**

Adoptive admissions, **5:42**  
Party admissions, **5:41, 5:42**  
Voluntariness  
    completeness of record, **5:62**  
    declarant, status of, **5:69**  
    general rule, **5:60**  
    operating mind, **5:66**  
    oppression, **5:63**  
    persons in authority, **5:61**  
    police trickery, **5:65**  
    spontaneous utterances, **5:68**  
    tainting, **5:67**  
    threats/promises/inducements, **5:64**

### **ADDITIONAL JURORS**

Generally, **4:80**

### **ADJOURNMENTS**

Generally, **4:31**

### **ADMINISTERING NOXIOUS SUBSTANCE**

Generally, **2:48**

### **AGGRAVATED ASSAULT**

Generally, **2:84**

### **ALIBI**

Defence of, **3:11, 3:12**  
Fabricated, **3:12**

### **ALTERNATE JURORS**

Generally, **4:80**

### **ANIMAL CRUELTY**

Generally, **7:31**

### **APPEALS**

Appellate counsel, appointment of, **8:2**  
Charter, application of section 24(2) under, **8:17**  
Counsel, ineffective assistance of, **8:11**  
Delay not subject to s. 11(b), **6:100**  
Endorsements, precedential value of, **8:19**  
Evidence  
    fresh — see **Fresh evidence**  
    misapprehension of, **8:13**  
Extension of time to serve, **8:1**  
Fresh evidence  
    generally, **8:3 to 8:5**  
    Dixon test, **8:4**  
    recantation as, **8:5**  
Grounds  
    intervention of trial judge, **8:8**  
    jury charge, **8:14**  
    non-compliance with s. 726, **8:16**  
    reasonable apprehension of bias, **8:9**

**APPEALS—Cont'd**

- Grounds—Cont'd
  - sentence, **8:15, 8:16**
  - setting aside guilty plea, **8:6**
  - sufficiency of reasons, **8:10**
  - unreasonable finding of fact, **8:7**
  - unreasonable verdict, **8:12**
- Remedies
  - curative proviso, **8:18**

**APPROVED SCREENING  
DEVICE**

- Failures, **2:73**
- Refusal, **2:75**

**ARSON**

- Generally, **7:32**

**ASSAULT**

- Generally, **2:49**
- Aggravated, **2:84**
- Bar fights, **7:34**
- Bodily harm, causing, **2:83**
- Peace officer, of, **2:85**
- Sentencing, **7:33, 7:34**
- Sexual, see **SEXUAL ASSAULT**
- Weapon, with, **2:82**

**ASSAULT CAUSING BODILY  
HARM**

- Generally, **2:83**
- Bar fights, **7:34**
- Sentencing, **7:33, 7:34**
- Sexual, see **SEXUAL ASSAULT**

**ASSAULT OF PEACE OFFICER**

- Generally, **2:85**

**ASSAULT WITH A WEAPON**

- Generally, **2:82**

**ATTEMPTED MURDER**

- Generally, **2:26, 2:27**

**ATTENDANCE OF WITNESSES**

- Generally, **4:25 to 4:28**

**AUTOMATISM**

- Generally, **3:6**

**AUTREFOIS ACQUIT**

- Generally, **4:8**

**AUTREFOIS CONVICT**

- Generally, **4:8**

**BAIL**

- Generally, **1:1, 1:2**
- Aboriginal persons, **1:21**
- Appeal, pending, **1:24**
- Bonds, **1:5**
- Charter, right, **6:120**
- Consent release, **1:4**
- Disclosure, **1:3**
- Electronic monitoring, **1:15**
- Estreatment, **1:20**
- Evidence, **1:6**
- GPS monitoring, **1:15**
- Jurisdiction, **1:23**
- Ladder principle, **1:2**
- Preliminary hearing judge, **1:23**
- Presumption of innocence, **1:7**
- Primary ground, **1:8**
- Review, **1:16, 1:17**
  - generally, **1:16, 1:17**
  - COVID-19 and, **1:17**
- Review of detention where trial delayed, **1:25**
- Revocation
  - section 523, **1:18, 1:19**
  - section 524, **1:19**
- Secondary ground, **1:9**
- Section 525 reviews, **1:25**
- Sentencing, credit at, **7:20**
- Sureties, **1:14**
- Tertiary ground
  - generally, **1:10 to 1:13**
  - availability of, **1:12**
  - cumulative effect/weight of factors, **1:13**
  - detention, grounds for, **1:11**
  - factors, enumerated, **1:13**
  - governing principles, **1:11**
- Youths, **1:22**

- BOLUS DRINKING**  
Generally, **2:67**
- BREACH OF ORDERS**  
Generally, **7:35**
- BREACH OF PROBATION**  
See PROBATION
- BREACH OF TRUST BY PUBLIC OFFICER**  
Generally, **2:20**
- BREAK AND ENTER**  
Generally, **2:92 to 2:95**  
Elements, **2:94**  
Included offences, **2:95**  
Presumption, **2:93**  
Principles, re, **2:92**
- BREATHALYZER EVIDENCE**  
See OVER 80
- BRUTAL NATURE OFFENCE**  
Generally, **7:72**
- CAR JACKING**  
Generally, **7:53**
- CAUSATION**  
Factual, **5:9**  
General principles, **5:9**  
Intervening acts, **5:9**  
Multiple causes, **5:9**  
Murder  
generally, **2:24**  
accelerating death, **5:9**  
constructive, **2:42**  
Negligence-based offences, **5:9**  
Preliminary inquiry, evidence of, **4:112**
- CERTIORARI**  
Generally, **4:111 to 4:115**  
Grounds  
considering evidence in isolation, **4:114**  
not considering whole of evidence, **4:115**
- CERTIORARI—Cont'd**  
Grounds—Cont'd  
usurping role of trier of fact, **4:112**  
weighing competing inferences, **4:113**
- CHARTER OF RIGHTS AND FREEDOMS**  
Abandonment of interests, **6:27 to 6:30**  
“Ambush” motions, **6:3, 6:4**  
Arbitrary detention, s. 9, **6:70**  
general principles, **6:70**  
investigative detention, **6:71**  
overholding, **6:74**  
post-offence detention, **6:72**  
s. 320.14 offences, **6:75**  
traffic stops, **6:73, 6:75**  
Bad faith, **6:20**  
Bail, reasonable, **6:120**  
Common law exceptions, **6:32 to 6:44**  
see also Search and Seizure  
Constitutional question, notice of, **6:4**  
Counsel, right to, s. 10(b), see COUNSEL  
Cruel and unusual treatment or punishment, **6:122 to 6:124**  
Delay, unreasonable, see UNREASONABLE DELAY  
Disclosure issues, see DISCLOSURE  
Distinction based on enumerated or analogous grounds, **6:127**  
Exclusion of evidence, s. 24(2)  
generally, **6:133 to 6:135**  
appeals and, **8:17**  
impact on Charter rights, **6:135**  
seriousness of breach, **6:134**  
Fair trial, s. 7, **4:19, 4:30, 4:40, 4:42 to 4:44, 6:98**  
Full answer and defence  
lost evidence and, **6:19, 6:20**  
particulars, **4:19**

**CHARTER OF RIGHTS AND FREEDOMS—Cont'd**

Full answer and defence—Cont'd  
 pre-charge delay and, **6:98**  
 procedural rules and, **6:3, 6:4**  
 surrebuttal, **4:104**  
 third party records, **4:45 to 4:56**  
 General principles, **6:7**  
 “Impromptu” motions, **6:3, 6:4**  
 Interpreter, **6:126**  
 Joint trials, **6:115**  
 Jurisdiction of court to provide remedy, **6:5**  
 Lesser punishment, **6:121**  
 Life, liberty and security of person, s. 7, **6:8 to 6:24**  
 abuse of process, **6:9, 6:10, 6:20**  
 compelled statements, **6:21 to 6:23**  
 see also COMPELLED STATEMENTS  
 criminal proceeding to enforce civil debt, **6:10**  
 Crown discretion, **6:9**  
 destroyed evidence, **6:20**  
 disclosure, **6:11 to 6:15**  
 see also DISCLOSURE  
 fair trial rights, **6:24**  
 lost evidence, **6:19, 6:20**  
 use of force, **6:16 to 6:18**  
 see also USE OF FORCE  
 Notice requirements, **6:3, 6:4**  
 Presumption of innocence, s. 11(d), **1:4, 4:30**  
 Proper warnings, **6:92**  
 Racial profiling and s. 9, **6:76**  
 Reasons for detention, right to, s. 10(a), **6:77, 6:78**  
 Remedies  
 costs, **6:131**  
 exclusion of evidence, **6:133 to 6:135**  
 sentence reduction, **6:73, 6:129, 6:130**

**CHARTER OF RIGHTS AND FREEDOMS—Cont'd**

Remedies—Cont'd  
 stay of proceedings, **6:73, 6:98, 6:129, 6:130**  
 abuse of process, **6:129, 6:130**  
 lost evidence, **6:132**  
 Rules of court re applications, **6:3, 6:4**  
 Search and seizure, unreasonable, s. 8, see SEARCH AND SEIZURE  
 Self-crimination, protection against, s. 13, **6:125**  
 Tried only once, **6:121**  
 Use of force by police, see USE OF FORCE  
 Vukelich hearings, **6:6**  
 Waiver of rights, **6:2, 6:90, 6:117**

**CHEATING AT PLAY**

Generally, **2:20**

**CHILD PORNOGRAPHY**

Generally, **2:30, 3:23, 7:38**  
 Definitions, **2:29**  
 Making, **2:32**  
 Mens rea, **2:31**

**COMMUNICATIONS, HARASSING**

Generally, **2:96**

**COMMUNITY IMPACT STATEMENTS**

Generally, **7:12**

**COMPELLED STATEMENTS**

Generally, **6:21 to 6:23**  
 Procedural compulsion, **6:23**  
 Statutory compulsion, **6:22**

**CONDITIONAL SENTENCE ORDERS (CSO)**

Generally, **7:28** Generally

**CONSPIRACY**

Generally, **2:102**  
 Exception to hearsay rule, **5:43**

**CONTEMPT OF COURT**

Generally, **2:14 to 2:16, 2:104**  
 Conduct of lawyer as, **2:15**  
 Sentencing, **7:61**  
 Terrorism offences, **2:16**

**COSTS**

Generally, **6:131**

**COUNSEL**

Appellate, appointment of, **8:2**  
 Appointment by court, **4:40**  
 Assistance of, ineffective, **8:11**  
 Conflict of interest and removal of  
 generally, **4:33**  
 duties of confidentiality and  
 loyalty, **4:34**  
 remedy, **4:35**  
 Crown, recusal of, **4:32**  
 Fisher applications, **4:41**  
 Right to, under Charter  
 generally, **6:79 to 6:92**  
 change in circumstance, **6:89**  
 counsel of choice, **6:87, 6:88**  
 “detention,” **6:80**  
 diligence of accused, reasonable,  
**6:91**  
 duty to hold off, **6:86**  
 “forthwith,” **6:93**  
 implementational component,  
**6:84, 6:85**  
 informational component, **6:81 to**  
**6:83**  
 intoxicated accused, **6:83**  
 language issues, **6:82**  
 privacy, **6:85**  
 purpose of protections, **6:79 to**  
**6:92**  
 roadside detention, **6:93**  
 s. 320.14 offences, **6:93, 6:94**  
 “steering” to duty counsel, **6:88**  
 timing of roadside demand, **6:94**  
 waiver, **6:90**  
 Rowbotham applications, **4:40**  
 Section 486.3, **4:44**  
 State-funded, **4:41**

**COUNSELLING**

Generally, **2:9, 2:10**  
 Predicate offence, whether, **2:9,**  
**2:10**

**COVID-19**

Bail review, **1:17**  
 Charter s. 11(b), **9:2**  
 Masking, **9:4**  
 Section 715 application, **9:1**  
 Sentencing, **9:3**

**CREDIBILITY**

Generally, **5:15 to 5:19**  
 Absence of motive to fabricate,  
**5:19**  
 Child witness, **5:16**  
 Domestic violence, **5:18**  
 Officer’s notes, **5:17**

**CRIMINAL CODE**

Part VIII.1, **2:64**  
 Part XVIII, **4:115**  
 Part XXIII, **7:1 to 7:5**  
 Part XXIV, **7:73, 7:74**  
 S. 4(3), **5:10**  
 S. 21, **2:3 to 2:8**  
 S. 23(1), **2:7**  
 S. 25, **6:16**  
 S. 27, **6:16**  
 S. 34, **3:21, 6:16**  
 S. 43, **3:10**  
 S. 83, **2:16**  
 S. 85, **7:54**  
 S. 88, **2:18**  
 S. 109, **7:82**  
 S. 117.01, **2:19**  
 S. 122, **2:20**  
 S. 129, **2:21, 2:22**  
 S. 131, **2:23**  
 S. 145, **2:24, 2:25**  
 S. 162, **2:28**  
 S. 162.1, **7:59**  
 S. 163.1, **2:29 to 2:32**  
 S. 172.1, **2:33**  
 S. 172.2, **2:34**

**CRIMINAL CODE—Cont'd**

S. 175, **2:35**  
 S. 209, **2:36**  
 S. 215, **2:37**  
 S. 219, **2:38**  
 S. 229, **2:39 to 2:46**  
 S. 231, **2:39**  
 S. 239, **2:47**  
 S. 245, **2:48**  
 S. 264, **2:78, 2:79**  
 S. 264.1, **2:80**  
 S. 266, **2:81 to 2:83**  
 S. 267, **2:82, 2:83**  
 S. 268, **2:84**  
 S. 270, **2:85**  
 S. 271, **2:86 to 2:88**  
 S. 276, **5:98 to 5:100**  
 S. 278, **4:49**  
 S. 278.1, **4:55**  
 S. 279, **2:79**  
 S. 279.011, **2:80**  
 S. 300, **2:81**  
 S. 319, **2:105**  
 S. 320.13, **2:49**  
 S. 320.14, **2:50 to 2:70, 6:75, 6:93, 6:94**  
 S. 320.15, **2:71 to 2:77**  
 S. 320.17, **2:77**  
 S. 348, **2:92 to 2:95**  
 S. 349, **2:97**  
 S. 366, **2:98**  
 S. 380, **2:99 to 2:101**  
 S. 423.1, **2:106**  
 S. 465, **2:102**  
 S. 467.1(1), **2:103**  
 S. 475, **4:24**  
 S. 486.2, **4:42 to 4:44**  
 S. 486.3, **4:44**  
 S. 486.5, **4:63**  
 S. 490.1, **7:77**  
 S. 490.1(1), **7:77**  
 S. 490.2(2), **7:77**  
 S. 490.41(3), **7:77**  
 S. 515, **1:7**

**CRIMINAL CODE—Cont'd**

S. 522, **1:7**  
 S. 523, **1:18, 1:19**  
 S. 524, **1:19**  
 S. 530(1), **4:23**  
 S. 540(7), **4:12 to 4:15**  
 S. 577, **4:20**  
 S. 589, **4:37**  
 S. 601(4.1), **4:18**  
 S. 645(5), **4:105**  
 S. 650.1, **4:69**  
 S. 650(1), **4:69**  
 S. 653.1, **4:120**  
 S. 669.1, **4:105**  
 S. 669(2), **4:107**  
 S. 683(1)(b), **4:66**  
 S. 684(1), **8:2**  
 S. 698(1), **4:25 to 4:28**  
 S. 715, **5:93, 7:22 to 7:25**  
 S. 715.1, **5:95, 5:96**  
 S. 715(1), **5:93, 7:22 to 7:25**  
 S. 718, **7:77**  
 S. 718.2, **7:8, 7:22 to 7:25**  
 S. 718.2(e), **7:22 to 7:25**  
 S. 719, **7:17**  
 S. 719(3.1), **7:17**  
 S. 723(5), **7:23, 7:66, 7:77**  
 S. 724(2)(a), **4:77**  
 S. 724(3)(b), **7:23**  
 S. 725(1)(c), **7:24**  
 S. 726, **8:16**  
 S. 726.1, **7:66**  
 S. 732, **7:27**  
 S. 742.1, **7:28**  
 S. 743.1, **7:26**  
 S. 752.1, **7:67**  
 S. 753(1)(a), **7:69 to 7:72**  
 S. 753(1)(a)(i), **7:70**  
 S. 753(1)(b), **7:69 to 7:72**  
 S. 810.01, **7:35, 7:86**  
 S. 810.1, **7:35**  
 S. 810.2, **7:35**  
 S.753(1)(a)(ii), **7:70, 7:71**  
 Ss. 718-718.2, **7:63**

**CRIMINAL HARASSMENT**

- Generally, **2:78, 7:39**
- Internet/social media, **7:44**
- Predicate offences, **2:43**

**CRIMINAL NEGLIGENCE**

- Generally, **2:38**
- Driving offences, **7:40**

**CRIMINAL ORGANIZATION**

- Generally, **2:103**

**CROSS-EXAMINATION**

- Accused, of, **4:91**
- Affiant, of, **4:92**
- Browne v. Dunn, rule in, **5:21**
- Collateral facts rule, **5:20**
- Informant, **6:59**
- Limits on, **4:16**
- Objections on
  - misstatements of evidence, **4:101**
  - questioning accused re disclosure, **4:99**
  - questioning witness re veracity of others, **4:100**
  - repetitive or abusive questioning, **4:102**
- Preliminary inquiry, at, **4:16**
- Witness, of, on criminal record, **4:93**
- Witness, of, using police notes, **4:94**

**CURATIVE PROVISIO**

- Generally, **8:18**

**DANGEROUS DRIVING**

- See **DRIVING OFFENCES**

**DANGEROUS OFFENDERS**

- Assessment orders, **7:75**
- Criteria
  - anti-androgen drugs, **7:74**
  - brutal nature offence, **7:72**
  - persistent behaviour, **7:71**
  - reasonable possibility of eventual control, **7:73, 7:74**
  - repetitive behaviour, **7:70**

**DANGEROUS OFFENDERS****—Cont'd**

- Evidence
  - expert, **7:67**
  - hearsay, **7:66**
- Onus, **7:68**
- Predicate offence, nature of, **7:65**
- Production orders and, **6:48**
- Purpose of legislation, **7:63**
- Sentencing, generally, **7:62 to 7:75**
- “Serious personal injury offence,” **7:64**

**DEFENCES**

- Age, mistake of, **3:22**
- Air of reality, **3:3**
- Alibi, **3:11, 3:12, 4:18**
- Bolus drinking, **2:67**
- Child pornography, **3:23**
- Cognitive defences
  - automatism, **3:6**
  - not criminally responsible, mental disorder, **3:7**
- Consent
  - bodily harm, **3:13**
  - honest but mistaken belief in, **3:15**
  - in sports, implied, **3:14**
  - sado-masochistic sex, **3:16**
- Corrective force, **3:10**
- De minimis, **3:4**
- Diminished capacity, **3:8**
- Duress, **3:17**
- Entrapment, **3:18**
- Evidentiary burden, **3:1**
- Excuse, exemption, exception, **3:9**
- Intoxication, **5:5**
- Issue estoppel, **5:8**
- Mistake of age, **3:22**
- Mistake of law, **3:5**
- Necessity, **3:19**
- Provocation, **3:20**
- Reasonable excuse defence, **2:76**
- Res judicata, **5:8**
- Scopelliti evidence, **3:5**

**DEFENCES—Cont'd**

- Self-defence, **3:21**
- Thin skull principle, **3:2**
- Third party suspect, **5:91**

**DISCLOSURE**

- Charter rights and obligations
  - generally, **6:11, 6:15**
  - alleged breaches, **6:15**
  - expert witnesses, **6:14**
  - lost evidence, **6:19, 6:20, 6:132**
  - over 80 disclosure, **6:12, 6:20**
  - procedure on breach motion, **6:15**
  - radar, **6:13**
  - remedies for breach, **6:15, 6:128 to 6:132**
  - videotape, lost, **6:20**
- Notice of intent, **5:24**
- Reasonable notice, **5:25**
- Third party records, see **THIRD PARTY RECORDS**
- “Unacceptable negligence,” **6:19, 6:20**
- Warrants, **6:60**

**DISCREDITABLE CONDUCT EVIDENCE**

- Accused statements, assessing, **5:89**
- Domestic violence, **5:88**
- General principles, **5:82 to 5:90**
- Group offences, **5:87**
- Linkage, **5:83**
- Materiality, **5:84**
- Prejudicial effect, **5:90**
- Probative value, **5:85 to 5:89**
- Relevance, **5:84**
- Similar fact evidence, **5:82 to 5:90**

**DISTURBANCE**

- Causing a, **2:35**

**DNA EVIDENCE**

- Generally, **5:58**

**DOMESTIC VIOLENCE**

- Credibility, assessing, **5:18**
- Discreditable conduct, **5:88**

**DOMESTIC VIOLENCE—Cont'd**

- Sentencing, as factor for, **7:41**

**DRIVING OFFENCES**

- Criminal negligence, **7:41**
- Dangerous operation, **2:49**
- Drug impaired driving
  - evidence of impairment, **2:70**
  - mens rea, **2:69**
- Failure to provide samples, **2:72, 2:73**
- Impaired care/control, see **IMPAIRED CARE/CONTROL**
- Impaired driving, see **IMPAIRED DRIVING**
- Kienapple principle and, **2:61**
- “Motor vehicle,” **2:60**
- “Operates,” **2:59**
- Over 80, see **OVER 80**
- Refusal to provide samples
  - ASD refusal, **2:62**
  - elements generally, **2:63**
  - reasonable excuse defence, **2:64 to 2:66**
- Sentencing, **7:40**
- Speeding
  - radar disclosure, **6:13**

**DRUG IMPAIRED DRIVING**

- See **DRIVING OFFENCES**

**DWELLING HOUSE, UNLAWFULLY IN A**

- Generally, **2:84**

**ELECTIONS**

- Generally, **4:1 to 4:4**
- Application for judge alone, **4:4**
- Hybrid offences, **4:1**
- Re-election, **4:3**
- Timing, **4:2**

**ENDORSEMENTS**

- Generally, **8:19**

**ENTRAPMENT**

- Generally, **3:18**



**ESTOPPEL, ISSUE**

Generally, **4:22, 5:8**

**EVIDENCE**

Accused's utterances, see

**ACCUSED'S UTTERANCES**

Acquittal, of, **1:6**

Admissibility

certificates, **5:28**

court documents, **5:26, 5:27**

failure to object when document proffered, **5:24**

Mutual Legal Assistance in Criminal Matters Act, s. 36(1), **5:49**

Admissions, **5:41, 5:42, 5:75**

Alibi, **3:11, 3:12, 4:18**

Assessing, **5:14 to 5:22**

Bail hearing, at, **1:6**

Breathalyzer evidence, see **OVER 80**

Browne v. Dunn, rule in, **5:21**

Burden of proof, **5:2**

Causation, of, **5:9**

Cell phone, **5:76**

Charge to jury, **4:70**

Child witness

generally, **5:16**

contradiction in testimony, **5:16**

credibility, **5:15 to 5:19**

date recollection, **4:18**

delayed disclosure, **5:96**

judicial notice, **5:17**

Rowbotham applications, **4:40**

support dogs, **4:43**

testimonial aids, **4:42 to 4:44**

unresponsive, **4:98**

videotaped statements, **5:51**

Circumstantial evidence

generally, **5:78**

break and enter, of, **2:92 to 2:95**

preliminary inquiry, at, **4:14**

Collateral facts rule, **5:20**

Common sense inference, **5:4**

Compelled statements, **6:21 to 6:23**

**EVIDENCE—Cont'd**

Confessions, see **ACCUSED'S UTTERANCES**

Corroboration, **5:16**

Corroborative, **5:12**

Courtroom demonstrations, **5:97**

Credibility, **5:15 to 5:19**

"Credible or trustworthy," **4:12 to 4:15**

Cross-examination, see **CROSS-EXAMINATION**

Dangerous offenders, re, see **DANGEROUS OFFENDERS**

Deceased, photos, **5:73, 5:74**

Demonstrative, **5:77**

Destruction of evidence, **6:20**

Direct evidence, **4:13**

Disclosure, see **DISCLOSURE**

Discreditable conduct, of, see **DISCREDITABLE CONDUCT EVIDENCE**

Dixon test, **8:4**

DNA, **5:58**

Documentary evidence, **5:23 to 5:28**

certificates, **5:28**

court documents, admissibility, **5:26, 5:27**

notice of intent, **5:24**

reasonable notice, **5:25**

Editing, **5:71**

"Evidence to the contrary," **2:68**

Evidentiary burden, **3:1**

Examination-in-chief, see **EXAMINATION-IN-CHIEF**

Exclusion of evidence, Charter generally, **6:133 to 6:135**

impact on Charter rights, **6:135**

seriousness of breach, **6:134**

Experiments, **5:72**

Expert evidence

generally, **5:29**

accident reconstruction, **5:30**

bloodstain pattern analysis, **5:31**

disclosure re, **6:14**

**EVIDENCE—Cont'd**

Expert evidence—Cont'd  
 dog tracking, **5:32**  
 internet services, operation of,  
**5:34**  
 recovered memories, **5:35**  
 slang, interpretation of, **5:33**  
 Fingerprints, **5:57**  
 Fresh, **8:3 to 8:5**  
 Hearsay, see HEARSAY EVIDENCE  
 Identification evidence  
 DNA, **5:58**  
 fingerprints, **5:57**  
 general principles re, **5:52 to 5:59**  
 in-dock identification, **5:53**  
 photo line-ups, **5:54**  
 preliminary inquiry, at, **4:15, 4:112**  
 recognition evidence, **5:55**  
 trace evidence, **5:59**  
 videos or stills, use of, **5:56**  
 Illustrative, **5:77**  
 Intoxication, re, **5:5**  
 Issue estoppel, **5:8**  
 Judicial notice  
 generally, **5:6**  
 delayed disclosure by child, **5:16**  
 Limits on questions to accused by  
 Crown or justice, **1:6**  
 Lost evidence, **6:19, 6:20, 6:132**  
 Misapprehension of, **8:13**  
 Misstatements of, **4:101**  
 Motions re  
 Corbett applications, **5:80, 5:81**  
 courtroom demonstrations, **5:97**  
 “other discreditable conduct,”  
 see DISCREDITABLE  
 CONDUCT EVIDENCE  
 post-offence conduct, **5:92**  
 s  
 715.1: videotaped statements,  
 see videotaped statements

**EVIDENCE—Cont'd**

Motions re—Cont'd  
 s. 715: preliminary inquiry state-  
 ments, **5:93**  
 Motive, **5:79**  
 Mr. Big investigations, **5:70**  
 Multi-count information, **5:7**  
 Notice of intent, **5:24**  
 Objections, see CROSS-EXAMI-  
 NATION  
 Officer's notes, **5:17**  
 Photos of deceased  
 alive, while, **5:73**  
 post mortem, **5:74**  
 Possession, of, **5:10**  
 Post-offence conduct, **5:92, 7:15**  
 Preliminary hearing/inquiry, at, see  
 PRELIMINARY HEARING/  
 INQUIRY  
 Presumption of admissibility, **6:1 to 6:7**  
 Prior consistent statement, **4:84**  
 Production orders, **6:47, 6:48**  
 Reasonable notice, **5:25**  
 Recantations, **8:5**  
 Re-enactments, **5:72**  
 Relevance, **5:1**  
 Res judicata, **5:8**  
 Sentencing, **7:22 to 7:25**  
 Silence of accused, **5:14**  
 Surrebuttal, **4:104**  
 Testimony of accused, **5:14**  
 Third party records, see THIRD  
 PARTY RECORDS  
 Third party suspect, **5:91**  
 Trace evidence, **5:59**  
 Unsavory witness warning, **5:22**  
 Videotape, lost, **6:20**  
 Videotaped statements  
 generally, **5:94 to 5:96**  
 adoption, **5:95**  
 child, of, **5:51**  
 reasonable time, **5:96**  
 Wilful blindness, re, **5:3**  
 Withdrawn charges, of, **1:6**

**“EVIDENCE TO THE CONTRARY”**Generally, **2:68****EXAMINATION-IN-CHIEF**Adoption of prior statement, **4:87**“Adverse” witness, **4:88**Leave to cross-examine own witness, **4:89**Past recollection recorded, **4:86**Present memory refreshed, **4:85**Prior consistent statement, **4:84**S. 9(1) of the Canada Evidence Act, **4:88**S. 9(2) of the Canada Evidence Act, **4:89****EXCEPTION**Generally, **3:9****EXCUSE**Generally, **3:9****EXEMPTION**Generally, **3:9****EXPERT**

See EVIDENCE

**EXTRAORDINARY REMEDIES**Certiorari, **4:111 to 4:115**Habeas corpus, **4:118**Mandamus, **4:116**Prohibition, **4:117****FAIL TO APPEAR**Generally, **2:25****FAIL TO PAY RESTITUTION**Generally, **2:25****FAIL TO RESIDE**Generally, **2:25****FAILURE TO PROVIDE NECESSARIES OF LIFE**Generally, **2:37****FIREARMS**Generally, **2:17****FIREARMS—Cont’d**Possession for dangerous purpose, **2:18**Possession while prohibited, **2:19****FISHER APPLICATIONS**Generally, **4:41****FITNESS TO STAND TRIAL**Generally, **4:119****FLIGHT**Peace officer, from, **2:77****FORGERY**Generally, **2:98****FRAUD**Generally, **2:99 to 2:101**Elements, **2:99**Mens rea, **2:100**Relationship with victim, **2:101****GUILTY PLEA**As hearsay evidence, **5:45**Defined, **4:5 to 4:8**Nolo contendere and, **4:5 to 4:8**Setting aside, **8:6**Voluntariness, **4:5 to 4:8**Withdrawal of, **4:6****HABEAS CORPUS**Generally, **4:118****HARASSING****COMMUNICATIONS**Generally, **2:96****HEARSAY EVIDENCE**Admissible at bail hearing, **1:6**Admissible on sentencing, **7:66**

Circumstances, particular

accomplice hearsay, **5:47**accused’s utterances, **5:36 to 5:38, 5:40 to 5:42**911 Call, **5:39**co-conspirators’ exception, **5:43**deceased officer’s notes, **5:44**guilty plea, **5:45**

**HEARSAY EVIDENCE—Cont'd**

- Circumstances, particular—Cont'd
  - telephone calls, **5:36 to 5:38**
- Exceptions to rule, traditional
  - generally, **5:36 to 5:38**
  - co-conspirators, **5:43**
  - party admissions, **5:41, 5:42**
- “For the truth of its contents,” **5:36 to 5:38**
- General principles, **5:36 to 5:38**
- Investigative, **5:46**
- Mutual Legal Assistance in Criminal Matters Act, s. 36(1), **5:49**
- Necessity, **5:37**
- Reliability, **5:38**
- Sentencing, **7:23**
- Transcript of proceedings, **5:48**

**HOME INVASION**

- Generally, **5:57, 7:10, 7:45**

**HUMAN TRAFFICKING**

- Generally, **2:90**

**HYBRID OFFENCES**

- Generally, **4:1**

**IMMIGRATION**

- Generally, **7:16**

**IMPAIRED CARE/CONTROL**

- See also **IMPAIRED DRIVING**
- Generally, **2:56 to 2:58**
- Arbitrary detention, **6:73, 6:75**
- Counsel, right to, **6:93, 6:94**
  - see also **COUNSEL**
- De facto care or control, **2:58**
- Kienapple, **2:61**
- “Motor vehicle,” **2:60**
- “Operates,” **2:59**
- Presumption, **2:57**
- Principles, **2:58**
- Sentencing, **7:46**
- Traffic stops, **6:73, 6:75**

**IMPAIRED DRIVING**

- See also **IMPAIRED CARE/CONTROL**

**IMPAIRED DRIVING—Cont'd**

- Actus reus, **2:51**
- Arbitrary detention, **6:73, 6:75**
- As soon as practicable, **2:65**
- Contemporaneous inferences, **2:55**
- Counsel, right to, **6:93, 6:94**
  - see also **COUNSEL**
- Death, causing, **7:46**
- Impairment
  - cause of, **2:53**
  - definition of, **2:52**
  - proof of, **2:54**
- Kienapple, **2:61**
- Mens rea, **2:50**
- “Motor vehicle,” **2:60**
- “Operates,” **2:59**
- Overholding, **6:74**
- Presumption of accuracy, **2:64 to 2:66**
- Sentencing, **7:46, 7:55**
- Traffic stops, **6:73, 6:75**

**INCEST**

- Generally, **7:47**

**INCLUDED OFFENCES**

- Diminished capacity and, **3:8**
- Test applicable, **2:2**

**INDIGENOUS OFFENDERS**

- See **ABORIGINAL/INDIGENOUS OFFENDERS**

**INFORMANT PRIVILEGE**

- Generally, **4:96**

**INFORMATION AND INDICTMENT**

- Amendments, **4:18**
- Direct indictment, **4:20**
- Joinder of counts, **4:39**
  - see severance
- Multi-count information, **5:7**
- Particulars, **4:19**
- Severance of counts, **4:36, 4:37**
- Stay of proceedings and re-laying of information, **4:21**

- INFORMATION AND INDICTMENT—Cont'd**  
Timing, **4:17**
- INTERMITTENT SENTENCES**  
Generally, **7:27**
- INTERNET LURING**  
Generally, **2:33**
- INTERVENOR STATUS**  
Generally, **4:29**
- INTIMIDATION**  
Justice system participant, of, **2:18**
- INVENTORY SEARCHES**  
Generally, **6:65, 6:66**
- INVESTIGATIVE DETENTION**  
Generally, **6:35**
- ISSUE ESTOPPEL**  
Generally, **4:22, 5:8**
- JOINDER**  
See SEVERANCE
- JOURNALIST PRIVILEGE**  
Generally, **6:62**
- JURISDICTION OF COURT**  
Constitutional, **6:5**  
Extraterritorial, **4:109**  
Functus officio, **4:107**  
Inherent, **4:105**  
Judge and jury trial, on, **4:106**  
Judge unable to continue, **4:108**  
Youth offenders, **4:110**
- JURY**  
Additional jurors, **4:80**  
Alternate jurors, **4:80**  
Charge to  
generally, **4:70, 8:14**  
standard of review, **8:14**  
Deliberation aids, **4:71**  
Exhortation, **4:75**  
Impact of findings, **4:77**  
Influences, outside, **4:67**
- JURY—Cont'd**  
Inquiry, **4:82**  
Instructions  
generally, **4:70**  
corrective, **4:81**  
Vetrovec caution, **5:22**  
wilful blindness, re, **5:3**  
Opening address, **4:78**  
Pre-charge conference, **4:69**  
Questions by  
general principles, **4:73**  
requests for transcripts, **4:74**  
witness, to, **4:79**  
Recommendations, **7:50**  
Selection  
challenge for cause, **4:66**  
vetting, **4:65**  
Sequestration, **4:72**  
Unanimity, **4:68**  
Unsavory witness warning, **5:22**  
Verdict, **4:76**
- KIDNAPPING**  
Generally, **2:89**
- KIENAPPLE PRINCIPLE**  
Generally, **2:1, 2:61**
- LANGUAGE OF PROCEEDINGS**  
Generally, **4:23**
- LEGAL AID**  
Generally, **4:40, 4:41**
- LIBEL**  
Generally, **2:91**
- LITIGATION PRIVILEGE**  
Generally, **4:58** Generally
- MANDAMUS**  
Generally, **4:116**
- MANSLAUGHTER**  
Generally, **7:48**
- MILGAARD APPLICATIONS**  
Generally, **4:89**

**MISTAKE OF AGE**

Generally, **3:22**

**MISTAKE OF LAW**

Generally, **3:5**

**MISTRIALS**

Generally, **4:120**

**MR. BIG INVESTIGATIONS**

Generally, **5:70**

**MURDER**

Generally, **2:39 to 2:46**

Attempted, **2:47**

Causation

generally, **2:40**

intervening acts, **5:9**

links, **2:45**

substantial, **2:46**

temporal links, **2:45**

Constructive murder

generally, **2:42 to 2:46**

causal link, **2:45**

criminal harassment, **2:44**

sexual assault, **2:45**

substantial cause, **2:46**

temporal link, **2:45**

unlawful confinement, **2:42**

First degree, **2:39**

Joinder of counts, **4:37**

Parole ineligibility, **7:42**

Party liability, **2:41**

Sentencing, **7:49, 7:50**

Severance of counts, **4:37**

**NO CONTEST**

Generally, **4:7**

**NOLO CONTENDERE**

Generally, **4:5 to 4:8**

**NON-EVIDENTIARY MOTIONS**

Accused's position in courtroom,  
**4:30**

Adjournments, **4:31**

Intervenor status, **4:29**

Recusal of Crown, **4:32**

**NOT CRIMINALLY**

**RESPONSIBLE**

Mental disorder, by way of, **3:7**

Severance of counts, **4:37**

**OBSTRUCT POLICE**

Generally, **6:16 to 6:18, 6:86**

**ORDERS**

Generally, **7:76 to 7:85**

Ancillary, **7:77 to 7:84**

Fine, **7:78**

Forfeiture, **7:77**

Pre-sentence, **7:76**

Psychiatric assessments, **7:76**

**OVER 80**

Accuracy, presumption of, **2:66**

Approved screening device test

grounds for arrest and, **6:52**

mouth alcohol, residual, **6:50**

“reasonable suspicion,” **6:49,**  
**6:50**

Arbitrary detention, **6:70 to 6:76**

As soon as practicable, **2:65**

Bolus drinking defence, **2:67**

Breath demand

authority to make, **6:53**

form of, **6:54**

general principles, **6:51**

“reasonable and probable  
grounds,” **6:51 to 6:56**

timing of, **6:55, 6:94**

Breath sample, **2:62**

Certificate evidence, **2:63**

Counsel, right to see also

COUNSEL

“forthwith,” **6:93**

roadside detention, **6:93**

timing of roadside demand, **6:94**

Disclosure, **6:12**

“Evidence to the contrary,” **2:68**

Identity, presumption of, **2:64 to**  
**2:66**

Mouth alcohol, residual, **6:50**

Overholding, **6:74**

**OVER 80—Cont'd**

- Presumptions, **2:64 to 2:66**
- Sentencing, **7:46**
- Traffic stops, **6:73, 6:75**

**PAROLE INELIGIBILITY**

- Generally, **7:49, 7:50**

**PARTY ADMISSIONS**

- Generally, **5:41**
- Adoptive, **5:42**

**PARTY LIABILITY**

- Generally, **2:3 to 2:8**
- Accessory after the fact, **2:7**
- Firearm offences, for, **2:8**
- Mandatory minimums, **7:19**
- Murder, **2:41**
- Principles, re, **2:3**
- Sentencing, in, **7:14**
- S. 21(1)(a) of the Criminal Code, **2:4**
- S. 21(1)(b)-(c) of the Criminal Code, **2:5**
- S. 21(2) of the Criminal Code, **2:6**
- S. 23(1) of the Criminal Code, **2:7**

**PERJURY**

- Generally, **2:23**

**PLEAS**

- Autrefois acquit/convict, **4:8**
- Guilty, see GUILTY PLEA
- No contest, **4:7**

**POLICE**

- Arbitrary detention, see CHARTER OF RIGHTS AND FREEDOMS
- Breathalyzer testing, see OVER 80 911 calls, **6:31**
- Counsel, right to, and, see CHARTER OF RIGHTS AND FREEDOMS
- Declarant, status of, **5:69**
- Disciplinary records, **4:54**
- Disclosure, **6:11, 6:12**
- Drug-detection dogs, **6:36**

**POLICE—Cont'd**

- Dynamic entries, **6:46**
- Entrapment, **3:18**
- Execution of searches, **6:45**
- Fear of, **4:89, 5:63**
- Fleeing from, **2:77, 7:43**
- Implied invitation to knock, **6:33**
- Inducements, **5:64**
- Influencing jury, **4:67**
- Inventory searches of motor vehicles, **6:66**
- Investigating alibi, **3:11, 3:12**
- Investigative detention, **6:35**
- Jury vetting, **4:65**
- Misconduct, **4:89, 6:11, 6:18**
- Notes
  - completeness, **5:17, 5:62**
  - testimonial aids, **5:17**
  - use in cross, **4:94**
- Obstruction, **2:21**
- Occurrence reports, **4:55**
- Oppression, **5:63**
- Penile swabs, **6:41**
- Procedural compulsion, **6:23**
- Promises, **5:64**
- Resisting arrest, **2:22**
- Roadside detention, **6:93**
- Safety searches, **6:34**
- Search and seizure, see SEARCH AND SEIZURE
- Search incident to arrest, see SEARCH AND SEIZURE
- State agents, **6:26**
- Threats, **5:64**
- Traffic stops, **6:73, 6:75**
- Trickery, **5:60, 5:65**
- Use of force, see USE OF FORCE

**POSSESSION**

- Child pornography, of, **2:30**
- Offences
  - generally, **2:26, 2:27**
  - firearms, **2:18, 2:19, 2:27**
- Proof of, **5:10**
- S. 4(3) of the Criminal Code, **5:10**

**POST-OFFENCE CONVICTIONS**

Generally, **7:13**

**PREDICATE OFFENCES**

Generally, **2:9, 2:10, 2:42 to 2:44**

Criminal harassment, **2:44**

Sexual assault, **2:43**

Unlawful confinement, **2:42**

**PRELIMINARY**

**HEARING/INQUIRY**

Certiorari, see **CERTIORARI**

Cross-examination, limits on, **4:16**

Evidence

generally, **4:12 to 4:15**

circumstantial evidence, **4:14**

considering evidence in isolation,  
**4:114**

“credible or trustworthy” evi-  
dence, **4:12 to 4:15**

direct evidence, **4:13**

identification evidence, **4:15,**  
**4:112**

not considering whole of evi-  
dence, **4:115**

s. 715: tendering evidence at trial,  
**5:93**

usurping role of trier of fact,  
**4:112**

weighing competing inferences,  
**4:113**

Jurisdiction, **4:10**

Purpose, **4:9**

Test for committal, **4:11**

**PRE-TRIAL**

Generally, **6:114**

**PRIVILEGE**

Generally, **4:57**

Informants, **4:96**

Litigation, **4:58**

Settlement, **4:59**

Solicitor-client privilege, **4:60**

Spousal, **4:61**

**PROBATION**

Generally, **7:29**

**PROHIBITION**

Generally, **4:117**

**PROSPER WARNINGS**

Generally, **6:92**

**PUBLICATION BANS**

Generally, **4:62, 4:63**

**RACIAL PROFILING AND S. 9  
OF CHARTER**

Generally, **6:76**

**RECOGNIZANCE**

Generally, **7:86**

**RECUSAL OF CROWN**

Generally, **4:32**

**RE-ELECTION**

Generally, **4:3**

**RE-EXAMINATION**

Generally, **4:95**

**RE-OPENING CASE**

Generally, **4:103**

**REPEATEDLY COMMUNICATE**

Generally, **2:79**

**RES JUDICATA**

Generally, **4:22, 5:8**

**RESTITUTION ORDERS**

Generally, **7:80, 7:81**

**RE-TRIALS**

S. 11(b) of the Charter and, **6:119**

**ROBBERY**

Car jacking, **7:53**

Commercial, **7:51**

Home invasion, **7:45**

Sentencing, **7:51 to 7:53**

Swarmings, **7:52**

**ROWBOTHAM APPLICATIONS**

Generally, **4:40**



**SCOPELLITI EVIDENCE**Generally, **3:24****SCREEN TESTIMONY**Generally, **4:42 to 4:44****SEARCH AND SEIZURE**

Charter protection

abandonment of privacy interests,  
**6:31**common law exceptions  
generally, **6:32 to 6:44**consent searches, **6:32**drug-detection dogs, **6:36**exigent circumstances, **6:44**impaired/over 80 cases, **6:47,**  
**6:48**implied invitation to knock,  
**6:33**investigative detention, **6:35**plain view doctrine, **6:42**safety searches, **6:34**search incident to arrest, **6:33**reasonable expectation of privacy  
generally, **6:27 to 6:30**common areas, **6:28**invited guests, **6:29**jail cell, **6:30**reasonableness of execution,  
**6:45, 6:46**s. 8 framework, **6:25**Dangerous offenders, **6:48**Dynamic entries, **6:45, 6:46**Inventory searches of motor  
vehicles, **6:66**Investigative necessity, **6:68**Production orders, **6:45, 6:46**Report, **6:69**Search incident to arrest  
generally, **6:38 to 6:41**cell phone, **6:40**motor vehicle, **6:39**penile swab, **6:41**person, **6:38**

Section 320 offences

generally, **6:49 to 6:56****SEARCH AND SEIZURE—Cont'd**

Section 320 offences—Cont'd

ample, authority to obtain, **6:56**approved screening device, **6:52**demand, authority to make, **6:53**demand, form of, **6:54**demand, timing of, **6:55**reasonable and probable grounds,  
**6:51 to 6:56**reasonable suspicion, **6:49, 6:50**residual mouth alcohol, **6:50**State agents, **6:26**Step six, **6:67**Telewarrants, **6:65, 6:66**

Warrants

generally, **6:57 to 6:64**challenging, **6:58**conditions, **6:61**cross-examination of informant,  
**6:59**disclosure, **6:60**examinations, **6:63**execution, time of, **6:64**journalist privilege, **6:62**monitoring, live, **6:61**unsealing, **6:57**Wiretaps, **6:67, 6:68****SENTENCING**Aboriginal offenders, **1:21, 7:30**Aggravating and mitigating factors  
generally, **7:7 to 7:12**child victim, **7:8, 7:57**community impact statements,  
**7:12**elderly victim, **7:9**home invasion, **7:10**victim impact statements, **7:11,**  
**7:12**

Ancillary orders

fine in lieu of forfeiture, **7:78**forfeiture, **7:77**restitution orders, **7:80, 7:81**s. 109 orders, **7:82**victim surcharge, **7:79**

**SENTENCING—Cont'd**

- Appeal, **8:15, 8:16**
- Bail conditions, credit for, **7:20**
- Child pornography, **7:38**
- Conditional sentence, **7:32, 7:36, 7:40**
- Consequences, collateral, **7:16**
- Dangerous offenders, see DANGEROUS OFFENDERS
- Delay, **6:99**
- Domestic violence, **7:41**
- Evidence considered
  - comments of accused, **7:22**
  - criminal record, **7:25**
  - hearsay, **7:23**
  - s. 725(1)(c), **7:24**
- Impaired driving, **7:46**
- Joint submissions, **7:18**
- Judge departing from Crown's position, **7:21**
- Notice by judge to parties, **7:21**
- Offences, specific
  - arson, **7:32**
  - assaults, **7:33, 7:34**
  - bar fights, **7:34**
  - breach of orders, **7:35**
  - car jacking, **7:53**
  - child abandonment, **7:36**
  - child luring, **7:37**
  - child pornography, **7:38**
  - child sexual assault, **7:57**
  - contempt of court, **7:61**
  - criminal harassment, **7:39**
  - criminal negligence (driving), **7:40**
  - domestic violence, **7:41**
  - firearms offences, **7:41**
  - flight, **7:43**
  - harassment, internet and social media, **7:43**
  - home invasions, **7:45**
  - impaired driving causing death, **7:46**
  - incest, **7:47**

**SENTENCING—Cont'd**

- Offences, specific—Cont'd
  - intimate image, distribution of, **7:59**
  - manslaughter, **7:48**
  - murder, **7:49, 7:50**
  - necessaries, failing to provide, **7:60**
  - robberies, commercial, **7:51**
  - sexual assaults, **7:56 to 7:58**
  - s. 320 offences, **7:55**
  - swarming, **7:52**
  - unconscious victim, **7:59**
- Orders
  - appeal pending, **7:85**
  - s. 109, under, **7:82**
- Parole ineligibility, **7:42**
- Post-offence conduct in, **7:15**
- Pre-sentence orders, **7:76**
- Principles
  - generally, **7:1 to 7:5**
  - aboriginal offenders, **1:21, 7:30**
  - bail conditions, credit for, **7:20**
  - collateral consequences, **7:16**
  - consecutive and concurrent, **7:6**
  - credit for pre-sentence custody, **7:17**
  - immigration consequences, **7:16**
  - jump principle, **7:4**
  - parity, **7:5**
  - participation, degree of, **7:14**
  - party liability and mandatory minimums, **7:19**
  - post-offence convictions, **7:13**
  - retribution, **7:1 to 7:5**
  - totality principle, **7:3**
- Proportionality, **7:2**
- Reduction, **6:73, 6:128 to 6:132**
- Types
  - generally, **7:26 to 7:29**
  - conditional sentence orders (CSO), **7:28**
  - imprisonment, **7:26**
  - intermittent, **7:27**
  - probation, **7:29**

**SETTLEMENT PRIVILEGE**Generally, **4:59****SEVERANCE**Accused, **4:38**Counts, **4:36**Joinder of offences, **4:39**Murder cases, in, **4:37**S. 589 of Criminal Code, **4:37****SEXUAL ASSAULT**Generally, **2:78**Agreement for sexual offence  
against child, **2:34**Bodily harm, causing, **2:78**Child, **2:34, 7:57**

Consent generally, see DEFENCES

Consent vitiated by fraud, **3:15**Evidence of complainant's sexual  
activity, **5:98 to 5:100**HIV transmission and, **2:78**Predicate offences, **2:43**

Section 276 applications

generally, **5:98 to 5:100**application of provision re, **5:100**procedure, **5:99**purpose of, **5:98**Sentencing, **7:56 to 7:58****SINGLE TRANSACTION RULE**Generally, **2:12****SPOUSAL PRIVILEGE**Generally, **4:61****STARE DECISIS**Generally, **5:13****STATUTORY INTERPRETATION**Generally, **5:11****STAY OF PROCEEDINGS**Generally, **4:21****SUBPOENA**Crown, compellability of, **4:26**Issuance of, **4:25, 4:26**Quashing, **4:27****SUPPORT DOGS**Generally, **4:43****SWARMINGS**Generally, **7:52****TELEWARRANTS**Generally, **6:65, 6:66****TERRORIST OFFENCES**Generally, **2:16****TESTIMONIAL AIDS**Generally, **4:42 to 4:44, 5:94 to  
5:96****THIRD PARTY RECORDS**

Application

evidentiary foundation, **4:47**likely relevance, **4:48**salutary and deleterious effects,  
**4:49**General principles, **4:45**Procedure, **4:46**

Types of records

CAS records, **4:50**counselling and psychiatric  
records, **4:51**diaries, **4:52**education records, **4:53**McNeil, **4:54, 4:55**police disciplinary records, **4:54**police occurrence reports, **4:55**records in possession of defence,  
**4:56****THREATS, UTTERING**Generally, **2:80****TRACE EVIDENCE**Generally, **5:59****UNLAWFUL CONFINEMENT**Predicate offences, **2:42****UNREASONABLE DELAY**Appellate delay, **6:100**Complexity, **6:104**Defence, **6:101**

**UNREASONABLE DELAY**

—Cont'd

- Discrete events, **6:103**
- Exceptional circumstances, **6:102 to 6:104**
- General principles, **6:96**
- Jordan framework, **6:96**
- Prejudice, **6:118**
- Procedural requirements, **6:95**
- Reasons for delay
  - accused's actions, **6:109**
  - appeals, **6:100**
  - complex cases, **6:104, 6:116**
  - Crown's actions, **6:110**
  - holidays, **6:111**
  - inherent delay, **6:107**
  - inherent time, **6:108**
  - institutional delay, **6:112**
  - joint trials, **6:115**
  - “operative intake,” **6:108**
  - pre-trials, **6:114**
  - re-trials, **6:119**
  - unforeseeable events, **6:113**
- Sentencing, **6:99**
- Timeframe, impugned
  - pre-charge period, **6:98**
- Total, **6:97 to 6:100**
- Transitional exception, **6:105 to 6:119**
- Waiver, **6:117**

**USE OF FORCE**

- Police, by
  - generally, **6:16**
  - pepper spray, **6:72**
  - police dog, **6:17**
  - taser, **6:72**
- Remedy for breach of rights, **6:18**

**VERDICT**

- Generally, **4:76**
- Total delay and deliberation periods, **6:97 to 6:100**
- Unreasonable, **8:12**

**VETROVEC CAUTION**

- Generally, **5:22, 5:47**

**VICTIM IMPACT STATEMENT**

- Generally, **7:11, 7:12**

**VICTIM SURCHARGE**

- Generally, **7:79**

**VOYEURISM**

- Generally, **2:28**

**WARRANTS**

- Generally, **6:57 to 6:64**
- Challenging, **6:58**
- Conditions, **6:61**
- Cross-examination of informant, **6:59**
- Disclosure, **6:60**
- Examinations, **6:63**
- Execution, time of, **6:64**
- Journalist privilege, **6:62**
- Monitoring, live, **6:61**
- Unsealing, **6:57**

**WEAPONS**

- Assault with, **2:50 to 2:61**

**WILFUL BLINDNESS**

- Consent and, **3:15**
- Equivalent of knowledge, **5:3**
- Instruction to jury re, **5:3**

**WIRETAPS**

- Generally, **6:67, 6:68**
- Investigative necessity, **6:68**
- Step six, **6:67**

**WITNESSES**

- Child witness, see EVIDENCE
- Credibility, **5:15 to 5:19**
- Cross-examination, see CROSS-EXAMINATION
- Crown, compellability of, **4:26**
- Defence, **4:97**
- Examination-in-chief, see EXAMINATION-IN-CHIEF
- Issuance of subpoena, **4:25, 4:26**

**WITNESSES—Cont'd**

Jury, questions posed by, **4:79**  
Quashing subpoena, **4:27**  
Support dogs, and, **4:43**  
Testimonial aids, **4:42 to 4:44**  
Unsavoury, warning re, **5:22**  
Warrants, **4:28**

**YOUNG PERSONS**

Bail, **1:22**  
Deferred custody, **7:88**  
Onus on Crown to show detention  
necessary, **1:22**  
Sentencing, **7:87**  
Supervision orders, **7:88**

