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CRIMINAL LAW EVIDENCE, PRACTICE AND PROCEDURE Gibson Release No. 2022-2, April 2022
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Publisher's Special Release Note 2021

The pages in this work were reissued in July 2021 and updated to reflect that date in the release line. Please note that we did not review the content on every page of this work in the July 2021 release. We will continue to review and update the content according to the work's publication schedule. This will ensure that subscribers are reading commentary that incorporates developments in the law as soon as possible after they have happened or as the author deems them significant.

Changes to chapter and heading numbering may have occurred. Please refer to the Correlation Table in the front matter if you wish to confirm references.

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This publication offers step-by-step guidance to more than 60 evidentiary, procedural and practice topics that arise in criminal law practice.

This release features updates to the case law and commentary in Chapters 2 (Adjournments), 8 (Arraignment and Plea), 9 (Arrest and Detention), 11 (Bail Procedure), 12 (Bail reviews), 15 (Change of Plea) and 16 (Character Evidence).

Highlights

- **Adjournments — Delay before Setting a Trial Date— § 2:5 —** “There is no right to insist that all disclosure be complete before setting dates to proceed.” The court may reasonably delay the setting of a trial where essential material has not been disclosed; but the prosecution is not required to make perfect disclosure before trial dates are chosen. *R. v. Vuong*, 2021 CarswellOnt 14302, 2021 ONCA 697 (Ont. C.A.) at para. 19.
- **Arrest and Detention — § 9:106 —** Even if the actions of the police officer controlled the subject, the context may diminish the coercive effect below “detention” for the purposes of s.10 of the Charter. In *R. v. Teng*, 2021 CarswellOnt 15519, 2021 ONCA 785 (Ont. C.A.), the defendant and her landlord called 911 for assistance. When police attended, both parties were engaged in a heated dispute at the defendant’s residence. The officers separated them and asked what was going on. The discovery of a dead man in her residence led one of the officers to say that he would not have permitted Ms Teng to leave. Despite his thoughts, the officer’s interaction did not amount to detention because the defendant herself had summoned him to her residence. He did no more than she had asked him to do.

ProView Developments

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- The opening page is now the title page of the book as you would see in the print work
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- The Table of Cases and Index are now in PDF with no searching and linking
- The Table of Contents now has internal links to every chapter and section of the book within ProView
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