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### **CRIMINAL LAW EVIDENCE, PRACTICE AND PROCEDURE**

**Gibson**

**Release No. 7, October 2024**

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 commentary and case law in the following chapters: 9 (Arrest and Detention), 15 (Change of Plea), 16 (Character Evidence), 17 (Children and Vulnerable Witnesses), 19 (Confessions), 24 (Dangerous Offender and Long-Term Offender Procedure), 25 (Direct Indictments), 30 (Exclusion, Absconding or Absence of Accused from Court Room), 34 (Expert Opinion Evidence), and 41 (Hearsay Evidence).

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### Release Highlights

- **Children and Vulnerable Witnesses** – According to British Columbia’s Court of Appeal, despite the difference between an affirmation to tell the truth and a promise to tell the truth, a child whose testimony made clear that he or she had committed to tell the truth would effectively have promised to do so for the purposes of s. 16.1 of the *Canada Evidence Act*, and thereby nullifying the court clerk’s mistaken reading of the words of an affirmation instead of those of a promise: *R. v. K.A.*, 2024 BCCA 251, 2024 CarswellBC 1908 (B.C. C.A.).
- **Confessions** – The Court of Appeal for Ontario held that, where the trier of fact hears a version of a confession in the defendant’s testimony that includes a material addition to the confession told to police, the trier of fact may find the earlier omission of this material to detract from the defendant’s credibility: *R. v. Collier*, 2024 ONCA 368, 2024 CarswellOnt 6849 (Ont. C.A.).

### ProView Developments

Your ProView edition of this product now has a new, modified layout:

- 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
- Images are generally greyscale and size is now adjustable
- Footnote text only appears in ProView generated PDFs of entire sections and pages.