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CRIMINAL LAW EVIDENCE, PRACTICE AND PROCEDURE

Gibson

Release No. 2024-3, May 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: 19 (Confessions), 24 (Dangerous Offender and Long-Term Offender Procedures), 29 (Estreatment Procedure (Forfeiture of Recognizance)), 30 (Exclusion, Absconding or Absence from Court Room), 34 (Expert Opinion Evidence), and 41 (Hearsay Evidence).

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Relase Highlights

- **Dangerous Offenders and Long-Term Offender Procedure** – According to British Columbia’s Court of Appeal, the defendant continues to enjoy the right to silence in a dangerous offender proceeding – while a refusal to participate in a court ordered assessment may result in a court finding a defence-ordered assessment to have been undermined, it may not use the defendant’s silence to draw inferences in support of the prosecution’s theories: *R. v. Clayton*, 2023 BCCA 33, 2023 CarswellBC 175 (B.C. C.A.).
- **Exclusion, Absconding or Absence from the Court Room** – The Court of Appeal for Ontario held that the accused’s right conferred by s. 650 of the *Criminal Code* to attend the entirety of his or her trial includes the right to attend the pre-trial application for the production of third-party records: *R. v. M.C.*, 2023 CarswellOnt 14540, 2023 ONCA 611 (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
- As with the print product, the front matter is in a different order than previously displayed
- 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.