

Publisher's Note

An Update has Arrived in Your Library for:

Please circulate this notice to anyone in your office who may be interested in this publication. <i>Distribution List</i>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

McWILLIAMS' CANADIAN CRIMINAL EVIDENCE Fifth Edition

Hon. S. Casey Hill, David M. Tanovich and Louis P. Strezos
Release No. 3, July 2022

Publisher's Special Release Note 2022

The pages in this work were reissued in November 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 November 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.

McWilliams' Canadian Criminal Evidence, Fifth Edition, is the most comprehensive source in Canada for the law of criminal evidence. The authors trace the developments of the law of criminal evidence and identify the key elements of a modern principled approach. The work features analyses from judicial, academic and practitioner's perspectives and includes contributions from both Canadian and international experts.

THOMSON REUTERS CANADA®

Customer Support

1-416-609-3800 (Toronto & International)

1-800-387-5164 (Toll Free Canada & U.S.)

Fax 1-416-298-5082 (Toronto)

Fax 1-877-750-9041 (Toll Free Canada Only)

E-mail CustomerSupport.LegalTaxCanada@TR.com

This publisher's note may be scanned electronically and photocopied for the purpose of circulating copies within your organization.

What's New in this Update:

- **Issue Estoppel—Prerequisites—Third Prerequisite: Mutuality—***R. v. Boice*, 2022 ABPC 65 is a recent example of an attempt to invoke *autrefois* convict and salient analysis of the governing principles rendering the defence inapplicable. The same complainant came forward with more serious, ongoing domestic violence allegations preceding the single event assault the accused was previously sentenced for. Focusing on what the Indictment could have been at the time of the earlier plea and sentencing had all proper amendments been made, Pepper J. recognized that *autrefois* could not apply to any of the counts before the court. The new offences were not disclosed until approximately four years after the sentencing, they amounted to distinct and more serious crimes that could not have permitted an earlier amendment even if they had they been disclosed at the time, and the prior guilty plea facts did not cover the date range or multiple incidents now alleged.
- **Fresh Evidence On Appeal—Fresh Evidence On Sentence Appeals—Generally—** Where the sentence is otherwise fit and free from error, appellate courts are therefore generally reluctant to intervene on the basis of fresh evidence alone, particularly where the fresh evidence relates only to events following the imposition of sentence. But as with conviction appeals, where this evidence is cogent and could reasonably have had an impact on the sentence had it been known to the sentencing judge, this reluctance often gives way. In *R. v. Gilmour*, 2022 ONCA 203, evidence of serious surgery undergone by the offender's four-year-old son following the imposition of her sentence justified a reduction in sentence to the time she had served.

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