

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"/>

<p>McWILLIAMS' CANADIAN CRIMINAL EVIDENCE Fifth Edition Hon. S. Casey Hill, David M. Tanovich and Louis P. Strezos Release No. 3, July 2024</p>
--

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.

The release features substantial updates to Chapters 19, "The Exclusion of Evidence Under Section 24 of the *Charter*", and 18, "Issue Estoppel".

THOMSON REUTERS®

Customer Support

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

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

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.

Highlights:

- **THE EXCLUSION OF EVIDENCE UNDER SECTION 24 OF THE CHARTER—SECTION 24(2)—GENERAL**—The Threshold Question: The Nexus Between a Breach and the Evidence—Were the mere fact that evidence was discovered during the course of an investigation where there was also a *Charter* breach sufficient to establish the remedial threshold, such an open-ended interpretation would inexorably lead to the exclusion of evidence where the connection could only be described as “remote” or “tenuous”. In *R. v. Singh*, 2024 ONCA 66, the only “connection” was that the blood alcohol concentration results and the alleged s. 8 *Charter* breaches occurred during the course of the same investigation. The police had obtained judicial authorizations based on information completely separate from the officer’s impugned observation in the hospital room, that the accused nodded to the doctor about consuming alcohol, and the doctor’s statement to the police about the accused’s alcohol consumption.
- **THE EXCLUSION OF EVIDENCE UNDER SECTION 24 OF THE CHARTER—SECTION 24(2)—THREE LINES OF INQUIRY UNDER GRANT**—Inquiry Two: The Impact of the Breach on the *Charter*-Protected Interests of the Accused—The right to counsel access has been described as a “lifeline for detained persons” that if delayed or denied deprives a detainee with legal advice as well as psychological benefit when they are at the mercy of the police and susceptible to self-incrimination. Deprivation that evokes incriminating statement or conduct, or that prevents an accused from being alerted to police illegality nullifying the need to submit to police demands, will be more aggravating and impactful in the analysis: *R. v. Jamieson*, 2023 NBCA 93. For example, the police failure in *CL*, 2023 SKCA 58, to do more to facilitate the accused’s understanding of his right to counsel, when he expressed that he “did not know” whether he understood the right and the officers knew that he suffered from a mental disorder impairing his thoughts and perception, was found to be a “serious” breach and impact on the accused’s rights that strongly pulled towards exclusion. The fact that the breach caused him to make an uninformed decision to speak with police and self-incriminate in circumstances where the police could have easily complied with their *Charter* responsibilities “heavily” tilted the balance towards exclusion.

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