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### DISCLOSURE & PRODUCTION IN CRIMINAL CASES

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#### What's New in This Update

- **Principles—Examples of Disclosed Material—National Security; Defence Counsel—Specific Examples; Remedies for Breach—Appeal—Specific Examples**—The Court of Appeal found no error in the bespoke *O'Connor* procedure adopted at trial to deal with an application to secure the CSIS affidavit in support of a *Garofoli* application: *R. v. Jaser*, 2024 ONCA 448, 172 O.R. (3d) 1 (Ont. C.A.).
- **Defence Counsel—Specific Examples; Remedies for Breach—Destroyed/Missing Evidence—Specific Examples**—Whether a s. 7 application should be dismissed. The defence knew from disclosed notes of a meeting with a witness that the witness had outstanding charges. The defence did not pursue the information from the witness. There was no defect where the 1998 statement was not preserved because no charges were contemplated: *R. v. Allard*, 2024 ABKB 287 (Alta. K.B.).
- **Defence Counsel—Triggering Disclosure; Destroyed/Missing Evidence—Introduction**—Whether an erroneous reference to downloaded evidence qualifies as missing or lost evidence. The evidence could not be downloaded therefore evidence that did not exist was not lost: *R. v. Georgopoulos*, 2024 ONSC 2962 (Ont. S.C.J.).

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## **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