

## Publisher's Note

An Update has Arrived in Your Library for:

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

### DISCLOSURE & PRODUCTION IN CRIMINAL CASES

Murray D. Segal

Release No. 8, October 2024

#### What's New in This Update

- **Introduction—Post-Stinchcombe—General Authorities**—The defence is not entitled to refuse to plead until every last bit of disclosure is received. The defence should enter a plea when it has sufficient information to do so: *R. v. Walls*, 2024 SKKB 36 (Sask. K.B.).
- **Exceptions to Disclosure—Crown Not in Possession; Privilege—The Crown—Miscellaneous Crown Practices—The Production of Confidential Third Party Records—General Procedure Post O'Connor—First Step—Likely Relevance**—After review, disclosure was denied of emails exchanged between Crown counsel alleging touching on how a witness could have learned of details respecting the murder to which he confessed: *R. v. Musselman*, 2024 ONSC 2894.
- **The Production of Confidential Third Party Records—General Procedure Post O'Connor—Definition of Documents**—Test messages and electronic messages sent by the complainant in the days following the alleged assault did not meet the requirement of “records” as they were mundane and casual in nature: *R. v. J.B.*, 2023 BCPC 290 (B.C. Prov. Ct.).

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](mailto:CustomerSupport.LegalTaxCanada@TR.com)

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

## **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