

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"/>

DISCLOSURE & PRODUCTION IN CRIMINAL CASES

Murray D. Segal

Release No. 7, September 2024

What's New in This Update

- **Production of Confidential Third Party Records—O'Connor, Mills and Stinchcombe and Civil Production Comparisons and Relationships—Relationship between O'Connor and Stinchcombe**—On child luring charges, requests for disclosure of the contents of two Crown witnesses and how police handled same were subject to O'Connor not Stinchcombe. The witnesses had turned over the phones to police. Additionally, the police should not be ordered to create materials: *R. v. Feltham*, 2024 SKKB 56 (Sask. K.B.), March 28, 2024, Mitchell J.
- **Principles—Relevance; Police—Responsibility Pre-Charge—Record Keeping; Remedies for Breach—Destroyed/Missing Evidence—Crown's Duty to Maintain**—While the officers muted audio on body worn cameras for 42 seconds everything was captured on video. There was no prejudice. The officers were not interacting with the accused: *R v. Parbhoo*, 2024 ONCJ 164 (Ont. C.J.), Fraser J., March 27, 2024.
- **Exceptions to Disclosure—Crown Not in Possession; Privilege**—The court reviewed the law respecting confidential informant privilege noting that the heavy burden on those making disclosure decisions where CIs are involved. The appeal court concluded that the trial judge erred in applying the test of whether the information could have tended to disclose the CI's identity. The appeal court extensively reviewed the role of the Crown in protecting CI privilege and how the failure to do so contributed to a stay being entered on appeal. *R. v. A.B.*, 2024 ONCA 111 (Ont. C.A.), February 12, 2024, Fairburn, A.C.J.O., Zarnett and George JJ.A.

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.

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