# **Index**

References given are to page numbers.

# Accessory after the fact, 52-53

#### Actus reus

- defences
- • automatism, 113
- • generally, 112-113
- • necessity, 115-118
- • provocation, 113-114
- generally, 11, 104-105
- intention and degrees of mens rea, 106-112

#### Adversary system

- Crown in jury trial
- • cross-examination by Crown Attorney or defence attorney, 234-235
- • direct examination by Crown Attorney or defence attorney, 231-234
- • generally, 229-231
- • presentation of further evidence, 237-238
- • redirect examination by Crown Attorney or defence attorney, 235-236
- defence
- • generally, 236-237
- generally, 205-208, 229
- verdict, 238-239

# Aiding and abetting, 48-49

# **Appeals**

- Attorney General of Canada, 398
- dangerous offenders, 396-397
- extraordinary remedies, 397
- generally, 197-199, 381-382, 398
- indictable offences
- • attendance, 389
- conviction or acquittal, 387-388
- evidence on appeal, 386
- • generally, 382-383
- notice of appeal, 384-385
- • powers of court of appeal, 386-387, 388-389
- release from custody, 385-386
- • sentence, 388
- special provisions, 383-384
- procedure on appeals
- • Court of Appeal, 392-394
- Summary Convictions Appeal Court, 394-395
- provincial statutory offences, 398
- summary conviction offences
- • Court of Appeal, to, 391
- • generally, 389-390
- Supreme Court of Canada
- • indictable offences conviction and acquittal, 395-396
- • summary conviction offences sentence, 396

#### Arrest

- Canada-wide warrant, 79
- compelling appearance of accused
- • arrest for offence committed outside province, 71
- • before justice, 73
- • by arresting accused, 70
- • judicial authority, 75-76
- • summons, 76-78
- • without arresting accused, 69-70
- execution of warrant where accused in another province, 78
- generally, 57-59
- powers of arrest without warrant
- • citizens, 59-61
- • peace officers
- • generally, 61-63
- • limitations, 63-64
- release, see also release after arrest
- • by arresting officer, 71, 73-74
- • by officer in charge, 72, 73-74
- rights and duties upon arrest
- • reasons for arrest, 64-66
- • right to enter private dwelling to make arrest, 66-67
- • right to lawyer, 66
- • search or seizure incidental to arrest, 68-69, *see also* search and seizure
- • use of force in making arrest, 67-68

#### Assault

- generally, 150-151
- self-defence, and, 117-118
- sexual assault, 152-154

## Attempts, 53-54

Automatism, 105, 112, 113, 120

## **Basic principles**

- burden of proof, 32-35
- fair and public hearing, 37-38
- generally, 31-32
- presumption of innocence, 32
- reasonable doubt, 35-37

## Benefit of clergy, 20-21

#### Beyond a reasonable doubt, proof

- circumstantial evidence, and, 244
- generally, 6, 31, 33-34, 35-37, 205, 238, 301, 488-489, 643, 661
- out-of-court statements, and, 251
- sentencing, and, 336

# **British North America Act, 1867**, 8, 520-521, 523

#### Burden of proof

- child testimony, and, 658
- dangerous offenders, and, 599-600
- forfeiture of property, and, 503-504, 505
- generally, 32-35, 661-662
- proceeds of crime offence, and, 488-489
- reasonable expectation standard, and, 611

#### Canada Evidence Act

- adverse witness, 233
- capacity of witness, 255
- child witnesses, 254
- cross-examination on previous written statements, 235
- hearsay rule, exception, 247-248
- persons with disabilities, 255-256
- prior convictions where record suspended, use of, 373, 374, 655
- privileged communications, 279
- spouse of accused, 256

# Canadian Charter of Rights and Freedoms, see also search and seizure

- Canadian Constitution, and
- intersection of criminal and constitutional law after Charter, 522-523
- • intersection of criminal and constitutional law before *Charter*, 520-521
- challenging admissibility of intercepted communications
- • generally, 282
- • s. 8 challenge, 282-287
- • s. 24, 287-288
- exclusion of evidence under s. 24(2), 535-536
- generally, 8, 31, 519-520, 523-524, 536
- s. 1, 524-525
- s. 7, 525-527
- s. 8, 527-528
- s. 9, 528-529
- s. 10, 530-531
- s. 11(b), 531-532
- s. 11(d), 532-533
- s. 24, 533-537

- search and seizure, see search and seizure
- sentencing, and, 347-348
- stay of proceedings, 534-535
- Youth Criminal Justice Act, and, 171, 179

#### Case study

- general, iv-xxii, 199-201
- young person, 172-183

# Classification of offences, see Criminal offences

## Compelling appearance of accused

- arrest for offence committed outside province, 71
- before justice, 73
- by arresting accused, 70
- judicial authority, 75-76
- summons, 76-78
- without arresting accused, 69-70

# Confessions, statements and admissions

- generally, 251, 253-254
- inculpable and exculpable statements, 252
- persons in authority, 252-253
- voir dire, 262
- voluntariness rule, 251

## Conspiracy

- generally, 46, 50-52
- intercepting private communications, and, 271

### Corroboration

- child witness, 658
- sexual offences, antiquated rules of evidence, 154

#### Counselling, 49, 55

## Court of Star Chamber, 19-20

#### Courts

- appeals, 197-199
- creation, 8
- generally, 189-192
- jurisdiction of trial courts
- • geography, 192-193
- • over the offence, 194-197
- • over the person, 193-194

# Credibility assessment, see judges

# Criminal offences, see also Substantive criminal offences

- classification
- • generally, 39
- • hybrid offences, 41-42
- • indictable offences, 40-41
- • sentencing, and, 37
- • summary conviction offences, 39-40
- substantive, see Substantive criminal offences

#### Criminal organizations, 54-55

Criminal Police Information Centre (CPIC), 360-361, 363, 364, 372

# Criminal records, see Criminal Records Act, discharges, effect of

#### Criminal Records Act

• Criminal Police Information Centre (CPIC), 360-361, 363, 364, 372

- discharges, 360-361, 363, 364-365
- disclosure of existence of record, 340
- generally, 357, 365-367
- record suspensions, 368-377

#### Crown

- jury trial, in
- cross-examination by Crown Attorney or defence attorney, 234-235
- direct examination by Crown Attorney or defence attorney, 231-234
- • generally, 229-231
- • presentation of further evidence, 237-238
- redirect examination by Crown Attorney or defence attorney, 235-236
- role of, 211-213

#### **DNA**

- destruction of bodily substances, 460-461
- limitations on use of bodily substances, 460
- National DNA Data Bank, 454-458
- warrants
- • conditions, 458-459
- • execution, 459-460
- e generally, 452-453

#### **Dangerous offenders**

- definitions, 588-598
- • failure to control sexual impulses, s. 753(1)(b), 596-598
- offence of a brutal nature,
  s. 753(1)(a)(iii), 594-595
- pattern of persistent aggressive behaviour, s. 753(1)(a)(ii), 593-594
- • pattern of repetitive behaviour, s. 753(1)(a)(i), 590-593

- generally, 396-397, 577, 580, 617
- hearing
- • evidence, 600-604
- expert evidence, assessment, 605-607
- • generally, 598-600
- history, 577-579
- presumption, 587-588
- procedural requirements, 585-587
- purpose of legislation, 579
- "reasonable expectation" standard, 610-611
- reasonable possibility of eventual control of risk, 611-613
- re-offending dangerous offenders, 616
- risk of future dangerousness, assessment
- • accused's attitude, 615
- • accused's behaviour, 614-615
- accused's psychiatric condition, 614
- • characteristics of accused, 615
- • expert opinion and risk assessment, 615-616
- • generally, 613
- · sentencing
- • constitutionality of ss. 753(4) and (4.1), 609
- • generally, 607-608
- • indeterminate sentence, effect of, 616-617
- serious personal injury offence, 580-585

#### **Defences**

- actus reus defences
- • automatism, 113
- • generally, 112-113
- • necessity, 115-118
- • provocation, 113-114

- generally, 11
- mens rea defences
- • generally, 104-105
- intention and degrees of *mens* rea, 106-108
- intoxication
- • akin to insanity or automatism, 112
- • generally, 109-110
- • involuntary, 110
- • voluntary short of insanity, 111-112
- • mental disorder, 112
- • mistake, 108-109
- murder, 156
- self-defence, 117-118

#### Discharges, effect of

- absolute and conditional discharges
- • criminal records, and, 357-365
- • statutory provisions, 356-357
- generally, 355
- record suspensions
- • criminal records, and, 368-374
- statutory provisions, 365-368

#### **Drug offences**

- generally, 156-157
- possession, 157
- search and seizure in, 469-471
- trafficking, importing and production, 158

## Electronic surveillance

- generally, 267-268, 293-294
- invasion of privacy Part VI of *Criminal Code*
- communications and privacy considerations, 268-271
- criminal organizations, 280

- • introduction of intercepted communications in court
- challenging admissibility of intercepted communications, 282-288
- • generally, 281-282
- • lawful interception of private and radio-based telephone communications, 271-279
- offences under investigation,271
- • renewals, 280
- • terrorism and terrorist activities, 280-281
- special procedure and powers Part XV of Criminal Code
- tracking devices, transactions and things, 290-291
- • transmission data recorder, 291-292
- • video surveillance, 288-290

#### Evidence, basic principles

- character evidence, 260-261
- confessions, statements and admissions
- • generally, 251, 253-254
- • inculpable and exculpable statements, 252
- • persons in authority, 252-253
- • voir dire, 262
- • voluntariness rule, 251
- credibility, 258-260
- direct and circumstantial, 243-244
- exhibits, 257-258
- hearsay rule
- • basic exceptions, 247-248
- • generally, 245-246
- opinions
- • expert witness, 249-250
- • generally, 248-249

- • lay persons, 249
- relevancy, 245
- witnesses
- • accomplices and co-accused, 256
- • accused, 256
- capacity in question, 255
- child witnesses, 254-255
- • expert witness, 257
- • lay witness, 257
- • persons with disabilities, 255-256
- • spouse of accused, 256
- sworn and unsworn, 254

# Expert witnesses, 257, see also Opinion evidence

#### **Extradition**

- extraordinary rendition, 674
- fairness and human rights concerns, 680-682
- from Canada
- • committal hearing, 676-678
- • generally, 675-676
- • request and ATP, 676
- • surrender phase, 678-680
- generally, 673, 683
- international law, 674-675

#### Extraordinary remedies, 397

## Extraordinary rendition, 674

#### FINTRAC (Financial

Transactions and Reports Analysis Centre of Canada), 513-515

Fitness to stand trial, 129-130, see also mental disorder

#### Guilt in fact vs. guilt in law

- actus reus defences
- • automatism, 113
- • compulsion, 115
- • generally, 104-105, 112-113
- • necessity, 115
- • compulsion
- • duress, 115-116
- • necessity, 116-117
- • self-defence, 117-118
- • provocation, 113-114
- generally, 103-104
- mens rea defences
- • generally, 104-105
- • intention and degrees of *mens* rea, 106-108
- intoxication
- • akin to insanity or automatism, 112
- • generally, 109-110
- • involuntary, 110
- • voluntary short of insanity, 111-112
- • mental disorder, 112
- • mistake, 108-109
- review and self test, 118-120

#### Hearsay rule

- basic exceptions, 247-248
- generally, 245-246

## History of criminal law

- Criminal Code of 1892, 23-25
- English law, 15-21, 31-32
- generally, 3-12, 13-14
- modern developments, 26-27
- North American colonies, 21-23
- scope, purpose and context, 14-15

# **Hybrid offences**, 41-42

#### **Indictable offences**

- appeal
- • attendance, 389
- • conviction or acquittal, 387-
- • evidence on appeal, 386
- generally, 382-383
- notice of appeal, 384-385
- • powers of court of appeal, 386-387, 388-389
- release from custody, 385-386
- • sentence, 388
- • special provisions, 383-384
- • Supreme Court of Canada, to, 395-396
- generally, 40-41

#### **Indigenous offenders**

- bail hearings, 633-634
- generally, 633-633, 638
- jury selection and language and culture considerations, 634-636
- sentencing hearings, 636-637

#### Intoxication

- akin to insanity or automatism,
   112
- generally, 109-110
- involuntary, 110
- voluntary short of insanity, 111-112

# Invasion of privacy, see Electronic surveillance

#### Judges

- accused as witness
- • accused's credibility, 661-663
- accused's record and character, 660-661
- credibility
- • assessment, 644-660

- • areas of caution, 651-656
- • child witness, 657-658
- • demeanour, 646-649
- • duty to resolve inconsistencies, 650-651
- • expert opinion on credibility and oath helping, 659-660
- • generally, 644-646
- • motive to lie, 656-657
- • no set of rules, 646
- • prior consistent and inconsistent statements, 649-650
- • defined, 644
- drawing inferences, 663-664
- generally, 643, 666
- independence, 191
- proof beyond a reasonable doubt, 664-665
- reasons for judgment, 665
- recusal, 191
- role of, 190, 208-211
- screening, 190-191

#### Jury

- dealing with jury decisions, 318-320
- generally, 301-307
- hung jury, 319
- juror's obligations, 320-321
- jury selection
- • challenge for cause under s. 638, 314-315
- • discharge of juror under s. 644, 315-316
- • how jury is selected, 312-314
- • how panel is selected, 310-311
- • when jury is used, 307
- • who may sit on jury, 307-310
- protecting jurors, 317
- publication bans, 563-564
- taking case away from jury under s. 647, 317-318

#### Juvenile Delinquents Act

- generally, 167
- parens patriae, 4

# Media restrictions, see Publication bans and other media restrictions

#### Mens rea

- defences
- • generally, 104-105, 106-108
- • intoxication
- • akin to insanity or automatism, 112
- • generally, 109-110
- • involuntary, 110
- • voluntary short of insanity, 111-112
- • mental disorder, 112
- • mistake, 108-109
- generally, 11, 47, 104-105

### Mental disorder

- fitness to stand trial, 129-130
- generally, 11, 121-122, 130
- mens rea, 105, 112
- not criminally responsible —
   s. 16 of Criminal Code
- determining mental state of accused
- • conduct during offence, 127-128
- • post-offence conduct, 128
- • pre-offence conduct, 126-127
- • generally, 122
- • history of s. 16, 123
- legal effect of being found "not criminally responsible", 128
- • requirements of s. 16 defence
- • Step 1 does accused suffer from "mental disorder"?, 124
- • Step 2(a) accused incapable of appreciating nature and quality of act or omission, 125

• • • Step 2(b) – accused incapable of knowing actions "wrong", 125-126

#### Mistake, 108-109

## Money laundering

- FINTRAC, 513-515
- generally, 509-512
- offence, 512-513
- terrorist financing, 515-516

## Motor vehicle offences

- dangerous driving, 148-149
- history of drinking and driving legislation, 142-144
- impaired driving, 144-148
- other driving offences, 149

# Murder, see also Offences against the person, homicide

- charge, 220-221
- legal burden, 33
- mens rea, and, 107, 111
- primary defences, 156
- provocation, 114
- sentencing, 345

# National DNA Data Bank, 454-458

#### Necessity

- compulsion
- • duress, 115-116
- • necessity, 116-117
- defence of property, 118
- self-defence, 117-118

# Offences, see Criminal offences, Substantive criminal offences

# Offences against administration of justice, 134-136

#### Offences against property

- breaking and entering, 140
- false pretences and fraud, 141-142
- generally, 136-137
- theft, 137-140

## Offences against the person

- assault, 150-151
- generally, 149-150
- homicide, 154-156
- robbery, 152
- sexual offences, 152-154

#### **Opinion** evidence

- expert witness, 249-250
- generally, 248-249
- lay persons, 249

# Ouimet Report (Report of the Canadian Committee on Corrections), 358, 360, 365, 578, 581

#### Parties to criminal offences

- accessory after the fact, 52-53
- aiders and abettors, 48-49
- attempts, 53-54
- conspiracy, 50-52
- counselling, 49
- criminal organizations, 54-55
- historically, 45-46
- principals, 47-48

# Police powers, 4, 7-8, see also Arrest

#### **Precedent**

- generally, 3, 10, 12, 13
- historically, 22

#### **Preservation orders**

- generally, 467-468
- preservation demand, 466-467

#### Presumption of innocence

- criminal forfeiture, and, 489
- generally, 6, 31, 32, 532-533

#### Procedure on appeals, see appeals

#### Proceeds of crime

- "beyond a reasonable doubt", 488-489
- generally, 485-487
- Part XII.2 of *Criminal Code*, 489-490
- • designated offence, defined, 489
- • proceeds of crime, defined, 489
- review of restraint orders and special warrants, 496
- seizure and forfeiture of
- civil forfeiture, 507-508
- • fine in lieu, 500-501
- • in rem
- • deceased or absconding accused, 503-504
- • generally, 503
- • s. 490(9), 504-506
- • "offence-related property", 507
- • philosophy behind, 487-488
- • release of funds for legal fees, business, living expenses, bail, 494-496
- • relief from, 501-503
- • sentencing, 497-500

- • theory, 494
- seizure and restraint, 491-493

#### Production orders, 465-466, 468

# Proof beyond a reasonable doubt, see Beyond a reasonable doubt, proof

# Provincial statutory offences, appeals, 398

Provocation, 105, 113-114, 156

# Publication bans and other media restrictions

- Charter of Rights and Freedoms, impact of, 568-569
- common law bans, 569-570
- contempt of court, 558-560
- Criminal Code bans
- • exclusion orders, 564-565
- • identity of crime victims and witnesses, 560-561
- • jury trials, 563-564
- • penalties, 564
- • pre-trial proceedings, 562
- • search warrants, 565-566
- sexual history and confidential records, 563
- • wiretaps and intercepted cellular calls, 566
- generally, 557-558
- statutory bans, 560
- youth court proceedings
- • access, 568
- • ban on identifying young person, 566-567
- • lifting ban, 567-568
- penalties, 567

# Reasonable doubt, 35-37, see also Beyond a reasonable doubt, proof

#### Record suspensions, effect of

- criminal records, and, 368-374
- statutory provisions, 365-368

#### Release after arrest

- generally, 83, 100-101
- hearing and review, 99-100
- history, 83-84
- Part XVI of Criminal Code, 84-86
- release
- • by judge only, 90
- by justice of the peace or provincial court judge, 88-90
- grounds
- • primary, 92-94
- secondary, 94-95
- • tertiary, 95-99
- • prior to attendance in court, 86-87
- release hearing, 91-92

# Report of the Canadian Committee on Corrections (Ouimet Report), 358, 360, 365, 578, 581

#### Search and seizure

- Charter of Rights and Freedoms
- protection against unreasonable search and seizure, 401-403
- • reasonable expectation of privacy
- • abandonment of property, 405-406
- • border searches, 412-413
- • computers, 409-410
- • generally, 403-405

- ••• information privacy (IPS), 410-411
- • records of electrical usage, 411
- • school and workplace searches, 406-408
- • storage lockers, 408-409
- • thermal imaging of homes, 411
- remedy for violation, 413-414
- · common law
- • search and seizure incidental to arrest
- • cell phones and similar devices, 423
- • generally, 415-418
- • motor vehicles, 422
- • penile swab, 420-422
- • strip searches, 418-420
- • warrantless search
- • consent, 427-428
- • exigent circumstances, 429
- • investigative detention, 424-426
- • plain view doctrine, 426-427
- • third-party consent, 428-429
- generally, 401
- statute law
- administrative and/or regulatory searches, 439
- assistance order, 465
- • detention of seized items, 469
- drug offences, 469-471
- • execution of warrants, 438-439
- forms of warrant, 434-435
- • general investigative search warrant vs. ordinary warrant
- • anticipatory searches, 444
- • bodily impression warrant, 451-452
- • building, receptacle or place, 445
- • DNA warrant

- • • conditions, 458-459
- • destruction of bodily substances, 460-461
- • • execution, 459-460
- • • generally, 452-453
- • • limitations on use of bodily substances, 460
- • detention orders, 450
- • generally, 441-443
- • in best interest of administration of justice, 445
- • information concerning offence as opposed to evidence of offence, 444
- • jurisdiction to authorize, 443
- • limiting interference with bodily integrity, 445-446
- • National DNA Data Bank, 454-458
- • no other provision in Criminal Code or any other Act of Parliament, 447-448
- • person to whom it shall be issued and where executed, 443
- • restitution of property or report by peace officer, 449-450
- • sealing orders, 450-451
- ••• search and seizure of information as opposed to evidence, 444
- • telewarrants, 449
- • terms and conditions, 446
- ••• to use any device, technique, procedure or do anything, 443-444
- • video surveillance warrant, 448
- • information upon oath, 432-433
- • lawyers' offices, search of, 463-464

- • media premises, search of, 461-462
- • number recorder warrant, 464-465
- • preservation demand, 466-467
- • preservation order, 467-468
- • production orders, 465-466, 468
- • reasonable and probable grounds, 433-434
- • right to enter private dwellings to make arrest, 440-441
- • sealing warrant, 565-566
- • search or seizure with warrant. 429-430
- • search warrant defined, 430-432
- • seizure of thing not specified, 435-436
- specific powers of search and seizure, 468
- telewarrants
- • blood sample, 437-438
- • general investigative, 449
- • generally, 436-437
- third-party assistance orders,
   436
- tracking device warrant, 464

#### Sentencing

- classification of offences, 339
- evidence, use in sentencing process, 338-339
- generally, 11-12, 329, 349-350
- Indigenous offenders, 636-637
- maximum/minimum sentence, 347
- parameters
- constitutionality of mandatory minimum sentences, 347-348
- • multiple offences, 348
- • pre-sentence custody credit,

- principles
- • aggravating and mitigating factors, 335-336
- parity, 336
- proportionality, 334-335
- • restraint, 337-338
- • totality, 337
- purpose and objectives
- • denunciation, 330
- deterrence, 330-331
- • generally, 329-330
- • rehabilitation, 333
- • reparations, provision of, 333
- • responsibility, sense of, 333-
- • separation from society, 331-333
- types of sentences
- absolute or conditional discharge, 340
- • conditional sentence, 345-346
- • imprisonment, 346-347
- monetary sanctions
- • fine, 340-341
- • forfeiture, 343-344
- • restitution, 342-343
- • victim surcharge, 341-342
- • suspended sentence and probation, 344-346

# Sexual offences, *see* Offences against the person

# Solicitor/client privilege

- commencement of, 551-552
- communications attracting privilege, 551
- exceptions, 552-553
- generally, 549-550, 554
- other forms of privilege, 553-554

#### Subpoena, 223

# **Substantive criminal offences**, see also **Criminal offences**

- drug offences
- • generally, 156-157
- possession, 157
- • trafficking, importing and production, 158
- generally, 133-134, 159
- motor vehicle offences
- • dangerous driving, 148-149
- • history of drinking and driving legislation, 142-144
- • impaired driving, 144-148
- • other driving offences, 149
- offences against administration of justice, 134-136
- offences against property
- • breaking and entering, 140
- • false pretences and fraud, 141-142
- • generally, 136-137
- • theft, 137-140
- offences against the person
- assault, 150-151
- • generally, 149-150
- • homicide, 154-156
- • robbery, 152
- • sexual offences, 152-154

## **Summary conviction offences**

- appeals
- Court of Appeal, to, 391
- • generally, 389-390
- Supreme Court of Canada, to, 396
- generally, 39-40

Summons, 7, 40, 76, 222

#### **Telewarrants**

- blood sample, 437-438
- general investigative, 449
- generally, 436-437

#### Terrorism, 54-55

#### Trial

- adversarial system, 205-208
- Crown, role, of, 211-213
- defence counsel, role of, 213-216
- fair and public hearing, 37-38
- generally, 9-11
- history, 17-21
- judge, role of, 208-211
- jury
- • dealing with jury decisions, 318-320
- • generally, 301-307
- • juror's obligations, 320-321
- jury selection
- • challenge for cause under s. 638, 314-315
- ••• discharge of juror under s. 644, 315-316
- • how jury is selected, 312-314
- • how panel is selected, 310-311
- • when jury is used, 307
- • who may sit on jury, 307-310
- • protecting jurors, 317
- • publication bans, 563-564
- • taking case away from jury under s. 647, 317-318
- procedure
- • arraignment, 223
- • indictment, 221-222
- information
- • formalities, 220-221
- • generally, 219
- • limitation by time, 219-220
- • plea, 224-225

- • presence of accused, 225
- • subpoena, 223
- • summons, 222

# Unfit to stand trial, 129-130, see also Mental disorder

## "Unlawfully at large", 135-136

#### Verdict

- generally, 10, 31, 190, 211, 238-239, 302-303, 305-307
- historically, 19
- not criminally responsible, 122, 128, *see also* **Mental disorder**
- substitution by Court of Appeal, 197-198

Voir dire, 200, 252, 553

#### Warrants, see Search and seizure

## Who can be charged

- accessory after the fact, 52-53
- aiders and abettors, 48-49
- attempts, 53-54
- conspiracy, 50-52
- corporations, 45
- counselling, 49
- criminal organizations, 54-55
- people, 45
- parties, 45-46
- principals, 47-48
- terrorism, 54-55

#### Witnesses

- accomplices and co-accused, 256
- accused
- • credibility, 661-663
- • generally, 256

- • record and character, 660-661
- assessment of credibility, see Judges
- capacity in question, 255
- child witnesses, 254-255
- expert witness, 257
- lay witness, 257
- persons with disabilities, 255-256
- spouse of accused, 256
- sworn and unsworn, 254

# Young Offenders Act

• generally, 4-5, 167-168, 169, 184

# Youth Criminal Justice Act

- Canadian Charter of Rights and Freedoms, 171, 179
- case study, 172-183
- Criminal Code, 171
- generally, 5, 168-169, 186
- history, 167-168
- maximum sentence, 184
- offences falling under Act, 170
- philosophy of Act, 169-170
- publication bans
- access, 558
- • ban on identifying young person, 566-567
- lifting ban, 567-568
- • penalties, 567
- young person, defined, 169
- youth records, 185-186