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The Honourable René J. Marin

Release No. 4, November 2026

What's New in this Update:

This release features updates and additions to Appendix WP. Words & Phrases. It includes new additions for EVIDENCE OF MOTIVE TO FABRICATE, MATERIALITY, POLICE INFORMER PRIVILEGE, PROBATIVE VALUE, REASONING PREJUDICE, RELEVANCE, and SIGNIFICANT PROBATIVE VALUE.

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Highlights:

- **§ WP:34.50 EVIDENCE OF MOTIVE TO FABRICATE—**There is a significant legal difference between absence of proved motive and proved absence of motive. Consequently, evidence of a motive to fabricate is not the same thing as the absence of a motive to fabricate: *R. v. J.F.B.* (2026), 2026 CarswellOnt 537, 2026 ONSC 264 (Ont. S.C.J.).
- **§ WP:76.50 REASONING PREJUDICE—**Crown-led evidence of the accused's bad character is presumptively inadmissible because it carries a high risk of reasoning prejudice and moral prejudice. Reasoning prejudice refers to the risk that evidence will distract the trier of fact from deciding the issue in a reasoned way by causing confusion or attracting disproportionate attention: *R. v. Kinamore* (2025), 3 C.R. (8th) 229, 448 C.C.C. (3d) 427, 503 D.L.R. (4th) 385, 2025 CSC 19, 2025 CarswellBC 1705, 2025 CarswellBC 1704, 2025 SCC 19 (S.C.C.).