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CRIMINAL LAW EVIDENCE, PRACTICE AND PROCEDURE

Gibson

Release No. 7, October 2026

This publication offers step-by-step guidance to more than 60 evidentiary, procedural and practice topics that arise in criminal law practice.

This release features updates to the commentary and case law in chapters 17 (Children and Vulnerable Witnesses), 19 (Confessions), 23 (Cross-Examination and Rebuttal on a Prior Inconsistent Statement), and 24 (Dangerous Offender and Long-Term Offender Procedure). Recent legislation updates have also been applied to chapters 2-8.

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Release Highlights

New cases discussed with this release include the following:

- **Children and Vulnerable Witnesses** – According to the Court of Appeal for Alberta, in situations where the Crown seeks to tender the statement of a child pursuant to s. 715.1, but the child had given a prior statement about the matter, the Crown should generally tender the prior statement in the voir dire, in order to permit the trial judge to determine whether the prior discussion affected the content of the proffered statement: R. *v. Reves*, 2025 ABCA 5, 2025 CarswellAlta 29 (Alta. C.A.).
- **Cross-examining and Rebutting Prior Inconsistency** – The Court of Appeal for British Columbia held that counsel may cross-examine a witness on hearsay, if that hearsay were tendered to demonstrate inconsistency between it and her later testimony, and not tendered for its truth: *R. v. Avila*, 2025 BCCA 5, 2025 CarswellBC 45 (B.C. C.A.).

ProView Developments

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