

Index

ADJUDICATIVE FACTS

Generally, 3:3, 3:9

ADMINISTRATIVE TRIBUNALS

Generally, 1:2, 2:5, 5:67

ADMISSIONS

Generally, 2:8, 3:6, 5:3, 5:7

ADVERSE WITNESSES

Generally, APP A

AGE

Estimate (opinion), 5:21, 5:22

Of document, 5:15

Of witness, 2:4, APP A

ALLEGATIONS, UNSUPPORTED

Generally, 6:16

ANCIENT DOCUMENTS

Generally, 5:15

APPEAL, FRESH EVIDENCE UPON

Generally, 8:4

ARGUMENTATIVE CROSS EXAMINATION

Generally, 6:4

BADGERING

Generally, 6:5

BALANCE OF PROBABILITIES

Generally, 3:2, 5:8, 5:19, 5:44, 5:56

BEST EVIDENCE RULE

Generally, 5:68, APP A

BLOOD SAMPLES

Generally, 1:6

BROWNE V. DUNN, RULE IN

Generally, 5:71

BUSINESS RECORDS

Generally, 5:8, APP A

CABINET CONFIDENTIALITY

Generally, 5:66

CANADA EVIDENCE ACT

Generally, 2:3, 2:11, 4:7, 5:8, 5:67,
APP A

s. 4(1) 16, APP A

s. 4(2) 16, APP A

s. 4(3) 16, APP A

s. 4 16-17, APP A

s. 12, 5:54, APP A

ss. 37-39, 5:67, APP A

ss. 16, 16.1, 2:4, APP A

CANADIAN CHARTER OF RIGHTS AND FREEDOMS

Compellability and the right to
silence, 2:8, 5:45

Confessions, 5:44, 5:45

Illegally obtained evidence, 5:46 to
5:48

Judicial notice, 3:5

Real evidence, 1:6

s. 7 23, 5:4, 5:44, 6:16

s. 10 23, 5:45

s. 11, 6:16

s. 13, 2:9

s. 15, 2:3

s. 24, 5:47, 5:72

Spousal incompetency, 2:3

CHARACTER 56

Generally, 5:22, 5:37, 5:49 to 5:53,
5:55, 5:57, 5:70, APP A

CHARTER OF RIGHTS

See Canadian Charter of Rights and
Freedoms

CHILDREN

Generally, 2:2, 2:4, 4:7, 5:4, 5:43,
APP A

CIRCUMSTANTIAL EVIDENCE

Generally, 1:6, 1:7, 2:8

CLERGY

Generally, 5:35

**CO-CONSPIRATORS
EXCEPTION**

Generally, 3:8, 5:16

COMPELLABILITY

Generally, 2:7 to 2:12
Accused, 2:7 to 2:10, APP A
Spouses, 2:11, APP A

COMPETENCY

Generally, 2:2 to 2:6, 2:11, 4:3, 5:4,
5:6, 5:26, 5:54, APP A
Children, 2:4, 4:7, APP A
Judges, jurors and lawyers, 2:5
Mentally impaired, 2:4, APP A
Spouses, APP A

COMPOUND QUESTIONS

Generally, 6:6

CONFESSIONS

Generally, 1:1, 1:2, 2:8, 3:8, 5:44

COPIES

See Best evidence rule

CORROBORATIVE EVIDENCE

Generally, 4:7, 5:2

CREDIBILITY

Generally, 1:4

CRIMINAL CODE

Generally, 2:10, 4:7, 5:18, 5:22,
5:36, 5:41, 5:43, 5:46, 5:52,
5:54, 8:4, APP A

CRIMINAL RECORD

Generally, 5:54, APP A

CROSS-EXAMINATION

Generally, 1:5, 5:2, 6:7

DECLARATIONS

See Dying declarations; Declara-
tions against interest;
Spontaneous declarations

**DECLARATIONS AGAINST
INTEREST**

Generally, 5:3, 5:9

DICTIONARY

Generally, 1:3, 1:4, 1:6, 3:2, 3:3,
4:2, 4:5

DISABILITY, MENTAL

Generally, 2:2, 2:4 to 2:6, 5:37,
APP A

DISABILITY, PHYSICAL

Generally, APP A

DISCOVERY TRANSCRIPTS

Generally, 1:3

DISCRETION TO EXCLUDE

Generally, 1:2, 4:2, 5:54

DISTANCE (OPINION)

Generally, 5:21

DOCUMENTS

Generally, 1:1, 1:4, 1:8, 3:4, 5:8,
5:14, 5:15, 5:18, 5:19, 5:30,
5:33, 5:36, 5:63, APP A

DRUG RECOGNITION EXPERTS

Generally, 5:22

DYING DECLARATIONS

Generally, 5:3, 5:10

ELECTRONIC DOCUMENTS

Generally, 5:68, APP A

**EVIDENCE, CIVIL AND
CRIMINAL**

Generally, 1:2

**EVIDENCE, CIVIL AND
CRIMINAL—Cont'd**

Defined, **1:3**

Real, **1:6**

EVIDENTIAL BURDEN

Generally, **3:2, 4:6**

EVIDENTIARY SHORTCUT

Generally, **1:9, 5:18**

EXPERT EVIDENCE

See Opinion

EYE WITNESSES

Generally, **4:8**

FACTS

See Adjudicative facts; Legislative facts

FACTS NOT IN EVIDENCE

Generally, **4:4, 6:4**

**FOREIGN-LANGUAGE
DOCUMENTS**

Generally, **5:73**

GUILTY PLEAS

Generally, **4:5**

HANDWRITING

Generally, **5:21, APP A**

HEARSAY

Generally, **1:2, 1:8, 3:8, 4:4, 4:7, 5:2 to 5:18, 5:26, 5:38, 5:60**

Aboriginal oral history, **5:19**

Contemporary application, **5:4 to 5:6**

Criteria for admission reliability and necessity, **5:6**

Defined, **5:2**

Documents, **1:8**

Expert opinion, **4:4**

Traditional approach, **5:3**

Traditional exceptions, **5:3**
admissions of a party, **5:7**

business records, **5:8 to 5:10**

HEARSAY—Cont'd

Traditional exceptions, **5:3—Cont'd**
declarations against interest, **5:3, 5:7, 5:9**

dying declarations, **5:3, 5:10**

prior identification, **5:11**

prior testimony, **2:9, 5:12**

public documents, **5:14, APP A**

res gestae, **5:16**

state of mind (present intentions), **5:4, 5:17**

HISTORICAL DOCUMENTS

Generally, **3:4, 5:15**

HYPNOSIS

Generally, **1:9**

**ILLEGALLY OBTAINED
EVIDENCE**

Generally, **5:46 to 5:48**

INCRIMINATING EVIDENCE

Generally, **2:9, 5:45**

INCRIMINATING QUESTIONS

Generally, **APP A**

JOURNALISTS

Generally, **5:36, APP A**

**JUDGES NOT COMPETENT OR
COMPELLABLE**

Generally, **2:5, 2:6**

Role, **7:1**

JUDICIAL NOTICE

Generally, **1:9, 3:3, 3:9, APP A**

JURORS

Generally, **2:2, 2:7, 2:8, 3:3**

JURY AIDS OR AIDS TO COURT

Generally, **1:11**

LAWYERS

Generally, **2:2, 2:7, 2:8, 6:1, 6:7**

LEADING QUESTIONS

Generally, **6:7**

PORTABLE GUIDE TO EVIDENCE, 2026

LEGISLATIVE FACTS

Generally, 1:9, 3:3, 3:9

LITIGATION PRIVILEGE

Generally, 5:33

MATERIALITY

Generally, 4:1, 4:5

MENTALLY IMPAIRED

Generally, 2:2, 2:4 to 2:6, 5:37,
APP A

MODELS

Generally, 1:6

NARCOTIC CONTROL ACT

Generally, 3:2

NARCOTICS

Generally, 1:6, 3:2, 5:10

OPINION

Generally, 1:9, 4:3, 4:4, 5:20 to
5:24, 6:11, APP A

Expert opinion, 1:6, 1:9, 2:4, 3:9,
4:3, 4:4, 5:14, 5:22, APP A

Lay opinion, 5:21, 5:51

ORAL HISTORY

Generally, 5:19

PAROL EVIDENCE RULE

Generally, 5:69

PHOTOGRAPHS

Generally, 5:70, APP A

POLICE INFORMANTS

Generally, 5:54, 5:65

POLYGRAPH

Generally, 5:37

POST OFFENCE CONDUCT

Generally, 2:8, 4:3

PREJUDICIAL EVIDENCE

Generally, 4:3, 5:1, 5:7, 5:44, 5:46,
5:49, 5:54, 5:56, 5:59, 5:70

PREMATURE EVIDENCE

Generally, 1:10

**PRESENT INTENTIONS (STATE
OF MIND)**

Generally, 5:4, 5:17

PRESUMPTIONS

Generally, 3:2, 3:9, APP A

PRIMA FACIE EVIDENCE

Generally, 3:2

**PRIOR CONSISTENT
STATEMENTS**

Generally, 5:38 to 5:43

PRIOR CONVICTIONS

See Criminal record

PRIOR IDENTIFICATION

Generally, 5:11

**PRIOR INCONSISTENT
STATEMENTS**

Generally, 1:8, 5:13

PRIOR JUDICIAL DECISIONS

Generally, 5:60

PRIOR TESTIMONY

Generally, 5:12

PRIVILEGE

Generally, 2:11, 5:25 to 5:36, 5:44,
5:48, 5:61 to 5:67, APP A

Case by case, 5:28, 5:35, 5:65

Class, 5:28, 5:36, 5:61, 5:65

Clergy, 5:35

Counsellors, 5:36

Doctors, 5:36

Police informer, 5:65

Settlement, 5:34

Solicitor-client, 5:27 to 5:29, 5:32,
5:48

PSYCHIATRIC EVIDENCE

Generally, 4:4, 5:22, 5:23, 5:25,
5:30, 5:36, 5:37

PUBLIC DOCUMENTS

Generally, 5:14, APP A

PUBLIC INTEREST IMMUNITY

Generally, 5:61 to 5:67, APP A

REAL EVIDENCE

Generally, 1:4, 1:6

REASONABLE DOUBT

Generally, 2:8, 3:2, 5:44, 5:56

REBUTTAL EVIDENCE

Generally, 3:2, 5:52, 8:2, 8:4

RE-EXAMINATION

Generally, 6:10

RELEVANCE

Generally, 1:3, 4:2, 5:1, 5:22

REOPENING A CASE

Generally, 8:3

REPETITIVE QUESTIONS

Generally, 6:12

**RES GESTAE, SPONTANEOUS
UTTERANCES**

Generally, 5:16

REVERSE ONUS

Generally, 3:2

SCIENTIFIC EVIDENCE

Generally, 1:9, 5:21 to 5:23

**SCRUTINY, APPROPRIATE
DEGREE**

Generally, 1:2

SELF INCRIMINATION

See Compellability, accused

SELF SERVING EVIDENCE

Generally, 5:37 to 5:43, 5:49

SEXUAL ASSAULT

Generally, 1:2, 2:12, 4:5, 5:4, 5:25,
5:41, 5:57, 5:60

SEXUAL HISTORY

Generally, 6:13

SHOCK

Generally, 5:16

SILENCE

See Compellability, accused

SIMILAR FACT

Generally, 4:3, 5:55 to 5:60

SOCIAL FACTS

Generally, 1:9, 3:9

SOCIAL FRAMEWORK FACT

Generally, 3:9

SOCIAL SCIENCE EVIDENCE

Generally, 1:9, 3:9

SPECULATIVE QUESTION

Generally, 6:14

SPEED

Generally, 5:21

SPLITTING THE CASE

Generally, 8:2

**SPONTANEOUS
DECLARATIONS**

Generally, 5:3, 5:42

SPOUSES

Generally, 2:3, 2:7, 2:11, 5:9, APP
A

STATE IMMUNITY ACT

Generally, 2:7

**STATE OF MIND (PRESENT
INTENTIONS)**

Generally, 5:4, 5:17

STATISTICS CANADA

Generally, 5:14

STOLEN GOODS

Generally, 3:2, 5:42

TERRORISM

Generally, 2:10, APP A

PORTABLE GUIDE TO EVIDENCE, 2026

TESTIMONY

Generally, 1:4 to 1:6, 1:8, 2:7, 5:6,
5:12

THRESHOLD RELEVANCE

Generally, 4:3

THROAT HOLDS

Generally, 1:6

TRACKING DEVICE

Generally, 1:6

ULTIMATE ISSUE

Generally, 5:21, 5:23

UNRELIABLE WITNESSES

Generally, 4:7

VAGUENESS

Generally, 6:2

VIDEO RECORDINGS

Generally, 1:6, 1:8, 4:7, 5:13, 5:43,
APP A

VIEW, COURTS TAKING A VIEW

Generally, 1:6

WEIGHT

Generally, 1:7, 4:1 to 4:3, 5:4,
5:19, 5:22, 5:54

Best evidence rule, 5:68

No minimum probative value, 4:2

Question for jury, 4:3

YOUNG OFFENDERS

Generally, 5:45

**YOUTH CRIMINAL JUSTICE
ACT**

Generally, 5:45