

Crankshaw's
CRIMINAL CODE
of
Canada

CUMULATIVE CASE LAW SUPPLEMENT
AUGUST 1993



CARSWELL

Crankshaw's
CRIMINAL CODE
of
Canada

CUMULATIVE CASE LAW SUPPLEMENT
AUGUST 1993

GENERAL EDITOR

GARY P. RODRIGUES, B.A., LL.B.,
of the Ontario Bar



CARSWELL
Thomson Professional Publishing

©1993 Thomson Canada Limited

Crankshaw's Criminal Code of Canada
R.S.C. 1985

ISBN 0-459-32500-0 (Volume 1)
ISBN 0-459-32590-6 (Volume 2)
ISBN 0-459-32660-0 (Volume 3)
ISBN 0-459-34540-0 (Volume 4)
ISBN 0-459-34550-8 (Volume 5)
ISBN 0-459-35070-1 (Volume 6)
ISBN 0-459-35080-9 (Volume 7)

CARSWELL

Thomson Professional Publishing

One Corporate Plaza, 2075 Kennedy Road, Scarborough, Ontario M1T 3V4
Customer Service:
Toronto 1-416-609-3800
Elsewhere in Canada/U.S. 1-800-387-5164
Fax 1-416-298-5094

PREFACE

With the publication of the first of the perfect bound Cumulative Case Law Supplements *Crankshaw's Criminal Code* provides a two step system for researching the Criminal Law of Canada:

CUMULATIVE CASE LAW SUPPLEMENTS

The perfect bound Cumulative Case Law Supplements will update the CASE DIGESTS and ANNOTATIONS AND ARTICLES relating to each section of the Criminal Code and related statutes on a quarterly basis. This first Supplement updates Volumes 1 to 3 of the Criminal Code to August 1993. The next Supplement, to be published in November 1993, will update Volumes 1 to 7 containing the Criminal Code and related statutes to September 1993.

The cumulative format of the bound supplements means that only this one other source needs to be consulted in addition to the looseleaf volumes. With the publication of each new Cumulative Case Law Supplement, the previous Supplement will be discarded. The updates in the prior supplement are carried forward into the new supplement or are incorporated into the main work volumes through periodic looseleaf replacement pages.

LOOSELEAF REPLACEMENT PAGE RELEASES

Where a section of the Criminal Code or related statutes is amended, or proclaimed into force, looseleaf replacement pages will be issued for the affected pages. At the same time, all updates of CASE LAW and ARTICLES AND ANNOTATIONS contained in the Cumulative Case Law Supplement will be incorporated into the affected pages by the looseleaf replacement page release. As a result, the looseleaf release will contain the text of the amended or proclaimed section together with updated CASE LAW and ARTICLES AND ANNOTATIONS. The first looseleaf replacement page release will be published in October 1993.

This innovative two step approach to accessing the Criminal Law of Canada maintains the statutory provisions and case law at a maximum level of currency while minimizing filing requirements.

Table of Cases

Aectra Refining & Marketing Inc. v. Lincoln Capital Funding Corp. (1991), 6 O.R. (3d) 146, 85 D.L.R. (4th) 595, 4 B.L.R. (2d) 45 (Gen. Div.) (Borins J.) 347§1

Baird v. British Columbia (1992), 77 C.C.C.(3d) 365 (B.C. C.A.) (Cumming, Hollinrake, Gibbs JJ.A.) 490§6

Carr v. Edmonton (City) Police (1992), 5 Alta. L.R. (3d) 324, [1993] 2 W.W.R. 111, (sub nom. Carr v. Gauthier) 97 D.L.R. (4th) 651, 134 A.R. 61 (Q.B.) (Cooke J.) 129§7, 495§3, 20

Dyer v. Canada (1992), 53 F.T.R. 34. (Reed J.) 129§7

Giles v. R. (1992), 75 C.C.C. (3d) 315 (B.C. S.C.) (Gow J.) 537§6, 540§4

Kebet Holdings Ltd. v. 351173 B.C. Ltd. (1992), 74 B.C.L.R. (2d) 198, [1993] 2 W.W.R. 642, 8 B.L.R. (2d) 89 (C.A.) (Legge, Gibbs, Hinds JJ.A.) 347§1

Khan v. College of Physicians & Surgeons of Ontario (1992), 76 C.C.C. (3d) 10 (Ont. C.A.) (Dubin, C.J.O., Osborne, Doherty JJ.A.), reversing (1990), 76 D.L.R. (4th) 179, 48 Admin. L.R. 118, 43 O.A.C. 130 (Div. Ct.) (O'Driscoll, Holland, Rosenberg JJ.) 271§18.1

MacDuff v. Nova Scotia (Attorney General) (1992), 114 N.S.R. (2d) 37, 313 A.P.R. 37 (T.D.) (Kelly J.) 504§1

Morra v. R. (1992), 17 C.R. (4th) 325, 77 C.C.C. (3d) 380 (Ont. Gen. Div.) (Ewaschuk J.) 462.34§1

Murphy v. Keating (1992), 123 N.B.R. (2d) 324, 310 A.P.R. 324 (Q.B.) (Savoie J.) ... 32§1

Page v. R. (1991), 91 Nfld. & P.E.I.R. 190, 286 A.P.R. 190 (Nfld. T.D.) (Riche J.) 485§5

Philippines (Republic) v. Pacificador (1992), 77 C.C.C.(3d) 497 (Ont. Gen. Div.) (Then J.) 522§2

R. c. Bassile (21 Septembre 1992), no. C.A. Montreal 500-10-000425-890 (C.A. Que) (McCarthy, LeBel, Proulx JJ.A.), leave to appeal to S.C.C. refused (29 avril 1993) no 23327 (C.S.C.) (L'Heureux-Dubé, Sopinka, Gonthier JJ.) 465§10

R. c. Beland (31 aout 1992), no. C.A. Montreal 500-10-000117-893 (C.A. Que) (Beauregard, Baudouin, Moisan JJ.A.) 229§16

R. c. Bois (23 octobre 1992), no. C.A. Quebec 200-10-000045-901 (C.A. Que.) (Rothman, Gendreau, Chevalier JJ.A.) 271§14

R. c. Bourassa (1991), 67 C.C.C.(3d) 143 (Que. C.A.) (Nichols, Tourigny JJ.A., Chevalier J.) 433§09

R. c. Chan (1993), 18 C.R. (4th) 255 (Que. C.A.) (Tyndale, Gendreau, Brossard JJ.A.) 239§13

R. c. Desroches (1992), 16 C.R. (4th) 182 (C.A. Que.) (Gendreau, Mailhot, Moisan JJ.A.) 334§§1, 2

R. c. Dionne [1991] R.L. 55 (C.A. Que.) (Dubé, Tyndale, Baudouin JJ.A.) 253§5

R. c. Dokis (28 octobre 1992), no. C.A. Quebec 200-10-000212-907 (C.A. Que.) (Tourigny, Rousseau-Houle, Delisle JJ.A.) 16§4

R. c. Drolet (27 octobre 1992), no. C.A. Quebec 200-10-000096-904 (C.A. Que) (Tourigny, Rousseau-Houle, Delisle JJ.A.) 249§12

R. c. Faucher [1991] R.L. 333 (C.A. Que) (Bisson C.J.Q., LeBel, Gendreau JJ.A.) 253§8

R. c. Filion (7 octobre 1992), no. C.A. Montreal 500-10-000301-927 (C.A. Que.) (McCarthy, Vallerand, Deschamps JJ.A.) 145§27

R. c. Huneault [1991] R.L. 114 (C.A. Que.) (Jacques, Rothman, Proulx JJ.A.) 380§5

R. c. Janoff (1991), 8 C.R. (4th) 265, 68 C.C.C.(3d) 454 (Que. C.A.) (Dube, Baudouin, Proulx JJ.A.) 198§7

R. c. Lavoie (2 novembre 1992), no. C.A. Montreal 500-10-000151-900 (C.A. Qu.) (Vallerand, Brossard, Proulx JJ.A.) 24§7

R. c. Leger (1991), 119 N.B.R. (2d) 361, 300 A.P.R. 361 (Q.B.) (Godin J.) (Q.B.) ... 495§20

R. c. Lemieux (1991), 11 C.R. (4th) 224, 70 C.C.C.(3d) 434 (Que. C.A.) (Dubé, Mailhot, Fish JJ.A.), affirming [1988] R.J.Q. 1382 (C.S.) (J.C.S. Hannan) 210§§2, 6

R. c. Lepine (1992), [1993] R.J.Q. 88, 52 Q.A.C. 200 (C.A.) (Tourigny, Rousseau-Houle, Delisle JJ.A.) 228§1, 234§6

R. c. Mathers (28 septembre 1992), no. C.A. Montreal 500-10-000300-903 (Ont. C.A.) (Tyndale, Tourigny, Delisle JJ.A.) ... 322§5, 429§4

R. c. Picard (1990), 120 N.B.R. (2d) 13, 302 A.P.R. 13 (Q.B.) (McLellan J.) 495§1

R. c. Sandrasegarampillai (30 septembre 1992), no. C.A. Montreal 500-10-000077-899 (C.A. Qu.) (Gendreau, Mailhot, Moisan JJ.A.), leave to appeal to S.C.C. refused (4 fevrier 1993), no 23324 (C.S.C.) (L'Heureux-Dubé, Sopinka, Gonthier JJ.) 229§12

R. c. St-Pierre (23 octobre 1992), no. C.A. Quebec 200-10-000158-902 (C.A. Que.) (Gendreau, Brossard, Moisan JJ.A.) 219§4

R. c. Turpin (21 septembre 1992), no. C.A. Montreal 500-10-000060-93 (C.A. Que) (McCarthy, LeBel, Proulx JJ.C.A.) 21§1

R. c. Villeneuve (1992), 77 C.C.C. (3d) 171 (Que. C.A.) (Fish, Rousseau-Houle, Chevalier JJ. C.A.) 21§4

R. v. A.(D.) (1992), 76 C.C.C. (3d) 1 (Ont. C.A.) (Dubin, C.J.O., Robins, Krever JJ.A.) ... 271§9

TABLE OF CASES

R. v. A. (S.) (1992), 17 C.R. (4th) 233, 76 C.C.C. (3d) 522 (Ont. C.A.) (Lacourciere, McKinlay and Doherty JJ.A.) 271§12

R. v. Acciavatti (1993), 80 C.C.C. (3d) 109 (Ont. C.A.) (Catzman, Carthy, Labrosse JJ.A.) 495§1

R. v. Adair (1991), 122 N.B.R. (2d) 361, 306 A.P.R. 361 (Q.B.) (Riordon J.) 87§4

R. v. Aguilar (1992), 15 C.R. (4th) 157, 77 C.C.C. (3d) 462 (Ont. C.A.) (Lacourciere, Finlayson, Catzman JJ.A.) 271§14

R. v. Al-Amoud (1992), 10 O.R. (3d) 676 (Gen. Div.) (Then J.) 535§2, 540§3

R. v. Alkerton [1992] 1 S.C.R. 468, 78 C.C.C. (3d) 576 (Cory, McLachlin, Gonthier, Iacobucci, Major JJ.), affirming (1992), 72 C.C.C. (3d) 184 (Ont. C.A.) (Krever, Carthy, Doherty JJ.A.) 34§5

R. v. Allen (1992), 123 N.B.R. (2d) 1, 310 A.P.R. 1 (Q.B.) (Landry J.) 271§14

R. v. Allison (1992), 36 M.V.R. (2d) 132 (Alta. Q.B. (Veit J.) 254§34, 495§20

R. v. Arason (1992), 78 C.C.C. (3d) 1 (B.C. C.A.) (Cumming, Proudfoot, Goldie JJ.A.) 21§8, 495§9

R. v. Arsenault (1992), 16 C.R. (4th) 301 (P.E.I. C.A.) (Carruthers C.J.P.E.I., Mitchell and Mullally JJ.A.) 249§§7, 9

R. v. Assiniboine (1991), 99 Sask. R. 192, 39 M.V.R. (2d) 247 (Q.B.) (Grotsky J.) ... 258§39

R. v. B. (F.F.) (1993), 18 C.R. (4th) 261, 79 C.C.C. (3d) 112 (S.C.C.) (Lamer, C.J.C., L'Heureux-Dubé, Sopinka, Gonthier, Iacobucci JJ.), reversing (1991), 11 C.R. (4th) 56, 69 C.C.C. (3d) 193 (N.S. C.A.) (Jones, Hallett, Chipman JJ.A.) 271§18

R. v. B. (W.P.) (1992), 13 C.R. (4th) 281, 73 C.C.C. (3d) 260 (Ont. Prov. Ct.) (Cole Prov. J.) 267§2, 272§1

R. v. Babinski [1992] 3 S.C.R. 467, 76 C.C.C. (3d) 286 (Lamer, C.J.C., La Forest, L'Heureux-Dubé, Sopinka, Iacobucci JJ.), affirming (1991), 67 C.C.C. (3d) 187 (Ont. C.A.) (Brooke, Tarnopolsky, Galligan JJ.A.) 495§20

R. v. Barbacki (1992), 76 C.C.C. (3d) 549 (sub nom. Barbacki c. Lalande) (Que. C.A.) (Beauregard, Proulx, Fish JJ.C.A.) 9§§5, 18

R. v. Barrett (1992), 41 M.V.R. (2d) 245 (B.C. S.C.) (Errico J.) 258§§8, 11

R. v. Bartle (1992), 41 M.V.R. (2d) 266 (Ont. Gen. Div.) (Cavarzan J.) 495§20

R. v. Bechthold (1991), 124 A.R. 241 (Prov. Ct.) (Dimos Prov. J.) 270§4

R. v. Belyea (1991), 121 N.B.R. (2d) 164, 304 A.P.R. 164 (Prov. Ct.) (Brien Prov. J.) ... 16§7

R. v. Bilodeau (1993), 43 M.V.R. (2d) 248 (S.C.) (Vertes J.) 252§6

R. v. Blonski (1992), 41 M.V.R. (2d) 36 (Man. Prov. Ct.) (Sinclair A.C. Prov. J.) 258§§8, 11

R. v. Born with a Tooth (1992), 76 C.C.C. (3d) 169 (Alta. C.A.) (Kerans, Hetherington, Cote JJ.A.) 41§1

R. v. Bosley (1992), 18 C.R. (4th) 347 (Ont. C.A.) (Lacourciere, McKinlay, Doherty JJ.A.) 367§1

R. v. Boyle (1991), 96 Nfld. & P.E.I.R. 326, 305 A.P.R. 326 (P.E.I. Prov. Ct.) (Thompson Prov. J.) 254§37

R. v. Briscoe (1992), 76 C.C.C. (3d) 563 (B.C. C.A.) (McEachern C.J.B.C., Wood, Gibbs JJ.A.) 87§9, 267§11

R. v. Brison (1990), 27 M.V.R. (2d) 7, 102 N.S.R. (2d) 361, 279 A.P.R. 361 (N.S. Co. Ct.) (Hall Co. Ct. J.) 254§35, 495§20

R. v. Broadfoot (1991), 95 Sask. R. 293 (Q.B.) (Batten J.) 335§5

R. v. Brookes (1992), 40 M.V.R. (2d) 148 (Ont. Gen. Div.) (Salhany J.) 254§35

R. v. Brown (1993), 19 C.R. (4th) 140, 80 C.C.C. (3d) 275 (Man. C.A.) (Scott C.J.M., Philp, Helper JJ.A.), additional reasons at (1993), 80 C.C.C. (3d) 275 at 287 (Man. C.A.) (Helper J.A.) 85§7

R. v. Burman (1991), 36 M.V.R. (2d) 34 (Ont. Prov. Div.) (Ratushny Prov. J.) 495§20

R. v. Burns (1992), 74 C.C.C. (3d) 124 (B.C. C.A.) (McEachern C.J.B.C., Proudfoot, Hollinrake JJ.A.), leave to appeal to S.C.C. granted (1992), 147 N.R. 392 (note) (S.C.C.) (Lamer C.J.C., McLachlin, Iacobucci JJ.) 271§17

R. v. Burwell (1993), 21 C.R. (4th) 20 (Man. C.A.) (Huband, Twaddle, Helper JJ.A.) 271§§7, 12

R. v. Buzzeli (1990), 112 A.R. 172, 6 C.R.R. (2d) 374 (Prov. Ct.) (Fradsham Prov. Ct. J.) 495§1

R. v. C. (P.R.) (1992), 78 C.C.C. (3d) 442 (Sask. Q.B.) (Hunter J.) 254§§26.1, 35

R. v. C. (R.E.J.) (January 5, 1993) Doc. Edmonton Appeal 9203-0262-A3 (Alta. C.A.) (Fraser C.J.A., McClung, Gallant JJ.A.) 155§2

R. v. Caskenette (1993), 80 C.C.C. (3d) 439 (B.C. C.A.) (Lambert, Hutcheon, Hollinrake JJ.A.) 153§1.1, 265§10.1

R. v. Chase (1991), 77 Man. R. (2d) 148 (Q.B.) (Morse J.) 254§34

R. v. Church of Scientology of Toronto (1991), 9 C.R.R. (2d) 196 (Ont. Gen. Div.) (Southey J.) 322§5

R. v. Ciccozzi (1992), 15 B.C.A.C. 237, 27 W.A.C. 237 (C.A.) 89§7

R. v. Clymore (1992), 74 C.C.C. (3d) 217 (B.C. S.C.) (Wilkinson J.) 403§3, 462.38§§1-4, 495§§1, 9

R. v. Commodore (1991), 77 Man. R. (2d) 277 (Prov. Ct.) (Giesbrecht Prov. J.) 335§4

R. v. Cooper [1993] 1 S.C.R. 146, 18 C.R. (4th) 1, 78 C.C.C. (3d) 289 (Lamer C.J.C., L'Heureux-Dubé, Sopinka, Gonthier, Cory,

TABLE OF CASES

- McLachlin, Iacobucci JJ.)reversing (1991), 89 Nfld. & P.E.I.R. 1, 278 A.P.R. 1 (Nfld. C.A.)(Gushue, Mahoney, O'Neill JJ.A.) 229§3
- R. v. Corkery** (1992), 113 N.S.R. (2d) 132, 309 A.P.R. 132 (Prov. Ct.) (Batiot Prov. J.) 330§6, 346§6, 380§8
- R. v. Crabe** (1993), 79 C.C.C. (3d) 323 (B.C. C.A.)(Carrothers, Hinkson, Rowles JJ.A.) 268§§3, 4, 343§§4.1, 10
- R. v. Crawley** (1991), 94 Nfld. & P.E.I.R. 58, 298 A.P.R. 58 (Nfld. Prov. Ct.) (Leblanc Prov. J.) 271§§1, 2
- R. v. Crimeni** (1992), 41 M.V.R. (2d) 205 (B.C. S.C.) (Fisher J.) 253§8
- R. v. Csada** [1993] A.W.L.D. 68 (C.A.) (Lieberman, McClung, Conrad JJ.A.) 271§14
- R. v. Csincsa** (December 3, 1992), Doc. AR 91-30-00536 (Man. C.A.) (Hubard, Philp, Twaddle JJ.A.) 229§16
- R. v. Curtis** (1991), 3 O.R. (3d) 632 (Gen. Div.) (O'Driscoll J.) 548§8
- R. v. Czarnecki** (1992), 102 Sask. R. 177 (Q.B.) (Matheson J.) 254§7
- R. v. D. (D.)** (1991), 65 C.C.C. (3d) 511 (Ont. C.A.) (Goodman, Grange, Doherty JJ.A.) 274§1
- R. v. D. (D.L.)** (1992), 77 C.C.C. (3d) 426 (Man. C.A.) (Scott, C.J.M., Twaddle, Helper JJ.A.), reversing (1992), 79 Man. R. (2d) 41 (Q.B.)(Oliphant A.C.J.Q.B.) 271§9
- R. v. D. (F.)** (1992), 77 C.C.C. (3d) 575 (Ont. C.A.) (Doherty, Osborne, Abella JJ.A.), reversing (1991), 3 O.R. (3d) 733 (Gen. Div.)(Fitzgerald J.) 153§3
- R. v. D. (G.N.)** (1993), 81 C.C.C. (3d) 65 (Ont. C.A.)(Goodman, Weiler, Austin JJ.A.) 151§9
- R. v. D. (M.S.)** (October 8, 1992) Doc. CA C7020 (Ont. C.A.)(Houlden, Tarnopolsky, Austin JJ.A.) 276§1
- R. v. D. (S.)** (1992), 10 O.R. (3d) 402 (C.A.) (Catzman, Galligan, Labrosse JJ.A.) 271§19, 279§6
- R. v. Defields** (1992), 20 B.C.A.C. 81, 35 W.A.C. 81 (C.A.) (Toy, Taylor, Hollinrake JJ.A.) 271§1
- R. v. Desjardins** [1991] N.W.T.R. 332 (S.C.) (de Weerd J.) 495§15
- R. v. Dickson** (1993), 21 C.R. (4th) 8, 81 C.C.C. (3d) 224 (Y.T. C.A.)(Gibbs, Rowles, Prowse JJ.A.) 276§1
- R. v. Dieffenbaugh** (1993), 80 C.C.C. (3d) 97 (B.C. C.A.)(McEachern C.J.B.C., Hinds, Goldie JJ.A.) 159§4
- R. v. Dlugos** (1992), 100 Sask. R. 133, 18 W.A.C. 133 (C.A.) (Vancise, Gerwing, Sherstobitoff JJ.A.) 495§1
- R. v. Doerkson** (November 24, 1992), Doc. 5496 (Sask. C.A.) (Cameron, Wakeling, Jackson JJ.A.) 271§12
- R. v. Donovan** (1991), 65 C.C.C. (3d) 511 (Ont. C.A.) (Goodman, Grange, Doherty JJ.A.) 43§1
- R. v. Doyle** (1992), 10 O.R. (3d) 439 (Gen. Div.) (Then J.) 84§2, 96§.01, 535§2
- R. v. Dubeau** (1993), 80 C.C.C. (3d) 54 (Ont. Gen. Div.)(Ferguson J.), additional reasons to (December 18, 1992), Doc. No. Whitby 6640191 (Ont. Gen. Div.)(Ferguson J.) .. 84§3
- R. v. Dube** (1990), 37 Q.A.C. 270, [1991] R.L. 8 (C.A.)(Rothman, Baudouin, Dussault JJ.A.) 37§1
- R. v. Dunn** (1992), 38 M.V.R. (2d) 319 (Ont. Prov. Div.) (Zabel Prov. J.) 259§§5, 7
- R. v. Durham** (1992), 15 C.R. (4th) 45, 76 C.C.C. (3d) 219 (Ont. C.A.) (Brooke, Arbour, Doherty JJ.A.), reversing (1991), 6 C.R. (4th) 178, 66 C.C.C. (3d) 66 (Ont. Gen. Div.) (Moldaver J.) 84§.01
- R. v. Dussault** (1991), 32 M.V.R. (2d) 27, 50 O.A.C. 358 (C.A.)(Morden, Catzman, Arbour JJ.A.), affirming (September 5, 1989) (Ont. Dist. Ct.)(Kent D.C.J.) 495§20, 254§33
- R. v. Duvivier** (1991), 64 C.C.C. (3d) 20 (Ont. C.A.) (Robins, Catzman, Doherty JJ.A.), affirming (1990), 60 C.C.C. (3d) 353 (Ont. Gen. Div.)(Farley J.) 540§4
- R. v. Duzan** (1993), 79 C.C.C. (3d) 552 (Sask. C.A.)(Bayda C.J.S., Wakeling, Jackson JJ.A.), affirming (1992), 99 Sask. R. 171 (Q.B.)(Matheson J.) 347§2
- R. v. Dwernychuk** (1992), 77 C.C.C. (3d) 385 (Alta. C.A.) (McClung, Bracco, McDonald (ad hoc) JJ.A.), leave to appeal to S.C.C. refused (April 15, 1993), Doc. 23399 (S.C.C.) (Lamer C.J.C., McLachlin, Major JJ.) 258§11
- R. v. E. (R.)** (1992), 77 C.C.C. (3d) 193 (B.C. C.A.) (Lambert, Legg, Prowse JJ.A.) ... 153§3
- R. v. E. (S.)** (1993), 80 C.C.C. (3d) 502 (N.W.T. C.A.)(Lieberman, Hetherington, Stratton JJ.A.) 430§10
- R. v. Eaypaise** (1993), 20 C.R. (4th) 246 (Alta. Q.B.)(MacMahon J.) 34§3
- R. v. F. (J.)** (1992), 78 Man. R. (2d) 305 (C.A.) (Philp, Lyon, Helper JJ.A.) ... 151§8, 271§18
- R. v. Farrell** (1992), 76 C.C.C. (3d) 201 (P.E.I. C.A.)(Carruthers C.J.P.E.I., Mitchell, Mullally JJ.A.) affirming (1991), 34 M.V.R. (2d) 223, 96 Nfld. & P.E.I.R. 86, 305 A.P.R. 86 (P.E.I. T.D.)(McDonald C.J.T.D.) 495§20
- R. v. Faulkner** (1992), 43 M.V.R. (2d) 27, 84 Man. R. (2d) 158 (Q.B.)(Hewak C.J.Q.B.) 259§5
- R. v. Ferry** (1992), 18 C.R. (4th) 221 (Ont. Gen. Div.) (Clarke J.) 229§14
- R. v. Fisher** (1992), 74 C.C.C. (3d) 29 (Ont. Prov. Div.) (Nicholas J.) ... 121§12.1, 231§11
- R. v. Fisher** (1992), 78 C.C.C. (3d) 458 (Que. C.A.) (Nichols, Chouinard, Fish JJ.A.) 465§11

TABLE OF CASES

R. v. Fitzwilliams (1992), 79 C.C.C. (3d) 81 (Que. C.A.) (Nichols, Brossard, Fish JJ.A.) 85§2

R. v. Fleming (1992), 72 C.C.C.(3d) 133 (Man. Q.B.) (Wright J.) 478§2

R. v. Formosa (1992), 79 C.C.C. (3d) 95 (Ont. C.A.) (Blair, Osborne, Doherty JJ.A.) ... 84§1

R. v. Frappier (1992), 38 M.V.R. (2d) 174, 98 Nfld. & P.E.I.R. 238, 311 A.P.R. 238 (Nfld. T.D.)(Barry J.) 249§9

R. v. Fraser (1991), 29 M.V.R. (2d) 288, 102 N.S.R. (2d) 313, 279 A.P.R. 313 (C.A.) (Jones, MacDonald, Freeman JJ.A.) 495§20

R. v. Fraser (1993), 80 C.C.C. (3d) 539 (B.C. C.A.) 495§20

R. v. Fry (1991), 126 A.R. 12, 40 M.V.R. (2d) 59 at 67 (Q.B.)(Dixon J.), reversed (1992), 125 A.R. 392, 40 M.V.R. (2d) 59 (C.A.) (Harradence, Hetherington, Stratton JJ.A.) 258§5

R. v. Furlong (1990), 87 Nfld. & P.E.I.R. 229, 271 A.P.R. 229 (Nfld. T.D.) (Riche J.) 145§17

R. v. G. (J.H.K.) (1991), 92 Nfld. & P.E.I.R. 99, 287 A.P.R. 99 (P.E.I. T.D.) (MacDonald J.) 540§2

R. v. Gaetz (1992), 77 C.C.C.(3d) 445 (N.S. C.A.) (Jones, Chipman, Freeman JJ.A.) 380§§4, 5, 6

R. v. Gagnon (1993), 80 C.C.C. (3d) 508 (Alta. Q.B.)(Veit J.) 462.37§2

R. v. Gamey (1993), 80 C.C.C. (3d) 117 (Man. C.A.)(Huband, Philp, JJ.A.) 429§4

R. v. Ganton (1992), 77 C.C.C.(3d) 259 (Sask. C.A.) (Tallis, Vancise, Wakeling JJ.A) 229§§13, 15, 231§8

R. v. Gauthier (1992), 11 C.R.R. (2d) 186 (Man. Prov. Ct.) (Corrin Prov. J.) 495§20

R. v. George (1991), 69 C.C.C.(3d) 148 (Ont. C.A) (Goodman, Tarnopolsky, Carthy JJ.A.) 540§3

R. v. Giesbrecht (1993), 20 C.R. (4th) 73 (Man. C.A.)(Scott C.J.M., Philp, Helper JJ.A.) 16§5

R. v. Gillis (1993), 43 M.V.R.(2d) 236, 138 A.R. 300 (Q.B.)(Perras J.) 253§19, 254§29

R. v. Girard (1993), 44 M.V.R. (2d) 119, 119 N.S.R. (2d) 110, 330 A.P.R. 110 (C.A.)(Hallett, Chipman, Freeman JJ.A.) 259§17

R. v. Goforth (1991), 98 Sask. R. 26 (Q.B.) (Hunter J.) 43§1

R. v. Graham (1992), 112 N.S.R. (2d) 356, 307 A.P.R. 356 (Prov. Ct.)(Archibald Prov. J.) 249§5

R. v. Greenbaum, [1993] 1 S.C.R. 674, 9 C.R. (4th) 329, 79 C.C.C. (3d) 158 (La Forest, L'Heureux-Dubé, Sopinka, Gonthier, Cory, McLachlin, Iacobucci JJ.), reversing (1991), 3 C.R. (4th) 195, 62 C.C.C. (3d) 147 (sub nom. R. v. Sharma)(Ont.C.A.)(Dubin C.J.O., Arbour, Osborne JJ.A.) 129§7

R. v. Green (1991), 108 N.S.R. (2d) 181, 294 A.P.R. 181 (Prov. Ct.)(Batiot Prov. J.) 253§11

R. v. Greupner (1992), 102 Sask. R. 112 (Q.B.) (Noble J.) 254§13

R. v. Grey (1993), 19 C.R. (4th) 363 (Ont. Prov. Ct.)(Lane Prov. J.) 145§17

R. v. H. (J.S.) (March 17, 1993), Doc. 02755, 02785 (N.S. C.A.)(Jones, Hallett, Roscoe JJ.A.), reversing (1992), 114 N.S.R. (2d) 48, 313 A.P.R. 48 (Prov. Ct.) 159§4

R. v. H. (R.) (1992), 77 C.C.C.(3d) 198 (Ont. C.A.) (Finlayson, Griffiths, Osborne JJ.A) 85§6

R. v. Habib [1992] A.W.L.D. 871 (Alta. C.A.) (Fraser C.J.A., Conrad, Hetherington JJ.A.) 210§1

R. v. Hagerman (1992), 41 M.V.R. (2d) 86 (Alta. Prov. Ct.) (Horrocks Prov. J.) 259§4

R. v. Halcrow (1993), 80 C.C.C. (3d) 320 (B.C. C.A.)(Toy, Southin, Goldie JJ.A.) 43§1

R. v. Hale (1992), 17 C.R. (4th) 241 (N.S. Co. Ct.) (Bateman Co. Ct. J.) 264.1§3

R. v. Handregan (1991), 97 Nfld. & P.E.I.R. 90, 308 A.P.R. 90 (P.E.I. C.A.) (Carruthers C.J.P.E.I., Mitchell J.A., McMahon J.) 548§13

R. v. Hartlin (1991), 35 M.V.R. (2d) 252, 109 N.S.R. (2d) 68, 297 A.P.R. 68 (Co. Ct.)(Bateman Co. Ct. J.) 495§20

R. v. Hasselwander (1993), 20 C.R. (4th) 277 (S.C.C.) (Lamer, C.J.C., La Forest, Gonthier, Cory, Major JJ.), reversing (1991), 9 C.R. (4th) 281, 67 C.C.C. (3d) 426 (Ont. C.A.)(Goodman, Tarnopolsky, Carthy JJ.A.) 84§3

R. v. Hawrish (1991), 95 Sask. R. 100 (Q.B.) (Grotsky J.) 322§2, 380§2, 400§1, 548§2

R. v. Heywood (1992), 18 C.R. (4th) 63, 77 C.C.C. (3d) 502 (B.C. C.A.) (Hutcheon, Southin, Rowles JJ.A.), reversing (1991), 65 C.C.C. (3d) 46 (B.C. S.C.)(Melvin J.), leave to appeal to S.C.C. granted (May 27, 1993), Doc. 23384 (S.C.C.) (Lamer C.J.C., McLachlin, Major JJ. 19§1, 179§4

R. v. Hodge (1993), 80 C.C.C. (3d) 189 (N.B. C.A.)(Hoyt C.J.N.B., Angers, Rice JJ.A.) 495§1

R. v. Hollett (1993), 79 C.C.C. (3d) 522 (N.S. T.D.)(Goodfellow J.[In Chambers]) 153§2

R. v. Hollis (1992), 17 C.R. (4th) 211, 76 C.C.C. (3d) 421 (B.C. C.A.)(Carrothers, Wood, Gibbs JJ.A.), reversing (1991), 31 M.V.R. (2d) 19 (B.C. S.C.)(Oppal J.) 254§35, 495§20

R. v. Holt (1992), 126 A.R. 269 (Q.B.) (Shannon J.) 265§8, 267§13

R. v. Howson (1992), 40 M.V.R. (2d) 41 (Ont. Prov. Div.) (White Prov. J.) 254§14.1

R. v. Huard (1992), 40 M.V.R. (2d) 118 (Ont. Gen. Div.) (Stach J.) 254§35, 495§20

R. v. Hundal (1993), 19 C.R. (4th) 169, 79 C.C.C. (3d) 97 (S.C.C.) (Lamer, C.J.C., La For-

TABLE OF CASES

- est, Cory, L'Heureux-Dubé, McLachlin, Sopinka, Gonthier, Iacobucci JJ.), affirming (1991), 6 C.R. (4th) 215, 63 C.C.C. (3d) 214 (B.C. C.A.)(Lambert, Locke, Legg JJ.A.) 249§§8, 9, 11, 15
- R. v. Hunt** (1992), 77 Man. R. (2d) 234 (Q.B.) (Darichuk J.) 380§1
- R. v. Ingram** (October 7, 1992), Doc. 5550 (Sask. C.A.) (Cameron, Vancise, Wakeling JJ.A.) 37§1
- R. v. Isbister** (October 27, 1992), Doc. 5668 (Sask. C.A.) (Cameron, Vancise, Wakeling JJ.A.) 271§3
- R. v. J. (G.A.)** (1993), 80 C.C.C. (3d) 199 (N.S. C.A.)(Clarke C.J.N.S., Chipman, Roscoe JJ.A.) 150.1§3, 151§4
- R. v. J. (S.G.)** (1992), 77 C.C.C. (3d) 472 (B.C. C.A.) (Hinkson, Toy, Taylor JJ.A.) 450§2
- R. v. Johnson** (1991), 96 Sask. R. 1 (Q.B.)(Barclay J.) 254§34
- R. v. Jopowicz** (1992), 11 B.C.A.C. 42, 22 W.A.C. 42 (C.A.) (Legg, Hollinrake, Rowles JJ.A.) 464§1
- R. v. K. (V.)** (1991), 4 C.R. (4th) 338, 68 C.C.C. (3d) 18 (B.C. C.A.) (Hutcheon, Wood, Gibbs JJ.A.) 271§17, 274§1
- R. v. Kandola** (1993), 80 C.C.C. (3d) 481 (B.C. C.A.)(McEachern C.J.B.C., Proudfoot, Wood JJ.A.) 34§2, 222§3
- R. v. Keating** (1992), 76 C.C.C. (3d) 570 (N.S. C.A.) (Clarke, C.J.N.S., Hallett, Matthews JJ.A.) 41§1
- R. v. Kenny** (1992), 94 Nfld. & P.E.I.R. 181, 298 A.P.R. 181 (Nfld. T.D.) (Barry J.) 271§18
- R. v. Kerrison** (1991), 114 A.R. 394 (Prov. Ct.) (McMeekin Prov. J.) 254§35
- R. v. Kilty** (1992), 38 M.V.R. (2d) 292 (Ont. Gen. Div.)(Clarke J.) 258§20
- R. v. Kim** (1991), 116 A.R. 307 (Prov. Ct.) (Ven de Veen Prov. J.) 254§33, 495§20
- R. v. King** (1992), 74 C.C.C. (3d) 191 (P.E.I. C.A.) (Carruthers, C.J.P.E.I., Mitchell J.A., Matheson J.), affirming (1992), 97 Nfld. & P.E.I.R. 269, 308 A.P.R. 269 (P.E.I. T.D.)(MacDonald C.J.T.D.) 488.1§1
- R. v. Kirk** (October 7, 1992), Doc. CA C10989 (Ont. C.A.) (Houlden, Tarnopolsky, Austin JJ.A.), leave to appeal to S.C.C. refused (February 18, 1993), Doc. 23293 (S.C.C.)(Lamer C.J.C., McLachlin, Iacobucci JJ.) ... 267§§1, 2
- R. v. Klassen** (1992), 41 M.V.R. (2d) 95 (Ont. Gen. Div.)(Caswell J.) 254§33, 495§20
- R. v. Kreutzer** (1991), 65 C.C.C. (3d) 395 (B.C. S.C.) (MacDonald J.) 253§12
- R. v. L. (S.R.)** (1992), 16 C.R. (4th) 311, 76 C.C.C. (3d) 502 (Ont. C.A.) (Morden, Osborne and Doherty JJ.A.) 268§§3, 5.1
- R. v. L. (W.K.)** [1991] 1 S.C.R. 1091, 6 C.R. (4th) 1, 64 C.C.C. (3d) 321 (Cory, L'Heureux-Dubé, McLachlin, Sopinka, Stevenson, Gonthier, Iacobucci JJ.), affirming (1989), 51 C.C.C. (3d) 297 (B.C. C.A.)(Carrothers, Southin, Legg JJ.A.) 271§9
- R. v. Laba** (1992), 15 C.R. (4th) 198, 74 C.C.C. (3d) 538 (Ont. C.A.)(Robins, Tarnopolsky, Labrosse JJ.A.), reversing in part (1990), 62 C.C.C. (3d) 375 (Ont. Gen. Div.)(Boissonneault J.), leave to appeal granted (1993), 78 C.C.C. (3d) vi (note) (sub nom. R. v. Johnson)(S.C.C.)(Sopinka, McLachlin, Iacobucci JJ.) 394§3
- R. v. Lacey** (1992), 113 N.S.R. (2d) 348, 309 A.P.R. 348 (Co. Ct.) (Macdonnell Co. Ct. J.) 258§20
- R. v. Langdon** (1992), 74 C.C.C. (3d) 570 (Nfld. C.A.) (Goodridge C.J.N., Gushue, Steele JJ.A.) 254§14.1
- R. v. Langlois** (1993), 19 C.R. (4th) 87, 80 C.C.C. (3d) 28 (Que. C.A.)(Tyndale, Mailhot, Fish JJ.A.) 17§5
- R. v. Laniel Canada Inc.** (1991), 63 C.C.C. (3d) 574 (Que. C.A.) (Jacques, Rothman, Proulx JJ.A.), leave to appeal to S.C.C. refused (1991), 67 C.C.C. (3d) vi (note) (S.C.C.)(L'Heureux-Dubé, Gonthier, Iacobucci JJ.) 207§2
- R. v. Latulippe** (November 26, 1992), Doc. CA C6029 (Ont. C.A.) (Brooke, Houlden, Doherty JJ.A.) 202§8
- R. v. Lawrence** (1992), 74 C.C.C. (3d) 495 (Alta. Q.B.)(Cooke J.), affirmed (May 6, 1993) (Alta. C.A.) (McClung, Belzil, Cote JJ.A.) 31§2, 175§7
- R. v. Lawrence** (1993), 81 C.C.C. (3d) 159 (Alta. C.A.)(McClung, Belzil, Cote JJ.A.), affirming (1992), 74 C.C.C. (3d) 495 (Alta. Q.B.)(Cooke J.) 175§17
- R. v. Le** (1992), 76 C.C.C. (3d) 274 (Alta. C.A.) (Kerans, McDonald, Forsyth JJ.A.) 346§9, 450§2.1
- R. v. Leaney** (1991), 82 Alta. L.R. 63, [1991] 6 W.W.R. 314, 117 A.R. 202 (C.A.) (McClung, Cote, JJ.A., Wachowich J.) 343§9
- R. v. Lee** (1990), 61 C.C.C. (3d) 283 (Ont. Gen. Div.)(Then J.) 548§5
- R. v. Lefaive** (1992), 18 C.R. (4th) 239 (Ont. Gen. Div.)(Zuber J.) 258§§20, 29
- R. v. Legg** (1993), 80 C.C.C. (3d) 315 (N.S. S.C.) 537§6
- R. v. Legros** (1992), 77 C.C.C. (3d) 353 (sub nom. United States of America v. Legros) (N.S. T.D.)(MacAdam J.) 539§2
- R. v. Leitch** (1992), 18 C.R. (4th) 224 (Alta. Prov. Ct.)(Pepler Prov. J.) .. 129§3, 495§15.2
- R. v. Lemoine** (1992), 113 N.S.R. (2d) 361, 309 A.P.R. 361 (Prov. Ct.)(Batiot Prov. J.) 129§6, 265§12
- R. v. Light** (1992), 78 C.C.C. (3d) 221 (B.C. C.A.) (Hutcheon, Wood, Rowles JJ.A.) 21§§14, 16

TABLE OF CASES

R. v. Lundgard (1991), 63 C.C.C.(3d) 368 (Alta. C.A.) (Laycraft, C.J.A., McClung, Picard J.J.A.), affirming [1990] A.W.L.D. 228 (Prov. Ct.)(Reimer Prov. J.), leave to appeal to S.C.C. refused (1991), 66 C.C.C. (3d) vi (note) (S.C.C.) (Lamer C.J.C., LaForest, McLachlin J.J.) 441§1

R. v. M.(D.E.S.) (1993), 21 C.R. (4th) 55, 80 C.C.C. (3d) 371 (B.C. C.A.)(McEachern C.J.B.C., Taylor, Proudfoot, Wood, Goldie J.J.A.) 151§11

R. v. M.(G.) (1992), 77 C.C.C.(3d) 310 (Ont. C.A.) (Carthy, Osborne, Abella J.J.A.) 271§21

R. v. M.(M.L.) (1992), 16 C.R. (4th) 224, 78 C.C.C.(3d) 318 (N.S.C.A.) (Chipman, Roscoe, Freeman J.J.A.) 265§10.1

R. v. M.(M.L.) (1992), 18 C.R. (4th) 186, 78 C.C.C. (3d) 318 (N.S. C.A.) (Chipman, Roscoe, Freeman J.J.A.), leave to appeal to S.C.C. granted (May 27, 1993), Doc. 23385 (S.C.C.)(Lamer C.J.C., McLachlin, Major J.J.) 271§4

R. v. M.(P.S.) (1992), 77 C.C.C.(3d) 402 (Ont. C.A.) (Morden, A.C.J.O., Tarnopolsky, Doherty J.J.A.) 275§1

R. v. M.(R.S.) (1991), 10 C.R. (4th) 121, 69 C.C.C.(3d) 223 (P.E.I. C.A.)(Carruthers, C.J.P.E.I., Mitchell, McMahon J.J.A.), reversing (1990), 89 Nfld. & P.E.I.R.38, 278 A.P.R. 38 (P.E.I. T.D.) (McQuaid J.) 150.1§5

R. v. M. (T.J) (August 12, 1992), Doc. CA C6697 (Blair, Goodman, Griffiths J.J.A.) 271§1

R. v. M.(W.H.) (1990), 87 Nfld. & P.E.I.R. 339, 271 A.P.R. 339 (P.E.I. C.A.) (Carruthers, C.J.P.E.I., McMahon, McQuaid J.J.A.), affirmed [1992] 1 S.C.R. 984 (La Forest, Cory, McLachlin, Sopinka, Stevenson, Gonthier, Iacobucci J.J.) 271§17

R. v. MacIntyre (November 17, 1992), Doc. Edmonton Appeal 9203-0444-A3, 9203-0443-A2 (Alta. C.A.) (Fraser C.J.A., Wachowich, Mc Bain J.J.A.) 266§2

R. v. MacKay (1992), 16 C.R. (4th) 351 (B.C. C.A.) (McEachern, C.J.B.C., Cumming, Hollinrake J.J.A.), leave to appeal to S.C.C. refused (February 18, 1993), Doc. 23294 (S.C.C.) (Lamer C.J.C., McLachlin, Iacobucci J.J.) 231§3

R. v. MacLeod (1991), 96 Nfld. & P.E.I.R. 245, 305 A.P.R. 245 (P.E.I.T.D.) (MacDonald C.J.T.D.) 236§2

R. v. Madsen (1992), 43 M.V.R. (2d) 31 (B.C. S.C.)(Owen-Flood J.) 254§32, 495§19

R. v. Maher [1993] N.W.T.R. 33 (S.C.) (Vertes J.) 271§16

R. v. Mandeville (1993), 18 C.R. (4th) 111, 79 C.C.C. (3d) 183 (N.W.T. S.C.) (de Weerd J.), additional reasons at 18 C.R. (4th) 111 at 120 (N.W.T. S.C.)(de Weerd J.) 271§14

R. v. Matheson (1992), 78 C.C.C. (3d) 70 (P.E.I. C.A.) (Carruther C.J.P.E.I., Mitchell, Mullally J.J.A.), affirming (1992), 102 Nfld. & P.E.I.R. 210, 323 A.P.R. 210 (P.E.I. T.D.) (Des Roches J.) 254§33, 495§20

R. v. Maynes (1991), 122 A.R. 310 (Prov. Ct.) (Porter Prov. J.) 129§7, 495§2

R. v. McColeman (1991), 5 B.C.A.C. 128, 11 W.A.C. 128 (McEachern, C.J.B.C., Toy, Goldie J.J.A.) 495§20

R. v. McDougall (1992), 105 Sask. R. 71, 32 W.A.C. 71 (C.A.) (Tallis, Vancise, Shertstobitoff J.J.A.) 380§17

R. v. McKay (1992), 13 C.R. (4th) 315 (B.C. C.A.) (Taylor, Gibbs, Rowles J.J.A.) 144§3

R. v. McLaughlin (1992), 128 A.R. 69 (Prov. Ct.)(Fradsham J.) 213§2

R. v. McLean (1991), 33 M.V.R. (2d) 111 (Alta. Prov. Ct.) (Patterson Asst. C. Prov. J.) 495§20

R. v. McMullen (1992), 36 M.V.R. (2d) 190 (Ont.Prov. Ct.)(Main Prov. J.), affirmed (February 22, 1993), Doc. Barrie 2868 (Ont. Gen. Div.)(Tobias J.) 254§30

R. v. Medernach (1991), 92 Sask. R. 26 (Q.B.) (Wedge J.) 495§20

R. v. Melanson (1992), 122 N.B.R. (2d) 358, 306 A.P.R. 358 (Q.B.)(Creaghan J.) 258§11

R. v. Melaragni (1992), 76 C.C.C. (3d) 78 (Ont. Gen. Div.) (Moldaver J.) 34§5, 265§§1, 2, 268§3

R. v. Mellenthin [1992] 3 S.C.R. 615, 16 C.R. (4th) 273, 76 C.C.C. (3d) 481 (Sopinka, Gonthier, Cory, McLachlin, Iacobucci J.J.), reversing (1991), 80 Alta. L.R. (2d) 193, [1991] 5 W.W.R. 519, 117 A.R. 165 (C.A.)(McClung, Kerans, McFadyen (ad hoc) J.J.A.) 254§31

R. v. Menmuir (1991), 109 N.S.R. (2d) 271, 297 A.P.R. 271 (C.A.) (Hart, Jones, Matthews J.J.A.) 348§11

R. v. Mercure (1992), 78 C.C.C.(3d) 476 (Que. C.A.) (Beauregard, Rousseau-Houle, Deschamps J.J.A.) 507§2

R. v. Messervey (1991), 96 Nfld. & P.E.I.R. 305 (sub nom. R. v. Messervey (No. 1), 305 A.P.R. 305 (Nfld. Prov. Ct.) (LeBlanc Prov. J.) 495§20

R. v. Mills (1992), 16 C.R. (4th) 390, 77 C.C.C. (3d) 318 (Man. C.A.) (O'Sullivan, Huband, Helper J.J.A.) 182§1

R. v. Misasi (1993), 79 C.C.C. (3d) 339 (Ont. C.A.)(Dubin C.J.O., Finlayson, Carthy J.J.A.) 254§6

R. v. Mohamed (1991), 64 C.C.C.(3d) 1 (B.C. C.A.) (Taggart, Wood, Gibbs J.J.A.) 34§4

R. v. Monaghan (1992), 91 Nfld. & P.E.I.R. 87, 286 A.P.R. 87 (P.E.I. C.A.) (Carruthers, C.J.P.E.I., Mitchell, McMahon J.J.A.), affirming (1991), 89 Nfld. & P.E.I.R. 29, 278 A.P.R. 29 (P.E.I. T.D.)(Macdonald C.J.T.D.) 548§2

TABLE OF CASES

- R. v. Moran* (1992), 77 C.C.C.(3d) 300 (Ont. C.A.) (Grange, Finlayson, Abella JJ.A.) 271§17
- R. v. Morgan* (1993), 80 C.C.C. (3d) 16 (Ont. C.A.)(Krever, Labrosse, Doherty JJ.A.) 21§2
- R. v. Morin* [1992] 3 S.C.R. 286, 16 C.R. (4th) 291, 76 C.C.C. (3d) 193(Lamer C.J.C., La Forest, L'Heureux-Dubé, Sopinka, Gonthier, Cory, McLachlin, Stevenson and Iacobucci JJ.), reversing (1991), 30 M.V.R. (2d) 92, 117 A.R. 36 (C.A.)(Laycraft C.J.A., Foisy, Fraser JJ.A.) 249§5
- R. v. Muise* (1992), 115 N.S.R. (2d) 34, 314 A.P.R. 34 (Co. Ct.) (Haliburton J.) 84§3, 495§1
- R. v. Murphy* (1993), 43 M.V.R.(2d) 282, 135 A.R. 193 (C.A.)(Stratton, Holmes, Veit JJ.A.) 249§14
- R. v. Noble* (1992), 12 B.C.A.C. 155, 23 W.A.C. 155 (C.A.) (Seaton, Toy, Rowles JJ.A.) 267§8
- R. v. O'Brien* (1991), 28 M.V.R. (2d) 226, 89 Nfld. & P.E.I.R. 65, 278 A.P.R. 65 (Nfld. T.D.)(Roberts J.) 254§35
- R. v. O'Brien* (1992), 117 N.S.R. (2d) 48, 324 A.P.R. 48 (N.S. C.A.) (Hallett, Mathews, Chipman JJ.A.) 271§18
- R. v. Oommen* (1993), 21 C.R. (4th) 117 (Alta. C.A.)(Fraser C.J.A., Kerans, Cote JJ.A.) 16§5, 34§5
- R. v. Osborne* (1992), 17 C.R. (4th) 350 (Nfld. C.A.) (Goodridge, C.J.N., O'Neill, Steele JJ.A.) 150.1§3
- R. v. P. (A.V.)* (1992), 105 Sask. R. 95, 32 W.A.C. 95 (C.A.) (Tallis, Vancise, Wakeling JJ.A.) 271§14
- R. v. P. (C.)* (1992), 74 C.C.C.(3d) 481 (B.C. C.A.) (McEachern C.J.B.C., Southin, Goldie JJ.A.) 271§§12, 17
- R. v. P. (D.K.)* (1991), 5 B.C.A.C. 302, 11 W.A.C. 302 (Lambert, Toy, Cumming JJ.A.) 346§3
- R. v. P. (H.)* (1992), 15 C.R. (4th) 121 (Ont. Gen. Div.) (Salhany J.) 271§§9, 17, 275§1
- R. v. P. (I.)* (1992), 74 C.C.C.(3d) 93 (B.C. C.A.) (McEachern C.J.B.C., Southin, Gibbs JJ.A.) 271§18
- R. v. Partington* (1992), 37 M.V.R. (2d) 51 (B.C. S.C.) (Robinson J.) 254§30
- R. v. Perreault* (1992), 75 C.C.C. (3d) 425 (Que. C.A.) (Nichols, Gendreau, Baudouin JJ.C.A.), leave to appeal to S.C.C. refused (1993), 77 C.C.C. (3d) vi (note) (S.C.C.) (LaForest, Sopinka, Cory JJ.) 122§§1, 3, 4
- R. v. Petel* (1993), 78 C.C.C.(3d) 543 (Que. C.A.) (McCarthy, LeBel, Proulx JJ.A.) ... 34§4
- R. v. Pierrot* (1993), 20 C.R. (4th) 196, 80 C.C.C. (3d) 1 (Alta. C.A.)(Harradence, Belzil, Irving JJ.A.) 21§3
- R. v. Pike* (1992), 77 C.C.C.(3d) 155 (Nfld. C.A.) (Goodridge, C.J.N., O'Neill, Steele JJ.A.), reversing (1990), 87 Nfld. & P.E.I.R. 12, 271 A.P.R. 12 (Nfld. T.D.)(Schwartz J.) 540§10, 548§16
- R. v. Pitt* [1993] 1 S.C.R. 466, 79 C.C.C. (3d) 405 (Gonthier, Cory, McLachlin, Iacobucci, Major JJ.), affirming (1992), 61 O.A.C. 330 (Grange, Galligan, Austin JJ.A.) 271§12
- R. v. Plasko* (1991) 38 M.V.R. (2d) 233 (Ont. Prov. Div.) (Stone Prov. J.) ... 21§14, 249§7.1
- R. v. Power* (1992), 114 N.S.R. (2d) 342, 313 A.P.R. 342 (Co. Ct.) (Bateman Co. Ct. J.), reversed (May 26, 1993), Doc. C.A.C. 02750 (N.S. C.A.) (Freeman, Matthews, Hart JJ.) 122§§1, 10
- R. v. Profit* (1992), 16 C.R. (4th) 332 (Ont. C.A.) (Blair, Goodman, Griffiths JJ.A.) 151§9
- R. v. Prosper* (1992), 75 C.C.C. (3d) 1 (N.S. C.A.)(Chipman, Jones, Freeman JJ.A.) 495§20
- R. v. Proulx* (1993), 81 C.C.C. (3d) 57 (Que. C.A.) 495§§2, 4
- R. v. Pruim* (1991), 77 Man. R. (2d) 300 (Q.B.) (Oliphant A.C.J.Q.B.) 495§1
- R. v. Quickfall* (1993), 78 C.C.C.(3d) 563 (Que. C.A.) (McCarthy, LeBel, Proulx JJ.A.) 430§2
- R. v. Quillian* (1991), 122 A.R. 131 (Q.B.) (Egbert J.) 495§1
- R. v. Quinn* (1991), 121 A.R. 270 (Q.B.)(Deyell J.) 254§33, 495§20
- R. v. Racine* [1993] A.W.L.D. 151 (C.A.) (McClung, Harradence, Irving JJ.A.) ... 271§7
- R. v. Rajic* (1993), 21 C.R. (4th) 208, 80 C.C.C. (3d) 533 (Ont. C.A.)(Tarnopolsky, McKinlay and Carthy JJ.A.) 249§15
- R. v. Rankin* (1991), 34 M.V.R. (2d) 19, (sub nom. *R. v. Rankin* (No 2.)), 96 Nfld. & P.E.I.R. 117, 305 A.P.R. 117 (P.E.I. T.D.) (DesRoches J.) 254§35, 495§20
- R. v. Reddick* (1991), 101 N.S.R. (2d) 437, 275 A.P.R. 437 (C.A.) (Jones, Freeman, Hallett JJ.A.), affirming (1990), 98 N.S.R. (2d) 278, 263 A.P.R. 278 (T.D.)(MacIntosh J.) 495§15.1
- R. v. Reed* (1992), 76 C.C.C. (3d) 204 (B.C. C.A.) (Hutcheon, Toy, Southin JJ.A.) ... 175§7
- R. v. Reutov* (1992), 38 M.V.R. (2d) 189 (Alta. Prov. Ct.) (Nemirsky Prov. J.) 258§19
- R. v. Richardson* (1992), 43 M.V.R. (2d) 112, 10 O.R. (3d) 794 (Gen. Div.)(Howden J.) 254§34, 495§19
- R. v. Richardson* (1992), 74 C.C.C.(3d) 15 (Ont. C.A.) (Finlayson, Carthy, Galligan JJ.A.) 271§17
- R. v. Richard* (1993), 43 M.V.R. (2d) 144, 12 O.R. (3d) 260 (Prov. Div.)(Paris J.) 254§§6, 7

TABLE OF CASES

R. v. Riley (1992), 11 O.R. (3d) 151 (C.A.) (Finlayson, Griffiths, Osborne JJ.A.), leave to appeal to S.C.C. refused (May 27, 1993), Doc. 23386 (S.C.C.)(Lamer C.J.C., McLachlin, Major JJ.) 271§17

R. v. Riopelle (1992), 40 M.V.R. (2d) 29 (Ont. Prov. Div.) (Masse Prov.J.) 255§5

R. v. Robinson (1991), 96 Sask. R. 220 (Q.B.) (Wedge J.) 150.1§5, 153§7

R. v. Robinson (1992), 41 M.V.R. (2d) 89 (B.C. S.C.) (Leggatt J.) 254§33, 495§20

R. v. Rowbotham (1992), 76 C.C.C.(3d) 542 (Ont. C.A.) (Grange, Labrosse, Austin JJ.A.) 465§8

R. v. Ryan (1993), 80 C.C.C. (3d) 514 (B.C. C.A.)(McEachern C.J.B.C., Hutcheon, Prowse JJ.A.), affirming [1991] B.C.W.L.D. 91 (S.C.)(Fraser J.) 271§§4, 7

R. v. S.(L.) (1991), 69 C.C.C.(3d) 467 (Sask. Q.B.) (Goldenberg J.) 535§3, 548§2

R. v. S.(S.E.) (1992), 100 Sask. R. 110 (C.A.) (Vancise, Sherstobitoff, Jackson JJ.A.) 21§14, 271§8.1

R. v. Sachinidis (1992), 40 M.V.R. (2d) 165 (B.C. C.A.)(McEachern C.J.B.C., Wood, Goldie JJ.A.) 249§14

R. v. Samuelson (1992), 125 N.B.R. (2d) 177, 316 A.P.R. 177 (C.A.) (Angers, Hoyt, Ayles JJ.A.), affirming (1991), 120 N.B.R. (2d) 124, 302 A.P.R. 124 (Q.B.)(Landry J.) 222§3, 234§4

R. v. Sanderson (1992) 41 M.V.R. (2d) 102 (Man. Prov. Ct.) (Giesbrecht J.) 253§11

R. v. Saroya [1993] B.C.W.L.D. 181 (C.A.) (MacEachern, Seaton, Proudfoot JJ.A.) 131§7

R. v. Sarson (1992), 77 C.C.C.(3d) 233 (N.S. C.A.) (Jones, Hart, Chipman JJ.A.) 271§4

R. v. Scopelliti (1981), 63 C.C.C.(2d) 481 (Ont. C.A.)(Martin, Zuber, Weatherson JJ.A.) 34§5

R. v. Seesequasis (1992), 100 Sask. R. 277 (C.A.) (Tallis, Vancise, Wakeling JJ.A.) 231§3

R. v. Senchuk (1991), 29 M.V.R. (2d) 244, 93 Sask. R. 209 (C.A.) , affirming (1991), 27 M.V.R. (2d) 289, 88 Sask. R. 295 (Q.B.) (Bayda S.J.S., Vancise, Gerwing JJ.A.) 495§20

R. v. Shaw [1992] A.W.L.D. 819 (C.A.) (Lieberman, Stratton, Major JJ.A.) 264.1§2

R. v. Shonaman (1992), 126 N.B.R. (2d) 18, 317 A.P.R. 18 (Prov. Ct.) (Brien Prov. J.) 21§§2, 7, 14, 22§6, 348§9, 10

R. v. Skinner (1992), 17 C.R. (4th) 265 (Man. Q.B.) (Scollin J.) 495§20

R. v. Skorbohach (November 9, 1992) Doc. AR 92-30-00692 (Man. C.A.) (Philp, Lyon, Helper JJ.A.) 267§2.1

R. v. Skrepetz (December 10, 1992), Doc. AR 92-30-00865 (Man. C.A.) (Scott C.J.M., Huband, Twaddle JJ.A.) 265§12

R. v. Smart (1992), 14 B.C.A.C. 73, 26 W.A.C. 73 (Toy, Hollinrake, Goldie JJ.A.) 153§8

R. v. Smith (1991), 109 N.S.R. (2d) 394, 297 A.P.R. 394 (Co. Ct.) (Cacchione Co. Ct. J.) 175§5

R. v. Smith (1992), 77 C.C.C.(3d) 182 (Ont. C.A.) (Grange, Finlayson, Abella JJ.A.) 322§4

R. v. Sopko (1991), 74 Man. R. (2d) 34 (Q.B.) (Kroft J.) 336§3

R. v. Sparks (1993), 43 M.V.R. (2d) 228 (N.S. T.D.)(Palameter A.C.J.) 254§35

R. v. Ssenyonga (1992), 73 C.C.C.(3d) 216 (Ont. Prov. Div.) (Livingstone Prov. Div. J.) 180§4, 245§3, 271§§4, 20, 273§1

R. v. St. Jean (November 3, 1992), Doc. 5726 (Sask. C.A.) (Tallis, Gerwing, Jackson JJ.A.), leave to appeal to S.C.C. refused (April 1, 1993), Doc. 23351 (S.C.C.)(Lamer C.J.C., McLachlin, Major JJ.) 267§2

R. v. Stellato (1993), 18 C.R. (4th) 127, 78 C.C.C. (3d) 380 (Ont. C.A.) (Grange, Galligan, LaBrosse JJ.A.) 253§8

R. v. Stephan (1992), 131 A.R. 241, 25 W.A.C. 241 (Alta. C.A.)(Harradence, Hetherington, Irving JJ.A.) 322§3

R. v. Stephens (1993), 43 M.V.R. (2d) 233 (Ont. C.A.)(Tarnopolsky, Finlayson, Weiler JJ.A.) 258§20

R. v. Stevenson (1991), 111 N.S.R. (2d) 313, 303 A.P.R. 313 (Co. Ct.) (Haliburton Co. Ct. J.), affirming (April 2, 1991), Doc. No. P.C. 150221 (N.S. Prov. Ct.)(Nichols Prov. J.) 442§5

R. v. Stojak (1990), 27 M.V.R. (2d) 150 (Man. Prov. Ct.) (Duval Prov. J.) 258§38

R. v. Stone (1991), 34 M.V.R. (2d) 181 (B.C. S.C.)(Robinson J.) 254§33, 495§20

R. v. Sutherland (1992), 102 Sask. R. 92 (Q.B.) (Barclay J.) 495§20

R. v. Tatarchuk (1992), 4 Alta. L.R. 300, [1993] 1 W.W.R. 349, 133 A.R. 6 (Q.B.) (McFadyen J.) 462.42§1

R. v. Tate (October 27, 1992) Doc. AR 91-30-00293 (Man. C.A.) (O'Sullivan, Twaddle, Helper JJ.A.) 34§3

R. v. Theroux (1993), 19 C.R. (4th) 194, 79 C.C.C. (3d) 449 (S.C.C.) (Lamer, C.J.C., La Forest, Cory, L'Heureux-Dubé, McLachlin, Sopinka, Gonthier JJ.), affirming (1990), 61 C.C.C. (3d) 525 (Que. C.A.) (Dubé, Baudouin, Proulx JJ.A.) 380§5

R. v. Thomas (1991), 67 C.C.C.(3d) 81 (Nfld. C.A.) (Goodridge, C.J.N., Mahoney, Steele JJ.A.), affirmed (1993), 78 C.C.C.(3d) 575 (S.C.C.) (Lamer, C.J.C., La Forest, Cory, L'Heureux-Dubé, McLachlin, Gonthier, Iacobucci JJ.) 129§7, 495§2

R. v. Thompson (1992), 16 C.R. (4th) 168, 76 C.C.C. (3d) 142 (Alta. C.A.) (McClung, Bracco JJ.A. McDonald J. (ad hoc)) .. 150.1§2, 151§3

TABLE OF CASES

- R. v. Tollefson** (1992), 40 M.V.R. (2d) 245 (Alta. Q.B.) (Gallant J.) 258§2
- R. v. Tom** (1992), 18 C.R. (4th) 203, 79 C.C.C. (3d) 84 (B.C. C.A.) (Cumming, Wood, Rowles JJ.A.) 270§4
- R. v. Tremblay** (1991), 68 C.C.C.(3d) 439 (Que. C.A.) (Malouf, Brossard, Proulx JJ.A.), reversing (1988), [1989] R.J.Q. 217 (C.M.) (Fontaine J.C.M.) 197§1
- R. v. Trotchie** (1992), 11 Sask. R. 122 (Q.B.) (Hrabinsky J.) 132§6, 380§17
- R. v. Tshernish** (1991), 62 C.C.C.(3d) 382 (Que. C.A.) (Dube, Tyndale, Baudouin JJ.A.) 509§5
- R. v. Tucker** (1992), 96 Nfld. & P.E.I.R. 43, 305 A.P.R. 43 (Nfld. T.D.) (Easton J.) 122§7.1, 380§14, 397§1
- R. v. Tucker** (December 14, 1992), Doc. Edmonton Appeal 9203-0793-A (Alta. C.A.) (Lieberman, McFadyen, Prowse JJ.A.) 334§2
- R. v. Turnbull** (1992), 129 N.B.R. (2d) 256, 325 A.P.R. 256 (C.A.) (Angers, Rice, Ryan JJ.A.) 265§11
- R. v. Vallee** (1992), 42 M.V.R. (2d) 25, 136 A.R. 321 (Q.B.) (Dea J.) 254§5
- R. v. Van Haarlem** (1991), 64 C.C.C.(3d) 543 (B.C.C.A.), affirmed [1992] 1 S.C.R. 982, 71 C.C.C.(3d) 448 (La Forest, McLachlin, Sopinka, Stevenson, Gonthier, Iacobucci JJ.) 495§20
- R. v. Van Oostrom** (1993), 21 C.R. (4th) 1 (Ont. C.A.) (Houlden, McKinlay, Doherty JJ.A.), affirming (1991), 10 C.R.(4th) 137 (Ont. Gen. Div.) (Campbell J.) 276§1
- R. v. Vanboeyen** (1992), 132 A.R. 326, 40 M.V.R. (2d) 13 (Prov. Ct.) (Fradsham Prov. J.) 252§1
- R. v. Vanderteems** (July 7, 1992) Doc. CA C8127 (Ont. C.A.) (Brooke, Lacourciere, McKinlay JJ.A.), affirming (May 13, 1991), Doc. Toronto 0615/89J (Ont. Gen. Div.) (Borins J.) 151§1, 171§1
- R. v. Vanlerberghe** 43 M.V.R.(2d) 285 (B.C. S.C.) (Clancy J.) 219§2
- R. v. Venditti** (1992), 37 M.V.R. (2d) 25 (Ont. Prov. Div.) (MacDonnell Prov. J.) 253§12, 254§35, 495§20
- R. v. Villeneuve** (1992), 77 C.C.C.(3d) 171 (Que. C.A.) (Fish, Rousseau-Houle JJ.A., Chevalier J.) 465§14
- R. v. Voudrack** [1992] N.W.T.R. 264 (S.C.) (Vertes J.) 271§§14, 18.1
- R. v. W. (A.G.)**, [1993] 1 S.C.R. 3, 17 C.R. (4th) 393, 78 C.C.C. (3d) 302 (Lamer, C.J.C., La Forest, L'Heureux-Dubé, Gonthier, Cory, McLachlin, Iacobucci JJ.), affirming (1991), 97 Nfld. & P.E.I.R. 321, 308 A.P.R. 321 (P.E.I. C.A.) (Carruthers C.J.P.E.I., Mitchell, McMahon JJ.A.) 537§6, 548§13
- R. v. W. (C.R.)** (1992), 110 N.S.R. (2d) 311, 299 A.P.R. 311 (N.S. C.A.) (Clarke, C.J.N.S., Matthews, Chipman JJ.A.) 150.1§3, 271§4
- R. v. W. (L.)** [1992] A.W.L.D. 813 (C.A.) (Lieberman, Stratton, Major JJ.A.) 271§17
- R. v. W. (W.R.)** (1992), 15 C.R. (4th) 383, 75 C.C.C. (3d) 525 (B.C. C.A.) (Taggart, Toy, Proudfoot JJ.A.) 495§20
- R. v. Wade** (1992), 42 M.V.R. (2d) 63 (Ont. Gen. Div.) (Logan J.) 254§§6, 16
- R. v. Waite** (1991), 113 A.R. 318 (Alta. C.A.) (Harradence, Kerans, Bracco JJ.A.) 540§4
- R. v. Waite** (1992), 115 N.S.R. (2d) 392, 314 A.P.R. 392 (N.S. C.A.) (Jones, Hallett, Chipman JJ.A.) 229§§7, 13, 495§20
- R. v. Walcot** (1993), 43 M.V.R. (2d) 296 (Ont. Prov. Ct.) (Masse Prov. J.) 259§1
- R. v. Walker** (1992), 120 A.R. 395, 33 M.V.R. (2d) 295 (C.A. (McClung, Harradence, Major JJ.A.) 495§20
- R. v. Walsh** (1991), 89 Nfld. & P.E.I.R. 350, 278 A.P.R. 350 (Nfld. Prov. Ct.) (Handrigan Prov. J.) 254§34, 495§20
- R. v. Warren** (1992), 102 Sask. R. 228 (Q.B.) (Geatros J.) 265§12
- R. v. Weir** (1993), 79 C.C.C. (3d) 538 (N.S. C.A.) (Jones, Chipman, Freeman JJ.A.), affirming (1992), 38 M.V.R. (2d) 119 (N.S. Co.Ct.) (Haliburton Co.Ct.J.) 254§13
- R. v. Wendel** (1992), 78 C.C.C.(3d) 279 (Man. C.A.) (Philp, Twaddle, Lyon JJ.A.) 380§1
- R. v. Westhaver** (1992), 17 C.R. (4th) 401 (N.S. C.A.) (Clarke C.J.N.S., Hart, Freeman JJ.A.) 34§2
- R. v. White** (1992), 17 C.R. (4th) 365 (N.S. Co. Ct.) (Anderson Co. Ct. J.) 213§7
- R. v. Whitney** (1992), 37 M.V.R. (2d) 284 (Y.T. Terr.Ct.) (Lilles C.J. Terr. Ct.) 255§5
- R. v. Whitten** (1991), 110 N.S.R. (2d) 148, 299 A.P.R. 148 (T.D.) (Glube C.J.T.D.) 236§2
- R. v. Whittle** (1992), 78 C.C.C.(3d) 49 (Ont. C.A.) (Goodman, McKinlay, Labrosse JJ.A.) 495§20
- R. v. Williams** (1992), 76 C.C.C. (3d) 385 (B.C. S.C.) (Melnick J.) 495§§1, 20
- R. v. Winston & Holmes** (1992), 5 O.R. (3d) 114 (Gen. Div.) (Sheard J.) 465§8, 490§6
- R. v. Woodley** (1993), 42 M.V.R. (2d) 36 (B.C. C.A.) (Legg, Cumming, Gibbs JJ.A.) 219§2
- R. v. Yaeck** (1991), 10 C.R. (4th) 1, 68 C.C.C. (3d) 545 (Ont. C.A.) (Robins, Griffiths, Osborne JJ. A.), affirming (January 16, 1989) (Ont. H.C.) (Watt J.), leave to appeal to S.C.C. refused (1992), 71 C.C.C. (3d) vii (note) (S.C.C.) (Lamer C.J.C., McLachlin, Iacobucci JJ.) 34§5, 495§20
- R. v. Young** (1990), 99 N.S.R. (2d) 285, 270 A.P.R. 285 (Co.Ct.) (Cacchione Co. Ct. J.) 254§34

TABLE OF CASES

R. v. Young (1992), 78 C.C.C.(3d) 538 (N.S. C.A.) (Clarke, C.J.N.S., Jones, Freeman JJ.A.) 232§2

R. v. Young (1993), 20 C.R. (4th) 81, 81 C.C.C. (3d) 112 (Ont. C.A.)(Catzman, Carthy, Labrosse JJ.A.) 129§1

R. v. Z.(J.S.) (1993), 42 M.V.R.(2d) 6 (Alta. C.A.)(Fraser C.J.A., McClung, Belzil JJ.A.) 249§5

R. v. Zlatic (1993), 19 C.R. (4th) 230, 79 C.C.C. (3d) 466 (S.C.C.) (Lamer, C.J.C., Cory, L'Heureux-Dubé, McLachlin, Sopinka JJ.), affirming (1991), 65 C.C.C. (3d) 86 (Que. C.A.)(Tyndale, Gendreau, Proulx JJ.A.) 380§5

Rodriguez v. British Columbia (Attorney-General) (1993), 79 C.C.C. (3d) 1 (B.C. C.A.)(McEachern C.J.B.C., Proudfoot, Hollinrake JJ.A.), leave to appeal to S.C.C. granted (1993), 76 B.C.L.R. (2d) xxx (note) (S.C.C.)(Lamer C.J.C., McLachlin, Major JJ.) 241§§3, 4

S.(M.), Re (1992), 5 Alta. L.R. (3d) 29, 134 A.R. 155 (sub nom. R. v. S.(M.)) (Prov. Ct.) (Leveque Prov. J.) 219§8

Shah v. British Columbia (1992), 17 C.R. (4th) 314 (B.C. C.A.) (Rowles J.A. (in Chambers)) 462.37§1

Société Radio-Canada v. Quebec (Procureur General) (1992), 78 C.C.C.(3d) 175 (Que. C.A.) (Vallerand, Brossard, Proulx JJ.A.) 490§2

Southam Inc. c. Canada (Procureure générale) (1992), 11 C.R.R. (2d) 116 (sub nom. Southw Inc. v. Canada (Attorney General)), [1992] R.J.Q. 1883 (C.S.) (Viau J.) 542§2

Videotron Ltée v. Industries Microlec Produits Electroniques Inc. [1992] 2 S.C.R. 1065, 76 C.C.C. (3d) 289 (Lamer, C.J.C., La Forest, L'Heureux-Dubé, Gonthier, Stevenson JJ.), affirming (1990), 56 C.C.C. (3d) 436 (C.A. Que.) (McCarthy, Brossard, Proulx JJ.C.A.) 9§§1, 18

PART I

GENERAL

Section 6 Presumption of innocence

ANNOTATIONS AND ARTICLES

37. Libman, R., *Analysis of the Case Law* (1989), 1 J.M.V.L. 198
38. Watson, J., *The Golden Thread Turns Whyte: R. v. Whyte* (1989), 1 J.M.V.L. 51
39. Whitten, A.C.R., *Presumption of Blood/Alcohol Level At Time of Driving: R. v. Phillips* (1989), 1 J.M.V.L. 25
40. Libman, R., *Analysis of the Case Law* (1990), 2 J.M.V.L. 108
41. Libman, R., *Analysis of the Case Law* (1990), 2 J.M.V.L. 261
42. Starkman, B., *Section 48(3) of the Ontario Provincial Offences Act: Do We Presume It Creates A Presumption? — R. v. Horvath* (1990), 2 J.M.V.L. 233
43. Battersby, J.A., Annotation — *R. v. Ladouceur* (1991), 3 J.M.V.L. 79
44. Libman, R., *The Defence of Drinking and Driving Offences: Too Drunk to Drive; Too Drunk for a Defence?* (1991), 3 J.M.V.L. 16
45. Page, J., *The Constitutional Validity of Sections 34, 35 and 184(3) of the Highway Traffic Act of Ontario* (1991), 3 J.M.V.L. 115
46. Watson, J., *Take the Bus for Awhile: The Offence of Disqualified Driving* (1991), 3 J.M.V.L. 235
47. Delisle, R.J., *When Do Evidential Burdens Violate Section 11(d)?* (1992), 13 C.R. (4th) 161
48. Gold, A.D., *Annual Review of Criminal Law 1992*
49. Manson, A., *Kindler and the Courage to Deal with American Convictions* (1992), 8 C.R. (4th) 68
50. Ruby, C., & Jull, K., *The Charter and Regulatory Offences: A Wholesale Revision* (1992), 14 C.R. (4th) 226
51. Stuart, D., *Wholesale Travel: Presuming Guilt for Regulatory Offences is Constitutional but Wrong* (1992), 8 C.R. (4th) 225
52. Kent, C.J., *The Canadian and International War Against Money Laundering: Legal Perspectives* (1992-93), 35 C.L.Q. 21
53. Ryan, H.R.S., Annotation — *R. v. Zundel* (1993), 16 C.R. (4th) 5

The following cases digested in the main work were cited in the above annotations.

R. v. Finta (1992), 73 C.C.C. (3d) 65 (Ont. C.A.). Cited in Annotation 48.

R. v. Morgentaler (1991), 7 C.R. (4th) 1, 66 C.C.C. (3d) 288 (N.S. C.A.). Cited in Annotation 48.

R. v. Negridge (1980), 17 C.R. (3d) 14, 54 C.C.C. (2d) 304 (Ont. C.A.). Cited in Annotations 40, 41.

R. v. Oakes (1983), 1 S.C.R. 103, 50 C.R. (3d) 1, 24 C.C.C. (3d) 321. Cited in Annotations 37, 38, 39, 42, 43, 44, 45, 46, 47, 49, 50, 51, 52, 53.

CASE DIGESTS

Contents

- §1 *Presumption of innocence*
- §2 *Punishment*
- §3 *Offences outside Canada*
- §4 *Criminal offence*

6§1 Presumption of innocence

A trial judge was held to have erred when he regarded the Crown's case as a choice between the evidence of the Crown and the defence. The Court of Appeal stated that he failed to articulate a third possibility, that without believing the accused the court may still be left with a reasonable doubt about his guilt.

R. v. G. (S.N.) (1992), 117 N.S.R. (2d) 152, 324 A.P.R. 152 (N.S. C.A.) (Hallet, Chipman, Roscoe JJ.A.)

Section 9 Criminal offences to be under law of Canada

CASE DIGESTS

Contents

- §1 *Contempt — Definition*
- §2 *Jurisdiction*
- §3 *Mens rea*
- §4 *Contempt in the face of the court — Definition*
- §5 *Contempt in the fact of the court — By counsel*
- §6 *Contempt in the face of the court — By accused and other witnesses*
- §7 *Contempt in the face of the court — By jurors*
- §8 *Acts prejudicing a pending cause — By publication*

- §9 Acts prejudicing a pending cause –
Interference with persons involved in
litigation
- §10 Acts prejudicing a pending cause –
Interference with evidence or court
documents
- §11 Acts prejudicing a pending cause –
Conduct affecting order in court
- §12 Acts prejudicing a pending cause – Effect
on conviction
- §13 Acts prejudicing a pending cause –
Liability for costs
- §14 Revenge on persons concerned in litigation
- §15 Abuse of process of the court
- §16 Publishing matter scandalizing the court
- §17 Non-compliance with court order
- §18 Procedure
- §19 Principles of sentencing
- §20 Attempt to commit contempt

9§1 Contempt – Definition

The power to punish for contempt of court is an integral part of the inherent powers of the courts and as such it constitutes an essential element in the proper administration of justice.

Videotron Ltée v. Industries Microlec Produits Electroniques Inc., [1992] 2 S.C.R. 1065, 76 C.C.C. (3d) 289 (Lamer, C.J.C., La Forest, L'Heureux-Dubé, Gonthier, Stevenson JJ.), affirming (1990), 56 C.C.C. (3d) 436 (C.A. Que.)(McCarthy, Brossard, Proulx JJ.C.A.)

9§5 Contempt in the face of the court – By counsel

When an accusation of contempt results from a confrontation between a judge and a solicitor, when the actions or the remarks are aimed at the judge personally and when the urgency does not require that the matter be solved immediately, procedural fairness and particularly the guarantee of an impartial hearing demand that the accuser judge disqualify himself and leave it to another judge to settle the dispute.

R. v. Barbacki (1992), 76 C.C.C. (3d) 549 (sub nom. Barbacki c. Lalande) (Que. C.A.) (Beauregard, Proulx, Fish JJ.C.A.)

9§18 Procedure

The accused is not compellable in contempt proceedings. Because of the public law aspects of contempt of court, it must be sub-

ject to certain rules of fundamental justice, even if its effectiveness might thereby be reduced. Contempt of court cannot be reduced to a simple means of enforcing judgments.

Videotron Ltée v. Industries Microlec Produits Electroniques Inc., [1992] 2 S.C.R. 1065, 76 C.C.C. (3d) 289 (Lamer, C.J.C., La Forest, L'Heureux-Dubé, Gonthier, Stevenson JJ.), affirming (1990), 56 C.C.C. (3d) 436 (C.A. Que.) (McCarthy, Brossard, Proulx JJ.C.A.)

If a judge who witnesses a contempt offence can adjudicate upon it he is still under an obligation to act fairly, in compliance with the guarantees of independence and impartiality. However, the judge should disqualify himself when the circumstances which resulted in the citation for contempt give rise to at least a reasonable apprehension of partiality.

R. v. Barbacki (1992), 76 C.C.C. (3d) 549 (sub nom. Barbacki c. Lalande)(Que. C.A.) (Beauregard, Proulx, Fish JJ.C.A.)

Section 12 Offence punishable under more than one Act

ANNOTATIONS AND ARTICLES

- 57. Libman, R., *Analysis of the Case Law* (1989), 1 J.M.V.L. 76
- 58. Libman, R., *Analysis of the Case Law* (1989), 1 J.M.V.L. 335
- 59. Libman, R., *Analysis of the Case Law* (1990), 2 J.M.V.L. 261
- 60. Pearson, J.C., Annotation — *R. v. Grant* (1990), 2 J.M.V.L. 357
- 61. Watson, J., *Impaired Ability to Drive: Do Only Drunks Need Apply?* (1990), 2 J.M.V.L. 1
- 62. Libman, R., *Analysis of the Case Law* (1991), 3 J.M.V.L. 89
- 63. Libman, R., *Analysis of the Case Law* (1991), 3 J.M.V.L. 200
- 64. Watson, J., *Take the Bus for Awhile: The Offence of Disqualified Driving* (1991), 3 J.M.V.L. 235
- 65. Gold, A.D., *Annual Review of Criminal Law* 1992
- 66. Smith, L.D., *Book Review: Double Jeopardy, Pleas and Verdicts* (1992), 71 Can. Bar Rev. 187

67. Libman, R., *Back to the Breathalyzer: Recent Developments in Drinking and Driving Cases* (1992), 34 M.V.R. (2d) 48
68. Manson, A., *Answering Claims of Injustice* (1992), 12 C.R. (4th) 305
69. Pearson, J.C., Annotation — R. v. Greenwood (1992), 8 C.R. (4th) 235
70. Tanovich, D.M., Annotation — R. v. Hawkins (1992), 14 C.R. (4th) 287
71. Fitzgerald, T.E.K., *R. v. Grant: A Critical Analysis* (1993), 4 J.M.V.L. 57
72. Libman, R., Annotation — R. v. Langdon (1993), 40 M.V.R. (2d) 1
73. Libman, R., *R. v. Grant — Taking the A.L.E.R.T. for "Granted"?* (1993), 4 J.M.V.L. 208
74. Manson, A., Annotation — *Idziak v. Canada* (Minister of Justice) (1993), 17 C.R. (4th) 164
75. Meijers, E.J., *A.L.E.R.T. Demands* (1993), 4 J.M.V.L. 289
76. Pomerance, R.M., *"Over 80" and Under Scrutiny: Selected Charter Issues in Drinking and Driving Cases* (1993), 4 J.M.V.L. 122
77. Rosenberg, M., *Impaired and Other Criminal Code Driving Offences: Recent Trends and Developments* (1993), 4 J.M.V.L. 176
78. Watson, J., Annotation — R. v. Zanner (1993), 4 J.M.V.L. 48
79. Witten, A.C.R., *The Significance of the Absence of Reasonable and Probable Grounds for the Making of a Breath Demand* (1993), 4 J.M.V.L. 92

The following cases digested in the main work were cited in the above annotations.

- Doré v. Canada (Attorney General)* (1974), [1975] 1 S.C.R. 756, 15 C.C.C. (2d) 542. Cited in Annotations 66, 69.
- R. v. Grant*, [1991] 3 S.C.R. 139, 7 C.R. (4th) 388, 67 C.C.C. (3d) 268. Cited in Annotations 59, 60, 63, 65, 66, 67, 70, 71, 72, 73, 75, 76, 77, 79.
- Grdic v. R.*, [1985] 1 S.C.R. 810, 46 C.R. (3d) 1, 19 C.C.C. (3d) 289. Cited in Annotation 66.
- Hagenlocher v. R.* (1981), 65 C.C.C. (2d) 101 (Man. C.A.). Cited in Annotation 66.
- R. v. Kienapple* (1974), [1975] 1 S.C.R. 729, 15 C.C.C. (2d) 524. Cited in Annotations 57, 58, 62, 64, 66.
- R. v. Loyer*, [1978] 2 S.C.R. 631, 3 C.R. (3d) 105, 40 C.C.C. (2d) 291. Cited in Annotation 66.
- R. v. Prince*, [1986] 2 S.C.R. 480, 54 C.R. (3d) 97, 30 C.C.C. (3d) 35. Cited in Annotations 61, 64, 66, 78.
- Turigan v. Alberta* (1988), 45 C.C.C. (3d) 136 (Alta. C.A.). Cited in Annotation 64.
- R. v. Wigglesworth*, [1987] 2 S.C.R. 541, 60 C.R. (3d) 193, 37 C.C.C. (3d) 385. Cited in Annotations 66, 68, 74.

- R. v. Wigman*, [1987] 1 S.C.R. 246, 56 C.R. (3d) 289, 33 C.C.C. (3d) 97. Cited in Annotation 66.
- R. v. Worrall* (September 9, 1988), Doc. V00709 (B.C. C.A.). Cited in Annotation 62.

CASE DIGESTS

Contents

- §1 Principle articulated by section
- §2 The same facts — *Res judicata* and issue estoppel
- §3 The same offence — *Autrefois acquit* and *convict*
- §4 Exception to the principle
- §5 Choice of offences by the Crown
- §6 Procedural implications

12§2 The same facts — *Res judicata* and issue estoppel

There is a factual nexus between the offence of obtaining for consideration the sexual service of a person under 18 and the offence of touching for a sexual purpose a person under 14. However, because the first mentioned offence requires consideration, there is insufficient legal nexus for the *Kienapple* principle to apply.

- R. v. Vanderteems* (July 7, 1992) Doc. CA C8127 (Ont. C.A.) (Brooke, Lacourciere, McKinlay J.J.A.), affirming (May 13, 1991), Doc. Toronto 0615/89J (Ont. Gen. Div.) (Borins J.)

Section 16 Defence of mental disorder

ANNOTATIONS AND ARTICLES

158. Watson, J., *Take the Bus For Awhile: The Offence of Disqualified Driving* (1991), 3 J.M.V.L. 235
159. Healy, P., *Criminal Law — Care and Control of Motor Vehicle While Impaired — Self-induced Intoxication No Defence — Principles of Fundamental Justice — Charter of Rights and Freedoms, ss. 7, 11(d)* *R. v. Penno* (1992), 71 Can. Bar Rev. 143
160. McKay-Panos, L., *Appeals by The Crown From A Verdict of Not Criminally Responsible on Account of Mental Disorder in Proceedings Upon Indictment* (1992), 14 C.R. (4th) 353
161. Ruby, C., & Jull, K., *The Charter and Regulatory Offences: A Wholesale Revision* (1992), 14 C.R. (4th) 226