

CANADIAN CRIMINAL PROCEDURE

BY
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OF THE ONTARIO BAR

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TO THE MEMORY OF MY MOTHER

PREFACE

The purpose of this book is to set out and examine the principles and procedures governing the trial and appeal of indictable offences and summary conviction offences under the Criminal Code. There is, in addition, a chapter dealing with the extraordinary remedies of *habeas corpus*, *certiorari* or motion to quash, prohibition and *mandamus* and the role which these remedies play in the criminal law. Finally, a number of forms dealing with motions at trial, appeals and extraordinary remedies have been added to complete the book.

Due to the proposed amendments to the Criminal Code contained in Bill C-195 presently before the Parliament of Canada, it was necessary to postpone the publication date in order that an outline of the intended amendments might be included in this edition. The amendments have been referred to in the text as the "proposed amendments" and the reader is warned that the Act as passed may not correspond in all respects with the Bill.

It is regrettable that our law schools in Canada have shown so little interest in the procedural aspects of the criminal law, placing the primary emphasis on the substantive law. The experienced criminal law practitioner knows only too well how essential a thorough understanding of procedure is to the proper defence of an accused person.

I would like to thank my former supervisor at Cambridge University, Dr. Glanville Williams, who inspired and encouraged my interest in criminal procedure. My thanks are also due to Mr. Robert Carter who read the manuscript and whose numerous suggestions have been incorporated in this book, and to Mr. Bruce Haines who also furnished me with a number of valuable suggestions which have been added. Finally I am particularly grateful to Mr. Alan Marks of the Canada Law Book Company who expertly prepared the manuscript for publication.

R. E. SALHANY

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