|  |  |
| --- | --- |
| **Chapter** | **Title** |
| **35** | Classification of Offences and Trial Jurisdiction |
| **36** | Investigative Powers |
| **37** | Pre-Trial Release (Bail) |
| **39** | Preliminary Inquiries |
| **40** | Witnesses |
| **41** | Pre-Trial Applications in criminal proceedings |
| **42** | Mental Disorder |
| **43** | The Trial |
| **44** | Sentencing |
| **45** | Appeals and Bail Pending Appeals |
| **46** | Aboriginal Peoples and CJS |
| **47** | Youth Criminal Justice |
| **48** | Controlled Drugs & Substances Act |

|  |  |
| --- | --- |
| **Letter Starts At** | |
| **A** | 1 |
| **B** | 4 |
| **C** | 7 |
| **D** | 15 |
| **E** | 19 |
| **F** | 22 |
| **G** | 23 |
| **H** | 23 |
| **I** | 24 |
| **J** | 27 |
| **K** | 29 |
| **L** | 29 |
| **M** | 29 |
| **N** | 31 |
| **O** | 32 |
| **P** | 33 |
| **Q** | 39 |
| **R** | 39 |
| **S** | 41 |
| **T** | 49 |
| **U** | 50 |
| **V** | 51 |
| **W** | 51 |
| **X** | - |
| **Y** | 54 |
| **Z** | - |

All section numbers refer to **Criminal Code** unless indicated otherwise.

**CAR** refers to Criminal Appeal Rules

**CPR** refers to Criminal Proceedings Rules

**SCA** refers to Supreme Court Act

**IA** refers to Indian Act

**YCJA** refers to Youth Criminal Justice Act

**CSDA** refers to Controlled Drugs and Substances Act

|  |  |
| --- | --- |
| **A** |  |
| ABORIGINAL |  |
| Aboriginal and/or treaty rights - Advising Aboriginal Accused | 404-b/c-46 |
| Aboriginal peoples - Jury selection | 405-b/c-46 |
| Aboriginal peoples - Procedure - Sentencing | 405-d-46 / 406-a/c-46 |
| Aboriginal peoples - Sentencing - Healing circles | 406-c-46 |
| Aboriginal peoples - Sentencing - sentencing circles | 406-c-46 |
| Aboriginal peoples - Sentencing - Youth | 402-a-46 |
| Aboriginal peoples and criminal justice system - Introduction | 403-a-46 |
| Aboriginal status - sentencing | 380-d-44 |
| Abridgment of time requirements - seeking adjournment on eve of trial | 352-d-41 / 353-a-41 |
| ABSOLUTE DISCHARGE |  |
| Absolute discharge - after finding of NCR | 365-a-42 |
| Absolute discharge - sentencing | 386-a-44 |
| Absolute jurisdiction offence - testamentary instrument or value over $5000 | 295-d-35 |
| Absolute jurisdiction offence (“s. 553 offences”) | 295-d-35 |
| Abstention from alcohol and drugs - sentencing - probation | 386-c-44 |
| Abuse of process - Crown re-laying charges\*\* | 338-d-39\*\* |
| Abuse of trust - sentencing | 381-b-44 |
| ACCUSED |  |
| Accused - absconding at prelim | 340-a-39 |
| Accused - absent at prelim inquiry | 340-a/b-39 |
| Accused - arrest - re-arrest while on bail | 327-c-37 |
| Accused - confession: at preliminary inquiry | 339-b/c-39 |
| Accused - limits on cross-examination by self-represented accused | 349-b/c-40 |
| Accused - multiple | 302-c-35 |
| Accused - render into custody by surety | 324-a-37 |
| Accused - self-incrimination - see SELF-INCRIMINATION |  |
| Accused - testify in own defence | 343-a-40 |
| Accused testimony - Crown and trial judge cannot comment on lack of testimony of accused - s. 4(6) *CEA* | 377-c-43  378-a-43 |
| Accused’s record - *Corbett* - trial judge has discretion to exclude | 376-c/d-43 |
| Acquittal - Indictable appeals - Powers of COA - Power to dispose | 396-c-45 |
| ADJOURNMENT |  |
| Adjournment - application, procedure | 352-d-41 |
| Adjournment - bail review | 325-d-37 |
| Adjournment - details required | 352-d-41 / 353-a-41 |
| Adjournment - due to non-disclosure | 334-d-38 / 335-a-38 |
| Adjournment - preliminary inquiry | 352-d-41 / 353-a/b-41 |
| Admissibility - at trial - evidence from preliminary hearing | 341-a-39 |
| Admissibility - statements - voluntariness | 313-a/b-36 |
| Admissibility - statements - voluntariness - compulsory statements inadmissible (*R v White*) | 313-b-36 |
| Admissions | 373-d-43 |
| Admissions - accused’s admissions to counsel | 376-d-43 |
| Adult - jurisdiction - OCJ v SCJ | 293-b-35 |
| Adult sentence - young person should be aware before giving statement | 316-d-36 |
| Adult sentencing hearing - Youth - Sentencing | 414-a/b-47 |
| Adverse inference - accused testimony [recommended change] | 377-c-43; 378-a-43 |
| Adverse inference - orders re: witnesses | 348-d-40; 349-b-40 |
| Adverse witness - Cross-examining own witness | 373-c-43 |
| Advising accused - Aboriginal Accused | 404-b/c-46 |
| AG - consent to laying of charge | 300-b/c-35 |
| AG - where AG can require jury trial | 302-d-35 |
| Age - sentencing | 380-b/c-44 |
| Aids - for witnesses | 347-d-40 |
| Airplane - jurisdiction | 299-c-35  300-a-35 |
| Alibi - disclosure of | 335-c/d-38 |
| Alternative measures - sentences - factors (Crown) | 385-b-44 |
| Alternative measures - sentencing | 385-a/b-44 |
| Alternative measures - Youth - Extrajudicial sanctions | 409-a/b-47 |
| Amendment - indictment or information | 299-b/c-35 |
| Ancillary orders - sentencing | 390-d-44 |
| APPEAL |  |
| Appeal book - Indictable appeals - procedure | 394-d-45 |
| Appeal book - Summary conviction appeals - Procedure | 397-d-45 |
| Appeal court - Summary conviction appeals - Powers | 398-b/c-45 |
| Appeals - Introduction | 393-a-45 |
| Appeals - summary conviction - criteria for bail | 402-a-45 |
| Appearance - compel subsequent to release by police | 319-a-37 |
| Appearance Notice | 296-c-35 |
| Appearance Notice | 319-b/c-37 |
| APPLICATION |  |
| Application - adjournment - consider s. 11(b) *Charter* | 353-a/b-41 |
| Application - adjournments | 350-d-41 / 351-a/b-41 |
| Application - Appeal or bail pending appeal - Post-appellate remedies - application for review | 402-d-45 |
| Application - appoint commissioner (witness) | 346-d-40 / 347-a-40 |
| Application - bring incarcerated witness before court | 346-b/c/d-40 |
| Application - case management judge | 351-b/c-41 |
| Application - challenge to wording of charge (ex. information, particulars, severance) | 352-c/d-41 |
| Application - change of venue | 353-b/c-41 |
| Application - Charter - burden of proof is balance of probabilities | 355-c-41 |
| Application - Charter - challenging legislation | 355-c/d-41 / 356-a/b/c-41 |
| Application - *Charter* - challenging legislation - req’d notice of constitutional question | 356-a-41 |
| Application - Charter - jurisdiction to hear | 355-b/c-41 |
| Application - *Charter* - remedies - s 52 - SCJ v OCJ | 356-c-41 |
| Application - Charter - remedies, s. 24(1) | 356-d-41 / 357-a-41 |
| Application - Charter - remedies, s. 24(1) - stay for s. 11(b) violation | 358-d-41 / 359-a/b/c-41 |
| Application - Charter - remedies, s. 24(2) - exclusion of evidence | 357-a/b-41 |
| Application - Charter - tactical considerations: burden of proof | 357-d-41  358-a/b/c/d-41 |
| Application - Charter - tactical considerations: notice of application | 357-b/c/d-41 |
| Application - Charter application (definition) | 355-a/b-41 |
| Application - constitutional (definition) | 355-a/b-41 |
| Application - constitutional question, notice of | 356-a-41 |
| Application - directed verdict | 376-b-43 |
| Application - disclosure (see DISCLOSURE) |  |
| Application - evidence - voir dire (see VOIR DIRE) | 354-d-41 / 355-a-41  358-a/b-41 |
| Application - exclusion of witness | 359-c-41 |
| Application - non-publication orders | 359-c/d-41 / 360-a/c-41 |
| Application - notice of application | 351-a/b-41 |
| Application - post-sentence | 391-c-44 |
| Application - preparatory motions | 352-a/b-41 |
| Application - preservation order (no judicial oversight requirement for computer data) | 311-b-36 |
| Application - pre-trial applications - procedure + timing for bringing application | 351-a/b-41 |
| Application - pre-trial applications - purpose | 351-a-41 |
| Application - production order (*ex parte*) | 311-a-36 |
| Application - quash committal order (certiorari) | 341-b/c-39 |
| Application - quash search warrant (certiorari) | 308-c/d-36 / 309-a-36 |
| Application - quash subpoena | 345-c/d-40 |
| Application - reasonable apprehension of bias | 354-b/c/d-41 |
| Application - recusal of judge | 354-b/c/d-41 |
| Application - release exhibits for testing | 352-b/c-41 |
| Application - removing counsel from record | 353-d-41 / 354-a/b-41 |
| Application - review of bail order (see BAIL REVIEW) | 325-a/b/c-37 |
| Application - stay proceedings for unreasonable delay | 358-d-41 / 359-a/b/c-41 |
| Applications - OCJ - general rules | 351-d-41 |
| Applications - OCJ - pre-trial rules | 352-a-41 |
| Applications - OCJ - trial rules | 352-a-41 |
| Applications - SCJ - general rules | 351-d-41 |
| Arraignment | 369-c/d-43 |
| ARREST |  |
| Arrest - definition | 314-a/b-36 |
| Arrest - duties of arresting person | 314-c-36 |
| Arrest - duties of police - s. 10 rights | 313-b-36; 314-d-36 / 315-a/b/c-36 |
| Arrest - first appearance after | 320-c-37 |
| Arrest - murder (s.469 offence)- obligation to remand accused in custody | 320-c-37 |
| Arrest - re-arrest when on bail | 328-c/d-37 |
| Arrest - reasonable force to effect arrest (*R v Asante-Mensah*) | 314-b-36 |
| Arrest - search incident to | 309-d-36 / 310-a-36 |
| Arrest - warrant, with | 314-b-36 |
| Arrest - warrant, without | 314-b-36 |
| Arrest - warrant, without - limits | 314-b/c-36 |
| Arrest - while out on bail | 327-c-37 |
| Arrest - while out on bail - cancellation hearing | 327-d-37 / 328-a-37 |
| *Asante-Mensah* | 314-b-36 |
| Assessments - Youth | 411-a/b-47 |
| Attendance - removal of accused | 369-c-43 |
| Attendance of accused - closed-circuit television | 369-c-43 |
| Attendance of accused - designation where accused is organization | 369-c-43 |
| Attendance of accused at trial | 369-b/c-43 |
| Attorney General - notice of pre-enquete and right to appear | 296-d-35 |
| Automatism - defence of | 366-b/c-42 |
| Autrefois acquit | 370-d-43 |
| Autrefois acquit - after discharge at prelim | 340-d-39 |
| Autrefois convict | 370-d-43 |
| Autrefois convict - Youth - Review of Sentences - Records, publication and information | 415-b-47 |
| B |  |
| BAIL |  |
| Bail - accused violates bail | 324-a-37 |
| Bail - arrest again (re-arrest) | 328-c/d-37 |
| Bail - arrest while out on bail | 327-c--37 |
| Bail - arrest while out on bail - initial hearing before justice | 327-c/d-37 |
| Bail - arrest while out on bail: cancellation hearing | 327-d-37 / 328-a-37 |
| Bail - CDSA - Special considerations | 418-c-48 |
| Bail - Charter right to reasonable bail | 320-b-37 |
| Bail - condition of release: no communication | 324-b-37 |
| Bail - condition of release: weapons prohibition | 324-b-37 |
| Bail - conditions of release | 324-a/b-37 |
| Bail - duration of release order | 324-c-37 |
| Bail - form of release | 323-b/c-37 |
| Bail - form of release: recognizance | 323-c-37 |
| Bail - form of release: undertaking | 323-b-37 |
| Bail - impact on outcome of trial | 320-b-37 |
| Bail - release by police without bail hearing | 319-a-37 |
| Bail - review (see BAIL REVIEW) |  |
| Bail - revocation | 327-b/c-37 |
| Bail - sureties | 323-d-37 / 324-a-37 |
| Bail - surety can render accused into custody | 324-a-37 |
| BAIL HEARING |  |
| Bail hearing - 469 offences | 326-c/d-37 / 327-a-37 |
| Bail hearing - 469: onus on accused | 327-a-37 |
| Bail hearing - 469: review | 327-a/b-37 |
| Bail hearing - adjournment - accused’s consent required | 320-d-37 |
| Bail hearing - Charter s. 9 | 320-c-37 |
| Bail hearing - credit for pre-trial detention (new case law) | 324-d-37 |
| Bail hearing - criteria for detention - “public” perspective balancing (*St Cloud*) | 322-a-37 |
| Bail hearing - criteria for detention - not exhaustive | 322-a-37 |
| Bail hearing - criteria for detention (three grounds: primary, secondary, tertiary) | 321-d-37 / 322-a-37 |
| Bail hearing - duty to give reasons | 324-c/d-37 |
| Bail hearing - evidence at hearing | 322-b/c-37 |
| Bail hearing - form of release - conditions | 324-a/b-37 |
| Bail hearing - form of release - duration | 324-c-37 |
| Bail hearing - form of release - duty to give reasons | 324-c-37 |
| Bail hearing - form of release - effect of endorsement on custodial sentence | 324-d-37 |
| Bail hearing - form of release - promise to appear | 319-d-37 |
| Bail hearing - form of release - recognizance | 319-c-37 |
| Bail hearing - form of release - sureties | 323-d-37 |
| Bail hearing - hearsay | 322-c-37 |
| Bail hearing - justice asking questions | 322-b-37 |
| Bail hearing - non 469 offences | 320-d-37 |
| Bail hearing - non 469: adjourning hearing | 320-d-37 |
| Bail hearing - non 469: onus on crown to justify detention (generally) | 320-d-37 / 321-a-37 |
| Bail hearing - non 469: reverse onus situation (onus on accused to justify release) | 321-a/b/c-37 |
| Bail hearing - order restricting publication: when granted; constitutionality | 323-a/b-37 |
| Bail hearing - preparing for - caution in interviewing | 322-d-37 |
| Bail hearing - preparing for - client interview | 322-d-37 |
| Bail hearing - preparing for - proposed release plan | 322-d-37 |
| Bail hearing - preparing for - review of records with client | 322-d-37 |
| Bail hearing - preparing for - sureties interview | 322-d-37; 323-a-37 |
| Bail hearing - publication ban | 323-a/b-37 |
| Bail hearing - show cause hearing | 321-c-37 |
| Bail hearing - timing | 320-c-37 |
| BAIL PENDING APPEAL |  |
| Bail pending appeal | 399-a- 45 to 402-b-45 |
| Bail pending appeal - indictable appeal | 399-b-45 to 401-d-45 |
| Bail pending appeal - Release pending an indictable appeal - Altering the order | 401-a/b/c/d-45 |
| Bail pending appeal - Release pending an indictable appeal - Altering the order - Variation | 401-a-45 |
| Bail pending appeal - Release pending an indictable appeal - Altering the order - Extension | 401-b-45 |
| Bail pending appeal - Release pending an indictable appeal - Altering the order - Review of order | 401-c-45 |
| Bail pending appeal - Release pending an indictable appeal - Altering the order - Revocation of order | 401-c/d-45 |
| Bail pending appeal - Release pending an indictable appeal - Criteria - Appeals from conviction alone or conviction and sentence | 399-c/d-45 / 400-a-45 |
| Bail pending appeal - Release pending an indictable appeal - Criteria - sentence- only appeals | 400-a/b/c-45 |
| Bail pending appeal - Release pending an indictable appeal - Hearing | 400-d-45 |
| Bail pending appeal - Release pending an indictable appeal - Order | 400-d-45 / 401-a-45 |
| Bail pending appeal - Release pending an indictable appeal - Procedure | 400-c-45 |
| Bail pending appeal - Release pending new trial | 401-d-45 |
| Bail pending appeal - Release pending summary conviction appeal | 401-d-45 / 402-a/b-45 |
| Bail pending appeal - Release pending summary conviction appeal - Criteria | 402-a-45 |
| Bail pending appeal - Release pending summary conviction appeal - Procedure for obtaining bail | 402-b-45 |
| BAIL REVIEW |  |
| Bail review - accused to be present | 325-c-37 |
| Bail review - adjournment | 325-d-37 |
| Bail review - application by accused: accused’s affidavit | 325-b/c-37 |
| Bail review - application by accused: notice of application & supporting materials | 325-a/b/c-37 |
| Bail review - application by Crown under s. 521 | 326-b-37 |
| Bail review - application by Crown: application materials | 326-b-37 |
| Bail review - evidence that can be adduced | 325-d-37 |
| Bail review - further application after denial | 326-a-37 |
| Bail review - non 469 offences: ss. 520+521 | 325-a/b/c/d-37 / 326-a/b-37 |
| Bail review - other rights of review | 326-b/c-37 |
| Bail review - powers of judge | 325-d-37 / 326-a-37 |
| Bail review - provisions that are applicable | 326-a-37 |
| Bail review - s. 469 offences | 327-a/b-37 |
| Bail review - warrant of committal | 326-b-37 |
| Bail review - where accused’s trial is delayed | 328-b/c/d-37 |
| Bail review - where trial delayed: direction to expedite trial | 328-d-37 |
| Bail review - where trial delayed: matters to be considered at hearing | 328-c-37 |
| Bail review - where trial delayed: notice of hearing | 328-b-37 |
| Bail review - where trial delayed: release order | 328-c-37 |
| Bill C-13 - *Protecting Canadians From Online Crime Act*, 2015 | 303-d-36; 307-a-36; 308-b-36; 311-c/d-36 |
| Blood samples - search warrant | 307-a-36 |
| Bodily impressions - search warrant | 307-c/d-36 |
| Bodily substances - search warrant - DNA analysis | 307-b/c-36 |
| Bodily substances - warrantless search - impaired driving - drug testing | 310-c-36 |
| Boundary - territorial jurisdiction | 299-d-35 |
| Breach - conditional sentence procedure | 388-d-44 / 389-a-44 |
| Breath sample - search | 310-c-36 |
| Burden of proof | 373-a-43 |
| BUSINESS RECORDS |  |
| Business records and other documents | 375-a/b/c-43 |
| Business records and other documents - common law | 375-c-43 |
| Business records and other documents - hearsay | 375-a/b/c-43 |
| Business records and other documents - quasi-criminal prosecutions | 375-b/c-43 |
| **C** |  |
| *Canada Evidence Act* - s. 3 - co-accused as witnesses | 343-b-40 |
| *Canada Evidence Act* - s. 30 | 375-a/b-43 |
| *Canada Evidence Act* - s. 4 - spouses | 343-c/d-40  344-a-40 |
| *Canada Evidence Act* - s. 4(6) | 377-c-43  378-a-43 |
| Cancellation hearing | 327-d-37  328-a-37 |
| Cancellation hearing - arrested while on bail | 327-d-37 |
| Case management judge | 368-d-43  369-a/b-43 |
| Case management judge - application for | 351-b-41  368-d-43 |
| Case tracking sheet - sentencing - proof of offender’s criminal record | 383-d-44 |
| **CDSA** |  |
| **CDSA** |  |
| CDSA | 417-a-48 |
| CDSA - Chart of Offences and Penalties | 421-a/b/c/d-48 422-a/b/c/d-48 423-a/b/c/d-48 424-a/c-48 |
| CDSA - Defences | 418-c-48 |
| CDSA - mandatory minimums - constitutionality of | 389-c-44 |
| CDSA - Marihuana Medical - SEE MARIHUANA MEDICAL PURPOSES REGULATIONS | 418-b/c-48 |
| CDSA - Offences | 417-b/c/d-48 418-a/b/c-48 |
| CDSA - Offences - Importing/exporting | 417-d-48  418-a-48 |
| CDSA - Offences - Importing/exporting - Tariff | 417-d-48  418-a-48 |
| CDSA - Offences - Possession | 417-b-48 |
| CDSA - Offences - Possession for purpose of trafficking | 417-b-48 |
| CDSA - Offences - Possession for use in production or trafficking | 418-a-48 |
| CDSA - Offences - Production of substance | 418-a-48 |
| CDSA - Offences - Trafficking | 417-b/c-48 |
| CDSA - s. 10(1) (sentencing principles) | 419-a/b-48 |
| CDSA - s. 10(2) (aggravating factors) | 419-b-48 |
| CDSA - s. 14 (order of restraint) | 418-d-48 419-a-48 |
| CDSA - s. 15 (offence related property) | 418-d-48 419-a-48  420-a/c-48 |
| CDSA - s. 4(1) (possession) | 417-b-48 |
| CDSA - s. 5(1) (Trafficking) | 417-b/c-48 |
| CDSA - s. 5(2) (possession for purpose of trafficking) | 418-b-48 |
| CDSA - s. 5, 6, or 7 (bail) | 418-c-48 |
| CDSA - s. 6(1) (importing/exporting) | 417-d-48  418-a-48 |
| CDSA - s. 7(1) (Production of substance) | 418-a-48 |
| CDSA - s. 7.1(1) (possession for use in production or trafficking) | 418-a-48 |
| CDSA - Schedules | 417-a-48 |
| CDSA - Sentencing | 419-b/c/d-48  420-a/c-48 |
| CDSA - Sentencing - Forfeiture of other offence-related property | 420-a/c-48 |
| CDSA - Sentencing - Mandatory minimums | 419-b/c-48 |
| CDSA - Sentencing - Principles | 419-a/b-48 |
| CDSA - Sentencing - Weapons prohibition | 419-d-48  420-a-48 |
| CDSA - Special considerations | 418-c/d-48  419-a-48 |
| CDSA - Special considerations - Bail | 418-d-48 |
| CDSA - Special considerations - proceeds of crime | 418-d-48 |
| CDSA - Special considerations - proving the nature of the substance | 418-d-48 |
| CDSA - Special considerations - Restraint order - Offence-related property | 418-d-48  419-a-48 |
| CDSA - Special considerations - Restraint orders | 418-d-48 419-a-48 |
| **CERTIORARI** |  |
| Certiorari - Appeals and bail pending appeals - judicial review | 402-c-45 |
| Certiorari - motion to quash information or indictment | 298-d-35  299-a-35 |
| Certiorari - quash preliminary inquiry | 341-a/c-39 |
| Certiorari - quash search warrant | 308-c/d-36  309-a-36 |
| Certiorari - quashing order to stand trial | 341-a/c-39 |
| Challenge for cause - Aboriginal peoples - Jury selection | 405-c/d-46 |
| Challenge to wording of charge - application | 352-c-41 |
| Challenging legislation - *Charter* | 355-d-41 |
| Change of venue - pre-trial application | 353-b/c/d-41 |
| Charge document - type - Indictment | 293-d-35  294-a-35 |
| Charge document - type - Information | 293-c/d-35 |
| Charge screening | 295-a-35 |
| Charge to jury | 377-c/d-43  378-a-43 |
| Charge to jury - contents | 377-d-43  378-a-43 |
| Charge to jury - objections | 378-a-43 |
| Charge to jury - pre-charge conference | 377-c/d-43 |
| Charges - rules (in indictments) | 298-a/b-35 |
| Charges - transfer of - between provinces | 299-d-35  300-a-35 |
| Charges (Charter challenge to mandatory minimums) | 389-c/d-44 |
| **CHARTER** |  |
| *Charter*  - s 10(b) - questioning - young persons v all others | 410-c-47 |
| Charter - abuse of process, s. 7 protection | 340-d-39 |
| Charter - application - burden of proof | 355-c-41 |
| Charter - application - challenging legislation | 355-a/c/d-41  356-a/b/c-41 |
| *Charter* - application - challenging legislation - req’d notice of constitutional question | 356-a-41 |
| Charter - application - jurisdiction to hear | 355-b/c-41 |
| Charter - application - remedies, s. 24(1) | 356-d-41  357-a-41 |
| Charter - application - remedies, s. 24(1) - stay for s. 11(b) violation | 358-d-41  359-a/b/c-41 |
| Charter - application - remedies, s. 24(2) - exclusion of evidence | 357-a/b-41 |
| Charter - application - tactical considerations: burden of proof | 357-d-41  358-a/b/c/d-41 |
| Charter - application - tactical considerations: notice of application | 357-b/c/d-41 |
| Charter - application (definition) | 355-a/b-41 |
| *Charter* - declarations - unconstitutional, s 52 - SCJ (inherent) v OCJ (statutory) | 356-c-41 |
| *Charter* - declarations - unconstitutional, s 52 - OCJ invalid for current matter only (*Cuddy Chicks*) | 356-c-41 |
| Charter - jurisdiction - which court will hear Charter motion | 355-b/c-41 |
| Charter - rape shield provisions (*CC*) | 375-d-43; 376-a-43 |
| Charter - remedies - s. 24(2) | 357-a/b-41 |
| Charter - right to be free from unreasonable search and seizure (s. 8) | 303-a/b-36  309-b-36 |
| Charter - right to counsel, s. 10(b) (see also RIGHT TO COUNSEL) | 314-d-36  315-a/b/c-36 |
| Charter - right to disclosure, s. 7 (see also DISCLOSURE) | 329-a/b-38 |
| Charter - right to full answer and defence | 329-a-38 |
| Charter - right to reasonable bail, s. 11(e) (see also BAIL) | 320-b-37 |
| Charter - s 11(d) - rape shield provisions | 375-d-43; 376-a-43 |
| Charter - s 7 - rape shield provisions | 375-d-43; 376-a-43 |
| Charter - s. 12 (cruel and unusual punishment) | 389-c/d-44 |
| *Charter* - youth - questioning | 410-c-47 |
| Child - witness | 344-b/c-40 |
| Closed-circuit television | 369-c-43 |
| Closing addresses | 377-b/c-43 |
| Co-accused - separation of trials | 369-a-43 |
| Co-accused - witness at trial | 343-b/c-40 |
| Commission evidence - preliminary inquiry | 339-d-39 |
| Commission evidence - trial | 346-d-40  347-a-40 |
| Commissioned witness | 346-d-40  347-a-40 |
| Committal - after preliminary inquiry | 340-b/c-39 |
| Common law spouse - as witness | 343-c/d-40  344-a-40 |
| Community service - sentencing - probation | 386-c-44 |
| Compelled witness | 343-b/c-40 |
| Competent witness - spouse | 343-c/d-40  344-a-40 |
| Computer data - production or preservation order | 311-b-36 |
| Concurrent - sentences to run concurrently | 389-a-44 |
| **CONDITIONAL DISCHARGE** |  |
| Conditional discharge - sentencing | 386-a-44 |
| Conditional sentence - alleged breach procedure | 388-d-44  389-a-44 |
| Conditional sentence - excluded offences | 388-a/b/c-44 |
| Conditional sentence of imprisonment | 388-a/b/c/d-44  389-a-44 |
| Confessions | 374-c/d-43  375-a-43 |
| Confessions - admissibility - at prelim inquiry | 339-b/c-39 |
| Confessions - Exclusions under *Charter* | 374-d-43 |
| Confessions - *Oickle* | 374-c/d-43 |
| Confessions - Prior exculpatory statements | 374-d-43  375-a-43 |
| Confessions - undercover cop in prison cell (*Hébert*) | 316-b/c-36 |
| Confessions - voir dires | 354-d-41 |
| Confessions - voluntariness | 374-c/d-43 |
| Confessions - voluntariness - compulsory statements inadmissible (*R v White*) | 313-b-36 |
| Confidential informant - for search warrant | 304-c-36 |
| Confidential informant - totality of circumstances test for reliability of information | 304-c-36 |
| Confidentiality - informers and disclosure “innocence at stake” | 309-a-36 |
| Conflict of Interest - defence counsel representing jointly charged accused | 354-a-41 |
| Conflict of interest - removal of counsel | 353-d-41  354-a/b-41 |
| Conflict of interest - removing defence counsel | 354-a-41 |
| Consent - AG, to proceedings | 300-b/c-35 |
| Consent - investigations and searches | 309-b/c-36 |
| Constitution - reverse onus - bail | 321-a/b/c-37 |
| *Constitution Act* - s. 91 | 293-a-35 |
| *Constitution Act* - s. 92 | 293-a-35 |
| Constitutional applications and challenges (see also CHARTER - APPLICATION) | 355-a/b-41 |
| Constitutional question - notice required | 356-a-41 |
| Contempt of court - witness not answering questions | 345-c-40 |
| Conviction - Indictable appeals - powers of COA - Power to dispose of appeal | 396-a/b/c/d-45 |
| *Cooper* - legal definition of “disease of the mind” | 361-a/b-42 |
| Cooperation with authorities - sentencing | 380-c-44 |
| *Corbett* | 376-c/d-43 |
| Corporation - as accused | 344-c-40 |
| *Corrections and Conditional Release Act* - s. 127 | 382-a/b-44 |
| Costs - basic disclosure | 330-c-38 |
| Costs - bringing incarcerated witness to court | 346-d-40 |
| Costs - order after adjournment due to non-disclosure or late disclosure | 334-d-38 |
| Counsel - removal - ethical reasons (*Cunningham*) | 354-b-41 |
| Counsel - withdrawal - ethical reasons (*Cunningham*) | 354-b-41 |
| Counsel - withdrawal rules | 354-b/c-41 |
| Counts - remedy for duplicity: dividing counts | 298-d-35 |
| Counts - requirements for indictments/information | 297-d-35  298-a/b/c-35 |
| **COURT OF APPEAL** |  |
| Court of Appeal - Indictable appeals - Power to dispose - Acquittal | 396-c-45 |
| Court of Appeal - Indictable appeals - Power to dispose - Sentence | 396-c/d-45 |
| Court of Appeal - Indictable appeals - powers of COA - Power to dispose of appeal | 396-a/b/c/d-45 |
| Court of Appeal - Indictable appeals - powers of COA - Power to dispose of appeal - Conviction | 396-a/b-45 |
| Court of Appeal - Power to receive evidence - Powers - Indictable appeals | 395-c/d-45 396-a-45 |
| Court of Appeal - Powers - Indictable appeals | 393-d-45 394-a-45 |
| Court reporter - certificate - indictable appeals - procedure - transcripts | 394-c-45 |
| Court reporter - Summary conviction appeals - Transcripts - certificate | 397-c//d-45 |
| *Courts Of Justice Act* - s 38(3) (OCJ judges are youth court judges) |  |
| Courts of Justice Act - s. 38(3) (youth court justices) | 407-c-47 |
| CPIC report - sentencing | 383-d-44 |
| Criminal Appeal Rules | 393-a-45 |
| **CRIMINAL CODE** |  |
| Criminal Code - s. 109(1)(c) (weapons prohibition in relation to CDSA offence) | 419-d-48  420-a-48 |
| *Criminal Code* - other statute - cyberbullying (*Protecting Canadians From Online Crime Act*, 2015) | 303-d-36 |
| *Criminal Code* - other statute - online crime (*Protecting Canadians From Online Crime Act*, 2015) | 303-d-36 |
| Criminal Code - Part XXI (appeals for indictable matters) | 393-a-45 |
| Criminal Code - Part XXIV (dangerous and long-term offenders) | 390-c/d-44 |
| Criminal Code - Part XXVII (appeals for summary conviction matters) | 393-a-45 |
| *Criminal Code* - s. 110 (weapons prohibition) | 387-c-44 |
| Criminal Code - s. 113 (lifting prohibition for sustenance or employment) | 406-c-46 |
| *Criminal Code* - s. 259 (driving prohibitions) | 387-d-44 |
| *Criminal Code* - s. 259(1.1) - (1.2) (provincial alcohol ignition interlock program) | 387-d-44 |
| Criminal Code - s. 261 (stay of driving prohibition pending appeal) | 398-d-45 |
| Criminal Code - s. 354(1) -separate charge for seized property | 418-d-48 |
| *Criminal Code* - s. 462.3 (definition of proceed of crime) | 387-a-44 |
| *Criminal Code* - s. 462.37 (forfeiture of proceeds of crime) | 387-a/b-44 |
| *Criminal Code* - s. 462.37(1) (burden of proof re proceeds of crime) | 387-a-44 |
| *Criminal Code* - s. 462.37(2) (proceeds of crime ordered forfeited when not related to offence being sentenced) | 387-b-44 |
| *Criminal Code* - s. 462.37(3) (fine in lieu of unavailable proceeds of crime | 387-b-44 |
| *Criminal Code* - s. 462.37(4) (imprisonment in lieu of fine for proceeds of crime) | 387-b-44 |
| *Criminal Code* - s. 462.38 (forfeiture of proceeds of crime when accused dead) | 387-b-44 |
| *Criminal Code* - s. 462.4 (setting aside transfer of proceeds of crime) | 387-b-44 |
| *Criminal Code* - s. 473 (consent of AG required for judge alone trial of s 469 offence) | 296-a-35 |
| *Criminal Code* - s. 482 (power of superior courts to make rules) | 293-a-35 |
| *Criminal Code* - s. 484 (power of provincial judge to preserve order) | 293-a-35 |
| Criminal Code - s. 487.051 (DNA order) | 390-d-44  391-a-44 |
| Criminal Code - s. 490.012 (sex offender registry) | 391-a-44 |
| Criminal Code - s. 490.1 (forfeiture of proceeds of crime) | 418-d-48 |
| *Criminal Code* - s. 504 (who can swear an information) | 296-b-35 |
| *Criminal Code* - s. 507 (compelling accused to attend court by summons or warrant) | 296-c-35 |
| *Criminal Code* - s. 507 (private informations) | 296-d-35 |
| Criminal Code - s. 515(6) (detention order) | 388-d-44 |
| *Criminal Code* - s. 536(2) (options for accused in s 554 offences) | 296-a/b-35 |
| *Criminal Code* - s. 577 (direct indictment) | 294-b-35 |
| Criminal Code - s. 579 (Youth extrajudicial sanctions) | 409-a/b-47 |
| Criminal Code - s. 629 (challenge jury panel for cause) | 405-c-46 |
| *Criminal Code* - s. 649 (jury confidentiality) | 378-c-43 |
| *Criminal Code* - s. 650.1 | 377-c-43 |
| *Criminal Code* - s. 653 (mistrial for lack of jury verdict) | 378-d-43 |
| *Criminal Code* - s. 653.1 (prior decisions binding on new trial) | 378-d-43 |
| *Criminal Code* - s. 667 | 383-d-44 |
| Criminal Code - s. 673 (term “sentence” extended) | 393-d-45 |
| Criminal Code - s. 675(1)(a)(i) (indictable appeal on question of law alone) | 393-c/d-45 |
| Criminal Code - s. 675(1)(a)(ii) (indictable appeal on question of fact or mixed law and fact) | 393-d-45 |
| Criminal Code - s. 675(1)(a)(iii) (indictable appeal on any ground with leave) | 393-d-45 |
| Criminal Code - s. 675(1)(b) (appeal sentence with leave) | 393-d-45 |
| Criminal Code - s. 675(1.1) (certain summary conviction appeals heard by COA) | 393-c-45 |
| Criminal Code - s. 676(1)(a) (Crown appeals acquittal on basis of law alone) | 394-a-45 |
| Criminal Code - s. 676(1)(b) (Crown appeals quash indictment) | 394-a-45 |
| Criminal Code - s. 676(1)(c) (Crown appeals order staying proceedings) | 394-a-45 |
| Criminal Code - s. 676(1)(d) (Crown appeals sentence, with leave) | 394-a-45 |
| Criminal Code - s. 678(2) (extend deadline for notice of appeal) | 394-c-45 |
| Criminal Code - s. 679 (release pending indictable appeal) | 399-b/c/d-45  400-a/b-/c/d |
| Criminal Code - s. 680 (review of release pending appeal) | 401-c-45 |
| Criminal Code - s. 683 (powers of Court of Appeal, Indictable appeals) | 398-b-45 |
| Criminal Code - s. 683(5) (stay of order pending appeal) | 398-c/d-45 |
| Criminal Code - s. 686(1)(a)(i) (appeal allowed where verdict unreasonable or unsupported) | 396-b-45 |
| Criminal Code - s. 686(1)(a)(ii) (appeal allowed where wrong decision on law) | 396-b-45 |
| Criminal Code - s. 686(1)(a)(iii) (appeal allowed where miscarriage of justice) | 396-b-45 |
| Criminal Code - s. 686(1)(b)(iii) (dismiss appeal where error on law but no miscarriage of justice) | 396-b/c-45 |
| Criminal Code - s. 686(1)(b)(iv) (dismiss appeal where error on procedure but no prejudice) | 396-c-45 |
| Criminal Code - s. 686(2) (COA can order new trial or enter acquittal) | 396-b-45 |
| Criminal Code - s. 686(4) (power to order new trial or enter conviction in cases of j-alone) | 396-c-45 |
| Criminal Code - s. 687 (COA may dismiss appeal or vary sentence) | 396-d-45 |
| Criminal Code - s. 691 - 695 (SCC jurisdiction to hear indictable appeals) | 396-d-45 |
| Criminal Code - s. 696.1 (application to Minister of Justice for review of conviction) | 402-d-45 |
| Criminal Code - s. 696.2 (post-appellate investigation) | 402-d-45 |
| *Criminal Code* - s. 717 (alternative measures with sentencing) | 385-b-44 |
| *Criminal Code* - s. 718 (sentencing objectives & principles) | 379-a/b/c/d-44 |
| Criminal Code - s. 718.2 (sentencing Aboriginal peoples) | 380-d-44  405-d-46 |
| *Criminal Code* - s. 721(1) (pre-sentencing report) | 383-d-44  384-a/b-44 |
| *Criminal Code* - s. 722 (victim impact statements) | 383-d-44 |
| *Criminal Code* - s. 723 (evidence at sentencing hearing) | 383-b-44 |
| *Criminal Code* - s. 723(3) - (4) (evidence at sentencing hearing) | 384-c-44 |
| *Criminal Code* - s. 726 (offender’s statement at sentencing hearing) | 384-d-44 |
| *Criminal Code* - s. 726.2 (reasons for sentence) | 384-d-44 |
| Criminal Code - s. 727 (harsher penalty for subsequent offence) | 389-d-44 |
| *Criminal Code* - s. 730 (discharges) | 385-d-44  386-a-44 |
| *Criminal Code* - s. 731(1)(a) (suspended sentence) | 384-b-44 |
| *Criminal Code* - s. 731(1)(b) (probation) | 386-b/c-44 |
| Criminal Code - s. 732 (intermittent imprisonment) | 389-a/b-44 |
| *Criminal Code* - s. 732.1(3) (community service) | 386-c-44 |
| *Criminal Code* - s. 732.1(3)(c) - (c.2) (drug-testing on probation) | 386-c-44 |
| *Criminal Code* - s. 732.2(2)(b) (max term of probation) | 386-c-44 |
| *Criminal Code* - s. 732.2(3) (vary conditions of probation) | 386-c-44 |
| *Criminal Code* - s. 732.2(5) (revoking suspended sentence) | 386-b-44 |
| *Criminal Code* - s. 733.1 (failure to comply) | 386-b-44 |
| *Criminal Code* - s. 734(5) (imprisonment when default in fine) | 386-d-44 |
| *Criminal Code* - s. 735(1) (no max fine for indictable offences) | 382-d-44 |
| *Criminal Code* - s. 737 (failure to pay victim surcharge) | 387-c-44 |
| *Criminal Code* - s. 738 (restitution to victim) | 387-d-44 |
| *Criminal Code* - s. 741(2) (restitution made with money seized at arrest) | 388-a-44 |
| *Criminal Code* - s. 742 (conditional sentence of imprisonment) | 388-a/b/c/d-44  389-a-44 |
| Criminal Code - s. 742.6 (alleged breach of conditional sentence) | 388-d-44 |
| *Criminal Code* - s. 743 (indictable offences sentences) | 385-a-44 |
| Criminal Code - s. 743 (max imprisonment for indictable offence) | 389-a-44 |
| Criminal Code - s. 743.6 (delay parole eligibility) | 390-a-44 |
| *Criminal Code* - s. 787 (summary conviction sentences) | 385-a-44 |
| *Criminal Code* - s. 787(1) (general penalty for summary offences) | 294-c-35 |
| Criminal Code - s. 787(1) (max imprisonment for summary conviction) | 389-a-44 |
| *Criminal Code* - s. 810 (peace bond - young person) | 407-c-47 |
| *Criminal Code* - s. 810 (peace bond) | 385-c-44 |
| Criminal Code - s. 813 (summary conviction right of appeal) | 397-a/b-45 |
| Criminal Code - s. 830 (summary conviction appeals) | 397-a/b-45  398-b-45 |
| Criminal Code - s. 839 (further summary conviction appeals) | 398-b/c-45 |
| *Criminal Code* - s. 85 | 381-d-44  389-b-44 |
| Criminal Code - s. 95(2) (man. Min. sentence for conviction) | 389-c-44 |
| Criminal Code - s. 99(2) (man min sentence for conviction) | 389-c-44 |
| *Criminal Proceedings Rules* - SCJ | 293-b-35 |
| Criminal record - sentencing | 380-a-44 |
| Criminal record - sentencing hearing - case tracking sheet | 383-d-44 |
| Criminal record - sentencing hearing - proof of offender’s record | 383-d-44 |
| *Criminal Records Act* - s. 6.1 | 386-a-44 |
| *Criminal Rules of the Ontario Court of Justice* - OCJ | 293-b-35 |
| **CROSS-EXAMINATION** |  |
| Cross-examination - child victim | 349-b/c-40 |
| Cross-examination - co-accused | 343-b/c-40 |
| Cross-examination - commissioned witness | 346-d-40  347-a-40 |
| Cross-examination - defence questions Crown witness | 373-c-43 |
| Cross-examination - purpose of quashing search warrant | 308-d-36  309-a-36 |
| Crown - duty - disclosure | 329-a/b/c-38 |
| Crown pre-trial | 367-b/c-43 |
| Crown pre-trial - Peace bond resolution | 367-c-43 |
| Crown’s case | 373-a/b/c/d-43 |
| Crown’s case - Cross-examination | 373-b/c-43 |
| Crown’s case - evidence - circumstantial v direct | 373-a-43 |
| Crown’s case - Examination in chief | 371-c/d-43 |
| Crown’s case - reply evidence | 377-a-43 |
| *Cuddy Chicks* | 356-c-41 |
| *Cunningham* | 354-b-41 |
| Cunningham - Appeals and Bail pending appeals - judicial review - extraordinary remedies | 402-c-45 |
| Cunningham - removal of counsel - withdrawal for non-payment | 354-a-41 |
| Custody placement hearing - Youth | 414-c-47 |
| Cyberbullying - production order | 303-d-36 |
| Cyberbullying - search warrant | 303-d-36 |
| **D** |  |
| Dagenais v Canadian Broadcasting Corp - Appeals and Bail pending appeals - judicial review - extraordinary remedies | 402-c-45 |
| Dangerous and long-term offenders - sentencing | 390-c/d-44 |
| *Darrach* | 375-d-43; 376-a-43 |
| Declaration of Principle - Youth - YCJA | 408-b/c-47 |
| **DEFENCE** |  |
| Defence - mental disorder: automatism (mental disorder automatism vs. non-mental disorder) | 366-b/c-42 |
| Defence - mental disorder: burden of proof | 366-c-42 |
| Defence - mental disorder: Crown raises issue of NCR | 365-a-42 |
| Defence - mental disorder: involuntary | 366-b/c-42 |
| Defence - mental disorder: when available | 364-b/c/d-42  365-a/b-42 |
| Defence - not criminally responsible (NCR) | 361-c/d-42  364-b/c/d-42  365-a/b-42 |
| Defence - of alibi | 335-c/d-38 |
| Defence’s case | 376-c/d-43  377-a-43 |
| Defence’s case - accused’s admissions to counsel | 376-d-43 |
| Defence’s case - Accused’s record - *Corbett* | 376-d-43 |
| Defence’s case - Opening statement | 376-c/d-43 |
| Defence’s case - surrebuttal | 377-b-43 |
| Defence’s case - witnesses | 376-d-43  377-a-43 |
| Defences - CDSA | 418-c-48 |
| Degree of responsibility | 380-a/b/c/d-44  381-a-44 |
| Degree of responsibility - Aboriginal status | 380-d-44 |
| Degree of responsibility - Age | 380-b/c-44 |
| Degree of responsibility - Behaviour post-offence | 380-b-44 |
| Degree of responsibility - Cooperation with authorities | 380-c-44 |
| Degree of responsibility - Criminal record | 380-a-44 |
| Degree of responsibility - Guilty plea | 380-c-44 |
| Degree of responsibility - immigration status | 381-a-44 |
| Degree of responsibility - Mental illness | 380-c/d-44 |
| Degree of responsibility - Motive | 380-b-44 |
| Degree of responsibility - Other relevant factors | 381-a-44 |
| Delay - Charter remedies - right to be tried w/in a reasonable time - s. 11(b) | 300-b-35  359-a/b-41 |
| Delay - review of detention where trial delayed | 328-a-37 |
| Delay in proceedings and other *Charter* breaches - sentencing | 382-a-44 |
| Delgamuukw v BC - Jurisdiction - Aboriginal peoples - Federal | 403-b-46 |
| Designated offence - DNA | 307-b/c-36 |
| Designation | 369-c-43 |
| Detainee - rights - on arrest or detention | 314-d-36  315-a/b/c36 |
| **DETENTION** |  |
| Detention - based on racial profiling | 313-d-36  314-a-36 |
| Detention - criteria for - “public” perspective balancing (*St Cloud*) | 322-a-37 |
| Detention - criteria for - not exhaustive | 322-a-37 |
| Detention - criteria for - Primary, Secondary and Tertiary Grounds | 321-d-37 |
| Detention - definition - at police station | 313-d-36 |
| Detention - definition - physical + psychological | 313-b/c-36 |
| Detention - duties to cooperate | 312-d-36 |
| Detention - right to counsel (see also RIGHT TO COUNSEL) | 314-d-36  315-a/b/c-36 |
| Detention - right to silence | 312-d-36  313-a-36 |
| Dialled number recorder | 308-b-36 |
| Dialled number recorder - Bill C-13 amendments to include transmission data recorder (SEE TRANSMISSION DATA RECORDER) | 308-b-36 |
| *Dickey* - SEE SENTENCES - IMPRISONMENT - MANDATORY MINIMUMS - CONSTITUTIONALITY OF | 389-c-44 |
| *Dinardo* (SCJ) | 382-c-44 |
| Direct examination | 373-a/b/c-43 |
| Direct indictment (preferring) | 294-b-35  297-d-35 |
| Direct indictment (s 577) | 294-b-35 |
| Directed verdict | 376-b-43 |
| Discharges - sentences | 385-d-44  386-a-44 |
| **DISCLOSURE** |  |
| Disclosure - “will says” (ie., witness statements and police notes) | 330-b-38 |
| Disclosure - at preliminary inquiry | 338-c-39 |
| Disclosure - constitutional right to disclosure | 329-a-38 |
| Disclosure - criminal records of witnesses | 331-a-38 |
| Disclosure - Crown delaying or withholding disclosure | 329-b/c-38  334-d-38 |
| Disclosure - Crown duty to disclose | 329-a/b/c-38 |
| Disclosure - Crown duty to investigate | 330-d-38  332-b-38 |
| Disclosure - Crown duty to preserve | 331-d-38  332-a-38 |
| Disclosure - Crown redacting | 330-c/d-38 |
| Disclosure - Crown work product | 331-b/c-38 |
| Disclosure - Crown’s possession but lost or destroyed | 332-a-38  335-a-38 |
| Disclosure - defence duty to disclose: alibis | 335-c/d-38 |
| Disclosure - defence duty to disclose: experts | 335-b/c-38 |
| Disclosure - defence duty to ensure disclosure full and complete (due diligence) | 334-b/c-38 |
| Disclosure - defence duty to not conceal physical evidence of a crime | 335-d-38 |
| Disclosure - defence may wish to disclose to have charge withdrawn | 335-d-38 |
| Disclosure - defence request for further disclosure | 334-b-38 |
| Disclosure - defence usually doesn’t pay | 330-c-38 |
| Disclosure - disagreements between Crown and defence - procedure at OCJ or SCJ | 330-a/b-38 |
| Disclosure - electronic media | 330-c-38 |
| Disclosure - form: paper, video, CD-ROM | 330-b/c-38 |
| Disclosure - general form | 330-b-38 |
| Disclosure - governing principle for Crown duty | 329-a-38 |
| Disclosure - in the possession of gov’t agency | 331-d-38 |
| Disclosure - in the possession of the Crown | 331-c/d-38  332-a-38 |
| Disclosure - in the possession of the police | 332-a/b/c-38 |
| Disclosure - in the possession of third parties | 332-c/d-38  333-a-38 |
| Disclosure - interactions of Crown and defence | 329-d-38  330-a/b/c-38 |
| Disclosure - investigating officer’s notes | 330-b-38 |
| Disclosure - investigation records/materials | 330-b-38 |
| Disclosure - lost or destroyed disclosure | 332-a-38  335-a-38 |
| Disclosure - need not be disclosed - general | 330-c/d-38 |
| Disclosure - need not be disclosed: materials not arising out of investigation (ex. Transcripts) | 330-d-38 |
| Disclosure - need not be disclosed: privilege | 330-d-38  331-b/c-38 |
| Disclosure - need not be disclosed: relevancy | 331-a/b-38 |
| Disclosure - non-disclosure: remedies | 334-c/d-38  335-a-38 |
| Disclosure - ongoing duty | 329-b-38  331-b-38 |
| Disclosure - police misconduct records | 332-a/b-38 |
| Disclosure - police misconduct records - serious misconduct unrelated to incident | 333-c/d-38 |
| Disclosure - purpose | 329-b-38 |
| Disclosure - remedies for non-disclosure | 334-c/d-38  335-a-38 |
| Disclosure - statements | 331-a-38 |
| Disclosure - testing of exhibits | 334-a-38 |
| Disclosure - third party records | 332-c/d-38  333-a-38 |
| Disclosure - third party records: O’Connor application | 332-c/d-38  333-a/b/c-38 |
| Disclosure - third party records: sexual offences (enumerated in s.278.2) | 332-c/d-38  333-a/b/c-38 |
| Disclosure - when Crown duty triggered (by defence request) | 329-d-38 |
| Dispose - Indictable appeals - powers of COA - power to dispose of appeal | 396-a/b/c/d-45  397-a-45 |
| Diversion - - sentences - factors (Crown) | 385-b-44 |
| Diversion - mental disorder | 362-c/d-42  363-a-42 |
| Diversion - mental disorder - continuation of prosecution | 363-c-42 |
| Diversion - mental disorder - when to consider | 362-b/c/d-42 |
| Division of Powers | 293-a/b-35 |
| DNA - designated offences | 307-b/c-36 |
| DNA - use, destruction, preservation | 307-b/c-36 |
| DNA - warrant to seize | 307-b/c-36 |
| DNA - youth samples | 307-c-36 |
| DNA orders - sentences | 390-d-44  391-a-44 |
| Domestic abuse courts - problem-solving courts | 385-c-44 |
| Domestic offences - sentencing | 381-c-44 |
| Double jeopardy - re-laying charges after discharge at preliminary inquiry | 340-d-39 |
| Double jeopardy (plea) | 370-d-43 |
| *Doyle* (OCJ) | 382-c-44 |
| Driving prohibition - stay of order | 398-d-45 |
| Drug-testing - sentencing - probation | 386-c-44 |
| Dudley - hybrid offence deemed summary before summary conviction court | 294-d-35  295-a-35 |
| Duration - sentencing | 381-b-44 |
| Duration - Youth - Sentencing | 414-a-47 |
| Duties to cooperate with police questions | 312-d-36 |
| Duty counsel | 295-c-35 |
| Duty counsel - right to be informed about (*Brydges*) | 315-b-36 |
| **E** |  |
| **ELECTION** |  |
| Election - accused (general) | 300-c-35 |
| Election - Accused declines | 296-a-35 |
| Election - Crown can require jury trial | 302-d-35 |
| Election - Crown election (hybrid offences) | 294-d-35 |
| Election - deemed | 294-d-35  300-c-35 |
| Election - Judge v Judge and Jury | 301-a/b-35 |
| Election - mode of trial - generally | 300-c-35 |
| Election - multiple accused | 302-c-35 |
| Election - Procedure - Youth | 407-d-47 408-a-47 |
| Election - re-election - 14 day limit | 300-d-35  301-d-35 |
| Election - re-election from deemed election | 301-b/c/d-35 |
| Election - s 554 offences | 296-a/b-35 |
| Election - trial by prov ct judge | 300-d-35  301-a-35 |
| Electronic media - form of disclosure | 330-c-38 |
| Enforcement proceedings - fines | 386-d-44; 387-a-44 |
| **EVIDENCE** |  |
| Evidence - Accused testimony - Crown and trial judge cannot comment on lack of testimony of accused - s. 4(6) CEA | 377-c-43  378-a-43 |
| Evidence - admissibility at trial - evidence from preliminary hearing | 341-a-39 |
| Evidence - admissibility rules - preliminary inquiry | 337-b-39  339-b-39 |
| Evidence - admitted facts/admissions | 373-d-43 |
| Evidence - aids for giving evidence - children and disabled witnesses in particular | 347-d-40  348-c/d-40  349-a/b-40 |
| Evidence - Business records - common law | 375-c-43 |
| Evidence - Business records - quasi-criminal prosecutions | 375-b-43 |
| Evidence - Business records and other documents | 375-a/b/c-43 |
| Evidence - Business records and other documents - hearsay | 375-a/b/c-43 |
| Evidence - CDSA - Proving the nature of the substance | 418-d-48 |
| Evidence - children and people with limited mental capacity: test for ability to testify | 344-a/b/c-40 |
| Evidence - Circumstantial - Crown’s case | 373-a-43 |
| Evidence - co-accused | 343-b/c-40 |
| Evidence - commission | 346-d-40  347-a-40 |
| Evidence - compelled by production order | 311-a/b/c/d-36  312-a-36 |
| Evidence - Confessions | 374-c/d-43  375-a-36 |
| Evidence - Confessions - Exclusions under *Charter* | 374-d-43 |
| Evidence - Confessions - *Oickle* | 374-c/d-43 |
| Evidence - Confessions - Prior exculpatory statements | 374-d-43 |
| Evidence - Confessions - voluntariness | 374-c/d-43 |
| Evidence - confessions - voluntariness - compulsory statements inadmissible (*R v White*) | 313-b-36 |
| Evidence - cross-examination Crown Witness | 373-c-43 |
| Evidence - crown disclosure | 329-a/b/c-38 |
| Evidence - Crown’s case | 373-a/b/c-43 |
| Evidence - Crown’s case - circumstantial v direct | 373-a-43 |
| Evidence - derivative - co-accused testimony | 343-b-40 |
| Evidence - Direct evidence - Crown’s case | 373-a-43 |
| Evidence - duty of defence counsel w/regard to review of disclosure | 334-b/c-38 |
| Evidence - evidentiary record | 373-d-43 |
| Evidence - exclusion - Charter remedy | 357-a/b-41 |
| Evidence - exhibits - release for testing | 334-a-38 |
| Evidence - Experts | 374-a/b/c-43 |
| Evidence - Experts - *Abbey* test | 374-a-43 |
| Evidence - Experts - hearsay | 374-b-43 |
| Evidence - Experts - *Mohan* test | 374-a-43 |
| Evidence - hearsay - bail hearing, allowed | 322-c-37 |
| Evidence - in another country - commission | 346-d-40  347-a-40 |
| Evidence - in hands of third party | 332-c/d-38  333-a-38 |
| Evidence - incarcerated witness | 346-b/c/d-40 |
| Evidence - Indictable appeals - powers of COA - fresh evidence | 395-c/d-45 396-a-45 |
| Evidence - lost or destroyed | 332-a-38  335-a-38 |
| Evidence - material witness | 343-a-40 |
| Evidence - prior bad act | 377-d-43 |
| Evidence - Procedure for calling evidence | 373-d-43  374-a/b/c/d-43  375-a/b-43 |
| Evidence - production - private records - procedure | 330-c/d-38 |
| Evidence - questioning of witness by trial judge | 373-c/d-43 |
| Evidence - reading in of | 345-c/d-40 |
| Evidence - sealing of third party records | 333-c-38 |
| Evidence - sentencing hearing | 383-b-44 |
| Evidence - sentencing hearing - court’s power | 384-b-44 |
| Evidence - sentencing hearing - judge alone trial | 383-b-44 |
| Evidence - sentencing hearing - witnesses | 384-b-44 |
| Evidence - sexual offences - disclosure | 332-d-38  333-c-38 |
| Evidence - sexual offences - rape shield provisions (s 276(2)) | 375-d-43; 376-a-43 |
| Evidence - unreasonable search, violation of Charter | 309-b/c-36 |
| Evidence - video and audio link - of witness removed from place of trial or outside Canada | 347-a/b/c-40 |
| Evidence - voir dire | 354-c-41  355-a-41 |
| Examination in chief | 373-c/d-43 |
| Examination in chief - Oath helping | 373-b-43 |
| Exhibits - release for testing | 334-a-38 |
| Exigent circumstances - warrantless search | 310-b-36 |
| Ex-parte before justice of the peace - to swear an information | 296-b/c-35 |
| **EXPERT** |  |
| Expert - defence duty to disclose | 335-b/c-38 |
| Expert - testing exhibits | 334-a-38 |
| Expert - witnesses | 344-c/d-40 |
| Experts - *Abbey* | 374-a-43 |
| Experts - hearsay | 374-b-43 |
| Experts - *R v Mohan* | 374-a-43 |
| Extension - Bail pending appeal - Release pending an indictable appeal - Altering the order | 399-a/b-45 |
| Extrajudicial measures - Youth | 408-d-47 409-a-47 |
| Extrajudicial sanctions - Youth | 409-a/b-47 |
| Extraordinary remedies - Appeals and bail pending appeals - judicial review | 402-c-45 |
| Extraterritorial jurisdiction | 299-c/d-35 |
| **F** |  |
| Factums - Indictable Appeals - Procedure | 394-d-45 395-a-45 |
| Factums - Summary conviction appeals - Procedure | 398-a-45 |
| Faint hope clause - sentencing | 390-b/c-44 |
| *Fawthrop* | 310-b-36 |
| *Fearon* - police can search cellphone incident to arrest | 310-a-36 |
| Federal jurisdiction over criminal law - s. 91 of the *Constitution Act* | 293-a-35 |
| Fines - enforcement proceedings (AG) | 386-d-44; 387-a-44 |
| Fines - in lieu of proceeds of crime otherwise unavailable | 386-d-44 |
| Fines - sentencing | 386-d-44 |
| Fingerprints - if accused in custody | 317-b/c-36 |
| Fingerprints - pre-trial release - not required if summary offence | 319-b-37 |
| Fingerprints - pre-trial release - required if hybrid and indictable | 319-b-37 |
| Fingerprints - warrant to search | 307-c/d-36 |
| Fitness assessment - mental disorder | 364-d-42  365-b/c-42 |
| Fitness to stand trial - mental disorder | 363-a/b/c/d-42  364-a/b-42 |
| *Flaro* - SEE SENTENCES - VICTIM SURCHARGE - CONSTITUTIONALITY OF | 387-c-44 |
| Forfeiture of other offence-related property - CDSA - Sentencing | 420-a/c-48 |
| Forfeiture of proceeds of crime - CDSA | 418-d-48 |
| Forfeiture of proceeds of crime - sentencing | 387-a/b-44 |
| Form D - Factums - Indictable appeals - Procedure | 395-a-45 |
| Fraud - indictment special rules | 298-c-35 |
| Fresh evidence - Indictable appeals - powers of COA - evidence | 395-c/d-45 396-a-45 |
| Future crime exception to privilege | 331-c-38 |
| **G** |  |
| *Gallant, LeBlanc and Steeves* - statement of issues and witnesses does not apply for unrepresented persons | 337-d-39 |
| Gladue - Aboriginal peoples - Sentencing | 380-d-44  405-d-46 406-a/c-46 |
| *Golden* - power incident to arrest does not permit taking of bodily samples | 309-d-36 |
| *Grant* - “delay” by police does not necessarily result in “detention” | 313-c-36 |
| **GRAVITY OF OFFENCE** |  |
| Gravity of offence - Sentencing - Abuse of trust | 381-b-44 |
| Gravity of offence - Sentencing - Domestic offences | 381-c-44 |
| Gravity of offence - Sentencing - duration | 381-c-44 |
| Gravity of offence - Sentencing - Magnitude or profitability | 381-c-44 |
| Gravity of offence - Sentencing - Planning and deliberation | 381-c-44 |
| Gravity of offence - Sentencing - Prevalence | 381-c-44 |
| Gravity of offence - Sentencing - range | 381-b-44 |
| Gravity of offence - Sentencing - tariffs | 381-b-44 |
| Gravity of offence - Sentencing - Terrorism and organized crime | 381-d-44 |
| Gravity of offence - Sentencing - Violence and the use of weapons | 381-d-44 |
| Gravity of offence - Sentencing - Vulnerability of the victim | 381-d-44 |
| Grounds for release (bail) - primary, secondary, tertiary | 321-d-37 |
| Guilty plea | 369-d-43  370-a/b-43 |
| Guilty plea - sentencing | 380-c-44 |
| Guilty plea - sentencing hearing | 383-c-44 |
| **H** |  |
| *Hall* - criteria for detention constitutionally valid | 320-b-37 |
| Healing circles - Aboriginal people - Sentencing | 406-c-46 |
| Hearing - Bail pending appeal - Release pending an indictable appeal | 399-b/c/d-45  400-a/b/c/d-45  401-a/b/c/d-45 |
| Hearing - Indictable appeals | 395-b-45 |
| Hearing - Summary conviction appeals | 398-b-45 |
| Hearsay - at bail hearing | 322-b/c-37 |
| Hearsay - business records and other documents | 375-a/b/c-43 |
| Hearsay - experts | 374-b-43 |
| Hearsay - from confidential informant - totality of circumstances test for reliability | 304-c-36 |
| *Hébert* - undercover cop as inmate | 316-b/c-36 |
| Hybrid offences - maximum penalty/fine | 294-d-35  295-a-35 |
| **I** |  |
| Impartiality - Aboriginal peoples - Jury selection - Challenge | 405-c/d-46 |
| Importing/exporting - CDSA - Offences | 417-d-48  418-a-48 |
| **IMPRISONMENT** |  |
| Imprisonment | 389-a/b/c/d-44 |
| Imprisonment - in lieu of fine for proceeds of crime | 387-b-44 |
| Imprisonment - Increased penalty for subsequent offence | 389-d-44 |
| Imprisonment - intermittent imprisonment | 389-a/b-44 |
| Imprisonment - mandatory minimums | 389-b/c/d-44 |
| Imprisonment - mandatory minimums - Charter | 389-c/d-4 |
| Imprisonment - mandatory minimums - constitutionality of | 389-c-44 |
| Imprisonment - Maximums | 385-a-44  389-a-44 |
| Imprisonment - of witnesses who fail to answer questions or fail to show up | 345-b/c-40  346-b-40 |
| Imprisonment - temporary absence program | 389-b-44 |
| Incriminating statements - production order - protection for subsequent criminal proceeding | 311-c-36 |
| Incriminating statements - production order - self-incrimination not an excuse to fail to comply | 311-b-36 |
| Incrimination (self) - SEE: Self-incrimination |  |
| Independent legal advice - law office search | 306-b/c-36 |
| Indian Act - Advising Aboriginal accused - Jurisdictional issues | 404-d-46 405-a-46 |
| Indian Act - Jurisdiction - Aboriginal peoples - Provincial | 403-d-46 404-a-46 |
| **INDICTABLE APPEAL** |  |
| Indictable appeal - bail pending appeal | 399-b/c/d-45 400-a/b/c/d-45 401-a/b/c/d-45 |
| Indictable appeals | 393-c/d-45 394-a-45 |
| Indictable appeals - Further appeals - SCC | 396-d -45 397-a-45 |
| Indictable appeals - Hearing | 395-b-45 |
| Indictable appeals - Powers of COA - Power to dispose - Acquittal | 396-c-45 |
| Indictable appeals - Powers of COA - Power to dispose - Conviction | 396-a/b-45 |
| Indictable appeals - Powers of COA - Power to dispose - Sentence | 396-c/d-45 |
| Indictable appeals - Powers of COA - Power to dispose of appeal | 396-a/b/c/d-45 |
| Indictable appeals - Powers of COA - Power to receive evidence | 395-c/d-45  396-a-45 |
| Indictable appeals - Powers of the Court of Appeal | 395-c/d-45 396-a/b/c/d-45 |
| Indictable Appeals - Procedure | 394-b/c/d-45 395-a/b-45 |
| Indictable Appeals - Procedure - Stages | 394-b/c/d-45 395-a-45 |
| Indictable Appeals - Procedure - Stages - Appeal book | 394-d-45 |
| Indictable Appeals - Procedure - Stages - Factums | 394-d-45 395-a-45 |
| Indictable Appeals - Procedure - Stages - Notice of appeal | 394-b/c-45 |
| Indictable appeals - Procedure - Stages - Perfection of the appeal | 395-a/b-45 |
| Indictable Appeals - Procedure - Stages - Transcripts | 394-c/d-45 |
| Indictable appeals - Right of Appeal - Crown | 394-a-45 |
| Indictable appeals - Rights of appeal - Accused | 393-c/d-45 |
| Indictable offence vs. summary conviction offences vs. hybrid offences | 294-c/d-35 |
| Indictable offences - limitation period | 300-a/b-35 |
| Indictable offences - penalties | 294-c-35 |
| Indictable offences (pure) | 294-c-35 |
| **INDICTMENT** |  |
| Indictment - amendment - broad power | 298-d-35 |
| Indictment - amendments to conform to evidence | 299-b/c-35 |
| Indictment - challenge to wording of charge - application | 352-d-41 |
| Indictment - defects in form/substance & amendment thereto | 298-c/d-35  299-a/b/c-35 |
| Indictment - direct - when used | 294-b-35 |
| Indictment - direct (preferring) | 297-d-35 |
| Indictment - direct (s 577) | 294-b-35 |
| Indictment - duplicity rule & violation | 298-d-35 |
| Indictment - effect of quashing | 299-a/b-35 |
| Indictment - following committal | 340-d-39 |
| Indictment - formal reqs - after a prelim inquiry | 297-b-35 |
| Indictment - formal reqs - direct indictment | 297-c/d-35 |
| Indictment - formal reqs - if no prelim inquiry | 297-c-35 |
| Indictment - formal reqs & rules for charges in an indictment | 297-b/c/d-35  298-a/b-35 |
| Indictment - insufficient details & motion for particulars | 299-a-35 |
| Indictment - motion to quash - timing (before/after plea entered) | 298-d-35 |
| Indictment - motion to quash where deficiency alleged | 298-d-35 |
| Indictment - no limitations period | 297-c-35  300-b-35 |
| Indictment - order to quash (failure to comply with substantive reqs) | 298-c/d-35  299-a/b-35 |
| Indictment - preferring (filing) | 294-a-35 |
| Indictment - preferring (timing) | 297-c-35 |
| Indictment - proceeding by way of indictment (Absolute jurisdiction s 533; Exclusive jurisdiction; s 469; Others s 554) | 295-c/d-35  296-a/b-35 |
| Indictment - substantive reqs (4) | 297-d-35  298-a/b-35 |
| Indictment - types: (i) after accused committed to stand trial & (ii) direct | 294-a/b-35 |
| Informant - police or peace officer (laying an information) | 296-b/c-35 |
| Informant - private citizen (laying an information) | 296-d-35  297-d-35 |
| Informant - re: swearing information | 296-b/c-35 |
| **INFORMATION** |  |
| Information - amendment - broad power | 298-d-35 |
| Information - amendments to conform to evidence | 299-b/c-35 |
| Information - challenge to wording of charge - application | 353-c-41 |
| Information - definition (the charge document) | 293-d-35  294-a-35 |
| Information - duplicity rule & violation | 298-d-35 |
| Information - effect of quashing | 299-a/b-35 |
| Information - ex parte procedure for swearing | 296-b-35 |
| Information - initiating the criminal process | 296-b/c-35 |
| Information - initiating the criminal process - police services appearance notice or promise to appear | 296-c-35 |
| Information - initiating the criminal process - private informations and pre-enquetes | 296-d-35  297-a-35 |
| Information - initiating the criminal process - swearing an information (s 504) | 296-b-35 |
| Information - insufficient details & motion for particulars | 299-a-35 |
| Information - laying or swearing of | 296-b/c-35 |
| Information - motion to quash - timing (before/after plea entered) | 298-d-35 |
| Information - motion to quash where deficiency alleged | 298-c/d-35  299-a-35 |
| Information - order to quash (failure to comply with substantive reqs) | 299-a/b-35 |
| Information - private | 296-d-35 |
| Information - private - court refusal to issue process | 296-d-35  297-a-35 |
| Information - reasonable information | 296-b-35  298-b-35 |
| Information - sealing order - confidential informant | 304-c/d-36 |
| Information - spent after order to stand trial made | 297-c-35 |
| Information - substantive reqs (4) | 297-d-35  298-a/b-35 |
| Information - totality of circumstances test - confidential informant | 304-b-36 |
| Information - who may swear (s 504) | 296-b/c/d-35 |
| Information to obtain: see SEARCH WARRANTS |  |
| Informer - warrant - totality of circumstances test | 304-b-36 |
| Informers - privilege on disclosure | 331-c-38 |
| Inmate - confession to fellow inmate | 316-b/c-36 |
| Innocence at stake exception to privilege | 331-c-38 |
| Inquiries Act | 402-d-45 |
| Insane - SEE MENTAL DISORDER |  |
| Intermittent imprisonment | 389-a/b-44 |
| *Interpretation Act* - s 34(1)(a) (hybrid offences deemed indictable) | 294-d-35 |
| Intervention - Crown intervention in private prosecution | 297-a-35 |
| Investigating suspects - police duty | 312-c/d-36  313-a-36 |
| Investigation - blood samples - warrant | 307-a-36 |
| Investigation - bodily samples - driving offences | 310-c-36  317-c-36 |
| Investigation - breath tests - driving offences | 310-c-36 |
| Investigation - breath tests - refusing | 310-c-36 |
| Investigation - fingerprints | 317-b/c-36 |
| Investigation - line up | 316-d-36  317-a/b-36 |
| Investigation - polygraph (lie detector test) | 317-d-36 |
| Investigation - rules governing when DNA samples must be destroyed | 307-c-36 |
| Investigation - sobriety test | 317-c-36 |
| Ipeelee - Aboriginal peoples - Sentencing | 406-a-46 |
| Issuing process | 296-c/d-35  297-a-35 |
| **J** |  |
| Jail - see IMPRISONMENT |  |
| Joinder - murder | 298-c-35 |
| Joint submission - Sentencing - Submissions | 384-d-44 |
| *Jones* | 310-b-36 |
| Judges - Youth court | 293-c-35 |
| Judicial interim release - (see BAIL) |  |
| Judicial pre-trial - SEE pre-hearing conference | 368-a/b/c/d-43 |
| Judicial Review - appeals and bail pending appeals | 402-c-45 |
| **JURISDICTION** |  |
| Jurisdiction - Aboriginal peoples - Federal | 403-a/b/c-46 |
| Jurisdiction - Aboriginal peoples - on reserve and off reserve | 403-a/b/c/d-46  404-a/b-46 |
| Jurisdiction - Aboriginal peoples - Provincial | 403-c/d-46 404-a-46 |
| Jurisdiction - Advising Aboriginal accused - Jurisdictional issues | 404-d-46 405-a-46 |
| Jurisdiction - airplane | 299-d-35 |
| Jurisdiction - Appeals | 393-b/c-45 |
| Jurisdiction - charges in multiple provinces | 300-a-35 |
| Jurisdiction - exceeded by preliminary justice | 341-a/c-39 |
| Jurisdiction - federal jurisdiction over criminal law | 293-a-35 |
| Jurisdiction - indictment | 293-d-35 |
| Jurisdiction - offences outside Canada | 299-c/d-35 |
| Jurisdiction - parts of alleged offence in Canada | 299-d-35 |
| Jurisdiction - provincial division + exceptions | 299-d-35  300-a-35 |
| Jurisdiction - provincial jurisdiction over “Administration of Justice” | 293-a-35 |
| Jurisdiction - territorial division | 299-c/d-35 |
| Jurisdiction - time limits - Charter | 300-b-35 |
| Jurisdiction - trial - adult - OCJ v SCJ | 293-b-35 |
| Jurisdiction - trial - youth court | 293-c-35 |
| Jurisdiction - Youth justice court | 407-b/c/d-47 408-a-47 |
| **JURY** |  |
| Jury deliberations | 378-b-43 |
| Jury deliberations - jury questions | 378-b-43 |
| Jury deliberations - Verdict - lack of unanimous verdict | 378-c/d-43 |
| Jury deliberations - verdict - unanimity | 378-c-43 |
| Jury selection - Aboriginal peoples - Procedure | 405-b/c-46 |
| Jury selection - alternate jurors | 371-c/d-43  372-a-43 |
| Jury selection - Assembling the panel | 371-a-43 |
| Jury selection - challenge for cause | 372-b/c-43 |
| Jury selection - Challenge for cause - “two triers” | 372-b/c-43 |
| Jury selection - challenge for cause - not impartial | 372-b-43 |
| Jury selection - Challenging the panel | 371-b-43 |
| Jury selection - Excusing jurors | 371-c-43 |
| Jury selection - Impartiality | 372-b-43 |
| Jury selection - Juror cannot continue | 372-c-43 |
| Jury selection - Mistrial - Less than 10 jurors | 372-c-43 |
| Jury selection - Peremptory challenges | 371-c/d-43  372-a-43 |
| Jury selection - Qualification of jurors | 371-a-43 |
| Jury selection - Selecting from the panel | 371-b/c-43 |
| Jury trial - AG can require | 302-c-35 |
| Justification (plea) | 371-a-43 |
| **K** |  |
| *Knott* (probation) | 386-b-44 |
| Kokopenace - Aboriginal peoples - Procedure - Jury selection | 405-b-46 |
| **L** |  |
| Law office - search | 306-b/c-36 |
| Law office search - independent legal advice | 306-c-36 |
| Legal aid - general | 295-b/c-35 |
| Legal aid - right to be informed about | 315-c-36 |
| *Lewis* - SEE SENTENCES - IMPRISONMENT - MANDATORY MINIMUMS - CONSTITUTIONALITY OF | 389-c-44 |
| Lewis (Charter challenge to mandatory minimums) | 389-c-44 |
| Libel - indictment special rules | 298-c-35 |
| Limitation periods for laying charges | 300-b-35 |
| Line up - adverse inference re: not participating | 316-d-36 / 317-a-36 |
| Line up - advice lawyer should give | 317-a-36 |
| Line up - ideal procedure (*Ross*) | 317-a-36 |
| Line up - no obligation to participate | 316-d-36 |
| Line up - police investigation | 317-a-36 |
| Long-term offender - sentencing | 390-d-44 |
| **M** |  |
| Magnitude or profitability | 381-c-44 |
| Mandatory minimums - CDSA - Sentencing | 419-b/c/d-48 |
| Mandatory minimums - constitutionality of | 389-c/d-44 |
| Mandatory minimums - Imprisonment | 389-b-44 |
| Mandatory minimums - imprisonment - Charter | 389-c/d-44 |
| Mandatory minimums - imprisonment - constitutionality of | 389-c/d-44 |
| *Mann* - evidence found during legal pat down admissible | 310-a-36 |
| Marihuana Medical Access Regulations | 418-b-48 |
| Marihuana Medical Access Regulations - repeal of | 418-b-48 |
| Marihuana Medical Purposes Regulations | 418-b/c-48 |
| Marihuana Medical Purposes Regulations - grandfathering of past valid authorizations | 418-b/c-48 |
| Material witness - definition | 345-d-40 |
| Material witness - warrant for: 3 types | 345-d-40 / 346-a-40 |
| *McHale* - Crown cannot withdraw charges until after justice issues process | 297-a-35 |
| *McNeil* - disclosure of information in possession of police | 332-a-38 |
| **MENTAL DISORDER** |  |
| Mental disorder - accused found unfit - treatment order | 363-c-42 |
| Mental disorder - alternatives to prosecution: community treatment order | 362-b-42 |
| Mental disorder - alternatives to prosecution: diversion or conditional stays | 362-c/d/-42 / 363-a-42 |
| Mental disorder - assessment of fitness | 365-b/c/d-42 |
| Mental disorder - bail prior to assessment order if no hospital bed available (*Ontario v Phaneuf*) | 365-d-42 |
| Mental disorder - defence - automatism (mental disorder automatism vs. non-mental disorder) | 366-b/c-42 |
| Mental disorder - defence - burden of proof | 364-b/c-42 |
| Mental disorder - defence - Crown raises issue | 365-a-42 |
| Mental disorder - defence - involuntary | 366-b/c-42 |
| Mental disorder - defence - not criminally responsible (NCR) | 361-c/d-42 / 364-c/d-42 365-a/b-42 |
| Mental disorder - defence - when available | 364-d-42 |
| Mental disorder - definition - Criminal Code | 361-a-42 |
| Mental disorder - diversion | 362-c/d-42 / 363-a-42 |
| Mental disorder - diversion: continuation of prosecution | 363-a-42 |
| Mental disorder - examples: sleepwalking, developmental disability, brain injury | 361-a-42 |
| Mental disorder - fitness to stand trial - presumption of fitness | 363-b-42 |
| Mental disorder - fitness to stand trial - when issue can be raised | 363-b-42 |
| Mental disorder - legal meaning | 361-a-42 |
| Mental disorder - mens rea | 364-c/d-42 |
| Mental disorder - not criminally responsible by reason of mental disorder (see also NCR) | 361-c-42 |
| Mental disorder - post-arrest or pre-trial | 362-b/c/d-42 / 363-a-42 |
| Mental disorder - pre-arrest or pre-charge | 362-a/b-42 |
| Mental disorder - principle of fundamental justice - unjust to try unfit accused | 361-c-42 |
| Mental disorder - psychiatric assessments | 365-b/c/d-42 |
| Mental disorder - Review Board dispositions | 365-a-42 |
| Mental disorder - Review Board jurisdiction - after finding accused unfit | 363-d-42 |
| Mental disorder - Review Board jurisdiction - after finding of NCR | 365-a-42 |
| Mental disorder - sentencing | 366-d-42 |
| Mental disorder - statements of accused | 365-d-42 / 366-a-42 |
| Mental disorder - stay of proceedings | 364-a/b-42 |
| Mental disorder - Taylor test for fitness | 363-b/c-42 |
| Mental disorder - test for fitness after initial finding of unfitness (permanently unfit) | 364-a/b-42 |
| Mental disorder - unfit - indeterminate detention | 363-d-42 / 364 -a-42 |
| Mental disorder - unfit to stand trial: definition | 363-a/b-42 |
| Mental disorder - unfit to stand trial: Review Board dispositions | 363-d-42 |
| Mental disorder - unfitness - impact on accused | 363-d-42 / 364-a-42 |
| Mental disorder - uniform test for assessing all claims of mental incompetence | 366-a/b-42 |
| Mental disorder - when it becomes relevant | 361-d-42 / 362-a-42 |
| Mental Health Act - police/family commit an individual to facility for observation | 362-b-42 |
| Mental illness - sentencing | 366-d-42 |
| Mentally disabled witness | 348-a-40 |
| *Michael* - SEE SENTENCES - VICTIM SURCHARGE - CONSTITUTIONALITY OF | 387-c-44 |
| Minister of Justice - Appeals or bail pending appeals - application for review | 399-a/b-45 |
| Miscarriage of justice - Appeals and bail pending appeals - Post-appellate remedies - Inquiries | 402-d-45 |
| Mistrial | 378-d-43 |
| Money laundering - offence | 299-c-35 |
| **MOTION** |  |
| Motion - directed verdict | 376-b-43 |
| Motion - post-sentence | 391-c-44 |
| Motion for particulars - information or indictment | 299-a-35 |
| Motion to quash - indictment | 298-c/d-35 / 299-a-35 |
| Motion to quash - information | 298-c/d-35 / 299-a-35 |
| Motion to quash order after preliminary inquiry | 341-b/c-39 |
| Motions to quash search warrant | 308-c/d-36 / 309-a-36 |
| Motions to quash subpoena | 345-c/-40 |
| Motive - sentencing | 380-b-44 |
| **MURDER** |  |
| Murder - arrest - obligation to remand accused in custody | 320-c-37 |
| Murder - bail hearing | 320-d-37 |
| Murder - indictment - special considerations | 298-b/c-35 |
| Murder - indictment and special rules | 298-b/c-35 |
| Murder - no joinder with unrelated offence | 298-b/c-35 |
| Murder - Superior Court exclusive jurisdiction | 295-d-35 / 296-a-35 |
| **N** |  |
| *Nassri* | 381-a-44 |
| **NCR** |  |
| NCR - absolute discharge | 365-a-42 |
| NCR - not criminally responsible by reason of mental disorder - generally | 361-c/d-42 |
| NCR - onus (burden of proof) | 364-b-42 |
| NCR - private assessments - pros and cons | 365-b/c-42 |
| NCR - Review Board jurisdiction - after finding of NCR | 365-a-42 |
| NCR - who can raise the issue | 364-d-42 / 365-a-42 |
| New Trial - Bail pending appeal - Release pending new trial | 401-d-45 |
| Niqab - witness | 347-b/c-40 |
| Non-mental disorder automatism | 366-c-42 |
| Non-payment of fees - client | 353-d-41 / 354 -a-41 |
| Non-publication order - no disclosure about portion of trial for which jury was not present until after jurors retire | 359-d-41 / 360- a/c-41 |
| Non-publication order - protection of identity of complainant or witness for sexual offence | 349-d-40 |
| Non-publication orders (generally) | 359-c/d-41 / 360-a/c-41 |
| Non-suit - directed verdict | 376-b-43 |
| Not guilty plea | 370-c-43 |
| Notice of appeal - indictable appeals - procedure | 394-b/c-45 |
| Notice of appeal - Summary conviction appeals - Procedure | 397-b/c-45 |
| Notice of application - adjournment | 352-d-41 / 353-a-41 |
| Notice of application - change of venue | 353-b/c-41 |
| Notice of application - tactical considerations | 357-b/c-41 |
| Notice of application - timing - pre-trial apps (general) | 352-a-41 |
| Notice of constitutional question | 356-a-41 |
| Notice to parent - Youth | 410-d-47 / 411-a-47 |
| *Nur* - SEE SENTENCES - IMPRISONMENT - MANDATORY MINIMUMS - CONSTITUTIONALITY OF | 389-c-44 |
| *Nur* (Charter challenge to mandatory minimums) | 389-c-44 |
| **O** |  |
| O’Conner application - trial judge assessment: likely relevance + balancing | 333-a/b/c-38 |
| O’Connor application - disclosure of third party records | 332-c/d-38 |
| Oath-helping | 373-b-43 |
| Obscenity - indictment and special rules | 298-c-35 |
| Obstructing a police officer | 313-a-36 |
| Obstructing justice | 313-a-36 |
| OCJ pre-trial conference | 368-a/b/c-43 |
| OCJ Rules | 351-d-41; 352-a-41 |
| **OFFENCE** |  |
| Offence - designated - DNA | 307-b/c-36 |
| Offence-related property - CDSA | 420-a/c-48 |
| Offences - CDSA | 417-b/c/d-48 / 418-a/b/c-48 |
| Offences - CDSA - Importing/exporting | 417-d-48 / 418 -a- 48 |
| Offences - CDSA - Importing/exporting - Tariff | 417-d-48 / 418 -a- 48 |
| Offences - CDSA - Possession | 417-b-48 |
| Offences - CDSA - Possession for purpose of trafficking | 417-b-48 |
| Offences - CDSA - Possession for use in production or trafficking | 418-a-48 |
| Offences - CDSA - Production of substance | 418-a-48 |
| Offences - CDSA - Trafficking | 417-b/c-48 |
| Offences - crown election, “crown elect” (hybrid offences) | 294-d-35 / 295-a-35 |
| Offences - hybrid | 294-d-35 / 295-a-35 |
| Offences - outside Canada - jurisdiction | 299-c/d-35 / 300-a-35 |
| Offences - pure indictable | 294-c-35 |
| Offences - summary conviction | 294-c-35 |
| Offences - types : (i) pure summary; (ii) pure indictable; (iii) hybrid | 294-c/d-35 / 295 -a-35 |
| Offender’s statement - Sentencing | 384-d-44 |
| *Oickle* | 374-c/d-43 |
| *Oickle* - voluntariness | 313-a-36 |
| Online crime - production order | 303-d-36 |
| Online Crime - search warrant | 303-d-36 |
| Ontario *Evidence Act* - s. 35 | 375-b-43 |
| **ONUS** |  |
| Onus - bail hearing - 469 offences | 327-a-37 |
| Onus - bail hearing - non 469 | 320-d-37 / 321-a-37 |
| Onus - bail hearing - reverse onus offences | 321-a/b/c/-37 |
| Onus - cancellation hearing (bail revoked) | 327-b/c-37 |
| Onus - defence of mental disorder or NCR | 364-b-42 |
| Onus - establishing a Charter breach | 355-c-41 |
| Onus - justifying non-disclosure of information | 329-b-38 |
| Opening address/statement | 372-d-43 |
| Opening address/statement - judge-alone trial | 372-d-43 |
| Opening statement - Defence’s case | 372-d-43 |
| Order - bring incarcerated witness before court | 346-b/c/d-40 |
| Order - exclusion of witness | 359-c-41 |
| Order - non-publication | 359-c/d-41 |
| Order - particulars | 299-a-35 |
| Order - Review Board - disposition | 365-a/b-42 |
| Order - seize and freeze | 312-b-36  305-d-36 / 306-a-36 |
| Order - to expedite trial | 328-d-37 |
| Order - to stand - other offences added | 340-c-39 |
| Order - to stand trial | 340-b/c-39 |
| Order - to stand trial - quashing order | 341-b/c-39 |
| Order to stand trial - included or other offences & spent after it’s made | 297-b/c-35 |
| Other relevant factors - Delay in proceedings and other *Charter* breaches | 382-a-44 |
| Other relevant factors - Pre-trial bail conditions | 382-c-44 |
| Other relevant factors - Pre-trial custody | 382-a/b/c-44 |
| Other relevant factors - sentencing - immigration status | 381-a-44 |
| Out of court statements (see CONFESSION) |  |
| **P** |  |
| Pardon (plea) | 370-d-43 / 371-a-43 |
| Parent - Youth - Notice to parent | 410-d-47 / 411-a-47 |
| Parole eligibility orders - sentencing | 390-a/b-44 |
| Particulars - move for | 299-a-35 |
| Particulars - order for | 299-a-35 |
| Peace bond | 385-c-44 |
| Peace bonds - sentencing - alternative measures | 385-c-44 |
| Peace bonds - sentencing - common law | 385-c-44 |
| *Pearson* - reverse onus provisions constitutionally valid | 321-c-37 |
| Perfection of the appeal - Indictable appeals - procedure | 395-a-45 |
| Perjury - indictment special rules | 298-c-35 |
| Plain-view doctrine - warrantless searches (*Spindloe, Fawthrop, Jones*, *CC* s 489) | 310-b-36 |
| Planning and deliberation - sentencing | 381-c-44 |
| **PLEA** |  |
| Plea - arraignment | 369-c/d-43 |
| Plea - Autrefois acquit | 370-d-43 |
| Plea - Autrefois convict | 370-d-43 |
| Plea - changing plea from guilty to not guilty | 370-b-43 |
| Plea - double jeopardy | 370-d-43 |
| Plea - general | 369-d-43 |
| Plea - guilty plea | 369-d-43 / 370-a/b-43 |
| Plea - guilty plea not accepted | 370-a/b-43 |
| Plea - justification | 369-d-43 / 370-a/b/c/d-43 |
| Plea - not guilty plea | 370-c-43 |
| Plea - pardon | 370-d-43 / 371-a-43 |
| Plea - refusal to plea | 371-a-43 |
| Plea - Special pleas | 370-d-43 / 371-a-43 |
| Plea - voluntary | 370-a/b-43 |
| Plea - withdrawal of plea | 370-d-43 |
| Police - duty to ask questions | 312-c/d-36 / 313-a-36 |
| Police - duty to inform detainee about s. 10 | 313-b-36 |
| Police - undercover officer talks to accused | 316-b/c-36 |
| **POLICE & POLICE POWERS** |  |
| Police power - arrest | 314-b/c-36 |
| Police power - detention (see also DETENTION) | 313-b/c/d-36 |
| Police power - polygraphs | 317-d-36 |
| Police power - pre-trial release | 319-a-37 |
| Police power - pre-trial release - by officer in certain circumstances | 319-c-37 |
| Police power - pre-trial release - by officer in charge | 319-c-37 |
| Police power - questioning | 313-b/c/d-36 |
| Police power - questioning youth - additional protections | 316-c/d-36 |
| Police power - sobriety tests | 317-c-36 |
| Police power - to investigate crime - inaccurate to call it a “power” | 312-c/d-36 |
| Police questions - is there a duty to cooperate? | 312-c/d-36 |
| Polygraph tests | 317-d-36 |
| Possession - CDSA - Offences | 417-b-48 |
| Possession for purpose of trafficking | 417-b-48 |
| Possession for use in production or trafficking - CDSA - Offences | 418-a/b-48 |
| Post-appellate remedies - Appeals and bail pending appeals | 402-d-45 |
| Post-offence behaviour - sentencing | 380-b/c/d-44 |
| Post-sentence applications | 391-c-44 |
| Pre-arrest - mental disorder | 362-a/b-42 |
| Pre-charge conference | 377-c-43 |
| Pre-enquete hearing | 296-d-35 / 297-a-35 |
| Pre-enquete hearing - Crown intervention | 297-a-35 |
| Preferring the indictment (s 574(1) & s 574(1.1)) | 294-a-35 |
| **PRE-HEARING & PRE-TRIAL** |  |
| Pre-hearing conference | 367-d-43 / 368-a-43 |
| Pre-hearing conference - OCJ pre-trial conference | 368-a/b/c-43 |
| Pre-hearing conference - SCJ pre-hearing conference | 368-c-43 |
| Preliminary hearing - evidence at hearing - admissibility at trial | 341-a-39 |
| **PRELIMINARY INQUIRY** |  |
| Preliminary Inquiry - Publication Ban | 338-b/c-39 |
| Preliminary inquiry - accused absconds | 340-a-39 |
| Preliminary inquiry - accused absent | 338-c-39 |
| Preliminary inquiry - accused at counsel table | 338-c-39 |
| Preliminary inquiry - accused testimony | 339-c/d-39 |
| Preliminary inquiry - adjournment | 352-d-41 / 353-a/b-41 |
| Preliminary inquiry - admissibility of evidence adduced at prelim in trial | 341-a-39 / 337-b-39 |
| Preliminary inquiry - admissible evidence | 338-d-39 /339-b-39 |
| Preliminary inquiry - arraignment and election (no plea) | 338-b-39 |
| Preliminary inquiry - bail variation | 340-a-39 |
| Preliminary inquiry - calling witnesses, cross-examining witnesses | 338-c/d-39 /339-a/b-39 |
| Preliminary inquiry - certiorari application to quash order | 341-b/c-39 |
| Preliminary inquiry - charge screening device | 337-a-39 |
| Preliminary Inquiry - Commission Evidence | 339-b-39 |
| Preliminary inquiry - committal on other offences | 340-c-39 |
| Preliminary inquiry - committal: test | 340-b-39 |
| Preliminary inquiry - confessions | 339-b-39 |
| Preliminary inquiry - court exceeding jurisdict. | 339-c-39 |
| Preliminary Inquiry - Cross-examination | 339-a-39 |
| Preliminary Inquiry - Cross-examination - Exceptions | 339-a/b-39 |
| Preliminary inquiry - defence witnesses | 339-c/d-39 |
| Preliminary inquiry - discharge of accused | 340-d-39 |
| Preliminary inquiry - disclosure orders | 338-c-39 |
| Preliminary inquiry - discovery and trial preparation tool (for defence and Crown) | 337-a/b-39 |
| Preliminary inquiry - evidence: Charter violations | 339-c-39 |
| Preliminary inquiry - exclusion of witnesses | 338-b-39 |
| Preliminary inquiry - facilitate resolution | 337-b-39 |
| Preliminary inquiry - focus hearing | 337-d-39 / 338-a-39 |
| Preliminary inquiry - indictment after committal | 340-d-39 |
| Preliminary inquiry - jurisdiction of court | 339-c-39 |
| Preliminary inquiry - purpose and benefits | 337-a/b-39 |
| Preliminary inquiry - quash order to discharge | 341-b/c-39 |
| Preliminary inquiry - quash order to stand trial | 341-b/c-39 |
| Preliminary inquiry - re-election after prelim | 341-a-39 |
| Preliminary inquiry - re-laying charges after discharge | 340-d-39 |
| Preliminary Inquiry - Sexual offences - cross-examination of complainant by self-represented accused | 339-a-39 |
| Preliminary inquiry - statement of issues | 337-d-39 / 338-a-39 |
| Preliminary inquiry - submissions from counsel to close hearing | 339-d-39 |
| Preliminary inquiry - transcript | 341-a-39 |
| Preliminary inquiry - unrepresented accused | 339-d-39 |
| Preliminary inquiry - waiver | 340-b-39 |
| Preliminary inquiry - when available | 337-b/c-39 |
| Preliminary inquiry - Youth | 408-a-47 |
| Preparatory motions | 352-a/b-41 |
| Pre-sentence custody - credit for pre-sentence custody (new cases) | 382-b/c-44; 324-d-37 |
| Pre-sentence detention - credit for pre-sentence custody (new cases) | 382-b/c-44; 324-d-37 |
| Pre-sentence report - sentencing | 383-d-44 / 384-a/b-44 |
| Pre-sentence report - Youth - Sentencing | 412-c-47 |
| Pre-sentence report - Youth - Sentencing - Adult sentencing hearing | 414-c-47 |
| Preservation order - computer data | 311-b-36 |
| Preserve order in court - power to | 293-a/b-35 |
| Presumption - accused does not have mental disorder | 364-b-42 |
| Presumption - accused fit to stand trial | 363-a/b-42 |
| Pre-trial - Judicial pre-trial - SEE pre-hearing conference | 367-d-43 / 368-a-43 |
| Pre-trial - mental disorder - diversion | 362-b/c/d-42 / 363-a-42 |
| Pre-trial applications - generally- see APPLICATIONS | 351-a/b/c-41 |
| Pre-trial bail conditions - sentencing | 382-c-44 |
| Pre-trial custody - credit for pre-sentence custody (new cases) | 382-c-44; 324-d-37 |
| Pre-trial custody - sentencing | 382-a/b-44 |
| Pre-trial detention - credit (sentencing) for pre-trial detention (new case law) | 324-d-37; 382-b/c-44 |
| Pre-trial detention - Youth | 409-b/c/d-47 / 410-a-47 |
| Pre-trial detention - Youth - responsible adult | 409-d-47 |
| Pre-trial detention - Youth - Sentencing - credit for pre-trial detention | 411-d-47 |
| Pre-trial detention - Youth - serious offence | 409-c-47 |
| Pre-trial discussions - case management judge | 368-d-43 / 369-a/b-43 |
| Pre-trial discussions - pre-hearing conference | 367-d-43 / 368-a-43 |
| Pre-trial discussions - pre-hearing conference - OCJ pre-trial conference | 368-a/b/c-43 |
| Pre-trial discussions - pre-hearing conference - SCJ pre-hearing conference | 368-c-43 |
| Pre-trial discussions - SCJ-pre-hearing -pre-trial conference report | 368-c-43 |
| Pre-trial discussions, Crown pre-trial | 367-b/c-43 |
| Pre-trial discussions, general | 367-a-43 |
| Pre-trial publicity - change of venue | 353-b/c/d-41 |
| Pre-trial release - appearance notice | 319-b-37 |
| Pre-trial release - bail (see BAIL) | 320-d-37 / 321-a/c-37 |
| Pre-trial release - by police | 319-a-37 |
| Pre-trial release - circumstances | 319-b-37 |
| Pre-trial release - identification and fingerprinting- not required if summary offence | 319-b-37 |
| Pre-trial release - identification and fingerprinting- required if hybrid and indictable | 319-b-37 |
| Pre-trial release - kinds of release | 323-b/c-37 |
| Pre-trial release - no automatic bail hearing (s.469 offences) | 320-c-37 |
| Pre-trial release - non-s. 469 offences - Code | 320-d-37 |
| Pre-trial release - promise to appear | 319-d-37 |
| Pre-trial release - promise to appear - undertaking | 319-c/d-37 / 320-a-37 |
| Pre-trial release - recognizance | 319-c-37 |
| Pre-trial release - recognizance - undertaking | 319-c/d-37 / 320-a-37 |
| Pre-trial release - summons | 319-b/c-37 |
| Pre-trial release - where required by officer | 320-a-37 |
| Prevalence - sentencing | 381-c-44 |
| Principle of fundamental justice - unjust to try unfit accused - mental disorder | 361-b-42 |
| Prior bad acts/criminal record | 376-c-43 |
| Prior exculpatory statements | 374-d-43 / 375-a-43 |
| Privacy legislation - disclosure by institution | 309-c-36 |
| Private informant/information (s 507.1) | 296-d-35 |
| Private prosecution - Crown intervention | 297-a-35 |
| **PRIVILEGE** |  |
| Privilege - disclosure of privileged info | 331-b/c-38 |
| Privilege - law office - search and seizure | 306-b/c-36 |
| Privilege - spousal | 344-a-40 |
| Probation | 386-b/c-44 |
| Probation - abstention from alcohol and drugs | 386-b/c-44 |
| Probation - Community service | 386-b/c-44 |
| Probation - drug-testing | 386-b/c-44 |
| Probation - vary conditions | 386-b-44 |
| Problem-solving courts - domestic abuse courts | 385-c-44 |
| Problem-solving courts - sentencing | 385-c-44 |
| Procedure - Aboriginal peoples | 405-b-46 |
| Procedure - Aboriginal peoples - Jury selection | 405-b/c-46 |
| Procedure - Bail pending appeal - Release pending an indictable appeal | 399-a/b-45 |
| Procedure - Indictable appeals | 393-c/d-45 / 394-a-45 |
| Procedure - Youth - Election | 407-d-47 / 408-a-47 |
| Procedure - Youth - Summary conviction procedure | 407-d-47 |
| Proceeding summarily | 296-b-35 |
| **PROCEEDS OF CRIME** |  |
| Proceeds of crime - CDSA | 418-d-48 |
| Proceeds of crime - funds beyond reach | 312-a-36 |
| Proceeds of crime - lawyer accepts proceeds | 312-c-36 |
| Proceeds of crime - lawyer trust account - wilful blindness to source of funds no defence | 312-c-36 |
| Proceeds of crime - legal fees | 312-c-36 |
| Proceeds of crime - sentencing - forfeiture | 387-a/b-44 |
| Proceeds of crime - setting aside transfer | 387-b-44 |
| Proceeds of crime - warrant (search, seize and freeze) | 312-b-36 |
| Proceeds of crime (definition) | 312-a-36 |
| **PRODUCTION** |  |
| Production - O’Connor process | 332-c/d-38 / 333-a-38 |
| Production - private records - third party | 332-c-38/ 333-a/b-38 |
| Production - sexual offence proceedings | 333-c-38 |
| Production - sexual offence proceedings - rape shield provisions (s 276(2)) | 375-d-43; 376-a-43 |
| Production of substance - CDSA - Offences | 418-a-48 |
| Production order - self-incrimination not an excuse | 311-b-36 |
| Production order - application (*ex parte*) | 311-a-36 |
| Production order - computer data | 311-b-36 |
| Production Order - criteria | 311-d-36 |
| Production order - cyberbullying (statute) | 303-d-36 |
| Production order - enforcement - fine or prison | 312-a-36 |
| Production order - exemptions | 311-b-36 / 333-b-38 |
| Production order - kind of evidence that can be compelled: documents and data | 311-c/d-36 |
| Production order - kind of evidence that can be compelled: tracking, transmission, telecommunication and financial data (Bill C-13 amendment) | 311-c/d-36 |
| Production order - online crime (statute) | 303-d-36 |
| Production order - preservation order (computer data) | 311-b-36 |
| Production order - procedure | 311-a/b-36 / 311-d-36 |
| Production order - self-incrimination, protection for subsequent criminal proceeding | 311-c-36 |
| Production order - service, national (Bill C-13 amendment) | 311-c-36 |
| Production order - time, place and form of production | 311-b-36 |
| Production order - types of orders | 311-a/b-36 |
| Production order - when it will be made | 311-d-36 |
| Production order (definition) | 311-b-36 |
| Prohibition order - Aboriginal peoples - lifting order (firearms) for sustenance or employment | 406-c-46 |
| Prohibition orders - sentencing | 387-c/d-44 |
| Promise to appear | 296-c-35 |
| Promise to appear - undertaking | 319-c-37; 320-a-37 |
| Proportionality - sentencing principles | 379-c/d-44 |
| *Protecting Canadians From Online Crime Act*, 2015 - Bill C-13 | 303-d-36; 307-a-36; 308-b-36; 311-c/d-36 |
| Provincial jurisdiction over “Administration of Justice” - s. 92 of the *Constitution Act* | 293-a-35 |
| Provincial offences legislation | 293-a/b-35 |
| Public - exclusion of public during witness testimony - sexual offences | 348-b/c-40 |
| Publication ban - bail hearing | 359-d-41 / 360-a/c-41; 323-a/b-37 |
| Publication ban - cancellation hearing | 327-d-37 / 328-a-37 |
| Publicity - pre-trial - change of venue | 353-b/c-41 |
| **Q** |  |
| Qualification of jurors | 371-a-43 |
| Quasi-criminal prosecutions - evidence | 375-b-43 |
| Questioning - at bail hearing | 322-d-37 / 323-a-37 |
| Questioning - refusing to answer or lie - obstructing justice or police, public mischief | 313-a-36 |
| Questioning - upon arrest or detention | 313-b/c-36 |
| Questioning - young offender | 316-c/d-36 |
| Questioning - Youth | 410-c/d-47 |
| **R** |  |
| Racial profiling - and detention (*Richards*; *Brown*) | 313/d-36 / 314-a-36 |
| Range - sentencing | 381-b-44 |
| Rape shield provisions - history (*Charter* challenge) | 375-d-43 |
| Rape shield provisions - procedure (current) (s 276(2)) | 375-d-43 / 376-a-43 |
| Rape shield provisions (s 276(2)) | 375-d-43 / 376-a-43 |
| Reasonable apprehension of bias - application for recusal of judge | 354-b/c/d-41 |
| Reasonable grounds - information to obtain | 304-b-36 |
| Reasonable information - 4th req of indictment/information | 298-b-35 |
| Reasons - bail hearing - court must give | 324-c/d-37 |
| Reasons - cancellation hearing | 328-a-37 |
| Reasons for sentence - sentencing hearing | 384-d-44 |
| Reciprocal disclosure | 335-b-38 |
| Recognizance | 319-c-37 |
| Recognizance - form of release | 323-c/d-37 |
| Recognizance - undertaking | 319-c-37; 320-a-37 |
| Records, publication and information - Youth - Review of sentences | 414-d-47 / 415-a/c-47 |
| Recusal of judge - application | 354-b/c/d-41 |
| **RE-ELECTION** |  |
| Re-election - if direct indictment preferred | 302-b/c-35 |
| Re-election - mode of trial (after 15 days of preliminary inquiry) | 302-a-35 |
| Re-election - mode of trial (w/in 14 days of preliminary inquiry) | 301-d-35 |
| Re-election - mode of trial: change from judge to judge+jury or vice versa | 301-b/c/d-35 / 302-a/c-35 |
| Re-election - procedure: change election from provincial court to trial in superior court | 301-d-35 |
| Re-election - procedure: change from superior court to trial in provincial court | 301-b/c-35 |
| Re-election - to prov ct: before, during, and after prelim inquiry | 301-b/c-35 |
| Re-examination | 373-c-43 / 377-a-43 |
| Refusal to issue process - private information | 296-d-35 |
| Release (see BAIL) |  |
| Release of exhibits for testing - application | 352-b/c-41 |
| Remedies - Charter - s. 24(2) | 356-d-41 / 357-a-41 |
| Remedies - indictment - amendment | 299-b/c-35 |
| Remedies - information - amendment | 299-b/c-35 |
| Remedies - information - divide the count (if duplicity rule violated) | 298-d-35 |
| Remedies - information or indictment - quash | 298-d-35 / 299-a/b-35 |
| Remedies - non-disclosure or lost disclosure | 334-c/d-38 / 335-a-38 |
| Removal of accused | 369-c-43 |
| Removal of counsel - ethical reasons (*Cunningham*) | 354-b-41 |
| Removing counsel from record - application | 354-a/b-41 |
| Reply - closing address | 377-b/c/-43 |
| Reply evidence | 377-a-43 |
| Responsible adult - Youth - Pre-trial detention | 409-d-47 |
| Restitution - sentencing | 387-d-44 / 388-a-44 |
| Restitution - sentencing organization | 382-d-44 |
| Restraint orders - CDSA | 418-d-48 / 419-a-48 |
| Review - bail - other rights of review | 326-b/c-37 |
| Review - bail review hearing (see BAIL REVIEW) | 325-b/c-37 |
| **REVIEW BOARD** |  |
| Review Board - annual review hearings | 363-d-42 |
| Review Board - disposition hearing | 363-d-42 |
| Review Board - dispositions - mental disorder | 363-d-42 |
| Review Board - jurisdiction - after finding accused unfit - mental disorder | 364-d-42 |
| Review Board - jurisdiction - after finding of NCR - mental disorder | 365-a/b-42 |
| Review Board - jurisdiction over mentally disordered accused | 364-d-42 |
| Review Board - procedure with permanently unfit accused - stay of proceedings | 364-a-42 |
| Review hearing - bail review (see BAIL REVIEW) |  |
| Review of order -   * Bail pending appeal * Release pending an indictable appeal * Altering the order | 399-b-45  399-b/c-45  401-a/b/c-45 |
| Review of sentences - Youth | 414-d-47 |
| Review of sentences - Youth - Records, publication and information | 414-d-47 / 415-a/c-47 |
| Revocation of order - Bail pending appeal - Release pending an indictable appeal - Altering the order | 401-d-45 |
| Right - accused to be present at bail hearing | 325-/c-37 |
| **RIGHT TO COUNSEL** |  |
| Right to counsel - advice lawyer should give | 316-a-36 |
| Right to counsel - changing nature of investigation | 316-a-36 |
| Right to counsel - circumstances where accused permitted to access counsel again (*Sinclair*) | 316-b-36 |
| Right to counsel - duty counsel | 315-b-36 |
| Right to counsel - guidelines (*Manninen*) | 314-d-36 / 315-a-36 |
| Right to counsel - line up | 316-d-36 |
| Right to counsel - no obligation for police to cease questioning once accused has advice and decides to remain silent | 315-d-36 |
| Right to counsel - no right to have counsel present during interrogation (*Sinclair*) | 316-a-36 |
| Right to counsel - opportunity to consult counsel in private | 315-a-36 |
| Right to counsel - police duty to refrain from eliciting evidence while accused exercises right to counsel | 315-a-36 |
| Right to counsel - reasonable diligence of accused | 315-b/c-36 |
| Right to counsel - roadside screening | 314-d-36 |
| Right to counsel - search | 310-d-36 / 311-a-36 |
| Right to counsel - waiver | 315-c-36 |
| Right to counsel - when engaged | 310-d-36 |
| Right to counsel - youth | 410-a/b/c-47 |
| Right to counsel (definition) | 310-d-36 |
| Right to full answer and defence | 329-b-38 |
| Right to silence - upon detention | 315-d-36 |
| Rights - aboriginal (see ABORIGINAL) |  |
| Rights of appeal - Summary conviction appeals | 397-a-45 |
| Roadside screening tests | 314-d-36 |
| *RS* (ONCA) | 382-c-44 |
| Rules - authorization of SCJ and OCJ to make | 293-a/b-35 |
| Rules of practice - OCJ | 351-d-41; 352-a-41 |
| Rules of practice - SCJ | 351-d-41 |
| *Rules of Professional Conduct* - s. 5.1 | 369-a-43 |
| **S** |  |
| s. 10 - Charter - rights upon arrest/detention | 310-d-36 |
| s. 11(b) - Charter - right to trial w/in reasonable time | 358-d-41 /359-a-41 |
| s. 11(b) - Charter - right to trial w/in reasonable time - adjournment | 359-a/b/c-41 |
| s. 11(b) - Charter - right to trial w/in reasonable time - application | 359-a/b/c-41 |
| s. 16 - Code - defence of mental disorder | 364-b/c/d-42 |
| s. 24(1) - Charter remedies | 356-d-41 |
| s. 24(2) - Charter remedies | 357-b-41 |
| s. 24(2) and s. 8 - Charter | 357-b-41 |
| s. 469 offences - Code | 295-d-35 / 296-a-35 |
| s. 553 offences - Code | 295-d-35 |
| s. 554 offences - Code | 296-a-35 |
| s. 581(1)&(2) - Code - offence known to law | 298-a/b-35 |
| s. 581(3) - Code - sufficient details of offence to be furnished | 298-b-35 |
| s. 605 - Code - application - release exhibits for testing | 352-b/c-41 |
| s. 645(5) - Code - trial judge deals with applications | 351-a-41 |
| *Safarzadeh-Markhali* (ONCA) | 324-d-37 |
| SCC - Indictable appeals | 396-d-45 / 397-a-45 |
| Schedules - CDSA | 417-a-48 |
| SCJ pre-hearing conference | 367-d-43 / 368-a-43 |
| SCJ Rules | 393-a/b-45 |
| *Seaboyer* | 375-d-43 / 376-a-43 |
| Sealing order - confidential informant request | 304-c/d-36 |
| Sealing third party records | 332-a-38 |
| **SEARCH** |  |
| Search - breath samples | 310-c-36 |
| Search - Charter protection from unreasonable search and seizure (s. 8) | 303-b/c-36 |
| Search - Charter violation: admissibility of evidence | 303-c-36 |
| Search - Disclosure by institution | 309-c-36 |
| Search - execution: mistake in location | 305-b-36 |
| Search - execution: procedural rules | 305-b/c-36 |
| Search - execution: using force | 305-b/c-36 |
| Search - execution: who may search | 305-a-36 |
| Search - *Freedom of Information and Protection of Privacy Act* (PIPEDA) | 309-c-36 |
| Search - law office | 306-b/c-36 |
| Search - outside province / other jurisdiction | 304-b-36 |
| Search - prior judicial authorization - cyberbullying (statute) | 303-d-36 |
| Search - prior judicial authorization - online crime (statute) | 303-d-36 |
| Search - prior judicial authorization req’t | 303-c/d-36 |
| Search - right to counsel | 310-d-36 / 311-a-36 |
| Search - seizure during (see also SEIZURE) | 305-d-36 / 306-a-36 |
| Search - strip search | 309-d-36 / 310-a-36 |
| Search - timing - day or night | 305-c/d-36 |
| Search - warrantless | 309-b-36 |
| Search - warrantless: bodily substances | 310-c-36 |
| Search - warrantless: breath sample | 310-c-36 |
| Search - warrantless: consent searches | 309-b/c-36 |
| Search - warrantless: exigent circumstances | 310-b-36 |
| Search - warrantless: plain-view doctrine (*Spindloe, Fawthrop, Jones*, *CC* s 489) | 310-b-36 |
| Search - warrantless: search incident to arrest | 309-d-36 / 310-a-36 |
| Search - warrantless: search incident to investigative detention | 310-a-36 |
| Search - what defence counsel should do | 305-c-36 |
| Search on consent | 309-b/c-36 |
| **SEARCH WARRANT** |  |
| Search warrant - “general warrant” (s.487.01) | 307-d-36 / 308-a-36 |
| Search warrant - blood samples | 307-a-36 |
| Search warrant - bodily impressions (fingerprints, etc.) | 307-c-36 |
| Search warrant - confidential informers | 304-c-36 |
| Search warrant - cyberbullying (statute, 2015) | 303-d-36 |
| Search warrant - dialled number recorder | 308-b-36 |
| Search warrant - dialled number recorder - Bill C-13 amendments to include transmission data recorder (SEE TRANSMISSION DATA RECORDER) | 308-b-36 |
| Search warrant - DNA samples | 307-b/c-36 |
| Search warrant - execution: by whom | 305-a-36 |
| Search warrant - execution: mistake in location | 305-b-36 |
| Search warrant - execution: procedural rules | 305-b/c-36 |
| Search warrant - general warrant: only judge can issue | 308-a-36 |
| Search warrant - informant attends hearing | 304-d-36 |
| Search warrant - Information to obtain requirement: describe evidence to be seized | 304-a-36 |
| Search warrant - Information to obtain requirement: describe the offence | 303-d-36 / 304-a-36 |
| Search warrant - information to obtain requirement: location to be searched | 304-b-36 |
| Search warrant - Information to obtain: general requirements | 303-d-36 |
| Search warrant - investigative techniques | 307-d-36 / 308-a-36 |
| Search warrant - issued by justice or judge | 304-d-36 |
| Search warrant - issued in writing | 302-d-36 |
| Search warrant - no appeal from issuance | 308-c-36 |
| Search warrant - online crime (statute, 2015) | 303-d-36 |
| Search warrant - prior judicial authorization | 303-c-36 |
| Search warrant - prior judicial authorization - statutory requirements (non-CC) | 303-d-36 |
| Search warrant - prior judicial authorization - statutory requirements (non-CC) - cyberbullying | 303-d-36 |
| Search warrant - prior judicial authorization - statutory requirements (non-CC) - online crime | 303-d-36 |
| Search warrant - proceeds of crime - search, seize, and freeze | 312-a/b-36 |
| Search warrant - quash: application procedure | 308-c/d-36 / 309-a-36 |
| Search warrant - quash: application to quash | 308-c/d-36 / 309-a-36 |
| Search warrant - quashed: remedies (Charter) | 308-c-36 |
| Search warrant - quashed: remedies (Criminal Proceedings Rules) | 308-d-36 |
| Search warrant - reliance on hearsay | 304-b-36 |
| Search warrant - review | 308-c/d-36 |
| Search warrant - standard of proof (reasonable grounds / “credibly based probability”) | 304-b-36 |
| Search warrant - telewarrant | 305-a-36 |
| Search warrant - tracking devices | 308-b-36 |
| Search warrant - transmission data recorder (Bill C-31, *CC* s 492.2) | 308-b-36 |
| Search warrant - video surveillance | 308-a-36 |
| Search warrant - wiretaps | 306-d-36 / 307-a-36 |
| Search warrant - wiretaps - Bill C-13 amendments | 307-a-36 |
| Search warrant (generally, s. 487) | 304-d-36 |
| **SEIZURE** |  |
| Seizure - computers/data - s. 487(2.1)-(2.2) | 304-a-36 |
| Seizure - intangibles (bank accounts) - when proceeds of crime | 312-a-36 |
| Seizure - proceeds of crime | 312-a/b-36 |
| Seizure - reasonable belief that item is evidence of an offence | 306-a-36 |
| Seizure - return of property seized | 306-a-36 |
| Seizure - seize and freeze order | 312-b-36 |
| Seizure - timing - CDSA search warrant | 305-c/d-36 |
| Seizure - timing - time extension | 305-d-36 |
| Seizure - what items may be detained and for how long | 305-d-36 / 306-a/b-36 |
| Seizure - what items may be seized | 305-d-36 |
| **SELF-INCRIMINATION** |  |
| Self-incrimination - Charter - exclusion of evidence (s. 24(2)) | 357-b-40 |
| Self-incrimination - Charter - voluntariness (s. 7) | 313-b-36 |
| Self-incrimination - Charter- detention (s. 10) | 313-d-36 |
| Self-incrimination - compulsory statements inadmissible (*R v White*) | 313-b-36 |
| Self-incrimination - Evidence - Exclusion (Charter, s. 24(2)) | 357-b-40 |
| Self-incrimination - Pre-trial applications - Exclusion of Evidence | 357-b-40 |
| Self-incrimination - pre-trial release - evidence at hearing | 322-a/b/c-37 |
| Self-incrimination - production order | 311-a/b/c-36 |
| Self-incrimination - production order - protection for subsequent criminal proceeding | 311-c-36 |
| Self-incrimination - production order - self-incrimination not an excuse to fail to comply | 311-b-36 |
| Self-incrimination - Right to counsel | 314-d-36 |
| Self-incrimination - sobriety tests | 317-d-36 |
| Self-incrimination - statement - voluntariness | 313-b-36 |
| Self-incrimination - voluntariness (*R v White*) | 313-b-36 |
| Self-incrimination - witnesses - co-accused | 343-b/c-40 |
| Sentence - Indictable appeals - Powers of COA - Power to dispose | 396-a/b/c-45 |
| **SENTENCES** |  |
| Sentences | 379-c/d-44 |
| Sentences - Alternative measures | 385-a/b-44 |
| Sentences - alternative measures - factors (Crown) | 385-b-44 |
| Sentences - Ancillary orders | 390-d-44 |
| Sentences - conditional sentence - excluded offences | 388-b-44 |
| Sentences - Conditional sentence of imprisonment | 388-a/b/c/d-44 |
| Sentences - Conditional sentence of imprisonment | 388-a/b/c/d-44 |
| Sentences - Dangerous and long-term offenders | 390-c-44 |
| Sentences - Discharges | 385-d-44 / 386-a-44 |
| Sentences - diversion - factors (Crown) | 385-b-44 |
| Sentences - DNA orders | 390-d-44 / 391-a-44 |
| Sentences - Faint hope clause | 390-b/c-44 |
| Sentences - Fines | 386-d-44 |
| Sentences - Fines - enforcement proceedings (AG) | 386-d-44; 387-a-44 |
| Sentences - Forfeiture of proceeds of crime | 387-a/b-44 |
| Sentences - Imprisonment | 389-a/b/c/d-44 |
| Sentences - Imprisonment - increased penalty for subsequent offence | 389-b/c/d-44 |
| Sentences - Imprisonment - intermittent imprisonment | 389-a/b-44 |
| Sentences - Imprisonment - mandatory minimums | 389-c/d-44 |
| Sentences - Imprisonment - mandatory minimums - Charter | 389-c/d-44 |
| Sentences - imprisonment - mandatory minimums - constitutionality of | 389-c-44 |
| Sentences - Imprisonment - Maximums | 389-a-44 |
| Sentences - mandatory minimums - constitutionality of | 389-c-44 |
| Sentences - Parole eligibility orders | 390-a/b-44 |
| Sentences - Peace bonds | 385-c-44 |
| Sentences - Probation | 386-b/c-44 |
| Sentences - Probation - abstention from alcohol and drugs | 386-c-44 |
| Sentences - Probation - Community service | 386-c-44 |
| Sentences - Probation - drug-testing | 386-c-44 |
| Sentences - Probation - vary conditions | 386-b-44 |
| Sentences - Problem-solving courts | 385-c-44 |
| Sentences - Prohibition orders | 387-c/d-44 |
| Sentences - Restitution | 387-d-44 / 388-a-44 |
| Sentences - Sex offender registry | 391-b-44 |
| Sentences - Suspended sentence | 386-b-44 |
| Sentences - Victim surcharge | 387-b/c-44 |
| Sentences - victim surcharge - constitutionality of | 387-c-44 |
| Sentences - Youth - Duration of youth sentences | 414-a-47 |
| **SENTENCING** |  |
| Sentencing - Aboriginal peoples | 405-d-46 / 406-b/c-46 |
| Sentencing - Available sentences | 385-a-44 |
| Sentencing - CDSA | 419-b/c/d-48 / 420-a/c-48 |
| Sentencing - CDSA - Forfeiture of other offence-related property | 420-a/c-48 |
| Sentencing - CDSA - mandatory minimums | 419-b/c/d-48 |
| Sentencing - CDSA - mandatory minimums - constitutionality of | 389-c-44 |
| Sentencing - CDSA - Principles | 419-b-48 |
| Sentencing - CDSA - Weapons prohibition | 419-d-48 / 420-a-48 |
| Sentencing - credit for pre-trial/pre-sentencing detention/custody (new case law) | 382-c-44; 324-d-37 |
| Sentencing - imprisonment - mandatory minimums - constitutionality of | 389-c-44 |
| Sentencing - mandatory minimums - constitutionality of | 389-c-44 |
| Sentencing - mental illness or disorder | 366-d-42 |
| Sentencing - Objectives | 379-a/b-44 |
| Sentencing - Organizations | 382-d-44 |
| Sentencing - Principles | 379-c/d-44 |
| Sentencing - Principles - “degree of responsibility” | 379-c-44 |
| Sentencing - Principles - Degree of responsibility - Aboriginal status | 380-d-44 |
| Sentencing - Principles - Degree of responsibility - Age | 380-b/c-44 |
| Sentencing - Principles - Degree of responsibility - Behaviour post-offence | 380-b-44 |
| Sentencing - Principles - Degree of responsibility - Cooperation with authorities | 380-c-44 |
| Sentencing - Principles - Degree of responsibility - Criminal record | 380-a-44 |
| Sentencing - Principles - Degree of responsibility - Guilty plea | 380-c-44 |
| Sentencing - Principles - Degree of responsibility - Mental illness | 380-d-44 |
| Sentencing - Principles - Degree of responsibility - Motive | 380-b-44 |
| Sentencing - Principles - Degree of Responsibility - Other Relevant Factors - Immigration Status | 381-a-44 |
| Sentencing - Principles - Degree of responsibility - Other relevant factors | 381-a-44 |
| Sentencing - Principles - Gravity of offence | 379-a/b/c/d-44 |
| Sentencing - Principles - Gravity of offence - Abuse of trust | 381-b-44 |
| Sentencing - Principles - Gravity of offence - Domestic offences | 381-c-44 |
| Sentencing - Principles - Gravity of offence - Duration | 381-c-44 |
| Sentencing - Principles - Gravity of offence - Magnitude or profitability | 381-c-44 |
| Sentencing - Principles - Gravity of offence - Planning and deliberation | 381-c-44 |
| Sentencing - Principles - Gravity of offence - Prevalence | 381-c-44 |
| Sentencing - Principles - Gravity of offence - Range | 381-a/b-44 |
| Sentencing - Principles - Gravity of offence - tariffs | 381-b-44 |
| Sentencing - Principles - Gravity of offence - Terrorism and organized crime | 381-d-44 |
| Sentencing - Principles - Gravity of offence - Violence and the use of weapons | 381-d-44 |
| Sentencing - Principles - Gravity of offence - Vulnerability of the victim | 381-d-44 |
| Sentencing - Principles - Other relevant factors | 382-a-44 |
| Sentencing - Principles - Other relevant factors - Delay in proceedings and other *Charter* breaches | 382-a-44 |
| Sentencing - Principles - Other Relevant Factors - Immigration Status | 381-a-44 |
| Sentencing - Principles - Other relevant factors - Pre-trial bail conditions | 382-c-44 |
| Sentencing - Principles - Other relevant factors - Pre-trial custody | 382-a/b/c-44 |
| Sentencing - Principles - Proportionality | 379-c/d-44 |
| Sentencing - Youth | 411-b/c-47 |
| Sentencing - Youth - Adult sentencing hearing | 414-b/c-47 |
| Sentencing - Youth - Adult sentencing hearing - Pre-sentence report | 414-c-47 |
| Sentencing - Youth - Adult sentencing hearing - serious violent offence | 414-b-47 |
| Sentencing - Youth - Credit for pre-trial detention | 411-d-47 |
| Sentencing - Youth - Pre-sentence report | 412-c-47 |
| Sentencing - Youth - Purpose and principles | 411-c/d-47 / 412-a-47 |
| Sentencing - Youth - Restrictions on custodial sentences | 412-a/b/c-47 |
| Sentencing - Youth - Restrictions on custodial sentences - “serious violent offence” | 412-b-47 |
| Sentencing - Youth - Restrictions on custodial sentences - “violent offence” | 412-b-47 |
| Sentencing - Youth - Review of sentences | 414-d-47 |
| Sentencing - Youth - Youth sentences | 412-c/d-47 |
| Sentencing circles - Aboriginal peoples - Sentencing | 405-d-46 / 406-a/c-46 |
| **SENTENCING HEARING** |  |
| Sentencing hearing | 383-a-44 |
| Sentencing hearing - alternative measures - factors (Crown) | 385-b-44 |
| Sentencing hearing - Court’s power to require evidence | 384-c-44 |
| Sentencing hearing - diversion - factors (Crown) | 385-b-44 |
| Sentencing hearing - Established facts of the offence | 383-b/c-44 |
| Sentencing hearing - Evidence | 383-b-44 |
| Sentencing hearing - guilty plea | 380-c-44 |
| Sentencing hearing - judge alone trial | 383-b-44 |
| Sentencing hearing - Offender’s statement | 384-d-44 |
| Sentencing hearing - other documents | 384-c-44 |
| Sentencing hearing - Other offences | 383-c-44 |
| Sentencing hearing - Other reports | 384-b/c-44 |
| Sentencing hearing - Pre-sentence report | 383-d-44 / 384-a/b-44 |
| Sentencing hearing - proof of offender’s criminal record - case tracking sheet | 383-d-44 |
| Sentencing hearing - Proof of the offender’s criminal record | 383-d-44 |
| Sentencing hearing - Reasons for sentence | 384-d-44 |
| Sentencing hearing - Role of counsel | 383-a-44 |
| Sentencing hearing - Submissions | 384-c/d-44 |
| Sentencing hearing - Submissions - joint submission | 384-d-44 |
| Sentencing hearing - victim impact statement - s. 722 | 383-d-44 |
| Sentencing hearing - Victim impact statements | 383-d-44 |
| Sentencing hearing - Witnesses | 384-c-44 |
| Separation of trials | 369-a/b-43 |
| Sequestered - jury deliberations | 378-b-43 |
| Serious offence - Youth - Pre-trial detention | 409-c-47 |
| Serious violent offence - Youth - Sentencing - Adult sentencing hearing | 414-b/c-47 |
| Serious violent offence - Youth - Sentencing - Restrictions on custodial sentences | 412-a/b-47 |
| Setting date - Summary conviction appeals - Procedure | 393-a/b/c-45 |
| Severance of counts | 369-a-43 |
| Sex offender registry - sentences | 391-a-44 |
| Sexual activity - evidence - rape shield provisions (s 276(2)) | 375-d-43; 376-a-43 |
| **SEXUAL OFFENCES** |  |
| Sexual offences - disclosure of third party records | 333-c-38 |
| Sexual offences - exclusion of public during witness testimony | 348-b/c-40 |
| Sexual offences - non-publication order: witness identity | 349-d-40 |
| Sexual offences - rape shield provisions (s 276(2)) | 375-d-43; 376-a-43 |
| *Shobway* - SEE SENTENCES - IMPRISONMENT - MANDATORY MINIMUMS - CONSTITUTIONALITY OF | 389-c-44 |
| Show cause hearing - Youth - Pre-trial detention | 410-a-47 |
| Show cause hearing (see BAIL HEARING) | 321-d-37 to 323-b-37 |
| Silence - right to remain silent upon detention | 312-c/d-36 / 313-a-36 |
| Simpson - Bail pending appeal - Release pending summary conviction appeal - Criteria | 402-a-45 |
| *Singh* - police duty to investigate crime | 312-c/d-36 |
| *Slack* (ONCA) | 382-c-44 |
| Sleepwalking - mental disorder | 361-b-42 |
| *Smith* - CDSA ss 4, 5 unconstitutional - SEE MARIHUANA MEDICAL PURPOSES REGULATIONS | 418-b/c-48 |
| *Smith* - duty to hold off from eliciting evidence suspended when detainee not reasonably diligent in exercise of rights | 315-b-36 |
| Sobriety test - driver required to perform | 317-c-36 |
| Sobriety test - police power to demand test | 317-c-36 |
| Solicitor of record - removal of counsel | 353-d-41 / 354-a/b-41 |
| Sparrow - Jurisdiction - Aboriginal peoples - Federal | 403-b/c-46 |
| *Splindloe* | 310-b-36 |
| Spousal incompetency rule | 343-d-40 |
| Spousal privilege | 344-a-40 |
| Spouse - witness | 343-c/d-40 / 344-a-40 |
| *St Cloud* | 322-a-37 |
| Statement of accused - mental disorder | 365-d-42 / 366-a-42 |
| Statements - compulsory statements - inadmissible (*R v White*) | 313-b-36 |
| Statements - voluntariness | 313-a/b-36 |
| Statements - voluntariness - compulsory statements inadmissible (*R v White*) | 313-b-36 |
| Stay - accused permanently unfit | 364-a-42 |
| Stay - Charter remedy for delay - s. 24(1) | 356-d-41 / 357-a-41 |
| Stay Charges - Crown | 297-a-35 |
| Stay -lost evidence | 335-a-38 |
| Stays of orders - Appeals summary conviction appeals | 398-d-45 /399-a-45 |
| *Stinchcombe* - right to disclosure | 329-b-38 |
| Strip search - search and right to counsel | 310-d-36 |
| *Suberu* - detainee must be given rights to counsel upon detention | 310-d-36 |
| **SUBPOENA** |  |
| Subpoena - definition | 344-d-40 |
| Subpoena - effect of | 344-d-40 |
| Subpoena - enforcement for failure to answer questions | 345-b/c-40 |
| Subpoena - motion to quash | 345-c/d-40 |
| Subpoena - out of province | 345-a-40 |
| Subpoena - service of | 345-a/b-40 |
| Subpoena - territorial effectiveness | 345-b-40 |
| Subpoena - which court issues subpoena | 345-a-40 |
| Subpoena - who may subpoena a witness | 344-d-40 |
| Subpoena duces tecum | 344-d-40 |
| Subsequent offence - increased penalty - sentencing | 389-d-44 |
| **SUMMARY CONVICTION** |  |
| Summary conviction - definition | 294-c-35 |
| Summary conviction - granting bail | 402-a-45 |
| Summary conviction - limitation period (6 months) | 300-b-35 |
| Summary conviction - maximum penalty/fine | 294-d-35 |
| Summary conviction - proceeding summarily | 296-b-35 |
| Summary conviction appeal - Bail pending appeal - Release pending summary conviction appeal | 401-d-45 / 402-a-45 |
| Summary conviction appeals | 397-a-45 |
| Summary conviction appeals - Further appeals | 399-b/c-45 |
| Summary conviction appeals - Hearing | 398-b-45 |
| Summary conviction appeals - Powers of the appeal court | 398-b-45 |
| Summary conviction appeals - Procedure - Appeal books | 397-d-45 |
| Summary conviction appeals - Procedure - Factums | 398-a-45 |
| Summary conviction appeals - Procedure - Notice of Appeal | 397-b/c-45 |
| Summary conviction appeals - Procedure - Setting a date | 398-a-45 |
| Summary conviction appeals - Procedure - Transcripts | 397-c/d-45 |
| Summary conviction appeals - Rights of appeal | 397-a-45 |
| Summary conviction appeals - Rights of Appeal - Section 813 appeals | 397-a/b-45 |
| Summary conviction appeals - Rights of Appeal - Section 830 appeals | 397-b-45 |
| Summary offence - procedure/proceeding summarily | 296-b-35 |
| Summary procedures - summary conviction or proceeding summarily | 296-b-35 |
| *Summers* - loss of eligibility for early release justifies enhanced credit | 382-b/c-44 |
| *Summers* - subsequent cases following | 382-c-44 |
| Summons - after pre-trial release | 319-b/c-37 |
| Summons - compels acc to ct, ordered after information brought before justice of peace | 296-c-35 |
| Super summary offence - imprisonment | 389-a-44 |
| Superior Court - exclusive jurisdiction offence | 295-d-35 / 296-a-35 |
| Superior Court of Justice Rules | 393-a-45 |
| Support person - witnesses | 348-c/d-40 |
| Supreme Court of Canada - Indictable appeals | 396-d-45 / 397-a-45 |
| Surety - bail - role and duties | 323-d-37 / 324-a-37 |
| Surrebuttal | 377-b-43 |
| Suspended sentence | 386-b-44 |
| Swearing of an information | 296-b-35 |
| **T** |  |
| Tariff - CDSA - Offences - Importing/exporting | 417-d-48 / 418-a-48 |
| Tariffs - sentencing | 381-b-44 |
| *Taylor* - “limited cognitive ability” test   * As the standard test * Principles under the test - for establishing fitness to stand trial | 366-b-42  363-b/c-42 |
| *Tehrankari* - requirements for prohibiting of accused from cross-examining witness | 339-b-39 |
| Telewarrant | 305-a-36 |
| Temporary absence program - imprisonment | 389-b-44 |
| Territorial divisions **-** jurisdiction | 299-c/d-35 |
| Terrorism and organized crime - sentencing | 381-d-44 |
| Terrorism offence - protection for witnesses | 349-a/b-40 |
| Testimony - witness - face to face | 349-b-40 |
| *Therens* - s 10 rights upon psychological detention | 313-b-36 |
| Third party - records, disclosure | 332-c/d-38 / 333-a-38 |
| Third party records - disclosure | 332-c/d-38 / 333-a-38 |
| Third party records - O’Connor application | 333-a/b/c-38 |
| *Tinker, Judge, Bandoc & Mead* (SCJ) - SEE SENTENCES - VICTIM SURCHARGE - CONSTITUTIONALITY OF | 387-c-44 |
| *Toronto Star Newspaper Ltd v Canada* - publication bans violate s 2(b) of *Charter* but saved by s 1 | 323-b-37 |
| Totality of circumstances test - informer | 304-c-36 |
| Tracking devices | 308-b-36 |
| Trafficking - CDSA - Offences | 417-b/c-48 |
| Transcript - after order to stand trial | 341-a-39 |
| Transcripts - Indictable Appeals - Procedure | 394-c/d-45 |
| Transcripts - Summary conviction appeals - Procedure | 397-c/d-45 |
| Transmission data recorder (Bill C-31, *CC* s 492.2) | 308-b-36 |
| Treatment order - accused found unfit | 363-c/d-42 |
| Treatment order - mental disorder | 363-c/d-42 |
| **TRIAL** |  |
| Trial - change of venue | 353-b/c-41 |
| Trial - evidence (see EVIDENCE) |  |
| Trial - jurisdiction - adult - OCJ v SCJ | 293-b-35 |
| Trial - mental disorder - unfit to stand trial (see MENTAL DISORDER) | 361-b/c/d-42 |
| Trial - modes of | 294-a/b-35 |
| Trial - order to expedite | 328-d-37 |
| Trial - order to stand - other offences added | 340-c-39 |
| Trial - order to stand trial | 340-b/c-39 |
| Trial - order to stand trial - quashing order | 341-b/c/d-39 |
| Trial - types of trial | 367-a-43 |
| Trial - voir dire - admissibility of evidence adduced | 354-d-41 / 355-a-41 |
| *Truth in Sentencing Act* | 382-c-44 |
| **U** |  |
| Undercover cop - in prison cell | 316-b/c-36 |
| Undertaking - failure to comply - criminal offence | 320-a-37 |
| Undertaking - form of release | 323-b-37 |
| Undertaking - promise to appear | 319-c-37; 320-a-37 |
| Undertaking - recognizance | 319-c-37; 320-a-37 |
| Undertakings - disclosure - lawyer must sign | 330-b/c-38 |
| Unfit to stand trail - permanently unfit to stand trial - test | 363-c-42 |
| Unfit to stand trial - review board options | 361-c-42 |
| Unfit to stand trial (see also MENTAL DISORDER) | 361-b/c-42 |
| **V** |  |
| Variation of order - Bail pending appeal - Release pending an indictable appeal | 401-a-45 |
| Vary conditions - sentencing - probation | 386-b-44 |
| Verdict | 378-c-43 |
| Victim impact statements - sentencing hearing | 383-d-44 |
| Victim surcharge - constitutionality of | 387-c-44 |
| Victim surcharge - sentencing | 387-b/c-44 |
| Video-link - give evidence | 347-a/b/c-40 |
| Video-recorded evidence | 348-a/b-40 |
| Violence and the use of weapons - sentencing | 381-d-44 |
| Violent offence - Youth - Sentencing - Restrictions on custodial sentences | 412-b-47 |
| Viva voce evidence - bail hearing | 325-c-37 |
| Voir dire - Charter violations | 357-d-41 / 358-a/b-41 |
| Voir dire - confessions (voluntariness) | 354-d-41 |
| Voir dire - hearsay admissibility | 354-d-41 / 355-a-41 |
| Voir dire - search and seizure challenge | 355-a-41 |
| Voir dire - use of evidence adduced at | 355-a-41 |
| Voir dire (generally) | 354-d-41 / 355-a-41 |
| Voluntariness | 313-a/b-36 |
| Voluntariness - compulsory statements - inadmissible (*R v White*) | 313-b-36 |
| Voluntariness - confessions | 374-c/d-43 / 375-a-43 |
| Voluntariness - of statements | 313-a/b-36 |
| *Vu* - SEE SENTENCES - IMPRISONMENT - MANDATORY MINIMUMS - CONSTITUTIONALITY OF | 389-c-44 |
| Vulnerability of the victim - sentencing | 381-d-44 |
| **W** |  |
| Waiver - right to counsel | 315-c-36 |
| **WARRANT** |  |
| Warrant - “general warrant” (s.487.01) | 307-d-36 / 308-a-36 |
| Warrant - Arrest (SEE ARREST - WARRANT, WITH) | 314-b/c-36 |
| Warrant - blood samples | 307-a-36 |
| Warrant - bodily impressions (fingerprints, etc.) | 307-c/d-36 |
| Warrant - compel witness to court | 345-d-40 / 346-a/b-40 |
| Warrant - confidential informers | 304-c-36 |
| Warrant - dialled number recorder | 308-b-36 |
| Warrant - dialled number recorder - Bill C-13 amendments to include transmission data recorder (SEE TRANSMISSION DATA RECORDER) | 308-b-36 |
| Warrant - DNA samples | 307-b/c-36 |
| Warrant - execution: by whom | 305-a-36 |
| Warrant - execution: mistake in location | 305-b-36 |
| Warrant - execution: procedural rules | 305-b/c-36 |
| Warrant - general warrant: only judge can issue | 308-a-36 |
| Warrant - informant attends hearing | 304-d-36 |
| Warrant - Information to obtain requirement: describe evidence to be seized | 304-a-36 |
| Warrant - Information to obtain requirement: describe the offence | 303-d-36 / 304-a-36 |
| Warrant - information to obtain requirement: location to be searched | 304-b-36 |
| Warrant - Information to obtain: general requirements | 303-d-36 |
| Warrant - investigative techniques | 304-a-36 |
| Warrant - issued by justice or judge | 304-d-36 |
| Warrant - issued in writing | 304-d-36 |
| Warrant - material witness | 345-d-40 |
| Warrant - material witness warrant - execution of | 346-a/b-40 |
| Warrant - no appeal from issuance | 308-c-36 |
| Warrant - prior judicial authorization | 303-c/d-36 |
| Warrant - proceeds of crime - search, seize, and freeze | 312-a/b-36 |
| Warrant - search - quash: application procedure | 308-c/d-36 |
| Warrant - search - quash: application to quash | 308-c/d-36 / 309-a-36 |
| Warrant - search - quashed: remedies (Charter) | 308-c-36 / 309-b-36 |
| Warrant - search - quashed: remedies (*Criminal Proceedings Rules*) | 308-d-36 / 309-a-36 |
| Warrant - search - review | 308-c/d-36 |
| Warrant - search: see also SEARCH WARRANTS | 303-c-36 |
| Warrant - telewarrant | 305-a-36 |
| Warrant - tracking devices | 308-b-36 |
| Warrant - transmission data recorder (Bill C-31, *CC* s 492.2) | 308-b-36 |
| Warrant - video surveillance | 305-d-36 |
| Warrant - wiretaps | 306-d-36 / 307-a-36 |
| Warrant - wiretaps - Bill C-13 amendments | 307-a-36 |
| Warrant - witness, material | 345-d-40 |
| Warrantless Arrest - (SEE ARREST - WARRANT, WITHOUT) | 314-b/c-36 |
| Warrantless search | 309-b-36 |
| Weapons prohibition - Aboriginal peoples - lifting order for sustenance or employment | 406-c-46 |
| Weapons prohibition - CDSA - Sentencing | 419-d-48 / 420-a-48 |
| Weapons prohibition - probation | 387-c-44 |
| *White* | 313-b-36 |
| *White* - voluntariness - compulsory statements inadmissible | 313-b-36 |
| *Williams* - Aboriginal peoples - Jury selection - Challenge | 405-d-46 |
| *Willier* - detainees should call available lawyers where chosen lawyer unavailable | 315-c-36 |
| Wiretaps - search warrant | 306-d-36 / 307-a-36 |
| Wiretaps - search warrant - Bill C-13 amendments | 307-a-36 |
| Withdraw Charges - Crown | 297-a-35 |
| Withdrawal - council - ethical reasons (*Cunningham*) | 354-b-41 |
| Withdrawal of charges - mentally disordered accused - alternatives to prosecution | 362-c-42 |
| Withdrawal of counsel - rules governing | 353-d-41 / 354-a/b-41 |
| **WITNESS** |  |
| Witness - accused | 343-a-40 |
| Witness - adverse | 373-c-43 |
| Witness - aids for testifying (general) | 347-d-40 |
| Witness - aids for testifying: closed-circuit TV, screens, or other devices | 348-d-40 / 349-a/b-40 |
| Witness - aids for testifying: exclusion of public | 348-b/c-40 |
| Witness - aids for testifying: for witnesses w/ physical or mental disabilities | 348-a-40 |
| Witness - aids for testifying: interpreters | 347-d-40 |
| Witness - aids for testifying: support person | 348-c/d-40 |
| Witness - aids for testifying: video-recorded evidence | 348-a/b-40 |
| Witness - children and people with limited mental capacity: test for ability to testify | 344-a/b/c-40 |
| Witness - co-accused | 343-b/c-40 |
| Witness - commission evidence | 346-d40 / 347-a-40 |
| Witness - cross-examination by self-represented accused | 349-b/c-40 |
| Witness - cross-examination of crown witnesses at preliminary hearing | 339-a/b-39 |
| Witness - detaining in order to ensure appearance | 346-b-40 |
| Witness - enforcement for failure to attend | 346-b-40 |
| Witness - evidence: prelim testimony | 347-c/d-40 |
| Witness - evidence: reading in when witness unavailable | 347-c/d-40 |
| Witness - evidence: video-recorded | 348-a/b-40 |
| Witness - experts | 344-c/d-40 |
| Witness - face covering - Test | 347-b/c-40 |
| Witness - face to face | 347-b-40 |
| Witness - face to face - no constitutional Right | 347-b-40 |
| Witness - how to get a subpoena | 344-d-40 / 345-a/b-40 |
| Witness - in custody - ordering them to attend in court as witness | 346-b/c/d-40 |
| Witness - material witness warrant: execution | 346-a/b-40 |
| Witness - material witness warrant: types | 345-d-40 / 346-a-40 |
| Witness - protection: non-publication order | 349-c/d-40 |
| Witness - *R v NS* | 347-b/c-40 |
| Witness - reading in evidence | 347-c/d-40 |
| Witness - sexually based offences | 348-b/c-40 |
| Witness - spouse of the accused | 343-c/d-40 / 344-a-40 |
| Witness - subpoena (definition) | 344-d-40 |
| Witness - subpoena duces tecum | 344-d-40 |
| Witness - subpoena: effect of | 344-d-40 |
| Witness - subpoena: enforcement for failure to answer questions | 345-b/c-40 |
| Witness - subpoena: motion to quash | 345-c/d-40 |
| Witness - subpoena: out of province | 345-b-40 |
| Witness - subpoena: service of | 345-a/b-40 |
| Witness - subpoena: territorial effectiveness | 345-b-40 |
| Witness - subpoena: which court issues sub. | 345-a-40 |
| Witness - subpoena: who may request one | 344-d-40 |
| Witness - unavailable for trial | 346-d-40 |
| Witness - unavailable for trial | 346-d-40 |
| Witness - unavailable witness: video or audio link | 347-a/b-40 |
| Witness - video-recorded evidence | 348-a/b-40 |
| Witness - warrant- execution of | 346-a/b-40 |
| Witness - warrant- material witness | 345-d-40 |
| Witness - when accused is a corporation | 344-c-40 |
| Witness - who can be a witness | 343-a-40 |
| Witness - youth (under 18) | 349-b/c-40 |
| Witnesses - Defence’s case | 376-c/d-43 / 377-a-43 |
| Witnesses - exclusion of - preliminary inquiry | 338-b-39 |
| Witnesses - sentencing hearing | 384-c-44 |
| **Y** |  |
| **YCJA** |  |
| YCJA | 407-a/b/c/d-47 |
| YCJA - Aboriginal peoples - sentencing for youth | 406-b-46 |
| YCJA - s. 10(2) (extrajudicial sanctions) | 409-a/b-47 |
| YCJA - s. 119 (records) | 414-d-47 / 415-a/c-47 |
| YCJA - s. 140 (summary conviction procedure) | 407-d-47/ 408-a-47 |
| YCJA - s. 146 (statements from young people) | 410-c/d-47 |
| YCJA - s. 2 (“violent offence”) | 412-b-47 |
| YCJA - s. 25 (right to counsel) | 410-b/c-47 |
| YCJA - s. 26 (notice to parents) | 410-d-47 / 411-a-47 |
| YCJA - s. 28-31 (pre-trial detention) | 409-b/c/d-47 / 410-a-47 |
| YCJA - s. 29(2) (seriousness of offence for pre-trial detention) | 409-c-47 |
| YCJA - s. 3 (Declaration of Principle) | 408-b/c-47 |
| YCJA - s. 34(2) (assessments) | 411-a/b-47 |
| YCJA - s. 38(1) (purpose of sentencing) | 411-c/d-47 / 412-a-47 |
| YCJA - s. 38(3) (considering pre-sentence custody) | 414-a-47 |
| YCJA - s. 39(1) (custodial sentence, restrictions) | 412-a/b/c-47 |
| YCJA - s. 42(2) (youth sentences) | 412-c/d-47 / 413-a/b/c/d-47 / 414-a-47 |
| YCJA - s. 59(1) (review of sentence) | 414-c-47 |
| YCJA - s. 64 (adult sentencing) | 414-b/c-47 |
| YCJA - s. 67(1) (election) | 407-d-47 / 408-a-47 |
| Youth - Aboriginal peoples - Sentencing | 406-b/c-46 |
| Youth - Assessments | 411-a/b-47 |
| Youth - Custody placement hearing | 414-c-47 |
| Youth - Declaration of Principle | 408-b/c-47 |
| Youth - Extrajudicial measures | 408-d-47 / 409-a-47 |
| Youth - Extrajudicial sanctions | 409-a/b-47 |
| Youth - Introduction | 407-a-47 |
| Youth - Notice to parent | 410-d-47 / 411-a-47 |
| Youth - Preliminary inquiry | 408-a-47 |
| Youth - Pre-trial detention | 409-b/c/d-47 / 410-a-47 |
| Youth - Pre-trial detention - responsible adult- youth detention | 409-d-47 |
| Youth - Questioning | 410-c/d-47 |
| Youth - questioning young persons | 316-d-36 |
| Youth - Review of sentences - Records, publication and information | 414-d-47 / 415-a/b/c-47 |
| Youth - Right to counsel | 410-b/c-47 |
| Youth - search of DNA | 307-c-36 |
| Youth - Sentencing | 412-c/d-47 / 413-a/b/c/d-47 / 414-a-47 |
| Youth - Sentencing - Adult sentencing report - Pre-sentence report | 412-c-47 |
| Youth - Sentencing - Credit for pre-trial detention | 411-d-47 |
| Youth - Sentencing - Duration | 414-a-47 |
| Youth - Sentencing - Purpose and principles | 411-c/d-47 / 412-a-47 |
| Youth - Sentencing - Restrictions on custodial sentences | 412-a/b/c-47 |
| Youth - under 18 but over 12 (*YCJA*, s 2; *Code*, s 13) | 293-c-35 |
| Youth - youth court - jurisdiction (*YCJA*, s 14) | 407-b/c/d-47 / 408-a-47 |
| Youth sentences | 412-c/d-47 / 413- a/b/c/d-47 / 414-a-47 |