

Watt’s Manual of Criminal Jury Instructions

TABLE OF CONTENTS

<i>Dedication</i>	iii
<i>Foreword</i>	v
<i>Preface</i>	vii
<i>Glossary of Terms</i>	ix
<i>Jury Instruction Checklist</i>	xi
<i>Table of Cases</i>	xxvii
<i>Author’s Note</i>	xlix

PART I — PRELIMINARY INSTRUCTIONS

I. OPENING INSTRUCTIONS TO JURY PANEL AND JURY SELECTION	
Preliminary 1	Introduction..... 5
Preliminary 2	Knowledge of Participants (<i>Code</i> , s. 632)..... 6
Preliminary 3	Knowledge of Witnesses (<i>Code</i> , s. 632)..... 8
Preliminary 4-A	Knowledge of Case..... 9
Preliminary 4-B	Prior Involvement in or Knowledge of Similar Offences..... 12
Preliminary 5	Citizenship Requirement..... 14
Preliminary 6	Ability to Hear..... 15
Preliminary 7	Understanding of Language of Trial..... 16
Preliminary 8	Juror Health..... 17
Preliminary 9	Personal Hardship..... 18
Preliminary 10-A	Manner of Jury Selection (Introductory Instruction)..... 19
Preliminary 10-B	Manner of Jury Selection: Anonymous (Not Identified) Jurors (<i>Code</i> , ss. 631(3); (6))..... 20
Preliminary 10-C	Manner of Jury Selection: Named (Identified) Jurors (<i>Code</i> , s. 631(3.1))..... 22
Preliminary 11	Peremptory Challenges Only..... 23
Preliminary 12-A	Challenge For Cause (Procedure)..... 24
Preliminary 12-B	Challenge for Cause (Introductory Instructions to Triers)..... 34
Preliminary 12-C	Challenge for Cause (Final Instructions to Triers)..... 35
Preliminary 13	Concluding Instructions to Jury Panel..... 39
II. PRELIMINARY INSTRUCTIONS TO JURY	
A. Introduction 40	
Preliminary 14	Introduction..... 40
Preliminary 15	Duties of Jurors..... 42
Preliminary 16	Evidence Defined..... 43
Preliminary 17-A	Direct and Circumstantial Evidence (Long Version)..... 45

Preliminary 17-B	Direct and Circumstantial Evidence (Short Version)	47
Preliminary 18	Irrelevance of Prejudice and Sympathy	48
Preliminary 19	Irrelevance of Punishment (Sentence)	49
Preliminary 20-A	Conduct of Jury (Long Version).....	50
Preliminary 20-B	Conduct of Jury (Short Version)	54
Preliminary 21	Evidence Admitted for a Limited Purpose.....	55
B.	Trial Procedure	57
Preliminary 22-A	Introduction to Trial Procedure	57
Preliminary 22-B	Retrials	57
Preliminary 22-C	Fitness to Stand Trial (<i>Code</i> , ss. 2; 672.23(1); 672.26)	59
Preliminary 22-D	Change of Venue (<i>Code</i> , s. 599)	64
Preliminary 23	Unrepresented Accused.....	66
Preliminary 24	The Order of Presentation	67
Preliminary 25	Questioning Witnesses	69
Preliminary 26	Note-Taking by Jurors.....	70
Preliminary 27	Questioning of Witnesses by Jurors.....	72
Preliminary 28	Transcripts Not Available.....	74
Preliminary 29	Exclusions from the Courtroom.....	76
Preliminary 30	The Addresses of Counsel.....	77
Preliminary 31	The Summing-Up.....	79
Preliminary 32	Multiple Accused Tried Jointly	80
Preliminary 33	Assessing Evidence.....	82
C.	Fundamental Principles	84
Preliminary 34	Presumption of Innocence and Burden of Proof.....	84
Preliminary 35	Reasonable Doubt	86
Preliminary 36	Elements of Offence.....	93
D.	Concluding Instructions	95
Preliminary 37	Selection of Foreperson	95
Preliminary 38	Non-Disclosure	96
Preliminary 39	Difficulties in Hearing or Seeing Witnesses	98
Preliminary 40	Hours of Sitting.....	99
Preliminary 41	Concluding Remarks.....	100

PART II — MID-TRIAL INSTRUCTIONS

II. MID-TRIAL INSTRUCTIONS

Mid-Trial 1-A	Admissions (<i>Code</i> , s. 655).....	105
Mid-Trial 1-B	Judicial Notice	108
Mid-Trial 2-A	Out of Court Utterances and Statements of Accused (General Instruction).....	111

TABLE OF CONTENTS

Mid-Trial 2-B	Out of Court Utterances and Statements of Accused (Joint Trial)...	117
Mid-Trial 3-A	Previous Convictions of Accused Witness (Impeachment/ Credibility Only).....	119
Mid-Trial 3-B	Previous Convictions of Non-Accused Witness (Impeachment/ Credibility Only).....	123
Mid-Trial 3-C	Previous Convictions of Witness or Third Party as Evidence of Disposition.....	125
Mid-Trial 4	General Instruction on Evidence of Limited Admissibility in Joint Trials.....	131
Mid-Trial 5-A	Prior Inconsistent Statements of Non-Accused Witnesses (Impeachment/Credibility Only).....	133
Mid-Trial 5-B	Prior Inconsistent Statements as Substantive Evidence (<i>B. (K.G.)</i> Instruction).....	137
Mid-Trial 6	Evidence of Similar Acts (Uncharged Conduct).....	142
Mid-Trial 7-A	Audio Recordings and Transcripts.....	146
Mid-Trial 7-B	Video Recordings and Transcripts.....	149
Mid-Trial 7-C	English Translation of Foreign Language Recordings.....	151
Mid-Trial 7-D	Video Recordings as Original Evidence (<i>Nikolovski</i> Instruction) ...	153
Mid-Trial 8-A	Evidence Previously Given (<i>Code</i> , s. 715).....	155
Mid-Trial 8-B	Evidence of Children (Videotaped Complaint) (<i>Code</i> , s. 715.1).....	157
Mid-Trial 9	Expert Opinion Evidence.....	161
Mid-Trial 10-A	Charts and Summaries (Not in Evidence).....	164
Mid-Trial 10-B	Charts and Summaries (Admitted as Evidence).....	165
Mid-Trial 11-A	Evidence of Disposition of Third Party to Commit Offence.....	166
Mid-Trial 11-B	Evidence of Disposition of Co-Accused to Commit Offence.....	170
Mid-Trial 11-C	Third Party Suspect (General Instruction).....	173
Mid-Trial 11-D	Evidence of Inadequate Police Investigation.....	175
Mid-Trial 11-E	Evidence of Investigative Narrative.....	177
Mid-Trial 12	Evidence of Other Sexual Activity (<i>Code</i> , ss. 276; 276.4).....	179
Mid-Trial 13-A	Obstructed View and Sequestered Testimony (<i>Code</i> , ss. 486.2(1); (2); (4); (5)).....	181
Mid-Trial 13-B	Support Person (<i>Code</i> , ss. 486.1(1); (2)).....	183
Mid-Trial 13-C	Appointment of Cross-Examining Counsel (<i>Code</i> , ss. 486.3(1); (2); (4)).....	184
Mid-Trial 14	Plea of Guilty of Another.....	186
Mid-Trial 15	Outstanding Charges Against Prosecution Witness (<i>Titus</i> Instruction).....	188
Mid-Trial 16-A	Statements of Declarant Not Called as Witness (Admissible Hearsay).....	189
Mid-Trial 16-B	Statements of Declarant Not Called as Witness (Non-Hearsay Purpose).....	193
Mid-Trial 17	Common Purpose (Co-Conspirators) Exception to Hearsay Rule.....	197

Mid-Trial 18	Retrials	201
Mid-Trial 19	Pre-Trial Custody	202
Mid-Trial 20	The Preliminary Inquiry.....	203
Mid-Trial 21	Prosecutorial Disclosure	204
Mid-Trial 22	Pre-Trial Interviews	205
Mid-Trial 23-A	Proof of Theft in Prosecution for Unlawful Possession (<i>Code</i> , s. 657.2(1))	206
Mid-Trial 23-B	Accessory after the Fact (Conviction of Principal) (<i>Code</i> , s. 657.2(2))	208
Mid-Trial 24	Juror Conduct (Research & Communication).....	210
Mid-Trial 25	Discharge of Juror (<i>Code</i> , s. 644(1)).....	211
Mid-Trial 26	Reduction in Number of Jurors (<i>Code</i> , s. 652.1(2))	213
Mid-Trial 27	Unrepresented Accused.....	215

PART III — FINAL INSTRUCTIONS

III. FINAL INSTRUCTIONS

A. Duties of Jurors	227
Final 1 Introduction.....	227
Final 2-A Duties of Judge and Jury.....	231
Final 2-B Fitness to Stand Trial (<i>Code</i> , ss. 2; 672.23; 672.26)	233
Final 3 Irrelevance of Outside Information.....	241
Final 4 Irrelevance of Prejudice and Sympathy	242
Final 5 Irrelevance of Punishment (Sentence)	243
Final 6 Jurors’ Approach to Task.....	243
Final 7 Further Instructions	244
Final 8 Procedure for Questions.....	245
Final 9 Judge’s Review and Comments on Evidence	249
Final 10-A Requirements for a Verdict	252
Final 10-B Requirements for Verdict (<i>Thatcher</i> Instruction on Alternative Routes to Verdict).....	254
B. General Principles	257
Final 11 Presumption of Innocence.....	257
Final 12 Burden of Proof.....	259
Final 13 Reasonable Doubt	261
Final 14 Assessment of Evidence	267
Final 15 Numbers of Witnesses.....	270
Final 16 Testimony of Accused (The <i>W. (D.)</i> Instruction)	271

C. Principles of Evidence	274
1. Types of Evidence	274
Final 17 Evidence Defined.....	274
Final 18 Direct and Circumstantial Evidence	276
Final 19-A Expert Opinion Evidence (General Instruction)	280
Final 19-B Expert Opinion Evidence (Conflict in Opinions)	285
Final 20 Exhibits	286
Final 21 Admissions (<i>Code</i> , s. 655).....	288
2. Rules of Evidence	290
Final 22 Evidence of Good Character	290
Final 23-A Previous Convictions of Non-Accused Witness (Impeachment/ Credibility Only).....	293
Final 23-B Previous Convictions of Non-Accused Witness or Third Party as Evidence Of Disposition	296
Final 23-C Previous Convictions of Accused Witness (Impeachment/ Credibility Only).....	299
Final 23-D Previous Convictions of Accused Witness to Impeach and Rebut Evidence of Good Character (<i>Code</i> , s. 666).....	301
Final 23-E Previous Convictions as Evidence of Disposition (Propensity) of Co-Accused	304
Final 24-A Out-of-Court Statements of Accused (General Instruction)	308
Final 24-B Out-of-Court Statements of Accused (<i>Hodgson</i> Warning)	314
Final 24-C Out-of-Court Statements of Accused (Joint Trial).....	316
Final 24-D Evidence of Accused (Joint Trial).....	319
Final 24-E Pre-Trial Silence Of Co-Accused Witness at Joint Trial (<i>Crawford</i> Instruction)	322
Final 25-A Prior Inconsistent Statements of Non-Accused Witness (Impeachment/Credibility Only).....	325
Final 25-B Prior Inconsistent Statements of Accused Witness	328
Final 25-C Prior Inconsistent Statements of Non-Accused Witness as Substantive Evidence (<i>R. v. B. (K.G.)</i> Instruction)	331
Final 26 Motive	334
Final 27-A Post-Offence Conduct (General Instruction)	337
Final 27-B Post-Offence Conduct (Fabricated Explanations).....	343
Final 28-A Evidence of Extrinsic Similar Acts to Prove Identity of Perpetrator.....	350
Final 28-B Evidence of Other Count(s) Similar Acts to Prove Identity of Perpetrator.....	356
Final 28-C Evidence of Extrinsic Similar Acts to Prove Conduct Occurred ...	361
Final 28-D Evidence of Other Counts Similar Acts to Prove Conduct Occurred.....	365

ONTARIO SPECIMEN JURY INSTRUCTIONS

Final 28-E	Collusion Amongst Similar Act Witnesses (<i>Shearing</i> Instruction).....	367
Final 29-A	Evidence of Children Under Fourteen (General Instructions).....	369
Final 29-B	Evidence of Children (Obstructed View or Sequestered Testimony) (<i>Code</i> , ss. 486.2(1))	372
Final 29-C	Evidence of Children (Videotaped Complaint) (<i>Code</i> , s. 715.1)...	373
Final 29-D	Evidence of Children (Appointment of Cross-Examining Counsel) (<i>Code</i> , s. 486.3)	377
Final 29-E	Evidence of Children (Support Person) (<i>Code</i> , ss. 486.1).....	378
Final 30	Evidence Previously Given (<i>Code</i> , s. 715)	379
Final 31	Crown Witnesses of Unsavoury Character (<i>Vetrovec</i> Warning)	381
Final 32	Eyewitness Identification Evidence	391
Final 33-A	Audio Recordings and Transcripts.....	398
Final 33-B	Video Recordings and Transcripts	400
Final 33-C	English Translation of Foreign Language Recordings.....	402
Final 33-D	Video Recordings as Original Evidence (<i>Nikolovski</i> Instruction)...	403
Final 34-A	Common Purpose (Co-Conspirators) Exception to the Hearsay Rule (Introductory Instruction)	405
Final 34-B	Common Purpose (Co-Conspirators) Exception to the Hearsay Rule (General Instruction)	407
Final 35-A	Statements of Declarant Not Called as Witness (Admissible Hearsay)	412
Final 35-B	Statement of Declarant Not Called as Witness (Non-Hearsay Purpose)	415
Final 35-C	Investigative Hearsay	417
Final 35-D	Prior Consistent Statements of Non-Accused Witness	419
Final 36	Judicial Notice	423
Final 37	Plea of Guilty of Another	423
Final 38	Evidence of Other Sexual Activity (<i>Code</i> , ss. 276; 276.4)	425
Final 39	Charts and Summaries (Demonstrative Aids).....	426
Final 40	Charts and Summaries (Filed as Exhibits).....	427
Final 41	Outstanding Charges Against Prosecution Witness (<i>Titus</i> Instruction).....	428
3.	<i>Special Instructions</i>	430
Final 42	Use of Juror Notes During Deliberations.....	430
Final 43	Lost, Destroyed or Unpreserved Evidence	432
Final 44-A	Single Accused Charged with Multiple Counts without Evidence of Similar Acts (General Instruction).....	435
Final 44-B	Multiple Accused Charged in a Single Count Without Evidence of Similar Acts (General Instruction).....	437
Final 44-C	Multiple Accused and Counts Without Evidence of Similar Acts (General Instruction).....	438
Final 45	Unrepresented Accused.....	440

Final 46	Reply Evidence	440
Final 47	Instructions on the Rule in <i>Browne v. Dunn</i>	442
4.	<i>Modes of Participation</i>	444
Final 100-A	Parties (Introductory Instruction) (<i>Code</i> , s. 21)	444
Final 100-B	Different Modes of Participation (<i>Thatcher</i> Instruction)	446
Final 100-C	Parties (Corporate Accused) (Introductory Instruction)	449
Final 101-A	Joint Principals (<i>Code</i> , s. 21(1)(a))	450
Final 101-B	Aiding (<i>Code</i> , s. 21(1)(b))	452
Final 101-C	Abetting (<i>Code</i> , s. 21(1)(c))	457
Final 101-D	Common Purpose (<i>Code</i> , s. 21(2))	460
Final 102-A	Counselling (Offence Committed) (<i>Code</i> , s. 22(1))	467
Final 102-B	Counselling (Other Offence Committed) (<i>Code</i> , s. 22(2))	470
Final 103	Accessory After the Fact (<i>Code</i> , s. 23)	473
D.	Offences	480
1.	<i>Firearms and Other Weapons</i>	480
Final 85-A	Use Firearm in Commission of Offence (<i>Code</i> , s. 85(1))	480
Final 85-B	Use Imitation Firearm in Commission of Offence (<i>Code</i> , s. 85(2))	486
Final 86	Careless Use of Firearm (<i>Code</i> , s. 86(1))	490
Final 87	Pointing a Firearm (<i>Code</i> , s. 87(1))	496
Final 88	Weapon Dangerous (<i>Code</i> , s. 88(1))	500
Final 90	Carry Concealed Weapon (<i>Code</i> , s. 90)	507
2.	<i>Offences Against Administration of Justice</i>	512
Final 121-A(D)	Fraud on Government (Donor) (<i>Code</i> , s. 121(1)(a)(i))	512
Final 121-A(R)	Fraud on Government (Recipient) (<i>Code</i> , s. 121(1)(a)(ii))	520
Final 121-B	Fraud on Government (<i>Code</i> , s. 121(1)(b))	525
Final 121-C	Fraud on Government (<i>Code</i> , s. 121(1)(c))	531
Final 122	Breach of Trust (Fraud) by an Official (<i>Code</i> , s. 122)	538
Final 123-A	Municipal Corruption (Donor) (<i>Code</i> , s. 123(1))	545
Final 123-B	Municipal Corruption (Recipient) (<i>Code</i> , s. 123(1))	550
Final 131	Perjury (<i>Code</i> , s. 131(1))	555
Final 139	Obstructing Justice (<i>Code</i> , s. 139(2))	562
3.	<i>Sexual Offences</i>	569
Final 151	Sexual Interference (<i>Code</i> , s. 151)	569
Final 152	Invitation to Sexual Touching (<i>Code</i> , s. 152)	575
Final 153-A	Sexual Exploitation (<i>Code</i> , s. 153(1)(a))	579
Final 153-B	Sexual Exploitation (<i>Code</i> , s. 153(1)(b))	587
Final 155	Incest (<i>Code</i> , s. 155)	594
Final 271	Sexual Assault (<i>Code</i> , s. 271)	598

Final 272-A	Sexual Assault with a Weapon (<i>Code</i> , s. 272(1)(a))	607
Final 272-B	Sexual Assault Threatening Bodily Harm (<i>Code</i> , s. 272(1)(b)).....	614
Final 272-C	Sexual Assault Causing Bodily Harm (<i>Code</i> , s. 272(1)(c)).....	620
Final 273	Aggravated Sexual Assault (<i>Code</i> , s. 273).....	629
4.	<i>Criminal Negligence</i>	639
Final 220	Criminal Negligence Causing Death (<i>Code</i> , s. 220)	639
Final 221	Criminal Negligence Causing Bodily Harm (<i>Code</i> , s. 221)	650
5.	<i>Homicide and Related Crimes</i>	655
Final 229-A	Second Degree Murder (<i>Code</i> , s. 229(a))	655
Final 229-B	Second Degree Murder (Unintended Victim) (<i>Code</i> , s. 229(b)) ...	673
Final 229-C	Second Degree Murder (Unlawful Object) (<i>Code</i> , s. 229(c)).....	679
Final 231-A	Planned and Deliberate First Degree Murder (<i>Code</i> , s. 231(2))....	687
Final 231-B	Contracted (Arranged) First Degree Murder (<i>Code</i> , s. 231(3))	700
Final 231-C	First Degree Murder of Police Officer (<i>Code</i> , s. 231(4))	707
Final 231-D	Constructive First Degree Murder (<i>Code</i> , s. 231(5))	715
Final 231-E	Criminal Harassment First Degree Murder (<i>Code</i> , s. 231(6))	728
Final 234-A	Unlawful Act Manslaughter (<i>Code</i> , ss. 222(5)(a); 234)	737
Final 234-B	Manslaughter by Criminal Negligence (<i>Code</i> , ss. 219; 222(5)(b); 234)	745
Final 235	Causation in Unlawful Homicide (Intervening Cause)	750
Final 239	Attempted Murder (<i>Code</i> , s. 239)	753
6.	<i>Assaults and Other Non-Fatal Offences Against the Person</i>	759
Final 244	Discharge Firearm with Intent (<i>Code</i> , s. 244).....	759
Final 244.1	Discharge Air Gun (Pistol) with Intent (<i>Code</i> , s. 244.1).....	766
Final 264	Criminal Harassment (<i>Code</i> , s. 264).....	771
Final 264.1	Threatening (Death or Bodily Harm) (<i>Code</i> , s. 264.1(1)(a)).....	780
Final 266	Assault (<i>Code</i> , ss. 265(1)(a); 266).....	790
Final 267-A	Assault with a Weapon (<i>Code</i> , s. 267(a)).....	803
Final 267-B	Assault Causing Bodily Harm (<i>Code</i> , s. 267(b)).....	809
Final 268	Aggravated Assault (<i>Code</i> , s. 268(1)).....	816
Final 269	Unlawfully Causing Bodily Harm (<i>Code</i> , s. 269).....	826
7.	<i>Driving Offences</i>	831
Final 249-A	Dangerous Operation of Motor Vehicle (<i>Code</i> , s. 249(1)(a))	831
Final 249-B	Dangerous Operation of Motor Vehicle Causing Bodily Harm (<i>Code</i> , ss. 249(1)(a); (3))	837
Final 249-C	Dangerous Operation of a Motor Vehicle Causing Death (<i>Code</i> , ss. 249(1)(a); (4))	842
Final 252	Failure to Stop After Accident (<i>Code</i> , s. 252(1)).....	846
Final 253-A	Impaired Operation of Motor Vehicle (<i>Code</i> , ss. 253(1)(a); 255(1)).....	857

Final 253-B	Impaired Operation Causing Bodily Harm (<i>Code</i> , ss. 253(1)(a); 255(2)).....	865
Final 253-C	Impaired Operation Causing Death (<i>Code</i> , ss. 253(1)(a); 255(3)).....	871
8.	<i>Kidnapping, Unlawful Confinement, and Abduction</i>	878
Final 279-A	Kidnapping (<i>Code</i> , s. 279(1))	878
Final 279-B	Unlawful Confinement (<i>Code</i> , s. 279(2))	884
Final 280	Abduction (Under 16) (<i>Code</i> , s. 280(1)).....	889
Final 281	Abduction (Under 14) (<i>Code</i> , s. 281)	895
Final 282	Abduction in Breach of Custody Order (<i>Code</i> , s. 282(1)).....	902
Final 283	Abduction by Parent or Lawful Custodian (<i>Code</i> , s. 283(1)).....	911
9.	<i>Offences Against Property And Property Rights</i>	917
Final 322	Theft (<i>Code</i> , s. 322(1)(a))	917
Final 336	Criminal Breach of Trust (<i>Code</i> , s. 336).....	925
Final 343-A	Robbery (<i>Code</i> , s. 343(a)).....	929
Final 343-B	Robbery (<i>Code</i> , s. 343(b))	935
Final 343-C	Robbery (<i>Code</i> , s. 343(c)).....	940
Final 343-D	Robbery (<i>Code</i> , s. 343(d))	945
Final 346	Extortion (<i>Code</i> , s. 346(1))	949
Final 348-A	Break and Enter with Intent (<i>Code</i> , s. 348(1)(a))	957
Final 348-B	Break, Enter and Commit (<i>Code</i> , s. 348(1)(b))	964
Final 354-A	Possession of (Proceeds of) Property Obtained by Crime (<i>Code</i> , s. 354(1)(a)).....	968
Final 354-B	Doctrine of Recent Possession.....	977
Final 362	Obtaining by False Pretences (<i>Code</i> , ss. 362(1)(a); (b)).....	983
Final 366	Forgery (<i>Code</i> , s. 366(1)).....	988
Final 368	Uttering Forged Document (<i>Code</i> , ss. 368(1)(a); (b))	995
Final 380	Fraud (<i>Code</i> , s. 380(1)(a))	1000
Final 426-A	Secret Commissions (Donor) (<i>Code</i> , s. 426(1)(a))	1010
Final 426-B	Secret Commissions (Recipient) (<i>Code</i> , s. 426(1)(a)).....	1016
Final 430	Mischief Endangering Life (<i>Code</i> , ss. 430(1); (2)).....	1023
Final 433	Arson (Disregard for Human Life) (<i>Code</i> , s. 433).....	1032
Final 434	Arson Causing Property Damage (<i>Code</i> , s. 434).....	1038
Final 434.1	Arson Seriously Threatening Another Person or Property (<i>Code</i> , s. 434(1))	1042
Final 435	Arson for Fraudulent Purpose (<i>Code</i> , s. 435(1)).....	1049
10.	<i>Currency Offences</i>	1054
Final 449	Making Counterfeit Money (<i>Code</i> , s. 449).....	1054
Final 450	Possession of Counterfeit Money (<i>Code</i> , s. 450(b)).....	1059
Final 452	Uttering Counterfeit Money (<i>Code</i> , s. 452(a)).....	1064

11. Proceeds Of Crime	1069
Final 462 Laundering Proceeds of Crime (<i>Code</i> , s. 462.31(1)(a)).....	1069
12. Preliminary Crimes	1076
Final 463 Attempt (<i>Code</i> , ss. 24; 463).....	1076
Final 464 Counselling (Offence Not Committed) (<i>Code</i> , s. 464(a)).....	1083
Final 465 Conspiracy (<i>Code</i> , s. 465(1)(c)).....	1089
13. Drug Offences	1105
Final 475 Trafficking in Controlled Substance (<i>CDSA</i> , s. 5(1))	1105
Final 476 Possession of Controlled Substance for the Purpose of Trafficking (<i>CDSA</i> , s. 5(2)).....	1115
Final 477 Importing a Controlled Substance (<i>CDSA</i> , s. 6(1)).....	1124
Final 478 Producing a Controlled Substance (<i>CDSA</i> , s. 7(1)).....	1130
E. Defences	1135
Final 60 Abandonment.....	1135
Final 61-A Accident (Unintended Act)	1140
Final 61-B Accident (Unintended Consequences).....	1141
Final 62 Alibi	1142
Final 63 Automatism.....	1145
Final 64 Colour of Right	1152
Final 65-A Consent (General) (<i>Code</i> , ss. 265(2), (3)).....	1154
Final 65-B Consent (Sexual Assault) (<i>Code</i> , s. 273.1(1)).....	1161
Final 65-C Mistaken Belief in (Apprehended) Consent (<i>Code</i> , s. 265(4))	1169
Final 65-D Mistaken Belief in (Apprehended) Consent (<i>Code</i> , s. 273.2).....	1173
Final 66-A Defence of Property (Introductory Instruction) (<i>Code</i> , s. 35)	1177
Final 66-B Defence of Property (General Instruction) (<i>Code</i> , s. 35(1)).....	1178
Final 67 Duress (Common Law and Statutory Excuse) (<i>Code</i> , s. 17).....	1185
Final 68 Inadequate Police Investigation	1193
Final 69-A Intoxication	1195
Final 69-B Cumulative Effect of Evidence on Proof of Mental Element in Murder (The Rolled-Up Instruction)	1205
Final 70-A Mental Disorder (One-Stage Trial) (<i>Code</i> , ss. 16(1); 672.34).....	1208
Final 70-B Mental Disorder (Two-Stage Trial) (<i>Code</i> , ss. 16(1); 672.34).....	1219
Final 70-C Consequences of Verdict of Not Criminally Responsible on Account of Mental Disorder (<i>Code</i> , ss. 16(1); 672.34; 672.54)	1223
Final 70-D Failure of Accused to Submit to (Psychiatric) Examination by Crown Expert.....	1224
Final 71 Mistake.....	1227
Final 72 Necessity	1228
Final 73 Provocation (Reducing Murder to Manslaughter) (<i>Code</i> , s. 232) ...	1233
Final 74-A Self-Defence (Introductory Instruction) (<i>Code</i> , s. 34).....	1247

Final 74-B	Self Defence (General Instruction) (<i>Code</i> , s. 34)	1249
Final 75	Third Party Suspect.....	1256
Final 76	Denial of Conduct Alleged.....	1259
F.	Concluding Instructions	1260
Final 500-A	Use of Verdict Sheet.....	1260
Final 500-B	Verdict Sheet	1262
Final 501	Use of Decision Tree	1263
Final 502	Return of Verdict.....	1265
Final 503	Juror Conduct During Deliberations	1265
Final 504	Requirements for Verdict	1268
Final 505	Questions During Deliberations.....	1269
Final 506	Reduction in Number of Jurors (<i>Code</i> , s. 652.1(1))	1269
Final 507	Final Remarks	1271
G.	In Deliberation Instructions	1272
Final 508-A	Discharge of Juror (<i>Code</i> , s. 644(1)).....	1272
Final 508-B	Exhortation to Deadlocked Jury.....	1274
H.	Post-Verdict Instructions	1278
Final 509-A	Parole Ineligibility Recommendation (Adult Offender) (<i>Code</i> , s. 745.2).....	1278
Final 509-B	Parole Eligibility Recommendation (Adult Offender) (<i>Code</i> , s. 745.2).....	1282
Final 509-C	Parole Ineligibility Recommendation (Offenders Under Sixteen) (<i>Code</i> , s. 745.3).....	1283
Final 509-D	Parole Eligibility Recommendation (Offenders Under Sixteen) (<i>Code</i> , s. 745.3).....	1286
Final 509-E	Parole Ineligibility Recommendation (Multiple Murders) (<i>Code</i> , s. 745.21(1))	1287
Final 509-F	Parole Ineligibility Recommendation (Multiple Murders) (<i>Code</i> , s. 745.21(1))	1290

