

Publisher's Note

2018 — Release 9

Previous release was 2018-8

From Your Library:

<input type="checkbox"/>	_____
<input type="checkbox"/>	_____
<input type="checkbox"/>	_____
<input type="checkbox"/>	_____
<input type="checkbox"/>	_____

Segal

Disclosure & Production in Criminal Cases

This release features updates to the case law and commentary in chapters 2 (Principles), 5 (Defence Counsel), 7 (Remedies for Breach), and 8 (Production of Confidential Third Party Records).

Case Highlights

- **Principles — Examples of Disclosed Materials — Police Personnel Records** — According to Ontario's Superior Court of Justice, where the Crown had considered and rejected a request for disciplinary records pertaining to a highway traffic matter, the accused would need to make an *O'Connor* application in order to gain access to them: *Mian v. City of Ottawa*, 2018 ONSC 2131, 2018 CarswellOnt 5388 (Ont. S.C.J.).
- **Remedies for Breach — Trial — Stay** — In a proceeding involving human trafficking, a witness to the initial meeting between the complainant and the accused could not be found. Defence counsel contended that late disclosure of a stale-dated address had prejudiced the accused, and brought a motion to stay the proceedings for abuse of process. Ontario's Superior Court of Justice deferred consideration of the stay until after the trial: *R. v. R.W.*, 2018 ONSC 1806, 2018 CarswellOnt 4366 (Ont. S.C.J.).

**THOMSON REUTERS
CANADA®**

Customer Support

1-416-609-3800 (Toronto & International)

1-800-387-5164 (Toll Free Canada & U.S.)

Fax 1-416-298-5082 (Toronto)

Fax 1-877-750-9041 (Toll Free Canada Only)

Email CustomerSupport.LegalTaxCanada@TR.com

This publisher's note may be scanned electronically and photocopied for the purpose of circulating copies within your organization

