

MAT #42729362

Publisher's Note

2020 — Release 6

Previous release was 2020-5

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Christopher

The Law of Domestic Conflict in Canada

This resource covers the complex intersection of family law, civil law and criminal law in cases of domestic violence, balancing substantive law and the practice of law. The work covers topics such as evidentiary issues in criminal proceedings, sentencing principles, common offences such as assault, uttering threats, and stalking and defences advanced such as self-defence and provocation.

This release features updates to Chapter 4.

Highlights

R. v. Penunsi, 2019 SCC 39 has been added to Chapter 4.

- Relationship between peace bond provisions and judicial interim release (bail).
- Supreme Court of Canada settles conflicting lines of authority and offers a coherent approach to the application of peace bond provisions of the Code.
- To justify an arrest warrant, in the absence of any indication that the defendant will fail to attend court pursuant to a summons, there must be an imminent risk of serious personal injury.
- Must be a nexus between any public safety conditions attached to bail and the

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fear expressed in the information underlying the peace bond.

R. v. Calnen, 2019 SCC 6 has been added to Chapter 4.

- After-the-fact evidence was given at trial but not addressed in the charge to the jury.
- The conviction was overturned by the Court of Appeal but restored by the Supreme Court of Canada.
- Defence did not insist on the inclusion of after-the-fact evidence in the jury charge.
- The jury charge was held to be fair and balanced; defence made tactical choice and must live with consequences of that decision.