

## Publisher's Note

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### **CRIMINAL LAW EVIDENCE, PRACTICE AND PROCEDURE**

**Gibson**

**Release No. 2022-4, June 2022**

#### **Publisher's Special Release Note 2021**

The pages in this work were reissued in July 2021 and updated to reflect that date in the release line. Please note that we did not review the content on every page of this work in the July 2021 release. We will continue to review and update the content according to the work's publication schedule. This will ensure that subscribers are reading commentary that incorporates developments in the law as soon as possible after they have happened or as the author deems them significant.

Changes to chapter and heading numbering may have occurred. Please refer to the Correlation Table in the front matter if you wish to confirm references.

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This publication offers step-by-step guidance to more than 60 evidentiary, procedural and practice topics that arise in criminal law practice.

This release features updates to the case law and commentary in Chapters 17 (Children and Vulnerable Witnesses), 18 (Conditional Sentence Breach), 19 (Confessions), 24 (Dangerous Offender and Long-Term Offender Procedure), 25 (Direct Indictments), 29 (Estreatment Procedure), 30 (Exclusion, Absconding or Absence of Accused from Court Room), 34 (Expert Opinion Evidence), 41 (Hearsay Evidence) and 43 Information: Sufficiency of S. 581(3)).

## Highlights

- **Expert Opinion Evidence — Establishing Expertise — § 34:11** — During a voir dire to determine expertise, it is generally unwise to permit cross-examination on the expert's opinion. Until the prosecution tenders the expert's opinion, the trial judge lacks a foundation to determine what cross-examination questions pose relevant challenges to it. *R. v. Stephan*, 2021 CarswellAlta 521, 402 C.C.C. (3d) 73, 2021 ABCA 82 (Alta. C.A.).
- **Expert Opinion Evidence — Qualified Expert — § 34:21** — A lack in formal training in one or two of the relevant topics does not disqualify an expert from giving opinion evidence about the topics on which the expert has sufficient qualifications. *R. v. C.M.M.*, 2020 CarswellBC 305, 2020 BCCA 56 (B.C. C.A.).

## ProView Developments

Your ProView edition of this product now has a new, modified layout:

- The opening page is now the title page of the book as you would see in the print work
- As with the print product, the front matter is in a different order than previously displayed
- The Table of Cases and Index are now in PDF with no searching and linking
- The Table of Contents now has internal links to every chapter and section of the book within ProView
- Images are generally greyscale and size is now adjustable
- Footnote text only appears in ProView generated PDFs of entire sections and pages.