

Publisher's Note

An Update has Arrived in Your Library for:

Please circulate this notice to anyone in your office who may be interested in this publication. <i>Distribution List</i>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

CANADIAN CRIMINAL PROCEDURE

R.E. Salhany

Release No. 2022-2, June 2022

Publisher's Special Release Note 2021

The pages in this work were reissued in November 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 November 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.

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)

E-mail CustomerSupport.LegalTaxCanada@TR.com

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

What's New in this Update:

This release features updates to the case law and commentary in Chapters 1 (Classification of Offences), 3 (Arrest and Seizure of Property), 4 (Bail), 6 (Trial on Indictment), 8 (Sentencing), and 9 (Appeals).

Highlights:

- **Trial on Indictment — Case Management — Generally** — When describing the scope of the trial management power of a trial judge, the Supreme Court of Canada said that the power to control the process of their court aims to achieve the interrelated purposes of ensuring fairness, effectiveness and efficiency, and that trial judges may intervene to manage trial conduct in order to mitigate delay. However, according to the court, trial management must be exercised carefully – parties should generally be allowed to present their cases as they deem fit, and trial management should not be viewed as a licence to exclude otherwise relevant and material evidence for the sake of efficiency: *R. v. Samaniego*, 2022 SCC 9, 2022 CarswellOnt 3617 (S.C.C.).
- **Appeals — Indictable Offences — Appeals to the Court of Appeal — Where Counsel was Incompetent** — The appellant elected trial by provincial court judge and was convicted of aggravated assault. On appeal of his conviction, the appellant argued that his counsel had been ineffective for having failed to advise of his right to elect trial by judge or by judge and jury. The Supreme Court of Canada dismissed this appeal, after finding ineffective assistance of counsel had not been made out – despite the importance of the right to elect mode of trial, the appellant failed to show that he would have chosen differently had counsel informed him of this right: *R. v. White*, 2022 SCC 7, 2022 CarswellNfld 82 (S.C.C.).

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, Table of Statutes 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