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**McWILLIAMS' CANADIAN CRIMINAL
EVIDENCE**

Fifth Edition

Hon. S. Casey Hill, David M. Tanovich and Louis P. Strezos

2020—Release No. 3

McWilliams' Canadian Criminal Evidence, Fifth Edition, is the most comprehensive source in Canada for the law of criminal evidence. The authors trace the developments of the law of criminal evidence and identify the key elements of a modern principled approach. The work features analyses from judicial, academic and practitioner's perspectives and includes contributions from both Canadian and international experts.

What's New in this Update:

- **Criminal Evidence—Opinion Evidence—Expert Opinion Evidence—Provisional Admissibility Criteria—Necessity**—The trial judge determines as a matter of law whether the proffered evidence is necessary. The expert evidence must be reasonably necessary, having regard to the existing evidentiary record and the issues raised by the prosecution

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and the defence. Expert evidence which "is little more than" common sense can amount to no more than oath-helping, adding nothing unknown to the lay person. *R. v. Khill* (2020), 60 C.R. (7th) 233 (Ont. C.A.), at para. 123.

- **Criminal Evidence—Real and Demonstrative Evidence— Real Evidence—Editing/ Altering Exhibits**— In failing to edit the witness statement and transcripts containing prejudicial material, the trial court erred in its duty "to prevent unacceptably prejudicial evidence with little, if any, probative value from reaching the jury". *Shepard v. R.* (2019), 380 C.C.C. (3d) 137 (N.B.C.A.). .