

Publisher's Note

2019 — Release 1

Previous release was 2018-9

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Gibson

Criminal Law Evidence, Practice and Procedure

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 Chapter 41 (Jury Trials and General Procedure).

Highlights

- **Essential Elements of Judge's Charge to Jury — Unsavory witness warning: *Vetrovec* — When to give the warning** — According to British Columbia's Court of Appeal, a *Vetrovec* warning is mandatory only where a witness is central, rather than peripheral, and where the witness's honesty undergoes scrutiny, as opposed to the reliability of his or her memory: *R. v. Podolski*, 2018 BCCA 96, 2018 CarswellBC 1125 (B.C. C.A.).
- **Essential Elements of Judge's Charge to Jury — Post-Offence Conduct — Danger** — The Court of Appeal for Ontario held post-offence conduct to be "best assessed cumulatively and not in isolation". During a robbery, the accused shot and killed a victim. The accused testified that his weapon had gone off by accident, but the appellate court noted that the group of robbers had, without hesitation, continued to rob, and that they had refused to permit

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the other victims from tending to the fallen one - here, the Court of Appeal deemed the cumulative post-offence conduct as probative against the accused's testimony: *R. v. McLellan*; 2018, ONCA 510, 2018 CarswellOnt 8709 (Ont. C.A.).