



## Court of Appeal for Ontario

### List of Frequently Cited Criminal Authorities

Effective: 1 March 2017

#### Burden of Proof/Reasonable Doubt

- *R. v. W.(D.)*, [\[1991\] 1 S.C.R. 742](#)
- *R. v. C.L.Y.*, [2008 SCC 2](#), [\[2008\] 1 S.C.R. 5](#)
- *R. v. J.H.S.*, [2008 SCC 30](#), [\[2008\] 2 S.C.R. 152](#)
- *R. v. J.M.H.*, [2011 SCC 45](#), [\[2011\] 3 S.C.R. 197](#)

#### Certiorari/Directed Verdict/ Preliminary Inquiries

- *R. v. Charemski*, [\[1998\] 1 S.C.R. 679](#)
- *R. v. Arcuri*, [2001 SCC 54](#), [\[2001\] 2 S.C.R. 828](#)
- *R. v. Deschamplain*, [2004 SCC 76](#), [\[2004\] 3 S.C.R. 601](#)
- *R. v. Hawley*, [2012 ONCA 528](#), [295 O.A.C. 85](#)
- *R. v. Papadopoulos*, [2005 CanLII 8662 \(Ont. C.A.\)](#)
- *R. v. Russell*, [2001 SCC 53](#), [\[2001\] 2 S.C.R. 804](#)
- *R. v. Sazant* [2004 SCC 77](#), [\[2004\] 3 S.C.R. 635](#)

#### Charge to Jury

- *R. v. Daley*, [2007 SCC 53](#), [\[2007\] 3 S.C.R. 523](#)
- *R. v. Jacquard*, [\[1997\] 1 S.C.R. 314](#)

#### Charter

##### (i) Section 1 - Reasonable Limits

- *R. v. Oakes*, [\[1986\] 1 S.C.R. 103](#)

## **(ii) Section 8 - Search and Seizure**

- *Hunter v. Southam Inc.*, [\[1984\] 2 S.C.R. 145](#)

## **(iii) Section 10(b) - Right to Counsel - Detention**

- *R. v. Suberu*, [2009 SCC 33](#), [\[2009\] 2 S.C.R. 460](#)

## **(iv) Section 11(b) - Unreasonable Delay**

- *R. v. Morin*, [\[1992\] 1 S.C.R. 771](#)
- *R. v. Schertzer*, [2009 ONCA 742](#), [248 C.C.C. \(3d\) 270](#)

## **(v) Section 11(d) - Fair Trial**

- *R. v. Richard*, [\[1996\] 3 S.C.R. 525](#)

## **(vi) Section 24(2) - Exclusion of Evidence**

- *R. v. Collins*, [\[1987\] 1 S.C.R. 265](#)
- *R. v. Grant*, [2009 SCC 32](#), [\[2009\] 2 S.C.R. 353](#)
- *R. v. Harrison*, [2009 SCC 34](#), [\[2009\] 2 S.C.R. 494](#)
- *R. v. Cole*, [2012 SCC 53](#), [\[2012\] 3 S.C.R. 34](#)

## **Defences - Air of Reality Threshold**

- *R. v. Cinous*, [2002 SCC 29](#), [\[2002\] 2 S.C.R. 3](#)

## **Disclosure and Third Party Records**

- *R. v. Stinchcombe*, [\[1991\] 3 S.C.R. 326](#)
- *R. v. O'Connor*, [\[1995\] 4 S.C.R. 411](#)
- *R. v. McNeil*, [2009 SCC 3](#), [\[2009\] 1 S.C.R. 66](#)
- *R. v. Quesnelle*, [2014 SCC 46](#), [\[2014\] 2 S.C.R. 390](#)

## **Extradition**

- *U.S.A. v. Anekwu*, [2009 SCC 41](#), [\[2009\] 3 S.C.R. 3](#)
- *U.S.A. v. Anderson*, [2007 ONCA 84](#), [218 C.C.C. \(3d\) 225](#)
- *U.S.A. v. Thomlison*, [2007 ONCA 42](#), [216 C.C.C. \(3d\) 97](#)
- *U.S.A. v. Ferras*, [2006 SCC 33](#), [\[2006\] 2 S.C.R. 77](#)

## **Evidence**

### **(i) Confessions**

- *R. v. Oickle*, [2000 SCC 38, \[2000\] 2 S.C.R. 3](#)

## **(ii) Cross-Examination on Prior Criminal Record**

- *R. v. Corbett*, [\[1988\] 1 S.C.R. 670](#)

## **(iii) Fresh Evidence**

- *Palmer v. The Queen*, [\[1980\] 1 S.C.R. 759](#)
- *Reference re: Truscott*, [2007 ONCA 575, 225 C.C.C. \(3d\) 321](#)
- *R. v. Dixon*, [\[1998\] 1 S.C.R. 244](#)
- *R. v. Taillefer; R. v. Duguay*, [2003 SCC 70, \[2003\] 3 S.C.R. 307](#)

## **(iv) Hearsay and the Principled Exception**

- *R. v. Khan*, [\[1990\] 2 S.C.R. 531](#)
- *R. v. B.(K.G.)*, [\[1993\] 1 S.C.R. 740](#)
- *R. v. Starr*, [2000 SCC 40, \[2000\] 2 S.C.R. 144](#)
- *R. v. Khelawon*, [2006 SCC 57, \[2006\] 2 S.C.R. 787](#)

## **(v) Similar Fact Evidence**

- *R. v. Handy*, [2002 SCC 56, \[2002\] 2 S.C.R. 908](#)
- *R. v. Trochym*, [2007 SCC 6, \[2007\] 1 S.C.R. 239](#)

## **(vi) Unsavoury Witnesses**

- *Vetrovec v. The Queen*, [\[1982\] 1 S.C.R. 811](#)

## **Fraud**

- *R. v. Theroux*, [\[1993\] 2 S.C.R. 5](#)

## **Guilty Pleas**

- *R. v. T.(R.)*, [\(1992\), 10 O.R. \(3d\) 514 \(C.A.\)](#)

## **Ineffective Assistance of Trial Counsel**

- *R. v. Joannis*, [\(1995\), 102 C.C.C. \(3d\) 35 \(Ont. C.A.\)](#)
- *R. v. G.D.B.*, [2000 SCC 22, \[2000\] 1 S.C.R. 520](#)
- *R. v. Archer*, [\(2005\), 202 C.C.C. \(3d\) 60 \(Ont. C.A.\)](#)

## **Jury Selection**

- *R. v. Find*, [2001 SCC 32, \[2001\] 1 S.C.R. 863](#)

## Leave to Appeal - Summary Conviction

- *R. v. R.R.*, [2008 ONCA 497, 234 C.C.C. \(3d\) 463](#)

## Leave to Appeal - Provincial Offences

- *Ontario (Labour) v. Enbridge Gas Distribution Inc.*, [2011 ONCA 13](#)
- *R. v. Hicks*, [2014 ONCA 756](#)

## Ministerial Decisions

- *U.S.A. v. Cotroni*, [\[1989\] 1 S.C.R. 1469](#)
- *U.S.A. v. Burns*, [2001 SCC 7, \[2001\] 1 S.C.R. 283](#)
- *Lake v. Canada (Minister of Justice)*, [2008 SCC 23, \[2008\] 1 S.C.R. 761](#)
- *Fischbacher v. Canada (Minister of Justice)*, [2009 SCC 46, \[2009\] 3 S.C.R. 170](#)

## Misapprehension of Evidence

- *R. v. Morrissey*, [\(1995\), 97 C.C.C. \(3d\) 193 \(Ont. C.A.\)](#)
- *R. v. Sinclair*, [2011 SCC 40 \[2011\] 3 S.C.R. 3](#)

## Ontario Review Board

- *Winko v. British Columbia*, [\[1999\] 2 S.C.R. 625](#)
- *R. v. Owen*, [2003 SCC 33, \[2003\] 1 S.C.R. 779](#)
- *Mazzei v. British Columbia (Director of Adult Forensic Psychiatric Services)*, [2006 SCC 7, \[2006\] 1 S.C.R. 326](#)
- *Mental Health Centre, Penetanguishene v. Magee* [\(2006\), 208 C.C.C. \(3d\) 365 \(Ont. C.A.\)](#)
- *R. v. Breitwieser*, [2009 ONCA 784, 99 O.R. \(3d\) 43](#)
- *R. v. Conway*, [2010 SCC 22, \[2010\] 1 S.C.R. 765](#)
- *R. v. M.L.C.*, [2010 ONCA 843, 104 O.R. \(3d\) 450](#)

## Reasonable Doubt

- *R. v. Lifchus*, [\[1997\] 3 S.C.R. 320](#)

## Self-Defence

- *R. v. Pintar* [\(1996\), 30 O.R. \(3d\) 483 \(C.A.\)](#)

## Self-Represented Accused

- *R. v. Jamieson* (1981), 64 C.C.C. (2d) 550 (Ont. C.A.)
- *R. v. McGibbon* [\(1988\), 45 C.C.C. \(3d\) 334 \(Ont. C.A.\)](#)

- *R. v. Ul-Rashid*, [2014 ONCA 896](#)

## Sentencing

### (i) Aboriginal Offenders

- *R. v. Gladue*, [\[1999\] 1 S.C.R. 688](#)
- *R. v. Ipeelee*, [2012 SCC 13, \[2012\] 1 S.C.R. 433](#)

### (ii) Appellate Review

- *R. v. M.(C.A.)*, [\[1996\] 1 S.C.R. 500](#)
- *R. v. Rezaie* (1996), [112 C.C.C. \(3d\) 97\(Ont. C.A.\)](#)
- *R. v. Shropshire*, [\[1995\] 4 S.C.R. 227](#)

### (iii) Conditional Sentences

- *R. v. Proulx*, [2000 SCC 5, \[2000\] 1 S.C.R. 61](#)

### (iv) Fresh Evidence

- *R. v. Levesque*, [2000 SCC 47, \[2000\] 2 S.C.R. 487](#)
- *R. v. Sipos*, [2014 SCC 47, \[2014\] 2 S.C.R. 423](#)

## Standard of Review on Findings of Fact

- *Housen v. Nikolaisen*, [2002 SCC 33, \[2002\] 2 S.C.R. 235](#)

## Statutory Interpretation

- *Bell ExpressVu Limited Partnership v. Rex*, [2002 SCC 42, \[2002\] 2 S.C.R. 559](#)

## Reasons for Judgment

- *R. v. Sheppard*, [2002 SCC 26, \[2002\] 1 S.C.R. 869](#)
- *R. v. Braich*, [2002 SCC 27, \[2002\] 1 S.C.R. 903](#)
- *R. v. Dinardo*, [2008 SCC 24, \[2008\] 1 S.C.R. 788](#)
- *R. v. R.E.M.*, [2008 SCC 51, \[2008\] 3 S.C.R. 3](#)

## Unreasonable Verdict

- *R. v. Yebe*, [\[1987\] 2 S.C.R. 168](#)
- *R. v. Biniaris*, [2000 SCC 15, \[2000\] 1 S.C.R. 381](#)
- *R. v. Beaudry*, [2007 SCC 5, \[2007\] 1 S.C.R. 190](#)
- *R. v. Sinclair*, [2011 SCC 40, \[2011\] 3 S.C.R. 3](#)