



IN THE TERRITORIAL COURT OF YUKON

PRACTICE DIRECTION
DOC-2

*Case Law, Casebooks and Frequently
Cited Authorities*

Casebooks must be filed when more than three cases will be relied upon.

Case law and/or casebooks must include only the cases upon which counsel intend to rely in argument. The passages to be relied upon are to be highlighted, underlined or sidelined in all copies.

The Court does not require the parties to include in their case law and/or casebooks the authorities in the list attached to this Practice Direction. Where a party intends to rely on one of the listed authorities, they need only include the citation and the relevant passage(s) in their case law and/or casebook.

All possible efforts should be made to ensure that the authorities provided to the Court by one party do not duplicate authorities provided by the other party or parties. Counsel are encouraged to exchange case law and/or casebook indices to avoid duplication.

The parties are encouraged to submit joint casebooks whenever possible.

Casebooks must:

- have a cover page indicating by whom they are filed. A joint casebook must have a cover page indicating that it is a joint casebook;
- the cover page shall be in beige if filed by Crown, green if filed by the Defendant, and blue if filed by any other party. Joint casebooks will be filed with a grey cover page.
- be legibly reproduced on 8 ½ x 11 paper, single-sided or double-sided, with one page of authority upright on each page or side of a page;
- have a tab for each case (either numerical or by letters), and;
- include an index.

Case law and/or casebooks should be filed no later than 4:00 p.m. two clear business days before the matter is to be heard. If counsel requires an exception to the above, they must seek the direction of the presiding judge.

Counsel may, in their discretion, limit the photocopying of an unduly long case to the specific passage or passages upon which they rely, which are to be highlighted, together with the headnote.

Chief Judge M. Cozens
December 5, 2024

Authorities

- Hunter v. Southam Inc.*, [1984] 2 S.C.R. 145 (*Charter* s. 8)
- R. v. B. (K.G.)*, [1993] 1 S.C.R. 740 (hearsay)
- R. v. Barton*, 2019 SCC 33 (evidence of complainants' sexual activity)
- R. v. Cody*, 2017 SCC 31 (s. 11(b))
- R. v. Corbett*, [1988] 1 S.C.R. 670 (admissibility of accused's criminal record)
- R. v. Cunningham*, 2010 SCC 10 (withdrawal of counsel)
- R. v. Darrach*, 2000 SCC 46 (evidence of complainants sexual history)
- R. v. Dawson*, [1996] 3 S.C.R. 783 (cross-examine ITO affiant at prelim)
- R. v. Debot*, [1989] 2 S.C.R. 1140 (confidential informer)
- R. v. E.O.*, 2019 YKCA 9 (constitutionality of mandatory minimum sentences (s. 153); sentencing; sentencing circles)
- R. v. Fisher*, [1997] S.J. No. 530 (Q.B.) (court-appointed counsel)
- R. v. Friesen*, 2020 SCC 9 (sentencing – sexual offences against children)
- R. v. Gardiner*, [1982] 2 S.C.R. 368 (standard of proof, aggravating facts at sentence)
- R. v. Garofoli*, [1990] 2 S.C.R. 1421 (confidential informer, cross-examine ITO affiant at trial)
- R. v. Gladue*, [1999] 1 S.C.R. 688
- R. v. Goldfinch*, 2019 SCC 38 (admissibility of prior sexual relationship)
- R. v. Grant*, 2009 SCC 32 (*Charter* s. 24(2))
- R. v. J.J.*, 2022 SCC 28 (constitutionality/procedure re complainant's records, sexual assaults)
- R. v. Jordan*, 2016 SCC 27 (*Charter* s. 11(b))
- R. v. Ipeelee*, 2012 SCC 13 (*Gladue* principles)

R. v. Kang-Brown, 2005 ABQB 608 (*Charter* s. 8, sniffer dog)

R. v. Khan, [1990] 2 S.C.R. 531 (hearsay)

R. v. Khelawon, 2006 SCC 57 (hearsay)

R. v. Kienapple, [1975] 1 S.C.R. 729 (rule against multiple convictions)

R. v. M.(C.A.), [1996] 1 S.C.R. 500 (proportionality)

R. v. Marakah, 2017 SCC 59 (*Charter* s. 8)

R. v. McNeil, 2009 SCC 3 (disclosure obligations, police misconduct)

R. v. Mills, [1999] 3 S.C.R. 668 (disclosure of complainant records, sexual offences)

R. v. Mohan, [1994] 2 S.C.R. 9 (admissibility of expert evidence)

R. v. Myers, 2019 SCC 18 (judicial interim release)

R. v. O'Connor, [1995] 4 S.C.R. 411 (disclosure, third-party records)

R. v. Oakes, [1986] 1 S.C.R. 103 (*Charter* s. 1)

R. v. Oickle, 2000 SCC 38 (confessions)

R. v. Penunsi, 2019 SCC 39 (judicial interim release and peace bonds)

R. v. Poulin, 2019 SCC 47 (*Charter* s. 11)

R. v. Prosper, [1994] 3 S.C.R. 236 (*Charter* s. 10(b))

R. v. Proulx, 2000 SCC 5 (conditional sentences)

R. v. R.V., 2019 SCC 41 (right to cross-examine complainant on prior sexual history)

R. v. Rowbotham (1988), 25 O.A.C. 321 (appointment of state-funded counsel)

R. v. Scopelliti (1981), 63 C.C.C. (2d) 481 (admissibility prior acts of violence of victim)

R. v. Seaboyer, [1991] 2 SCR 577 (*Charter* ss. 7 and 11 rape shield provisions)

R. v. Sharma, 2022 SCC 39 (constitutionality of conditional sentence provisions)

R. v. Sinclair, 2010 SCC 35 (confessions)

R. v. Singh, 2007 SCC 48 (confessions)

R. v. St. Cloud, 2015 SCC 27 (bail tertiary ground)

R. v. Stinchcombe, [1991] 3 S.C.R. 326 (disclosure obligation)

R. v. Suberu, 2009 SCC 33 (*Charter* ss. 9 and 10(b))

R. v. Taylor (1992), 11 O.R. (3d) 323 (C.A.)(fitness to stand trial)

R. v. Tessling, 2004 SCC 67 (*Charter* s. 8)

R. v. U.(F.J.), [1995] 3 S.C.R. 764 (hearsay)

R. v. W.(D.), [1991] 1 S.C.R. 742 (credibility)

R. v. White, 2008 YKSC 34 (sentencing range, sexual assault)

R. v. Zora, 2020 SCC 14 (judicial interim release)