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| Waiver - preliminary hearing | 344(L) | 5.3 |
| Warning - to accused (following Crown’s case at preliminary hearing) | 343(R) | 4.6 |
| **Warrant** - bail pending appeal - release order - revoked | 411(R)-  412(L) | 5.1.6  (d) |
| Warrant - blood samples - if unable to consent - impaired driving causing death (test: reasonable grounds) | 311(L) | 2.2.7  (b) |
| Warrant - Bodily impression  (test: reasonable grounds and in circumstances; admin of justice) | 311(R) | 2.2.7  (d) |
| Warrant - DNA (conditions) | 311(LR) | 2.2.7  (c) |
| Warrant - execution - procedural rules  - lawyer obligations (non-obstruction) | 309(LR) | 2.2.5  (b) |
| Warrant - fingerprints (test: reasonable grounds and in circumstances; admin of justice) | 311(R) | 2.2.7  (d) |
| Warrant - general warrant (examples) | 311(R) - 312(L) | 2.2.7  (e) |
| Warrant - general warrant (examples) - enter premises to make copies | 312(L) | 2.2.7  (e) |
| Warrant - general warrant (examples) - inspect body markings | 312(L) | 2.2.7  (e) |
| Warrant - general warrant (examples) - optical equipment | 311(R) | 2.2.7  (e) |
| Warrant - general warrant (examples) - perimeter surveillance | 312(L) | 2.2.7  (e) |
| Warrant - general warrant (examples) - take handwashings | 312(L) | 2.2.7  (e) |
| Warrant - general warrant (examples) - video surveillance | 312(L) | 2.2.7  (e) |
| Warrant - information to obtain a search warrant - standard of proof | 308(L) | 2.2.2  (d) |
| Warrant - s.8 and s. 24(2) of the Charter | 313(L) | 2.2.8  (b) |
| Warrant - search - execution - items that can be seized (test: reasonable grounds) | 309(R) - 310(L) | 2.2.5  (d) |
| Warrant - search - execution (peace or public officer) | 309(L) | 2.2.5 |
| Warrant - search - included in - items to be seized - description - test | 308(L) | 2.2.2  (b) |
| Warrant - search - included in - items to be seized - intangibles - designated offence (s. 462.31) | 316(R) - 317(L) | 4 |
| Warrant - search - included in - location to be searched | 308(L) | 2.2.2  (c) |
| Warrant - search - information to obtain - requirements | 307(R) | 2.2.2 |
| Warrant - search - information to obtain a warrant  - informers (confidential) | 308(R) | 2.2.2  (e) |
| Warrant - search - informer (confidential) - totality of circumstances test | 308(R) | 2.2.2  (e) |
| Warrant - search - issuing - reasonable grounds - May rely on hearsay | 308(L) | 2.2.2  (d) |
| Warrant - search - quash | 312(R) | 2.2.8 |
| Warrant - search - quash - where SCJ issued warrant - certiorary | 312(R) | 2.2.8  (a) |
| Warrant - search - reasonable grounds | 308(L) | 2.2.2  (d) |
| Warrant - search - telewarrant | 309(L) | 2.2.4  (b) |
| Warrant - search - timing of execution (day vs. night; urgency) | 309(R) | 2.2.5  (c) |
| Warrant - search - tracking devices | 312(L) | 2.2.7  (f) |
| Warrant - search (most commonly issued per s. 487 (1) of Code) - attendance yes/no | 308(R) | 2.2.4  (a) |
| Warrant - search dialed number recorder (DNR) | 312(L) | 2.2.7  (g) |
| Warrant - search warrant application - hearsay | 308(L) | 2.2.2  (d) |
| Warrant - search -what can be seized - CDSA warrant | 309(R) - 310(L) | 2.2.5 (d) |
| Warrant - Tracking Devices | 312(L) | 2.2.7  (f) |
| Warrant - tracking devices | 312(L) | 2.2.7  (f) |
| Warrant - witness, material | 349(R) | 2.2 |
| Warrant (examples) - video surveillance | 312(L) | 2.2.7  (e) |
| Warrant- CDSA warrant - evidence under CDSA ss 11(6) and 8 | 309(R) - 310 (L) | 2.2.5 (d) |
| Warrant for arrest - revocation of release order - bail pending appeal | 411(R)-  412(L) | 5.1.6  (d) |
| Warrant of committal - bail review | 330(R) | 3.3.2  (b) |
| Warrant of committal - Review hearing - bail order | 411(R)-  412(L) | 5.1.6  (d) |
| Warrant or summons (s. 507) - to compel to attend court - swearing in/ laying information (s. 504 Code) | 300(R) | 8 |
| Warrantless - search powers | 313(L) | 2.3 |
| Warrantless searches | 313(L) | 2.3 |
| Weapons - prohibition orders - sentencing - s. 109-110 CCC | 395(R) | 5.9 |
| Weapons - sentencing - prohibition order | 395(R) | 5.9 |
| Weapons - sentencing and | 389(R) | 2.3.8 |
| Weapons prohibition | 432(R) | 5.3 |
| Who may subpoena a witness? | 348(R) | 2.1.1 |
| Wilful blindness v recklessness - Import - CDSA | 429(R) | 2.6 |
| Wiretaps - search warrants (most common: s. 487) | 310(R) - 311(L) | 2.2.7  (a) |
| **Withdrawal** - failure to pay fees | 359(R) - 360(L) | 4.2.3 |
| Withdrawal - how to | 359(R) - 360(L) | 4.2.3 |
| Withdrawal - of charges/Charge withdrawn | 393(L) | 5.1 |
| Withdrawal - shortly before trial for failure to pay fees time limit | 360(L) | 4.2.3 |
| Withdrawal of counsel - loss of confidence | 360(L) | 4.2.3 |
| Withdrawal of counsel - reasons for | 359(R) - 360(L) | 4.2.3 |
| Withdrawal of counsel- procedure to | 359(R) - 360(L) | 4.2.3 |
| **Witness** - accused, as | 347(L) | 1.2 |
| Witness - aids for | 351(R) | 3 |
| Witness - children and people with limited mental capacity | 348(L) | 1.6 |
| Witness - children and people with limited mental capacity- aids for | 351(R) | 3 |
| Witness - Closed-circuit television, screens, or other devices | 353(L) | 3.6 |
| Witness - co-accused, as - when tried separately | 347(L) | 1.3 |
| Witness - co-accused, as - when tried together | 347(LR) | 1.3 |
| Witness - commission evidence | 350(R) | 2.4.1 |
| Witness - competency/compellability | 347(L) | 1 |
| Witness - Complainant - Sexual offence - Rape-shield law | 382(LR) | 10.5 |
| Witness - corporation | 348(L) | 1.7 |
| Witness - cross examination of crown witness - preliminary inquiry | 342(R) - 343(L) | 4.2 |
| Witness - cross examination of crown witness - preliminary inquiry - by accused personally | 343(L) | 4.2 |
| Witness - cross-examination of defence witnesses | 383(R) | 12 |
| Witness - exclusion of public - [add: minor witnesses - sexual offences] | 352(L) | 3.4 |
| Witness - expert | 380(L)  384(L) | 10.1  1.8 |
| Witness - face covered | 351(L) | 2.4.2 |
| Witness - failure to appear - material witness warrant | 349(R) | 2.2.1 |
| Witness - how to get a subpoena (which court) | 348(R) | 2.1.2 |
| Witness - in a criminal proceeding | 347(L) | 1 |
| Witness - in custody | 350(LR) | 2.3 |
| Witness - interpreters | 351(R) | 3.1 |
| Witness - lay witness - exceptions to opinion, hearsay rules | 380(R) | 10.1 |
| Witness - limits on cross-examination by accused | 353(R) | 3.7 |
| Witness - materiality | 347(L) | 1.1 |
| Witness - mental capacity | 347(R) - 348(L) | 1.5 |
| Witness - niqab - testimony | 351(L) | 2.4.2 |
| Witness - non-publication orders | 354(L) | 4 |
| Witness - outside of Canada - video and audio link | 351(L) | 2.4.2 |
| Witness - reading in evidence | 351(LR) | 2.4.3 |
| Witness - spouse of the accused | 347(R) | 1.4 |
| **Witness - subpoena** | 348(R) | 2.1 |
| Witness - subpoena - children | 348(L) | 1.6 |
| Witness - subpoena - corporations | 348(L) | 1.7 |
| Witness - subpoena - effect of | 349(L) | 2.1.5 |
| Witness - subpoena - evading service OR unlikely to appear | 349(R) | 2.2.1 |
| Witness - subpoena - failure to attend - consequence | 350(L) | 2.2.3 |
| Witness - subpoena - judicially initiated | 348(R) | 2.1.1 |
| Witness - subpoena - obtaining | 348(R) | 2.1 |
| Witness - subpoena - out of Ontario - which court can issue | 348(R) | 2.1.2 |
| Witness - subpoena - service of | 348(R) - 349(L) | 2.1.3 |
| Witness - subpoena - spouses | 347(R) | 1.4 |
| Witness - subpoena - territorial effectiveness of | 349(L) | 2.1.4 |
| Witness - subpoena- who may request | 348(R) | 2.1.1 |
| Witness - support person | 352(R) | 3.5 |
| Witness - unavailable for trial     SEE ALSO: Adjournment | 350(R) | 2.4 |
| Witness - video and audio link | 350(R) - 351(L) | 2.4.2 |
| Witness - video-recorded evidence - youth / disability | 351(R) - 352(L) | 3.3 |
| Witness - who can be one | 347(L) | 1 |
| Witness testimony - alternatives to live in court | 353(L) | 3.6 |
| Witnesses - Either party can choose to call | 392(R) | 4.10 |
| Witnesses - OCJ Rules 4.2(3) - pre-trial conference/judicial pre-trial | 374(L) | 2.2.1 |
| Witnesses and sentencing | 392(R) | 4.9 |
| Witnesses with disabilities | 351(R) | 3.2 |
| **Y** | | |
| **Young Person** - \*definition | 419(L) | 2 |
| Young person - assessments - medical or psychological - s. 34 YCJA | 423(L) | 9 |
| Young person - conditions for imposing custodial sentence | 424(LR) | 10.2 |
| Young person - police questioning | 422(R) | 7 |
| Young person - pre-trial credit - 1:1 general rule | 424(L) | 10.1 |
| Young person - questioning - inform rights [add one re: inform of adult sentence possibility] - rights per YCJA s. 146 | 321(R) | 5.4 |
| Young person - sentence - custody placement hearing | 426(R) | 12 |
| Young person - sentence - exceptions to 2 year limit | 426(L) | 10.5 |
| Young person - sentence - general 2 year limit | 426(L) | 10.5 |
| Young person - sentencing - factors considered | 423(R)-  424(L) | 10.1 |
| Young person - sentencing  - principles and purposes | 423(R)-  424(L) | 10.1 |
| Young person - Serious Violent Offence - adult sentence and | 426(L) | 11 |
| Young person - serious violent offence - definition | 424(L) | 10.2 |
| Young person - Violent offence - definition - s. 2 YCJA | 424(L) | 10.2 |
| Young person - waive right to counsel | 422(R) | 7 |
| Young persons - adult sentences - procedure | 423(LR) | 10 |
| Young persons - adult sentencing hearings | 426(LR) | 11 |
| Young persons - available sanctions - s. 42(2) YCJA | 424(R) | 10.4 |
| Young persons - duration - youth sentences | 426(L) | 10.5 |
| Young persons - notice to parent - s. 26 YCJA | 422(R)-  423(L) | 8 |
| Young persons - publication bans - and exemptions | 427(R) | 13.2 |
| Young persons - records, publication and information | 426(R)-  427(R) | 13.2 |
| Young persons - sentencing - no application of CDSA mandatory minimums | 423(LR) | 10 |
| Young persons - trial jurisdiction - YCGA s.2 - “Youth Court” CJA s. 38(3) | 297(R) | 1.3 |
| Youth - Aboriginal - sentencing | 423(R) | 10.1 |
| Youth - Aboriginal offender - sentencing | 418(LR) | 4.2 |
| Youth - adult sentence | 426(LR) | 11 |
| Youth - adult sentence - notice | 426(L) | 11 |
| Youth - adult sentence - onus on Crown TEST | 426(R) | 11 |
| Youth - application of the Criminal Code | 419(L) | 1 |
| Youth - arrest or detention - right to counsel | 422(LR) | 6 |
| Youth - assessments - medical or psychological - s. 34 YCJA | 423(L) | 9 |
| Youth - custodial sentence - mandatory review | 426(R) | 13.1 |
| Youth - Declaration of Principle - protection of the public | 420(L) | 3 |
| Youth - disclosure of court records | 427(L) | 13.2 |
| Youth - extrajudicial measures | 420(R)-  421(L) | 4.1 |
| Youth - extrajudicial measures - not admissible as evidence in subsequent proceedings | 421(L) | 4.1 |
| Youth - extrajudicial measures - police obligations - crown options | 420(R)-  421(L) | 4.1 |
| Youth - extrajudicial sanctions | 421(L) | 4.2 |
| Youth - extrajudicial sanctions | 421(L) | 4.2 |
| Youth - Extrajudicial sanctions - preconditions - s. 10(2) YCJA | 421(L) | 4.2 |
| Youth - factor of sentencing | 388(LR) | 2.2.4 |
| Youth - guilty plea | 422(LR) | 6 |
| Youth - indictment - preferring - direct indictment | 420(L) | 2 |
| Youth - Judges of the Youth Court - CJA s. 38(3) | 297(R) | 1.3 |
| Youth - jurisdiction - murder | 419(R) | 2 |
| Youth - murder - parole eligibility | 398(R) | 5.13 |
| Youth - murder and youth sentencing | 426(L) | 10.5 |
| Youth - police questioning of, | 422(R) | 7 |
| Youth - presumption against pre-trial detention | 421(R) | 5 |
| Youth - presumption against pre-trial detention | 421(R) | 5 |
| Youth - pre-trial detention | 421(L)-  422(L) | 5 |
| Youth - pre-trial detention - responsible adult - s 31 YCJA | 422(L) | 5 |
| Youth - pre-trial detention - s. 469 and | 422(L) | 5 |
| Youth - pre-trial detention - ss. 28-31, 33 YCJA | 421(L) | 5 |
| Youth - pre-trial detention - TEST for detention | 421(R) | 5 |
| Youth - questioning young persons | 422(R) | 7 |
| Youth - records, publication and information - generally deemed not to have been found guilty/convicted if | 427(L) | 13.2 |
| Youth - records, publication and information - obligation to disclose an offence | 427(L) | 13.2 |
| Youth - records, publication and information - publication bans | 427(R) | 13.2 |
| Youth - records, publication and information - records | 426(R)-  427(L) | 13.2 |
| Youth - records, publication and information - records where adult sentence imposed | 427(L) | 13.2 |
| Youth - records, publication and information - use of prior findings of guilt | 427(LR) | 13.2 |
| Youth - right to counsel | 422(LR) | 6 |
| Youth - right to counsel - during proceedings | 422(LR) | 6 |
| Youth - right to counsel - legal aid - s 25(4) YCJA | 422(L) | 6 |
| Youth - Right to election - limits | 420(L) | 2 |
| Youth - search of DNA (conditions) | 311(R) | 2.2.7  (c) |
| **Youth - sentencing** | 423(LR) | 10 |
| Youth - sentencing - adult | 426(LR) | 11 |
| Youth - sentencing - custodial | 424(LR) | 10.2 |
| Youth - sentencing - custody placement hearing | 426(R) | 12 |
| Youth - sentencing - factors considered | 423(R)-  424(L) | 10.1 |
| Youth - sentencing - pre-sentence report | 424(R) | 10.3 |
| Youth - sentencing - restrictions on custodial sentences | 424(LR) | 10.2 |
| Youth - sentencing (types) | 424(R)- 426(L) | 10.4 |
| Youth - sentencing principles | 423(R)-  424(L) | 10.1 |
| Youth - sentencing review | 426(R) | 13.1 |
| Youth - Serious Violent Offence - adult sentencing | 426(L) | 11 |
| Youth - show cause hearing - s. 469 and | 422(L) | 5 |
| **Youth** - transfer hearings (transferring young persons / youth to adult court) eliminated | 426(L) | 11 |
| Youth - waiver of counsel - requirements | 422(R) | 7 |
| Youth - YCJA - Declaration of Principle - youth justice system emphasis | 420(LR) | 3 |
| Youth - YCJA - Declaration of Principles - additional - YCJA - extrajudicial measures endorsed | 420(R)-  421(L) | 4.1 |
| Youth - YCJA - measures taken against young persons | 420(LR) | 3 |
| Youth - YCJA - principles | 420(LR) | 3 |
| Youth - YCJA - proceeding - special considerations | 420(R) | 3 |
| Youth - youth court - jurisdiction | 419(L)-  420(L) | 2 |
| Youth - youth court records | 426(R)-  427(R) | 13.2 |
| Youth - youth court records - disclosure | 427(L) | 13.2 |
| Youth - youth justice court - s 13 YCJA | 419(R) | 2 |
| Youth court - order attendance of parent - s. 27 YCJA | 423(L) | 8 |
| **Youth Criminal Justice Act** - Aboriginal - sentencing | 418(LR) | 4.2 |
| Youth Criminal Justice Act - Preamble - purposes | 419(L) | 1 |
| Youth Criminal Justice Act - s 2 - definition - violent offence | 424(L) | 10.2 |
| Youth Criminal Justice Act - s. 13 - definition - youth justice court | 419(R) | 2 |
| Youth Criminal Justice Act - s. 146 - procedure for questioning youths | 422(R) | 7 |
| Youth Criminal Justice Act - s. 25 - right to counsel | 422(LR) | 6 |
| Youth Criminal Justice Act - s. 26 - notice to parent | 422(R)- 423(L) | 8 |
| Youth Criminal Justice Act - s. 28-31, 33 - pre-trial detention | 421(L) | 5 |
| Youth Criminal Justice Act - s. 29(2) - grounds for pre-trial detention | 421(R) | 5 |
| Youth Criminal Justice Act - s. 34 - medical or psychological assessments | 423(L) | 9 |
| Youth Criminal Justice Act - s. 38 - purposes and principles of sentencing | 423(R)-  424(L) | 10.1 |
| Youth Criminal Justice Act - s. 42(2) - sentences - available sanctions | 424(R)- 426(L) | 10.4 |
| Youth Criminal Justice Act - s. 67(1) - election | 419(R)-  420(L) | 2 |
| Youth Criminal Justice Act - s.27 - order attendance of parent | 423(L) | 8 |
| Youth Criminal Justice Act - s.3 - fundamental principles | 420(LR) | 3 |
| Youth Criminal Justice Act - sentencing - Aboriginal | 418(LR) | 4.2 |
| Youth Criminal Justice Act - ss. 10(2)  - extrajudicial sanctions - preconditions | 421(L) | 4.2 |
| Youth Criminal Justice system - definition - serious offence | 421(R) | 5 |
| Youth Criminal Justice system - purposes | 419(L) | 1 |
| Youth Criminal Justice system - youth justice court judge | 419(R) | 2 |
| Youth justice court - definition - s. 13 YCJA | 419(R) | 2 |
| Youth justice courts - justice of the peace - when can carry out proceedings | 419(R) | 2 |
| Youth sentences - General 2 year limit | 426(L) | 10.5 |
| Youth-- Stay of proceedings - extrajudicial sanctions - s. 579 CCC | 421(L) | 4.2 |
| Youth witnesses - sexual offences - exclusion of public | 352(L) | 3.4 |