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## Book Review: Criminal Law Precedents, Two Volumes, by David Watt

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## BOOK REVIEWS

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## REVUE DES LIVRES

*Criminal Law Precedents*. Two Volumes. By DAVID WATT.  
Toronto: The Carswell Co. Ltd. Pp. 858. (\$115.00)

These volumes contain well drafted precedents for initiating and responding to most of the procedural issues which are likely to arise in criminal litigation. In addition, appendices contain the rules passed by the courts of appeal, superior courts of criminal jurisdiction and courts of criminal jurisdiction in each of the provinces and territories of Canada in the exercise of the authority conferred upon such courts by section 438 of the Criminal Code.<sup>1</sup> Chapters 1 to 11 contain 583 pages of precedents dealing with the issue of warrants, procuring the attendance of witnesses, judicial interim release, wire-tapping, pre-trial and trial procedure and evidence, dangerous offenders, appeals of both summary and indictable offences and extraordinary remedies. This material is made easily accessible by detailed tables of contents and helpful finger-tip index sheets which bring the user quickly to the appropriate area of interest.

This is the first attempt to produce a comprehensive set of precedents for use in Canadian criminal procedure and the author and publisher are to be congratulated for undertaking the enterprise and carrying it through to execution in such a competent manner.

The precedents go far beyond the forty-four forms which appear in Part XXV of the Code in four quite different ways. First, the ambit of these precedents stretches into other legislation such as the Canada Evidence Act,<sup>2</sup> the Narcotic Control Act,<sup>3</sup> the Food and Drugs Act<sup>4</sup> and the Juvenile Delinquents Act.<sup>5</sup> Second, forms appended to the Criminal Code are not slavishly copied but intelligent re-drafting has occurred

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<sup>1</sup> R.S.C., 1970, c.C-34.

<sup>2</sup> R.S.C., 1970, c.E-10.

<sup>3</sup> R.S.C., 1970, c.N-1.

<sup>4</sup> R.S.C., 1970, c.F-27.

<sup>5</sup> R.S.C., 1970, c.J-3.

where, for example, the Code form fails to deal with some of the issues arising out of the section on which it is based.<sup>6</sup> Mr. Watt's precedents contain notations where he has departed from the Code forms and he succinctly explains his reasons for having done so. Third, inventive drafting has been undertaken to provide a comprehensive set of precedents in areas such as wire-tapping and extraordinary remedies where the practitioner experiences greatest difficulty in drafting suitable documentation or in reacting to initiatives taken by opposing litigants. Fourth, where our procedure appears to have no express provision to indicate the nature of the evidence which should be tendered on a particular application, Mr. Watt makes useful suggestions to close the gaps. Examples of this are, the type of supporting material which might accompany a summary application to examine things seized and detained under a search warrant<sup>7</sup> and the appropriate affidavits or evidence which might support certain applications for review of a release order<sup>8</sup> or review of a detention order<sup>9</sup>.

These precedents will be useful both to prosecutors and defence lawyers and to busy law offices where, though they may exist somewhere in the files, no attempt has ever succeeded in collating, indexing and updating them. Where they will be indispensable, however, will be to practitioners whose experience has never provided exposure to the many types of procedural activity covered by these materials. With a few amendments to deal with particular cases, they can clearly serve the needs of a practitioner engaged, at a sophisticated level, in almost every aspect of the criminal justice process.

The loose-leaf format is clearly designed to assist in the process of keeping these precedents current and one looks forward to further notations from Mr. Watt as experience, in practice, with these particular formulations provides opportunities for him to offer further guidance to the profession.

ALAN GRANT\*

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<sup>6</sup> See s. 443(1) and Form 1, in the Criminal Code, *supra*, footnote 1.

<sup>7</sup> *Crim. Code, supra*, footnote 1, s. 446(5).

<sup>8</sup> *Ibid.*, s. 457.6.

<sup>9</sup> *Ibid.*, s. 457.5.

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