

**Legislation and Case Law
Works Pertaining to Prosecution of
Sexual Abuse Cases**

Wendy Harvey, B.A., LL.B.

Legislation

Bill C-2, *An Act to amend the Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act*, 1st Sess., 38th Parl., (assented to 20 July, 2005).

Bill C-15, *An Act to amend the Criminal Code and the Canada Evidence Act*, 2nd Sess., 33rd Parl., (assented to June 23, 1987).

Bill C-15A, *An Act to amend the Criminal Code and to amend other Acts*, 1st Sess., 37th Parl., (assented to June 4, 2002).

Bill C-49, *An Act to amend the Criminal Code (sexual assault)*, 3rd Sess., 34th Parl., (assented to June 15, 1992).

Bill C-79, *An Act to amend the Criminal Code (victims of crime) and another Act in consequence*, 1st Sess., 36th Parl., (assented to June 17, 1999).

Bill C-127, *An Act to amend the Criminal Code in relation to sexual offences and other offences against the person and to amend certain other Acts in relation thereto or in consequence thereof*, 1st Sess. 32nd Parl., (assented to August 4, 1982).

Case Law

R. v. Smellie (1919) 14 Cr App R 128

R. v. Pottle (1978), 49 C.C.C. (2d) 113 (Nfld. C.A.)

R. v. Burden (1981), 64 C.C.C. (2d) 68 (B.C.C.A.)

R. v. Kostuck (1986), 29 C.C.C. (3d) 190 (Man. C.A.)

R. v. Chase, [1987] 2 S.C.R. 293

R. v. D.(L.E.), [1989] 2 S.C.R. 111

R. v. Brooks (1989), 47 C.C.C. (3d) 276 (Alta C.A.)

R. v. Cadden (1989), 48 C.C.C. (3d) 122 (B.C.C.A.)

R. v. F.E.J. (1989), 53 C.C.C. (3d) 64 (Ont. C.A.)

Nelles v. Ontario, [1989] 2 S.C.R. 170

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

R. v. B. (C.R.), [1990] 1 S.C.R. 717

R. v. B.(G.), [1990] 2 S.C.R. 30

R. v. Kilabuk (1990), 60 C.C.C. (3d) 413 (N.W.T.S.C.)

R. v. Stinchcombe, [1991] 3 S.C.R. 326

R. v. Seaboyer, [1991] 2 S.C.R. 577

R. v. V.K. (1991), 68 C.C.C. (3d) 18 (B.C.C.A.)

R. v. W. (R.), [1992] 2 S.C.R. 122

Khan v. College of Physicians and Surgeons of Ontario (1992), 76 C.C.C. (3d) 10 (Ont. C.A.)

R. v. B.(K.G.), [1993] 1 S.C.R. 740

R. v. V. (K.B.), [1993] 2 S.C.R. 857

R. v. Levogiannis, [1993] 4 S.C.R. 475

R. v. L. (D.O.), [1993] 4 S.C.R. 419

R. v. Osolin, [1993] 4 S.C.R. 595

R. v. François, [1994] 2 S.C.R. 827

R. v. Ay (1994), 93 C.C.C. (3d) 456 (B.C.C.A.)

R. v. O'Connor, [1995] 4 S.C.R. 411

R. v. Audet, [1996] 2 S.C.R. 171

R. v. Esau, [1997] 2 S.C.R. 777

R. v. Carosella, [1997] 1 S.C.R. 80

R. v. Ewanchuk, [1999] 1 S.C.R. 330

R. v. Gabriel (1999) 137 C.C.C. (3d) 1 (Ont. Sup. Ct. J.)

R. v. Bremner (2000), 146 C.C.C. (3d) 59 (B.C.C.A.)

R. v. D.D., [2000] 2 S.C.R. 275

R. v. Darrach, [2000] 2 S.C.R. 443; (1998), 122 C.C.C. (3d) 225 (Ont. C.A.)

R. v. Handy, [2002] 2 S.C.R. 908

R. v. Regan, [2002] 1 S.C.R. 297; (1999), 137 C.C.C. (3d) 449 (N.S.C.A.); (1998), 124 C.C.C. (3d) 77 (N.S.S.C.)

R. v. Leduc (2003), 176 C.C.C. (3d) 321 (Ont. C.A.)

R. v. C.N.H., [2006] B.C.J. No. 782 (B.C.P.C., Y.J.C)

R. v. Sims, [2006] B.C.J. No. 969, 2006 BCSC 651