

KEY R. v Stinchcombe quotes:

1. All judges "should be guided by the **general principle** that information should not be withheld if there is a reasonable possibility that this will impair the right of the accused to make full answer and defence." (page 2)
2. It is difficult to justify the position which clings to the notion that the Crown has no legal duty to disclose all relevant information. **The arguments against the existence of such a duty are groundless while those in favour, are, in my view, overwhelming.** (page 5)
3. I would add that the fruits of the investigation which are in the possession of counsel for the Crown **are not the property of the Crown** for use in securing a conviction **but the property of the public** to be used to ensure that justice is done. (page 6)
4. The **principle** has been accepted that **the search for truth is advanced rather than retarded** by disclosure of all relevant material. (page 7)
5. Apart from the practical advantages to which I have referred, **there is the overriding concern that failure to disclose impedes the ability of the accused to make full answer and defence.** **This common law right** has acquired new vigour by virtue of its inclusion in s. 7 of the Canadian Charter of Rights and Freedom. (page 7)
6. In my opinion **there is a wholly natural evolution of the law in favour of disclosure** by the Crown of all relevant material. **As long ago as 1951, Cartwright J. stated in Lemay v. The King, [1952] 1 S.C.R. 232, at p. 257: "I wish to make it perfectly clear that I do not intend to say anything which might be regarded as lessening the duty which rests upon counsel for the Crown to bring forward evidence of every material fact known to the prosecution** whether favourable to the accused or otherwise...." (page 8)
7. "This Court has previously stated that **the Crown is under a duty at common law to disclose to the defence all material evidence** whether favourable to the accused or not. (page 9)
8. I am confident that **disputes over disclosure will arise infrequently when it is made clear that counsel for the Crown is under a general duty to disclose all relevant information.** (page 10)