

Criminal Justice Section Report 2010-2011

1) Current Criminal Justice Section Officers

Co-Chair (Crown):	Lisa Cupples , <i>Manitoba Justice – Prosecutions</i>
Co-Chair (Defence):	Tony Cellitti , <i>Phillips, Aiello</i>
Member-at-Large (Past Co-Chair, Crown):	Kusham Sharma , <i>Manitoba Justice – Prosecutions</i>
Member-at-Large (Past Co-Chair, Defence):	Sarah Inness , <i>Campbell Gunn Inness</i>
Members-at-Large	Nancy Fazenda , <i>Manitoba Justice – Prosecutions</i> (formerly of <i>Legal Aid Manitoba</i>) Erika Dolcetti , <i>Manitoba Justice – Prosecutions</i>

2) Professional Development Seminars

(a) Electronic Etiquette, October 18, 2010 [29 attendees]

This seminar was held to discuss the use of laptop computers, Blackberry devices and other electronics in the courtroom and how those technologies ought to be used in the context of the traditions and practices of the Provincial Court. Panelists included Manitoba Provincial Court Chief Judge Ken Champagne, Tony Kavanagh (*Manitoba Justice – Prosecutions*) and Tony Cellitti (*Phillips, Aiello*).

(b) Fetal Alcohol Spectrum Disorder, November 29, 2010

This seminar was to feature discussion about FASD generally, the diagnosis of it and available community resources for diagnosed individuals. Panelists included Provincial Court Judge Mary Kate Harvie and Corey LaBerge (Accommodation Counsel for Youth Living with FASD, *Legal Aid Manitoba*), but unfortunately low enrollment forced the cancellation of this seminar.

(c) Impaired Driving Primer at the Mid-Winter Meeting, January 21, 2011 [48 attendees]

This seminar was jointly sponsored by the MBA Constitutional/Human Rights and Criminal Justice Sections and included discussion about the basics of impaired driving law and **Charter** issues in an impaired driving context. Panelists included Provincial Court Judge Kelly Moar, Cynthia Devine (*Manitoba Justice – Constitutional Law*) and Tim Killeen (*Killeen Rolston Wiebe*).

(d) Standards of Review on Criminal Appeals, April 6, 2011 [30 attendees]

This seminar focused on the standards of review for criminal appeals. The speaker was Mr. Justice Richard Chartier from the Manitoba Court of Appeal, and the seminar included a circulated paper written by Justice Chartier that provides counsel with a valuable resource when filing an appeal in criminal cases.

(e) DNA Evidence, May 4, 2011 [38 attendees]

This one-hour seminar was jointly presented by the Law Society of Manitoba and the MBA's Criminal Justice Section. It was held in a teleseminar format and allowed individuals to ask questions of the panelists by submitting e-mails. Subjects of discussion included the basic science of DNA evidence and crime scene contamination. The panelists were Brian Bell (*Manitoba Justice – Prosecutions*) and Saul Simmonds (*Gindin Wolson Simmonds Roitenberg*).

(f) Section 10(b) of the **Charter (Right to Counsel), June 8, 2011 [49 registered]**

This seminar is also being jointly presented by the Law Society of Manitoba and MBA's Criminal Justice Section. This one-hour session will also be held in a teleseminar format. Josh Weinstein (*Myers*

Weinberg LLP) will discuss an accused's section 10(b) **Charter** right to counsel and the recent Supreme Court of Canada trilogy of decisions in **R. v. Willier**, **R. v. Sinclair** and **R. v. McCrimmon**.

(h) Welcome to the Practice of Criminal Law, June 22, 2011

This seminar is designed for articling students in criminal law. Discussion will include an introduction to the criminal courts and practical tips for success. The seminar will include the distribution of an Information Booklet that contains very useful information and forms. Panelists for the seminar will include Associate Provincial Court Judge Janice leMaistre, Victoria Cornick (*Public Prosecution Service of Canada*) and Lisa LaBossière (*Myers Weinberg LLP*). After the seminar, a reception will be held in Provincial Judges' Chambers to allow students to mingle with Provincial Court Judges, Crown Attorneys, Defence Counsel and fellow articling students.

(i) Top Supreme Court of Canada Cases for 2010-11, June 27, 2011

This seminar will feature a discussion about the top criminal cases released by the Supreme Court of Canada in 2010-11. The speaker at this seminar will be Nathaniel Carnegie (*Manitoba Justice – Constitutional Law*).

4) Other Involvement of the Co-Chairs in the Criminal Justice System

(a) The Law and Library Monthly

Beginning in February 2011, summaries of significant reported Manitoba criminal cases are being created by Tony Cellitti and submitted for inclusion in *The Law and Library Monthly* which is published by the MBA Legal Research Section.

(b) Provincial Court Liaison Committee

This committee is chaired by Chief Judge Ken Champagne of Manitoba's Provincial Court. It is a committee of Provincial Court Judges, Crown Attorneys, Defence Counsel, police and correctional officials that meets three to four times per year. Our section chairs are also part of this committee. With members of different interest groups at the table, the focus of this committee is to address issues relating to the various aspects of the criminal justice system as they arise and, where appropriate, to create sub-committees to address specific problems.

Respectfully Submitted,
Lisa Cupples and Tony Cellitti, Co-Chairs