Any criticism of this book should acknowledge the purpose for which it was apparently written. In the Introduction, Mr. Marin states that his treatment of the relevant law "is not intended to be exhaustive."[1] Mr. Marin tells us that this text is intended for investigators, and those members of the legal profession whose work brings them into contact with investigators. Indeed, at many places in the book Marin provides very practical advice for police officers in carrying out their investigative duties.

For instance, in Chapter 2, "Taking a Statement", the author reviews the various sorts of inducements which will render a statement made to a person in authority inadmissible. He advises police officers to avoid making ambiguous comments to a suspect in order to prevent future difficulties in having statements admitted as evidence. Elsewhere, Mr. Marin recommends that care should be taken to record all of the circumstances surrounding the statement, in order to provide the trier of fact with the best possible basis for assessing voluntariness.[2]

Despite the fact that this book was written for investigators, it has no particular prosecutorial bias. For instance, in Chapter 3, "Interrogating a Child", the author reviews the provisions of section 56 of the *Young Offenders Act*[3] dealing with the duties of police officers when questioning young people. In outlining the relevant jurisprudence, Mr. Marin forcefully makes the point that the police have to do more than simply read through the various warnings in a mechanical fashion in order to comply with the provisions of the *Young Offenders Act*.

In the Introduction, Mr. Marin states that the *Canadian Charter of Rights and Freedoms*[4] has demonstrated that the law is not static, but rather "an evolving and dynamic force."[5] When one considers recent Supreme Court jurisprudence on the *Charter*, it becomes apparent that this is an understatement. Unfortunately for Mr. Marin, in the short period of time since this, the latest edition of this text, has been published, many of the propositions put forward by him have been reversed by subsequent jurisprudence. In the circumstances this is probably unavoidable. The unfortunate consequence is that many of the propositions advanced by the author are simply no longer valid in law.

A number of examples may be cited as illustrations: *R.* v. *Clarke*[6] is cited in support of the proposition that a court may refuse to exclude evidence under section 24(2) of the *Charter* when there is no "causal connection" between the *Charter* violation and the evidence obtained. This rationale was rejected conclusively in the subsequent Supreme

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1. René J. Marin, *Admissibility of Statements, Seventh Edition* (Aurora, Ontario: Canada Law Book, 1989) at 2.
2. *Ibid.* at 44-47.
3. *Young Offenders Act*, R.S.C. 1985, c.Y-1, s.56.
4. *Canadian Charter of Rights and Freedoms*, Part I of the *Constitution Act, 1982*, being Schedule B of the *Canada Act 1982* (U.K.), 1982, c.11.
5. *Supra*, note 1 at 3.
6. (1985), 19 C.C.C. (3d) 106 (Alta. C.A.).

Court decision of *R.* v. *Strachan*.[7] *R.* v. *Simmons*[8] is cited in support of the proposition that a person who is stopped for a customs inspection is not detained within the meaning of the *Charter*. In the subsequent Supreme Court decision[9] the court concluded that such a person may be detained within the meaning of the *Charter*, depending on the nature of the search.

The author discusses "consent" wiretap interceptions in Chapter 9, "Technical Aids". The Supreme Court of Canada has recently decided that these sorts of interceptions are unconstitutional absent prior judicial authorization.[10]

More examples to the same effect could be referred to. It is a testament to the constantly evolving nature of *Charter* jurisprudence in this country that a text like this could be rendered obsolete in so many important aspects in such a short period of time. Perhaps some thought could be given to publishing texts like this in loose leaf form so that changes might be made as soon as possible to reflect current case law. This is the format that has been adopted by P.K. McWilliams for the third edition of *Canadian Criminal Evidence*.[11]

There are a number of other minor inaccuracies. For instance,[12] *R.* v. *Rudolph*[13] is cited as a decision of the Court of Appeal of Alberta, when in fact it is a judgement of Mr. Justice Dea of the Court of Queen's Bench. *R.* v. *Clark*[14] is referred to as a case demonstrating the admissibility of a statement as a dying declaration. In fact, a review of the case shows that the evidence in question was rather admitted as a "spontaneous exclamation" pursuant to the *res gestae* exception to the hearsay rule.[15]

Even some of the practical aspects of the book are open to question. For example, the author makes the rather startling suggestion that different police officers may, after preparing contemporaneous notes of an event, read each others notes and initial them before giving evidence.[16] I believe it is safe to say that most judges in this jurisdiction would deplore this practice.

When outlining various legal principles, the author often reproduces very extensive quotations from cases, rather than summarizing and paraphrasing them. For instance, in discussing *R.* v. *Risby*,[17] the author reproduces the entire text of the judgments of the

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7. (1988), 46 C.C.C. (3d) 479 (S.C.C.)
8. (1984), 11 C.C.C. (3d) 193 (Ont. C.A.).
9. (1988), 45 C.C.C. (3d) 296 (S.C.C.).
10. *R.* v. *Duarte*, [1990] 1 S.C.R. 30; *R.* v. *Wiggins*, [1990] 1 S.C.R. 62, (Jan. 25, 1990).
11. P.K. McWilliams, *Canadian Criminal Evidence* (3rd edn.) (Aurora, Ont.: Canada Law Book, 1988).
12. *Supra*, note 1 at 126.
13. (1987), 32 C.C.C. (3d) 179 (Alta. Q.B.).
14. (1983), 7 C.C.C. (3d) 46 (Ont. C.A.).
15. *Ibid.* at 50.
16. *Supra*, note 1 at 268.
17. (1976), 32 C.C.C. (2d) 242 (B.C.C.A.), aff'd (1978) 39 C.C.C. (2d) 567 (S.C.C.).

Court of Appeal[18] and the Supreme Court of Canada.[19] Elsewhere cases are described by providing the text of the entire headnote. The author gives his reasons for adopting this format in the preface, in which he states that many readers may find their only access to the jurisprudence is through these quotations. Those of us who practice within easy access of a good law library are perhaps spoiled, and it may be true that such access is "a luxury to many readers."[20] However, one would think that a text which is not intended as a comprehensive academic work, but rather as a practical handbook, might be more useful if some effort were made to summarize and synthesize the principles expressed in the cases.

For instance, a long quotation from *R.* v. *Therens*,[21] which includes Mr. Justice LeDain's seminal definition of detention, is reproduced.[22] Nine pages later[23] the author again reproduces the exact same quotation, word for word, in the context of a quote from the Ontario Court of Appeal decision in *R.* v. *Moran*.[24]

In discussing section 24(2) of the *Charter*, the author cites the Supreme Court of Canada decision in *R.* v. *Collins*[25] extensively.[26] However, this is proceeded by seven pages which analyze and quote in detail the British Columbia Court of Appeal decision in the same case.[27] Given the very conclusive and definitive statements made by the Supreme Court in its decision in *Collins*, it would seem that the opinions expressed by the Court of Appeal in that case would be of only passing academic interest, and of no particular import in a book which purports to emphasize practical concerns.

This book concludes with a number of appendices, including the full text of the English "Judges' Rule" on the subject of interrogation of suspects. In *R.* v. *Esposito*[28] Mr. Justice Martin of the Ontario Court of Appeal made the point that these rules do not even have the force of law in England, let alone in Canada.[29] One wonders about their general relevance, and the utility of their inclusion as an appendix in a book such as this.

All of these various criticisms should not obscure the fact that this book has some positive attributes. I think this book would serve as a useful primer for the purpose of introducing this area of the law to someone who lacked an academic legal background. In law books, as in most other things, one gets what one pays for. In the soft cover edition, this book retails for $25.00. This is surely a bargain in these days of skyrocketing

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18. *Supra*, note 1 at 297.
19. *Ibid.* at 298.
20. *Ibid.* at vii.
21. [1985] 1 S.C.R. 613.
22. *Supra*, note 1 at 87.
23. *Ibid.* at 96.
24. (1988), 36 C.C.C. (3d) 225 (Ont. C.A.).
25. (1988), 33 C.C.C. (3d) 31 (S.C.C.).
26. *Supra*, note 1 at 193 ff.
27. *R.* v. *Collins*, [1983] 5 W.W.R. 43 (B.C.C.A.).
28. (1985), 24 C.C.C. (3d) 88 (Ont. C.A.).
29. *Ibid.* at 94.

costs for legal texts. *Admissibility of Statements* is advertised as a "time-proven, practical handbook". It succeeds as such, but should not be confused for a work of scholarly analysis in this very complex area of the law.

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