

**CASES AND MATERIALS ON CRIMINAL LAW  
AND PROCEDURE**, 5th edition, by M.L. Friedland.  
University of Toronto Press, Toronto, 1978, pp. xiv and 933.

In 1967 a number of Canadian law schools used a revised version of a temporary set of teaching materials assembled by M.L. Friedland. These materials were designed for the basic criminal law course offered to Canadian law students. The second edition of these materials appeared in 1968. The success of this collection is made obvious by the appearance of the 5th edition which is the subject of this review.

As with the preceding editions, the 1978 publication is largely an attempt to keep abreast with the major developments in Canadian Criminal Law and Procedure which have occurred since 1974 which was the year in which the 4th edition became available.

The basic structure of the book has not changed. The student is first presented with an introduction to the Criminal Code of Canada which is followed by a treatment of pre-trial and related procedures such as arrest, search and confessions. The major portion of the book is then devoted to a treatment of the "general part" of the criminal law wherein the salient features of the criminal act and the requirements of culpability are considered. The materials then return the student to a consideration of procedural matters and two of the final three chapters are devoted to the trial process and the conceptually demanding issues of double jeopardy. As with the earlier editions of this book the closing chapter provides an introduction to the principles of sentencing.

In the preface to this new edition the editor has stated that his purpose is simply to keep up with changes in the law as well as to attempt to improve the presentation of the materials. The editor has succeeded on both counts.

Keeping abreast with the new developments in Canadian Criminal Law is virtually a full-time task. It seems that these days, no sooner will something reach press when a new development outdates the existing print. For example, Dean Friedland's new edition was no sooner hot off the press at the University of Toronto when the Supreme Court of Canada released its trail-making judgment in *Regina v. Sault Ste. Marie* on May 1, 1978 [now reported: (1978) 3 C.R. (3d) 30.]. Of course, I am not offering this as a criticism but only to disclose the frustration in that there is simply nothing which can be done about it until the next edition.

Insofar as the editor has improved the presentation of the material there have been some major changes. To select a few, it is worthy of note that a section has been included in the pre-trial procedure chapter dealing with the pre-trial right to counsel; in the chapter dealing with the external circumstances of the offence, a new part has been created dealing with constructive murder; and, the chapter on sentencing has been reduced to less than half its former size. Also, in the sentencing chapter, a selection of problems has been included which provides a helpful teaching tool and focus for discussion which was absent in the previous editions.

The principle feature of Dean Friedland's collection of cases and materials which has always set it apart from other criminal law case-books is chapter 17 — "The Trial Process". This chapter presents, in an introductory format, the various steps in a criminal trial. The case which has always been included for intensive examination is the trial of Stephen Truscott. As with most of the other chapters, this chapter has not undergone substantial revision. It has, however, been updated by the inclusion of various notes and comments on the latest Appellate Court decisions respecting such matters as jury selection.

In addition to the above comments, there is not much else to be added in a review of a book of this nature. Dean Friedland's materials have enjoyed a long and successful reign as one of the principle case-books on criminal law in Canada. The fact that it is now enjoying its tenth anniversary is a testimonial to its wide popularity. It is markedly distinct in format, presentation, and selection of material from its closest competitor and it will probably continue to be selected by large numbers of Canadian law teachers in the future.

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