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EDUCATION

- 1994 New York University School of Law: LL.M. (General)
1992 Faculty of Law, Queen's University: LL.B.
1989 Department of Sociology, University of Toronto: M.A. (Sociology)
1988 Trinity College, University of Toronto: B.A. (Hon.) (Pol Sci & Sociology) (*cum laude*)

CLERKSHIP

- 1995 Term Supreme Court of Canada (Rt. Hon. Antonio Lamer, Chief Justice of Canada)

FELLOWSHIPS

- 2017 Royal Society of Canada (Academy of Social Sciences) (November 24)

ACADEMIC APPOINTMENTS AND POSITIONS

- 2009-Present Faculty of Law, University of Windsor, Full Professor
2016-2021 Co-Editor, *Canadian Bar Review* (CBA, Ottawa) (with Christopher Waters)
2009- 2012 Law Enforcement Accountability Project (LEAP), Faculty of Law, University of Windsor, Academic Director
2006-2009 Faculty of Law, University of Windsor, Associate Professor
2003-2006 Faculty of Law, University of Windsor, Assistant Professor
2003-2005 Associate Editor, *Criminal Reports* (Carswell, Toronto)
1998-2002 Osgoode Hall Law School, Adjunct Professor
1989 Department of Sociology, University of Toronto, Teaching Assistant

ACADEMIC & TEACHING AWARDS

- 2019 David Walter Mundell Medal for "Distinguished Contributions to Letters and Law" (Ontario, Attorney General)
2016 University of Windsor Award for Excellence in Scholarship, Research and Creative Activity (Senior Category) (\$4,000)
2011 Windsor Students' Law Society Faculty Teaching Award
2007 Windsor Students' Law Society Faculty Teaching Award
2006 Canadian Association of Law Teachers Scholarly Paper Award
2005 University of Windsor Award for Excellence in Scholarship, Research and Creative Activity (Junior Category) (\$2,000)
1994 Bernard and Pauline Lasker Scholars Scholarship (New York University)
1992 Queen's University, Faculty of Law, David Sabbath Prize (for highest standing in Advanced Criminal Law)
1991 Queen's University, Faculty of Law, Queen's Prize (for highest standing in Criminal Procedure)

PUBLICATIONS**Peer Reviewed/Edited Books**

- 2006 *The Colour of Justice: Policing Race in Canada* (Toronto: Irwin Law)¹
 1997 *Jury Selection in Criminal Trials* (Toronto: Irwin Law) (with Professor David M. Paciocco and Steven Skurka)²

Legal Treatise

- 2003-Present *McWilliams Canadian Criminal Evidence* (Toronto: Canada Law Book) (5th ed.)³ (with Justice Casey Hill and Lou Strezos)⁴

Casebooks

- 2021a *Evidence: Principles and Problems* (13th ed) (Toronto: Carswell) (with Professors Don Stuart and Lisa Dufraimont)⁵
 2021b “Chapter 7: Ethics and Criminal Law Practice” in Woolley, Alice; Devlin, Richard; Cotter, Brent & Law, John M, *Lawyers’ Ethics and Professional Regulation* (4th ed) (Toronto: Lexis Nexis) 405-471⁶

Peer Reviewed/Edited Articles**2003-Present**

- 2022a “A Principled Approach to Assessing the Absence of Motive to Lie in Sexual Assault Cases” 79 *Criminal Reports* (7th) 230-243
 2022b “Combatting Stereotyping & Facilitating Justice: McLachlin’s Vision for the Law of Evidence” (Gruben, Vanessa & Mayeda, Graham (eds) *Controversies in the Common Law: Tracing the Contributions of Chief Justice McLachlin* (Toronto: UofT Press) 153-16
 2017a “Applying the Racial Profiling Correspondence Test” 64 *Criminal Law Quarterly* 359-383 (reprinted in Lorne Foster, Lesley Jacobs, Bobby Siu & Shaheen Azmi (eds), *Racial Profiling and Human Rights in Canada – The New Legal Landscape* (Toronto: Irwin Law, 2018))⁷

Note: Only Supreme Court of Canada and appellate court citations are included in these notes for my publications. Only the SCC citations are included for my McWilliams Evidence treatise.

¹ Cited in *R v Omar* 2018 ONCA 975 at para 55.

² Cited in *R v Find*, [2001] 1 SCR 863 at para 74 and, *R v Williams* [1998] 1 SCR 1128 at para 54.

³ The 4th edition was published in 2003 with the 5th edition in 2013. The 4th edition was cited in *R v Khela* 2009 SCC 4 at para 81; *R v Dinardo* 2007 SCC 48 at para 37; and *R v Trochym* 2007 SCC 6 at para 139.

⁴ Cited in *R v Beaver* 2022 SCC 54 at para 94; *Canada (Transportation Safety Board) v Carroll-Byrne* 2022 SCC 48 at para 87; *R v Tim* 2022 SCC 12 at para 75; *R v Stairs* 2022 SCC 11 at para 163; *R v Samaniego* 2022 SCC 9 at para 148; *R v GF* 2021 SCC 20 at para 82; *R v Barton* 2019 SCC 33 at para 93; *White Burgess Langille Inman v Abbott* 2015 SCC 3 at para 53.

⁵ I also co-authored the six (6) previous editions: 12th (2018); 11th (2015); 10th (2013); 9th (2010); 8th (2007); 7th (2004). The 8th edition was cited in *R v Singh* [2007] 3 SCR 405 at para 94. The 7th edition was cited in *R v Situ* (2005) 200 CCC (3d) 9 at para 18 (Alta CA).

⁶ I also wrote the same chapter in the previous edition: see “Chapter 8: Ethics and Criminal Law Practice” in Woolley, Alice; Devlin, Richard; Cotter, Brent & Law, John M, *Lawyers’ Ethics and Professional Regulation* (3rd ed) (Toronto: Lexis Nexis) 479-546.

⁷ Cited in *R v Le* 2019 SCC 34 at para 97.

- 2017b “Regulating Inductive Reasoning in Sexual Assault Cases” in Ben Berger, Emma Cunliffe & James Stribopoulos, *To Ensure That Justice Is Done: Essays in Memory of Marc Rosenberg* (Toronto: Carswell) 73-95
- 2016 “*R v Campbell*: Rethinking the Admissibility of Rap Lyrics in Canadian Criminal Cases” 24 *Criminal Reports* (7th) 27-43⁸
- 2015 “‘Whack’ No More: Infusing Equality into the Ethics of Defence Lawyering in Sexual Assault Cases” 45(3) *Ottawa Law Review* 495-525⁹
- 2014a “*Andalib-Goortani*: Authentication & the Internet” 13 *Criminal Reports* (7th) 140-143
- 2014b “*Hart*: A Welcome New Emphasis on Reliability and Admissibility” 12 *Criminal Reports* (7th) 298-303
- 2014c “*J(TR)*: Time to Remove Religion from the Oath” 1 *Criminal Reports* (7th) 211-214
- 2013a “Judicial and Prosecutorial Control of Lying by the Police” 100 *Criminal Reports* (6th) 322-334
- 2013b “*Angelis*: Inductive Reasoning, Post-Offence Conduct and Intimate Femicide” 99 *Criminal Reports* (6th) 338-350¹⁰
- 2012 “An Equality-Oriented Approach to the Admissibility of Similar Fact Evidence in Sexual Assault Prosecutions in Elizabeth Sheehy (ed), *Sexual Assault in Canada: Law, Practice & Activism* (Ottawa: Ottawa University Press) (Volume 2) at 541-568
- 2011a “Rethinking the *Bona Fides* of Entrapment” 43 *UBC Law Rev* 417-446¹¹
- 2011b “Gendered and Racialized Violence, Strip Searches, Sexual Assault and Abuse of Prosecutorial Power” 79 *Criminal Reports* (6th) 132-150
- 2010 “Criminalizing Sex at the Margins” 74 *Criminal Reports* (6th) 86-95¹²
- 2009 “Thinking Like a Lawyer: A Model Code of Professional Responsibility for Law Students” 27 *Windsor Yearbook of Access to Justice* 75-109
- 2008a “Ignoring the *Golden Principle* of *Charter* Interpretation” 42 *Supreme Court Law Review* 441-458
- 2008b “A Powerful Blow against Police Use of Drug Courier Profiles” 55 *Criminal Reports* (6th) 379-393¹³
- 2008c “The *Charter* of Whiteness: Twenty-Five Years of Maintaining Racial Injustice in the Canadian Criminal Justice System” 40 *Supreme Court Law Review* 655-686 (reprinted in Cameron & Stribopoulos (eds.) *The Charter and Criminal Justice – Twenty-Five Years Later* (Toronto: Butterworths) 655-686)¹⁴
- 2008d “The Implications of *Beatty* for Criminal Negligence” 54 *Criminal Reports* (6th) 38-44¹⁵
- 2006 “The Further Erasure of Race in *Charter* Cases” 38 *Criminal Reports* (6th) 84-103¹⁶
- 2005a “Law’s Ambition and the Reconstruction of Role Morality in Canada” 28 *Dalhousie Law Journal* 267-310 (recipient of the 2006 CALT Scholarly Paper Award)

⁸ Cited in *R v Mills* 2019 ONCA 940 at para 121.

⁹ Cited in *R v Goldfinch* 2019 SCC 38 at para 33.

¹⁰ Cited in *R v Calnen* 2019 SCC 6 at para 111.

¹¹ Cited in *R v Ramelson* 2022 SCC 44 at para 66; *R v Ahmad* 2020 SCC 11 at paras 25, 122, 135, 138 and 169.

¹² Cited in *R v JA* 2011 SCC 28 at para 115.

¹³ Cited in *R v Chehil* 2013 SCC 49 at para 65.

¹⁴ Cited in *R v Chouhan* 2021 SCC 26 at para 121.

¹⁵ Cited in *R v Dorval* 2010 QCCA 2287 at para 28.

¹⁶ Cited in *R v Yeh* 2009 SKCA 112 at para 146.

- 2005b “Moving Beyond ‘Driving While Black’ In Canada: Race, Suspect Description and Selection” 36 *Ottawa Law Review* 315-348
- 2004a “E-Racing Racial Profiling” 41 *Alberta Law Review* 905-933¹⁷
- 2004b “Race, Sentencing and the ‘War on Drugs’” 22 *Criminal Reports* (6th) 45-56
- 2004c “The Colourless World of Mann” 21 *Criminal Reports* (6th) 47-57
- 2004d “*R v Taillifer*: Disclosure, Guilty Pleas and Ethics” 17 *Criminal Reports* (6th) 149-155
- 2003a “Starr Gazing: Looking into the Future of Hearsay in Canada” 28 *Queen’s Law Journal* 371-409¹⁸
- 2003b “*R v Griffiths*: Race and Arbitrary Detention” 11 *Criminal Reports* (6th) 149-151
- 2003c “Relevance, Social Context and Poverty” 9 *Criminal Reports* (6th) 348-353¹⁹
- 1993-2002
- 2002a “Using the *Charter* to Stop Racial Profiling: The Development of an Equality-Based Conception of Arbitrary Detention” 40 *Osgoode Hall Law Journal* 145-187²⁰
- 2002b “Res Ipsa Loquitur and Racial Profiling” 46 *Crim LQ* 329-340
- 2002c “Operation Pipeline and Racial Profiling” 1 *Criminal Reports* (6th) 52-55
- 2001 “Testing the Presumption that Trial Judges Know the Law” 43 *Criminal Reports* (5th) 298-307²¹
- 1999a “A Breath of Fresh Air on the Incarceration Addiction in Drug Cases” 23 *Criminal Reports* (5th) 242-258
- 1999b “Making Sense of the Meaning of Conscriptive Evidence Following *Stillman*” 20 *Criminal Reports* (5th) 233-245²²
- 1999c “Should Appellate Courts in Canada Be Empowered to Intervene Where There Exists a Lurking Doubt About Guilt?” in D. Stuart et. al. (eds.) *Making Criminal Law Clear and Just* (Toronto: Carswell, 1999) 422-455
- 1998a “The Future of the Challenge for Cause in the Wake of *Williams*” 15 *Criminal Reports* (5th) 250-258
- 1998b “Upping the Ante in Directed Verdict Cases Where the Evidence is Circumstantial” 15 *Criminal Reports* (5th) 21-27²³
- 1997a “Revisiting the *Sweitzer* Issue of Proof in Similar Fact Evidence Cases” 9 *Criminal Reports* (5th) 74-83
- 1997b “Closing the Door on Offence-Based Challenges for Cause” 7 *Criminal Reports* (5th) 351-356
- 1996a “The Admissibility of Novel Scientific Techniques under *Mohan*” 1 *Canadian Criminal Law Review* 222-251

¹⁷ Cited in *Peart v Peel Regional Police* (2006) 43 CR (6th) 175 at para 93 (Ont CA).

¹⁸ Cited in *R v Khelawon* (2005), 194 CCC (3d) 161 at para 32 (Ont CA).

¹⁹ Cited in *R v Ellis* 2022 BCCA 278 at para 72.

²⁰ Cited in *R v Grant* 2015 SCC 64 at para 154 and *Peart v Peel Regional Police* (2006) 43 CR (6th) 175 at para 93 (Ont CA).

²¹ Cited in *R v Thalheimer* 2022 SKCA 25 at para 59; *R v Sheppard* 2002 SCC 26 at para 54.

²² Cited in *R v Dolynchuk* (2004) 184 CCC (3d) 214 at para 65(Man CA); *R v Jacobs* (1999) 137 CCC (3d) 345 at page 350 (Que CA).

²³ Cited in *R v Arcuri* 2001 SCC 54 at para 28.

- 1996b “Revisiting *Harbottle*: Does the Substantial Cause Test Apply to all Murder Offences” 38 *Crim LQ* 322-332 (with James Lockyer)²⁴
- 1995a “Ensuring Justice for All: When Can a Change in the Law Be Raised on Appeal” 38 *Criminal Reports* (4th) 397-404
- 1995b “When Does *Stinchcombe* Demand That the Crown Reveal the Identity of a Police Informer” 38 *Criminal Reports* (4th) 202-208²⁵
- 1995c “Using Unconstitutionally Obtained Evidence to Impeach” 35 *Criminal Reports* (4th) 82-87
- 1995d “Further Developments on Claims of Ineffectiveness of Counsel” 34 *Criminal Reports* (4th) 32-38
- 1994a “Charting the Constitutional Right of Effective Assistance of Counsel in Canada” 36 *Crim LQ* 404-422²⁶
- 1994b “Can the Improper Admission of Evidence Under the *Charter* Ever be Cured” 32 *Criminal Reports* (4th) 82-90²⁷
- 1994c “Rethinking Jury Selection: Challenge for Cause and Peremptory Challenges” 30 *Criminal Reports* (4th) 310-332²⁸
- 1994d “Monteleone’s Legacy: Confusing Sufficiency with Weight” 27 *Criminal Reports* (4th) 174-181²⁹
- 1994e “Dancing with *Stinchcombe*’s Ghost: A Modest Proposal for Reciprocal Defence Disclosure” 26 *Criminal Reports* (4th) 333-351 (with Professor Lawrence Crocker)
- 1993a “The Unraveling of the Golden Thread: The Supreme Court’s Compromise of the Presumption of Innocence” 35 *Crim LQ* 194-210
- 1993b “The Constitutionality of Searches Incident to Vehicle Stops” 35 *Crim LQ* 323-333
- 1993c “The Right to Counsel and Police Lineups” 24 *Criminal Reports* (4th) 125-136
- 1993d “Probative Value and the Issue of Proof in Similar Fact Evidence Cases” 23 *Criminal Reports* (4th) 157-163
- 1993e “An Analysis of Section 741.2 of the Criminal Code” 18 *Criminal Reports* (4th) 215-220
- 1989-1992 (During Law School (LL.B.))
- 1992a “To Be or Not to Be: Doctrinal Schizophrenia and the Right to Counsel” 34 *Crim LQ* 205-217
- 1992b “The Charter Right to Silence and the Unchartered Waters of a New Voluntary Confessions Rule” 9 *Criminal Reports* (4th) 24-45
- 1992c “Rethinking the Meaning of Detention: The Doctrine of “Preliminary Investigatory Detention is Not Appropriate” 7 *Criminal Reports* (4th) 374-387³⁰

²⁴ Cited in *R v Lucas* (2001) 156 CCC (3d) 474 at para 78 (Que CA).

²⁵ Cited in *R v Leipert* [1997] 1 SCR 281 at para 23 and *Michaud v Quebec (AG)* [1996] 3 SCR 3 at para 48.

²⁶ Cited in *R v Joannis* (1995) 102 CCC (3d) 35 at page 57 (Ont CA).

²⁷ Cited in *R v Burlingham* [1995] 2 SCR 206 at para 53.

²⁸ Cited in *R v K (A)* (1999) 137 CCC (3d) 229 at FN 3 (Ont CA).

²⁹ Cited in *R v Charemski* [1998] 1 SCR 679 at para 21.

³⁰ Cited in *USA v Alfaro* (1992) 75 CCC (3d) 211 at page 237 (Que CA).

Peer-Edited Annotations1993-Present

- 2014 *R v K(A)* 13 *Criminal Reports* (7th) 76-77 (with Don Stuart) (racial profiling)
- 2014b *R v H(S)* 11 *Criminal Reports* (7th) 89-91 (automatism)
- 2005a *R v Trieu* 29 *Criminal Reports* (6th) 176 (relevance of guilty plea)
- 2005b *R v Titmus* 27 *Criminal Reports* (6th) 78-79 (similar act evidence)
- 2005c *R v Tran* 25 *Criminal Reports* (6th) 49 (ineffective assistance of counsel)
- 2004a *R v Thomas* 22 *Criminal Reports* (6th) 376 (arrest warrants)
- 2004b *R v Ferdinand* 21 *Criminal Reports* (6th) 66-67 (racial profiling)
- 2004c *R v Ducharme* 20 *Criminal Reports* (6th) 333-334 (video-taping confessions)
- 2004d *R v Demers* 20 *Criminal Reports* (6th) 245-246 (overbreadth)
- 2004e *R v Bui* 18 *Criminal Reports* (6th) 372 (hearsay and implied assertions)
- 2004f *R v Singh* 15 *Criminal Reports* (6th) 289-290 (racial profiling)
- 2003a *R v Chan* 14 *Criminal Reports* (6th) 90-91 (ineffective assistance of counsel)
- 2003b *R v Woodcock* 14 *Criminal Reports* (6th) 157 (character evidence)
- 1997 *R v Shanks* 4 *Criminal Reports* (5th) 80-81 (causation)
- 1994 *R v Fisher* 28 *Criminal Reports* (4th) 64-65 (reverse onuses)
- 1993a *R v Creighton* 20 *Criminal Reports* (4th) 333-335 (right to silence)
- 1993b *R v Newman* 20 *Criminal Reports* (4th) 371-372 (ineffective assistance of counsel)
- 1992 *R v Hawkins* 14 *Criminal Reports* (4th) 287-290 (the meaning of detention)

1989-1992 (During Law School (LL.B.))

- 1991 *R v Evans* 4 *Criminal Reports* (4th) 146-148 (section 10(a) of the *Charter*)

Essays

- 2018a “Safeguarding trials from racial bias” *Policy Options* (2 October)
- 2018 b “How racial bias likely impacted the Stanley verdict” *The Conversation* (6 April)
- 2016 “Rap on Trial: How courts are using lyrics to convict young Black men” *The Walrus* (18 May)

Opinion Pieces

- 2023 “An All-White Police Services Board is Unacceptable (with Danardo Jones) *Windsor Star* (February 4)
- 2018a “We Must End Discrimination in Jury Selection” *Globe and Mail* (9 April)
- 2018b “Boushie’s Family – and Our Justice System – Deserves Answers. So Why No Appeal?” *Globe and Mail* (8 March)
- 2016a “Not in Canadian Court: Trump “Values” – Nor a Trump Hat” *Globe & Mail* (14 November)
- 2016b “Whacking the Complainant: A Real and Systemic Problem” *Globe & Mail* (10 February) (with Professor Elaine Craig)
- 2016c “What to Do with Police Who Lie” *Toronto Star* (4 February)
- 2015a “Sentencing Takes Pregnancy into Account” *Windsor Star* (9 March 2015)
- 2015c “Windsor Police Turn to ‘Blooding’ in Search of a Killer” *Windsor Star* (27 January)
- 2014a “Only One Way to Address Problems with Carding – Abolish It” *Toronto Star* (2 December)

- 2014b “Are the Lawyers Pursuing Jian Ghomeshi’s Lawsuit Acting Unethically” *Toronto Star* (6 November)
- 2012a “Tactic to Silence Critics” *Windsor Star* (10 May)
- 2012b “Improving Transparency and Accountability” *Windsor Star* (9 January)
- 2011 “A Shocking Sentence for a Shocking Crime” *Windsor Star* (8 August)
- 2010a “The Crown Should Align with Justice Not Police” *Ottawa Citizen* (11 December)
- 2010b “What Were the Prosecutors Thinking” *Ottawa Citizen* (19 November)
- 2010c “Racial Profiling Makes Us Less Safe” *Ottawa Citizen* (8 January)
- 2009a “Police Chief’s Apology Will Go a Long Way” *The Windsor Star* (19 November)
- 2009b “Ontario’s Legal Aid Crisis is Ramping Up” *The Windsor Star* (11 August)
- 2009c “Crown Squarely to Blame” *The Windsor Star* (17 June)
- 2008a “Address Racial Profiling” *Winnipeg Free Press* (15 June)
- 2008b “Confidence Lacking in System’s Fairness” *The Windsor Star* (18 February)
- 2007a “Making the Race Case”, *NOW Magazine* (26 July)
- 2007b “One List for Air Travelers, One for Black Youth” *Toronto Star* (5 July)
- 2005 “Racial Profiling Won’t Defeat Gangs” *Toronto Star* (17 August)
- 2004a “Race, Sentencing and the “War on Drugs” *Toronto Star* (6 August)
- 2004b “Stephen Harper Must Say No to the Death Penalty” *National Post* (24 June)
- 2004c “Why Race Matters on Sentencing” *Toronto Star* (25 February)
- 2003 “Using Data to Fight Bias” *Toronto Star* (11 December)
- 2001 “Don’t Let Cops Investigate Cops” *Globe and Mail* (31 August)

SPECIAL LECTURES

Endowed

- 2006 “The Colour of Justice: Policing Race in Canada”, *The Culliton Lecture in Criminal Law*, University of Saskatchewan College of Law (23 January)
- 2005 “Law’s Ambition and the Reconstruction of Role Morality in Canada”, *The F.B. Wickwire Memorial Lecture Series in Professional Responsibility and Legal Ethics*, Dalhousie Law School (17 November)

Distinguished

- 2008 Robson Hall, University of Manitoba (30 October)
 “The Song Remains the Same: The Failure of the Police to Adequately Respond to Racial Profiling in Canada”

Invited Book Reading

- 2014 World Literacy Canada, KAMA 2014, (*Colour of Justice: Policing Race in Canada*) (26 February) (Toronto)

PRESENTATIONS

Judicial Education Programs

- 2016 “Judicial Control of ‘Whacking’ of Sexual Assault Complainants”, Ontario Court of Justice West Regional Seminar (2 November) (Niagara Falls)
- 2014 “Prior Consistent Statements”, National Judicial Institute: Criminal Law Seminar (27 March) (Vancouver)

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- 2009 “The Seven Myths of Race and Investigative Detention”, National Judicial Institute: Criminal Law Seminar (25 March)
- 2006 “Racial Profiling - Identification, Proof and Missed Opportunities, Ontario Court of Justice, University Education Program, London (15 June)
- 2001 “Criminal Law Update”, Superior Court of Justice Fall Education Conference, (Toronto)
- 2000 “The Meaning of Voluntariness”, Ontario Court of Justice Spring Judicial Education Conference, (Toronto)

Conferences, Forums, Panels

- 2019 “Race, Stereotyping and *Corbett*” (25 October) *The Queen v Your Client: It’s Almost Criminal* (Saskatchewan Trial Lawyers Association) (Regina)
- 2018 “Chief Justice McLachlin and a Principled Approach to Evidence Admissibility”, *Reflecting on the Legacy of Chief Justice McLachlin* (11 April) (University of Ottawa) (Ottawa)
- 2017a “The Limits of Cross-Examination of a Victim of Sexual Assault”, *SVHAP CO-Leads Conference* (19 April) (Toronto)
- 2017b “Applying the Racial Profiling Correspondence Test”, *The Six-Minute Criminal Lawyer 2017* (8 April) (Toronto)
- 2016a “Assessing Credibility in Sexual Assault Cases”, *Symposium in Honour of the Honourable Mr Justice Marc Rosenberg* (24 September) (National Judicial Institute) (Toronto)
- 2016b “Defence ‘Whacking’ in Sexual Assault Cases: How Can the Crown Prevent, Mitigate and Respond?” *CLD/OCAA Annual Crown Conference* (26 May) (Niagara Falls)
- 2016c “Ottawa Police Racial Profiling Policy”, *Racial Profiling Policy Dialogue* (16-18 February) (Toronto)
- 2016d “Defence “Whacking” of Sexual Assault Complainants: Etiology, Prohibition, Manifestations and Responses”, *2016 Sexual Harassment & Violence Action Plan (SHVAP) Conference* (21 January) (London)
- 2016e “The Ethical Obligation to No “Whack” Complainants in Sex Assault Cases”, *Cavanagh LLP Professionalism Speakers Series* (University of Ottawa) (15 January)
- 2015a “Facing the Modern-Day Ethical Dilemmas in Criminal Law”, Ontario Bar Association (7 October) (Windsor)
- 2015b “Unreliability, Tunnel Vision and Implicit Bias: Evidence & Wrongful Convictions”, *Wrongful Conviction Day* (Defence of the Wrongly Convicted, Faculty of Law, University of Windsor) (30 September)
- 2013a “Race and Wrongful Convictions”, *Back to the Future* (AIDWYC) (23 November) (Toronto)
- 2013b “Ethical Principles and the Search for Truth. Clash or Convergence?” *How Do We Know What We Know: Facts in the Legal System* (CIAJ Conference) (10 November) (Toronto)
- 2012 “The Ethical Limits of Defence Lawyering in Sexual Assault Cases”, *Merging Worlds, Emerging Discourses* (Banff: International Legal Ethics Conference V) (12 July – 14 July)
- 2011a “The *B* Case: Race, Gender and Legal Ethics” (Queen’s Law School) (28 January)

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- 2011b “The Ethical Obligations of Government Lawyers: Whistleblowing and Private Conduct” *Annual Conference of Canadian Ethics Professors* (Ottawa Law School) (22 October)
- 2010 “The Ethical Obligations of Government Lawyers: The National Security Context”, *Torture and National Security: The Making of a Social Institution* (Faculty of Law, University of Windsor) (3-4 March)
- 2009a “Creating a Big Mac: The Charter and Entrapment”, *Top Ten Defences* (Criminal Lawyers Association, Toronto) (27 November)
- 2009b “Racial Profiling Litigation – Developing Adjudicative Standards” and “Using the Rules of Evidence”, LEAP Racial Profiling Litigation Training for the Ontario Human Rights Legal Support Centre (Toronto) (26 November)
- 2009c “Resistance and Proof in Racial Profiling Cases”, *Racial Profiling* (Quebec Bar Association, Montreal) (18 September)
- 2009d “Learning to Act Like a Lawyer: A Model Code of Professional Responsibility for Law Students”, *The Geographies of Legal Education: Policy, Practice and Theory* (Canadian Association of Law Teachers, Ottawa) (27 May)
- 2009e “The Dangers of the Suspect Description Exemption in Racial Profiling Law”, *Racial Profiling or Criminal Profiling: Race as a Suspect Descriptor* (CRARR Forum, Montreal) (25 March)
- 2009f “No Longer Handy: The Supreme Court’s Assault on the Admissibility of Similar Fact Evidence in Sexual Assault Cases” *Sexual Assault Law, Practice & Activism in a Post-Jane Doe Era* (University of Ottawa) (7 March)
- 2008a “Developing a Model Code of Professional Responsibility for Law Students: Why and How?” Faculty Seminar (University of Manitoba) (31 October)
- 2008b “Learning to Act Like a Lawyer: A Model Code of Professional Responsibility for Law Students”, *Professionalism and Serving Communities*, Eleventh Colloquium on the Legal Profession (24 October)
- 2008c “The Ethical Obligations of Law Students: The Need for a Student Code of Professional Responsibility”, *Re-Imagining Access to Justice: A Symposium in Honour of Professor Rose Voyvodic* (19 September)
- 2008d “The 2007 Term --- Ignoring the Golden Principle of Charter Interpretation”, *2007 Constitutional Cases*, Osgoode Hall Law School Annual Conference (18 April)
- 2007a “Silencing the Right to Silence”, Ontario Criminal Lawyers’ Association Annual Conference (26 October)
- 2007b “The Charter of Whiteness: Twenty-Five Years of Maintaining Racial Injustice in the Canadian Criminal Justice System”, *The National Conference on the Charter and Criminal Justice in Canada*, Osgoode Hall Law School (29 September)
- 2006a “Where Are All the Lawyers: The Absence of Racial Profiling Litigation in Canada”, Ontario Criminal Lawyers’ Association Annual Conference (4 November)
- 2006b “Racial Profiling in Canada”, Faculty of Law, McGill University (27 September)
- 2006c “Cultural Competence and the Litigation of Racial Profiling Cases” Faculty of Law, University of Ottawa (9 March)
- 2005a “Beyond Driving While Black: Race, Suspect Description and Selection” (Faculty Seminar), Faculty of Law, University of Dalhousie (18 November)

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- 2005b “The Challenges of Racial Profiling Litigation in Canada”, *Critical Race Theory and Human Rights Conference*, University of Ontario Institute of Technology (26 October)
- 2005c “Identifying and Remediating Racial Profiling”, Social Justice In-Action Community Discussion Series, Centre for Social Justice, University of Windsor (21 September)
- 2005d “Playing the Bias Card and Ignoring the ‘War on Drugs’” - The Implications of *R. v. Hamilton*”, The Kathleen Lahey Feminist Speaker Series - “Poverty, Race and Gender”, Faculty of Law, University of Windsor (7 March)
- 2005e “Reconstructing a Distinctly Canadian Role Morality ‘In the Interests of Justice’ and the Implications for Reform”, *The Fourth Colloquium on the Legal Profession* (The Chief Justice of Ontario’s Advisory Committee on Professionalism), Faculty of Law, University of Windsor (3 March)
- 2005f “Three Models of Legal Ethics”, *Legal Ethics and Professionalism: Bridge Number 2*, Faculty of Law, University of Toronto (11 January)
- 2004a “Assessing Defence Evidence: How and Why Judges So Often Get It Wrong In Credibility Cases”, *Evidence and Advocacy*, Ontario Criminal Lawyers’ Association (30 October)
- 2004b “Data Collection”, Race Policy Dialogue, Ontario Human Rights Commission (October 6-8)
- 2004c “E-Racing Racial Profiling”, Faculty of Law, University of Windsor (22 January)
- 2003a “In the Name of Innocence: Using Supreme Court of Canada Jurisprudence to Protect Against Wrongful Convictions”, *Criminal Law In A Changing World*, Ontario Criminal Lawyers’ Association (8 November)
- 2003b “Using the Charter to Stop Racial Profiling”, *Criminal Law and The Charter* (Law Society of Upper Canada) (18 October)
- 2003c “Recent Trends in Remedies for Unconstitutional Searches”, *Symposium On Issues in Search and Seizure Law in Canada*, Osgoode Professional Development Program, (20 September)
- 2002a “Litigating Cases of Racial Profiling”, *Systemic Racism in the Canadian Criminal Justice System*, Faculty of Law, University of Toronto (29 November)
- 2002b “Using Starr to Reform the Hearsay Exceptions”, *Criminal Lawyer’s Evidence Update*, Law Society of Upper Canada
- GRANTS (\$183,342)**
- 2022 Faculty of Law Research Grant) (\$5,500)
Topic: Frameworks for Challenging and Assessing Putative False Confessions
- 2020 COVID-19 Expanded RA Program (ERAP) (Faculty of Law Research Grant) (\$3,000)
Topic: Landmark Canadian Cases Book (*R v Corbett*)
 Researcher: Natasha Daly

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- 2019a Faculty of Law Research Grant (\$5,000)
Topic: Defence of Accident, McWilliams Canadian Criminal Evidence Updates
 Researcher: Sara Little
- 2018a Faculty of Law Research Grant (\$1600)
Topic: McWilliams Canadian Criminal Evidence Updates
 Jessica Proskos
- 2018b Faculty of Law Research Grant (\$1,650)
Topic: Social Media Messaging and Consent
 Researcher: Ashley Haines
- 2016 Faculty of Law Research Grant (\$6,500)
Topic: Collecting Data – Sexual Assault Trials & Appeals
 Researcher: Natasha Donnelly
- 2015 Faculty of Law Research Grant (\$5,729)
Topic: Professional Experience and Judicial Decision-Making”
 Researcher: Natasha Donnelly
- 2014 Faculty of Law Research Grant (\$2,736)
Topic: Criminalizing Culture: The Admissibility of Rap Lyrics in Criminal Cases
 Researcher: Danny Anger
- 2013 Law Foundation of Ontario (\$4,377)
Topic: The Ethics of Discriminatory Defence Lawyering.
 Researcher: Fariya Walji
- 2012a University of Windsor ADTF Grant (\$1,000)
 Presented paper “The Ethical Limits of Defence Lawyering in Sexual Assault Cases”
 at the International Legal Ethics Conference V in Banff, Alberta
- 2012b Law Foundation of Ontario (\$6,384)
Topic: *Defence Ethics in Sexual Assault Cases*
 Researcher: Melissa Crowley
- 2011a Law Foundation of Ontario (\$9,302)
Topic: *Enhancing Evidence Teaching and Experiential Learning*
 Researcher: Armin Sethi
- 2011b Law Foundation of Ontario (\$6,384)
Topic: *Developing Strategies to Document and Expose Police Misconduct – Expert Perspectives
 on the Policing of Seasonal Agricultural Workers in Essex County”*
 Researcher: Ramon Meza Opazo
- 2010 Law Foundation of Ontario (\$10,532)
Topic: *Professional Obligations of Law Professors*
 Researcher: Nicole Myers
- 2009a University of Windsor ADTF (Academic Development Travel Fund) (\$1,000)
 Presented paper “No Longer *Handy*: The Supreme Court’s Assault on the
 Admissibility of Similar Fact Evidence in Sexual Assault Cases” at the University of
 Ottawa
- 2009b Law Foundation of Ontario (\$10,282)
Topic: *Is There Gender Bias in the Treatment of Sexual Assault Conviction Appeals?
 Entrapment Survey; Confessions*
 Researchers: Mino Alipour Birgani and Robert Tarantino

- 2009c Law Foundation of Ontario (2-year grant) (\$50,000) to establish Windsor Law's Law Enforcement Accountability Project (LEAP)
- 2008a University of Windsor Humanities and Social Sciences Research Grant (\$5,000)
Topic: *Is There Gender Bias in the Treatment of Sexual Assault Conviction Appeals?*
 Researcher: Minoo Alipour Birgani
- 2008b "Supervising Professor" for the Borden Ladner Gervais Fellowship (\$10,000)
Topic: *Is There Gender Bias in the Treatment of Sexual Assault Conviction Appeals?*
 BLG Fellows: Karma Dolkar and Minoo Alipour Birgani
- 2008c Law Foundation of Ontario (\$12,663)
Topics: *Codes of Conduct and the Ethical Obligations of Law Students; Is There Gender Bias in the Treatment of Sexual Assault Conviction Appeals?*
 Researchers: Kevin Wong, Karma Dolkar, Minoo Alipour Birgani
- 2007 Law Foundation of Ontario (\$8,990)
Topic: *The Admissibility of Similar Fact Evidence After Handy*
 Researcher: Jillian Rogin
- 2006 Law Foundation of Ontario (\$7,067)
Topic: *Competence and Compellability*
 Researcher: Kristin Ciupa
- 2005 Law Foundation of Ontario (\$9,826)
Topic: *The Colour of Justice: Policing Race in Canada*
 Researchers: Alex Procope and Sarah Vokey
- 2004 Law Foundation of Ontario (\$6,064)
Topics: *A Critical Look at Professionalism and Legal Ethics in Canada Casebook; Race, Gender and Wrongful Convictions Casebook; The Colour of Justice: Policing Race in Canada*
 Researchers: Michelle Booth and Catherine Koch
- 2003 Law Foundation of Ontario (\$1,915)
 Researcher: Tim Morgan and Cherie Daniel

TEACHING AND SERVICE

Law School Courses

Faculty of Law, University of Windsor

- Present Criminal Law and Procedure (98-805), Evidence (98-850), Legal Profession (98-939)
- Previous Racial Profiling and the Law, Advanced Criminal Law, Clinic Practice Program at CLA
- Casebooks Course packs prepared for Criminal Law (2013-2016)
 Course pack prepared for Racial Profiling and the Law (708 pages)
 Course pack prepared for Advanced Criminal Law include *Race, Gender and Wrongful Convictions* (1256 pages, 2005)
 Course packs prepared for The Legal Profession include *A Critical Look at Professionalism and Legal Ethics in Canada* (1295 pages, 2005) and *Legal Ethics and Criminal Law* (793 pages, 2004)

Law Enforcement Accountability Project (LEAP) Reports

- 2010a “Police Complaints Project Training and Resource Materials” (21 September)
- 2010b “Breaking Down the Barriers: Enhancing the Capacity of the Windsor Police Service to Recruit a Diverse Police Service” (June) (co-authored with LEAP students)
- 2009a Ottawa Police Service “Racial Profiling” (Policy No: 1.08) (Draft policy for consultation) (co-authored with LEAP students) [enacted in 2011 (27 Jan) as Policy No: 5.39]
- 2009b “A Process in Need of Repair: The Campus Police Complaints System at the University of Windsor” (9 December) (co-authored with LEAP students)

Graduate Student Supervision (University of Windsor)
PHD Thesis Committee

- 2018 Lisa Pascal, “Creating a New Lineup to Improve Same-Race and Cross-Race Identification Accuracy” (Faculty of Graduate Studies: Department of Psychology)

MA Thesis Committee

- 2016 Ryan Mullins, “The Implications of the Use of Terrestrial Laser Scanners in Forensics and Law” (Faculty of Graduate Studies: Department of Sociology, Anthropology & Criminology)
- 2013 Rhys Steckle, “Governing the Drinking Driver: A Genealogical Analysis of Canadian Impaired Driving Programmes” (Faculty of Graduate Studies: Department of Sociology, Anthropology & Criminology)
- 2012 Adam John Pocrnic, “Resource Organization, Mobilization and Control: A Southwestern Ontario Law Enforcement Perspective” (Faculty of Graduate Studies: Department of Sociology, Anthropology & Criminology)

Supervised Law Student Papers (Published)

- 2022 Laila Aziza, “Wither the Best Evidence Rule? The Canada Evidence Act, Threshold Admissibility and Social Media Evidence” (submitted to the Criminal Law Quarterly)
- 2020 Samuel Mazzuca, “Regulating the Admissibility and Use of Sexual Activity Evidence in Criminal Cases” 70 *Crim L Q* 161
- 2013 Brady Donohue, “Operationalizing *Golden*: Measuring the Efficacy of Judicial Oversight” (2014) 1 *Windsor Rev Legal Soc Issues* - Digital Companion 1
- 2011 “Navigating the Fine Line of Criminal Advocacy: Using Truthful Evidence to Discredit Truthful Testimony” (2012) *Western Journal of Legal Studies* (recipient of the Reuter Scargall Bennett LLP Essay Prize in Legal Ethics)
- 2005 Diana Lumba, “Deterring Racial Profiling: Can Section 24(2) of the Charter Realize Its Potential” (2006) 22 *Windsor Review of Legal and Social Issues* 79

Academic Service

- 2010-2016;
 2018-Present Discipline Appeal Committee (Chair), University of Windsor
 2020-Present Adjudicator, Appeals of Non-Academic Matters, University of Windsor
 2004-2015;
 2018-Present Gale Moot Coach
 2003-Present External peer reviewer for numerous law reviews in Canada
 2003-Present Regular commentator on criminal law and related issues for Canadian and American media including CBC Television and Radio, National Public Radio, Toronto Star, Globe and Mail, Windsor Star
 2003-Present Law school committee work including Promotion, Tenure, Renewal (PTR); Appointments Committee; Social Justice Fellowship Committee; Academic Status Committee, Student Discipline Committee, Special Events Committee
 2006 Academic Policy Committee (Senate)
 2005 Co-organizer of the Alumni Social Justice Fellowship Program
 2005 Co-organizer of the Fourth Colloquium on the Legal Profession (3 March)

Community Service

- 2019-Present Golf Ontario (Rules Official)
 2016-Present Jamieson Jr Golf Tour (Rules Official)
 2011-14 Appointed to Office of the Independent Police Review Director's Resource Committee
 2010-11 Appointed to Ontario Legal Aid Area Committee (South-West Region)
 2005 Arthur Martin Medal Committee, Academic Representative (Ontario CLA)
 2004-2014 Member of the Chief Justice of Ontario's Advisory Committee on Professionalism
 2004 Equity Committee, Canadian Bar Association
 2003-2009 Ontario Legal Aid - Windsor Area Committee
 2002-2003 Ontario Court of Appeal - Duty Counsel (Inmate Appeals)
 1997-2003 Ontario Legal Aid - Toronto Area Committee

APPELLATE PRACTICE

- 1997 (Sept) Pinkofsky, Lockyer
 -2003 (June) I was very fortunate to argue 87 appeals in the Supreme Court of Canada and Ontario Court of Appeal during my tenure as an appellate lawyer at Pinkofsky, Lockyer. I also argued a number of motions at the Court of Appeal not listed here. The appeal was allowed in approximately 40% of my appeals from conviction.

Supreme Court of Canada (7)

- R v Lyttle* 2004 SCC 5 (leave granted) (conviction appeal allowed)
R v Burke 2002 SCC 55 (as of right) (conviction appeal allowed)
R v Golden 2001 SCC 83 (leave granted) (conviction appeal allowed)
R v Find 2001 SCC 32 (as of right) (conviction appeal dismissed)
R v G(A) 2000 SCC 17 (as of right) (conviction appeal dismissed)
R v Terceira [1999] 3 SCR 866 (leave granted) (conviction appeal dismissed)
R v Monney [1999] 1 SCR 652 (as of right) (Crown conviction appeal granted)

Ontario Court of Appeal (80)

- R v Ranger* (2003) 178 CCC (3d) 375 (conviction appeal allowed)
R v Norouzali (2003) 177 CCC (3d) 383 (conviction appeal dismissed)
R v Thomas (2003) 58 WCB (2d) 266 (conviction appeal dismissed)
R v Bryan (2003) 175 CCC (3d) 285 (conviction/sentence appeals dismissed)
R v Cater (2003) 171 OAC 178 (sentence appeal allowed)
R v Doney (May 1, 2003) (sentence appeal allowed)
R v M(D) (2003) 57 WCB (2d) 338 (conviction appeal allowed)
R v Gligoric (March 25, 2003) (conviction appeal dismissed)
R v Borde (2003) 172 CCC (3d) 225 (sentence appeal allowed)
R v Pasdari (January 31, 2003) (sentence appeal allowed in part)
R v Olukoya (January 30, 2003) (conviction appeal allowed)
R v Best (January 23, 2003) (conviction appeal dismissed)
R v H(CN) (2002) 170 CCC (3d) 253 (Crown sentence appeal dismissed)
R v Edwards (2002) 55 WCB (2d) 409 (conviction appeal allowed)
R v Lyttle (2002) 167 CCC (3d) 503 (conviction appeal dismissed) (over-turned by SCC)
R v Cheddesingh (2002) 168 CCC (3d) 310 (sentence appeal dismissed)
R v M(RG) (June 18, 2002) (conviction appeal dismissed)
R v Cichon (June 4, 2002) (conviction appeal allowed)
R v Dennis (May 31, 2002) (sentence appeal dismissed)
R v Akins (2002) 164 CCC (3d) 289 (conviction appeal allowed)
R v Hardyal (December 20, 2001) (sentence appeal allowed)
R v Moore-McFarlane (2001) 160 CCC (3d) 493 (conviction appeal allowed)
R v Fraser (2001) 159 CCC (3d) 540 (conviction appeal allowed)
R v Carriere (2001) 159 CCC (3d) 51 (conviction appeal dismissed but manslaughter conviction substituted for second degree murder – sentenced to 6 years by the Court of Appeal (2002) 164 CCC (3d) 569)
R v Adams (2001) 157 CCC (3d) 220 (conviction appeal allowed)
R v Burke (August 9, 2001) (sentence appeal allowed)
R v Hunter (2001) 155 CCC (3d) 225 (conviction appeal allowed)
R v Thompson (June 6, 2001) (conviction appeal allowed)
R v Major (April 26, 2001) (sentence appeal dismissed)
R v Bailey (April 6, 2001) (sentence appeal allowed)
R v Burke (2001) 153 CCC (3d) 97 (conviction appeal dismissed) (over-turned by SCC)
R v Morgan (March 23, 2001) (conviction appeal allowed)
R v Kanto (March 15, 2001) (conviction/sentence appeals dismissed)
R v Shakes (March 14, 2001) (sentence appeal allowed)
R v Bryce (2001) 48 WCB (2d) 500 (conviction appeal allowed)
R v Aquilina (January 26, 2001) (conviction appeal dismissed)
R v Cerasuolo (2000) 151 CCC (3d) 445 (sentence appeal allowed)
R v Codina (2000) 57 WCB (2d) 658 (conviction/sentence appeals dismissed)
R v Nguyen (December 12, 2000) (sentence appeal allowed)
R v Richards (December 6, 2000) (conviction appeal allowed)
R v H(RJ) (November 21, 2000) (sentence appeal dismissed)

R v Pritchard (2000) 47 WCB (2d) 457 (conviction appeal dismissed)
R v Gagnon (2000) 147 CCC (3d) 193 (conviction appeal allowed)
R v Marks (2000) 145 CCC (3d) 569 (conviction appeal allowed)
R v S(P) (2000) 144 CCC (3d) 120 (conviction/sentence appeals dismissed)
R v Krugel (2000) 143 CCC (3d) 367 (conviction appeal dismissed)
F(S) v Canada (Attorney General) (2000) 141 CCC (3d) 225 (Crown appeal allowed/cross-appeal dismissed)
R v Balasuntharam (1999) 44 WCB (2d) 421 (conviction appeal dismissed)
R v Roy (December 10, 1999) (sentence appeal dismissed)
R v Cavan (1999) 139 CCC (3d) 449 (conviction/sentence appeals dismissed)
R v Nguyen (October 14, 1999) (sentence appeal allowed)
R v Golden (September 23, 1999) (conviction appeal dismissed) (over-turned by SCC)
R v P(V) (1999) 43 WCB (2d) 350 (conviction appeal allowed)
R v Tahal (1999) 137 CCC (3d) 206 (conviction appeal dismissed/sentence appeal allowed)
R v Henry (May 28, 1999) (conviction appeal dismissed)
R v Richards (1999) 26 CR (5th) 286 (conviction appeal allowed)
R v Joly (1999) 42 WCB (2d) 66 (conviction appeal dismissed/sentence appeal allowed)
R v Krishantharajah (1999) 133 CCC (3d) 157 (conviction appeal allowed)
R v Valentini (1999) 132 CCC (3d) 262 (conviction appeal dismissed/sentence appeal allowed)
R v Davis (1999), 41 WCB (2d) 18 (conviction appeal dismissed/sentence appeal allowed)
R v C(D) (November 17, 1998) (sentence appeal dismissed)
R v D(D) (1998) 40 WCB (2d) 127 (conviction appeal dismissed/sentence appeal allowed)
R v Prelai (October 16, 1998) (conviction/sentence appeals dismissed)
R v Lee (1998) 111 OAC 195 (conviction appeal dismissed/sentence appeal allowed)
R v On (May 28, 1998) (sentence appeal allowed)
R v Gray (May 8, 1998) (sentence appeal allowed)
R v Samways (May 4, 1998) (conviction appeal dismissed)
R v Blagrove (1998) 37 WCB (2d) 296 (conviction/sentence appeals dismissed)
R v Jay (February 10, 1998) (conviction appeal dismissed/sentence appeal allowed)
R v Terceira (1998) 123 CCC (3d) 1 (conviction appeal dismissed)
R v Baker (February 9, 1998) (sentence appeal dismissed)
R v Winn (1998) 38 OR (3d) 159 (sentence appeal dismissed)
R v Lewis (1998) 122 CCC (3d) 481 (Crown appeal from acquittal allowed)
R v Chatwell (1998) 122 CCC (3d) 162 (Crown appeal allowed)
R v J(J) (December 8, 1997) (conviction/sentence appeals dismissed)
R v Smith (1997) 120 CCC (3d) 500 (conviction/sentence appeals dismissed)
R v Puskas (1997) 120 CCC (3d) 548 (Crown appeal allowed)
R v Thiyagarajah (April 21, 1997) (sentence appeal dismissed)
R v Jenkins and Jenkins (1996) 29 OR (3d) 30 (CA) (5 member panel) (argued: 1995) (conviction appeal dismissed)
R v Johnson (1995) 39 CR (4th) 78 (argued: May 15, 1995) (conviction appeal allowed)

MEMBERSHIPS

1995- Law Society of Ontario (February 16)
 11 January 2024