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<p>CHAPTER IV – CHAPITRE IV :</p> <p><b>Pre-trial, Trial, and Appeal Matters Questions avant le procès, pendant le procès et en appel</b></p>	<p>Readers are referred to the list of Related Documents at the end of this Policy for additional information. Les lecteurs peuvent se référer à la liste des documents connexes notés à la fin de cette politique pour information supplémentaire.</p>	

## TRIAL EXHIBITS

### 1. Introduction

On occasion, the Crown Prosecutor may be asked for advice respecting the release of trial exhibits. The Crown Prosecutor should be mindful of the specific provisions concerning the post-trial retention periods for trial exhibits.

### 2. Statement of the Policy

Rules 63.08 and 64.07 of the Rules of Court, impose a post-trial retention period of one hundred and twenty (120) days on any exhibit received in a trial or hearing. This retention period is mandatory where no appeal is taken, even where the offender or unsuccessful respondent to an application formally waives the right to appeal.

Where an appeal is taken, Rules 63.08 and 64.07 provide that the retention period continues until

- (a) the appeal is abandoned;
- (b) the clerk is served with a Notice of Appeal to the Court of Appeal;
- (c) thirty (30) days after the time limited for taking an appeal to the Court of Appeal or the Supreme Court of Canada, or any extension thereof; or
- (d) the final disposition of the appeal by the Supreme Court of Canada.

Because subsection 116(1) of the *Provincial Offences Procedure Act* incorporates the appeal provisions of the *Criminal Code*, the mandatory post-trial retention period may also apply to any exhibit received in trial or hearing concerning a provincial offence.

Where the Crown Prosecutor's advice is sought in such circumstances, the Crown Prosecutor shall advise that any potential or actual trial exhibit should be retained for one hundred and twenty (120) days following a trial or hearing unless the court orders otherwise.<sup>1</sup>

### 3. Related Documents

None

<sup>1</sup> Rules 22.02 and 22.03 of the Provincial Rules of Court provide shorter post-trial retention periods than Rules 63.08 and 64.07 of the Rules of Court. In matters concerning post-trial retention, the Crown Prosecutor shall refer to the authority of Rules 63.08 and 64.07 of the Rules of Court.