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### WORKING MANUAL OF CRIMINAL LAW

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Release No. 7, December 2025

This manual summarizes the current law on issues arising in criminal practice. The expert commentary integrates the statutory provisions and case law relevant to a particular topic. The commentary is divided into six sections: defences, evidence, substantive offences, procedure, sentencing, and *Canadian Charter of Rights and Freedoms*. This publication facilitates preparation and is of assistance in the courtroom. Regular releases ensure that the text is current, accurate and reliable.

This release features updates to the case law and commentary in Chapters 1 (Defences) and 2 (Evidence).

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## Release Highlights

New entries introduced with this release include the following:

- **Defences — Mistake of Fact — Application to Sexual Offences: Consent** — According to the Court of Appeal for Ontario, in instances when the versions of events of each of the complainant and the accused are diametrically opposed, with no room for them to be “cobbled together” into a version capable of supporting a mistaken belief in consent, then that defence should not be put to the jury: *R. v. Othman*, 2025 ONCA 449, 2025 CarswellOnt 9932 (Ont. C.A.).
- **Evidence — Statements of an Accused — General Rules regarding Admissibility — Where Statements by an Accused are Admissible in Evidence — Admissions** — The Court of Appeal for Ontario reasoned that, provided sufficient other evidence was available to enable the trier of fact to infer the proper context of the utterances of the accused, a recording of the accused’s contributions to a telephone conversation with a witness may be admissible as a party admission: *R. v. Whalen*, 2025 ONCA 359, 2025 CarswellOnt 6728 (Ont. C.A.).