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THE CANADIAN CHARTER OF RIGHTS

McLeod, Takach, Morton, Segal Release No. 11, November 2025

This resource is a practical working text that will shorten preparation time and be a valuable in-court reference. It deals with the ever expanding effect of the *Charter* on the issues arising in criminal proceedings and the prosecution of statutory offences. Organized conceptually rather than in chronological order by section of the *Charter*, this work pulls together the reported and unreported case law determining the impact of the *Charter* on the legislative provisions, the substantive law and the practice in this area.

New judicial interpretations of relevant terminology in the Words & Phrases appendix include the following:

• **Legal Justification** — *Alberta* — "The appellant's argument that section 2(b) [of the *Canadian Charter of Rights and Freedoms*], constitutes a "legal justification" within the meaning of section 429(2) [of the *Criminal Code*, R.S.C. 1985, c. C-46], for the purposes of the section 22 counselling offence is without merit.": *per* de wit and Woolley JJ.A., at para. 52 of *R. v. Pawlowski*, 2024 ABCA 342, 2024 CarswellAlta 2734 (Alta. C.A.).

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• Reasonable Member of the Public — *Ontario* — "A "reasonable member of the public" is familiar with the basics of the rule of law in Canada and with the fundamental values of our criminal law, including those protected by the *Charter*. He or she knows the importance of the presumption of innocence and the right to liberty and that these are fundamental rights guaranteed by our Constitution. The reasonable member of the public also expects, perhaps even more so now, that anyone charged with a crime is entitled to be tried for it within a reasonable time [. . .]": *per* Carter J., at para. 23 of *R. v. Sherif*, 2024 ONSC 3499, 2024 CarswellOnt 9257 (Ont. S.C.J.).