

## Publisher's Note

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### **MARTIN'S CRIMINAL CODE COUNSEL EDITION**

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and  
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The Honourable Justice Marc Rosenberg  
Release No. 4, July 2025**

### **Publisher's Special Release Note 2024**

The pages in this work were reissued in August 2024 and updated to reflect that date in the release line. Please note that we did not review the content on every page of this work in the August 2024 release. We will continue to review and update the content according to the work's publication schedule. This will ensure that subscribers are reading commentary that incorporates developments in the law as soon as possible after they have happened or as the author deems them significant.

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### What's New in this Update:

- Reference should be had to *R. v. Pan*, 2025 SCC 12, which provides definitive guidance on when a lesser included offence (see s. 662) has an air of reality and should be left to the jury. The trial judge must therefore assess whether there is a reasonable view of the evidence upon which a properly instructed jury acting judicially could be left with a reasonable doubt about elements of the principal offence that distinguish it from the included offence, while accepting beyond a reasonable doubt all of the elements of the included offence.
- In *R. v. Canadian Broadcasting Corporation* (2024), 443 C.C.C. (3d) 213 (Ont. C.A.), the court considered the access regime in s. 119 of the *Youth Criminal Justice Act* and held that it reflects a deliberate legislative decision not give a presumptive right of access to media representatives. Media access to youth records should be considered on a case-by-case basis in accordance with the factors in subsec. (1)(s).

### ProView Developments

Your ProView edition of this product now has a new, modified layout:

- The opening page is now the title page of the book as you would see in the print work
- As with the print product, the front matter is in a different order than previously displayed
- The Table of Cases, Table of Statutes and Index are now in PDF with no searching and linking
- The Table of Contents now has internal links to every chapter and section of the book within ProView
- Images are generally greyscale and size is now adjustable
- Footnote text only appears in ProView-generated PDFs of entire sections and pages