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MARTIN'S CRIMINAL CODE COUNSEL EDITION

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The Honourable Justice Marc Rosenberg
Release No. 5, November 2024**

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. Hodgson*, 2024 SCC 25, in which the court provided important clarification of the strict statutory limitations on the Crown's right of appeal against an acquittal under s. 676 limitations that largely derive from foundational principles of double jeopardy.
- Further, in *R. v. Foreshaw* (2024), 434 C.C.C. (3d) 527, 2024 ONCA 177 (Ont. C.A.), the court held that it is permissible under s. 12 of the *Canada Evidence Act* to cross-examine a witness on a conviction for which a record suspension has been granted under the *Criminal Records Act*. Unlike a free pardon under s. 748 of the Code, a record suspension does not deem that the offender never committed the offence.
- Finally, in *R. v. N.G.* (2024), 434 C.C.C. (3d) 473, 2024 ONCA 20 (Ont. C.A.), the court provided informative guidance on the application of the regime for admission of electronic documents in ss. 31-31.8 of the *Canada Evidence Act*. The court held that the trial judge did not err in refusing to admit text messages from the complainant's cell phone where the phone had been stolen by the accused.

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
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- 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
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