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CRIMINAL CODE DRIVING OFFENCES

McLeod, Takach, Segal
Release No. 12, December 2025

What's New in this Update:

This release features updates to Chapters 1, 2, 3 and 5.

Highlights

- **The Offence of Dangerous Operation (Driving)—VII—Miscellaneous Issues—Speeding and Erratic Driving—Weaving, Zigzagging and Fishtailing—Professional Drivers**—The evidence regarding logbooks and records was admissible, did not breach any rule regarding expert evidence, fell into the category of lay opinion evidence, and was not material to the conviction: *R. v. Sandhu*, 2025 CarswellSask 326, 2025 SKCA 76 (Sask. C.A.).
- **The Offences of Criminal Negligence—VI—Examples and Sample Issues—Parties; Other—The Offence of Dangerous Operation (Driving)—VII—Miscellaneous Issues—Parties; Judicial Notice; Evidentiary Issues**—Data extracted from an EDR requires a Form 5.2 and an order for further detention under s. 490(3). Section 490(13) regarding copies is inapplicable: *Further Detention of Things Seized (Re)*, 2025 CarswellBC 2231, 2025 BCSC 1442 (B.C. S.C.).

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- **The Offence of Dangerous Operation (Driving)—VII—Miscellaneous Issues—Similar Acts; Circumstantial Evidence and Proof of Identity—Parties; Judicial Notice; Evidentiary Issues—**Counsel’s admission that the phone number on a phone seized was the appellant’s and done without permission was of no moment and not material to the path of conviction: *R. v. Moccasin*, 2025 CarswellSask 329, 2025 SKCA 79 (Sask. C.A.).