

Publisher’s Note

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<p>CANADIAN CRIMINAL PROCEDURE R.E. Salhany Release No. 3, November 2024</p>

What’s New in this Update:

This release features updates to the case law and commentary in Chapters 1 (Classification of Offences), 3 (Arrest and Seizure of Property), 4 (Bail), 6 (Trial on Indictments), 8 (Sentencing) and 9 (Appeals).

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Highlights:

- **Sentencing—Long Term Offenders**—The Court of Appeal for the Northwest Territories ruled that the sentencing judge may impose a determinate sentence for the predicate offence that would be longer than normally justified by the application of ordinary sentencing principles, provided the judge found such a sentence to be necessary to protect the public from violent reoffending in the future: *R. v. Avaduk*, 2024 NWTCA 2, 2024 CarswellNWT 2 (N.W.T. C.A.).
- **Appeals—Appeals to the Court of Appeal—By an Accused against Conviction: Where There is a Wrong Decision on a Question of Law**—The Supreme Court of Canada held the failure of the judge before whom the accused first appears to carry out the information duty under subsection 530(3) to be an error of law that results in that court losing jurisdiction over the proceedings and thereby forms the basis for appellate intervention under s. 686(1)(a)(ii). This error triggered the presumption that the accused's fundamental right to be tried in the official language of his or her choice had been infringed, which presumption the Crown could rebut at the stage of the curative proviso analysis before the appellate court: *R. v. Tayo Tompouba*, 2024 SCC 16, 2024 CarswellBC 1219 (S.C.C.).

ProView Developments

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