

Publisher’s Note

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<p>CANADIAN CRIMINAL PROCEDURE R.E. Salhany Release No. 2, May 2024</p>
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What’s New in this Update:

This release features updates to the case law and commentary in Chapters 3 (Arrest and Seizure of Property), 6 (Trial on Indictments), 8 (Sentencing), 9 (Appeals) and 10 (Extraordinary Remedies).

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Highlights:

- **Arrest and Seizure of Property—Search and Seizure of Property—Reasonable Expectation of Property**—The Supreme Court of Canada held that a request by the state for an internet protocol, or “IP”, address constitutes a search under s. 8 of the Charter – as the crucial link between an internet user and their online activity, it serves as the key to unlocking a user’s internet activity and ultimately his or her identity, and thereby attracts a reasonable expectation of privacy. The court also pointed out that obtaining prior judicial authorization, which should be readily available with a sufficient link between the IP address and the commission of a crime, would not be an onerous investigative step for the police: *R. v. Bykovets*, 2024 SCC 6, 2024 CarswellAlta 398 (S.C.C.).
- **Appeals—Indictable Offences—Where there is a Wrong Decision on a Question of Law**—The Supreme Court of Canada rejected the notion that an ungrounded common-sense assumption must automatically constitute an error of law – according to the court, so long as the judge’s use and invocation of common sense is appropriately constrained by the legal principles applicable to appellate review, there is nothing inherently objectionable to its use in testimonial assessment: *R. v. Kruk*, 2024 SCC 7, 2024 CarswellBC 611 (S.C.C.).

ProView Developments

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