Publisher's Note

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SEXUAL OFFENCES IN CANADIAN LAW
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What's New in this Update:

This release features updates to the case law and commentary in Chapter 2 (Historic Offences) and Chapter 8 (Rules Protecting the Complainant).

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Highlights

Rules Protecting the Complainant – II. The Sexual History of the Complainant – Sections 276: The Test for Admissibility – The complainant alleged non-consensual intercourse while the defence argued the incident followed a role-playing plan instigated by the complainant the previous day. The trial judge initially excluded text messages discussing the role-playing plan as irrelevant. The Court of Appeal ordered a new trial, holding that the trial judge erred in finding the text messages irrelevant: *R. v. T.S.*, 2025 BCCA 25, 445 C.C.C. (3d) 335.

Rules Protecting the Complainant – II. The Sexual History of the Complainant – Evidence of the Complainant's Prior Sexual Activity Led by the Crown – The Crown cross-examined an accused regarding prior sexual activity with the complainant, despite the trial judge having previously dismissed the accused's own s. 276 application regarding that same activity. The Court of Appeal notes that this method of leading evidence is subject to *Kinamore* principles in the same way as if the Crown sought to lead it in its case in chief: *R. v. Avila*, 2025 BCCA 5.