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ADMISSIBILITY OF STATEMENTS The Honourable René J. Marin Release No. 1, March 2026

What's New in this Update:

This release features updates to the case law and commentary in Chapter 5 (The Right to Retain and Instruct Counsel), Chapter 9 (Technical Aids) and in the Appendix WP (Words and Phrases Judicially Considered).

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Highlights:

Technical Aids—Use of Seized Cellphones by Police to Receive Calls From Individuals Ordering Drugs—The accused’s conviction appeal was dismissed on the grounds that it was open to the trial judge to find no breach of s. 8 of the Charter because the police had acted under exigent circumstances: *R. v. Campbell*, 2024 SCC 42 (S.C.C.).

Technical Aids—Reduced Expectation of Privacy in Apartment Parking garage—The Court reaffirmed that residents generally do not have a reasonable expectation of privacy in such common areas, even when police conduct surveillance or video recording without express permission: *R. v. Nguyen*, 2025 ONCA 609 (Ont. C.A.).

Technical Aids—Reasonable Expectation of Privacy—Internet Protocol (IP)—The court clarifies that an accused does not always have a reasonable expectation of privacy in their IP address, especially when using peer-to-peer file sharing networks and information made publicly available on P2P networks is not protected by s. 8 of the Charter: *R. v. Munro*, 2025 SKKB 20 (Sask. K.B.).