Publisher's Note

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DRUG OFFENCES IN CANADA
FOURTH EDITION

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Release No. 3, June 2026

What's New in this Update:

This release features updates to Chapter 27 (Entrapment), Chapter 15 (Proceeds of Crime Money Laundering), Chapter 30 (Mistake of Fact), Chapter 32 (Attacking the Indictment), Chapter 34 (Inadequate Investigation and Third Party Suspect), Chapter 35 (Sentencing under the CDSA and the Cannabis Act), Chapter 36 (General Sentencing Principles and Pardons) and Chapter 37 (Ministerial Exemptions).

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Highlights:

- The Crown frequently relies on the testimony of police agents in drug cases. Should such witnesses be treated with the same degree of caution as *Vetrovec* witnesses? The Ontario Court of Appeal discussed this issue in *R. v. Budlakoti*, 2025 ONCA 490, and we look at that case in Chapter 27, "Entrapment".
- The Supreme Court has considered many s. 12 *Charter* challenges to mandatory minimum penalties and did so again in *Quebec (Attorney General) v. Senneville*, 2025 SCC 33. Notably the Court split 5:4 on the use of so-called "reasonable hypotheticals", in the context of a challenge to sentencing provision for a child pornography offence. We consider the case in Chapter 35, "Sentencing under the *CDSA* and the *Cannabis Act*".
- The Supreme Court has also tried to constrain appellate intervention in sentencing appeals in a number of cases. Appellate intervention is permissible where a sentence is "demonstrably unfit." But how do appellate courts avoid intervening in cases where they would have imposed a different sentence? The Saskatchewan Court of Appeal tried to flesh out the "demonstrably unfit standard in *R v. Bull*, 2025 SKCA 87. We discuss that case in Chapter 35, "Sentencing under the *CDSA* and the *Cannabis Act*".
- The role an offender played in a drug trafficking operation is a significant factor in drug sentencing. The Manitoba Court of Appeal considered the description of an individual as a "mid-level dealer" in *R. v. Isaac*, 2025 MBCA 94. We examine the case in Chapter 35, "Sentencing under the *CDSA* and the *Cannabis Act*".
- When can a trial court reject a joint submission, and when should an appellate court intervene when the submission was rejected? These issues have attracted a large body of law. The Alberta Court of Appeal took a thorough look at the issues in *R. v. R.P.A.*, 2025 ABCA 300. We look at that decision in Chapter 36, "General Sentencing Principles and Pardons".

ProView Developments

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