

Publisher's Note

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Quigley

Procedure in Canadian Criminal Law

This publication provides a complete and practical guide to the various steps in the criminal process, beginning with the investigative stage, through the pre-trial stage after a charge has been laid, the trial process itself and, finally, post-trial issues, including appeals. The author covers the “traditional” aspects of criminal procedure established by the common law and the *Criminal Code* (and in other federal and provincial enactments) and, in addition, analyzes the procedural guarantees contained in the *Canadian Charter of Rights and Freedoms*.

What's New in this Update

This release features a retrospective article of the Supreme Court of Canada's decisions over the past year, written by guest author and PhD candidate, Sarah Burningham.

Case Highlights

- ***R. v. Marakah*, [2017] 2 S.C.R. 608, 2017 SCC 59 (S.C.C.)** — The Supreme Court of Canada reversed the trial judge's decision and found the accused did have a reasonable expectation of privacy, under section 8 of the *Charter*, in the text messages on his accomplice's phone.
- ***R. v. Jones*, [2017] 2 S.C.R. 696, 2017 SCC 60 (S.C.C.)** — The Supreme Court affirmed that the accused, as purported sender of the texts, had a

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reasonable expectation of privacy, even though the “electronic conversation” was in the hands of a third party.

- ***R. v. Wong*, 2018 SCC 25 (S.C.C.)** — The Supreme Court clarified that, if an accused is unaware of certain non-criminal consequences that flow from a conviction, then he or she may be entitled to withdraw his or her guilty plea on the basis that it was uninformed.