

## Publisher's Note

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McLeod, Takach, Morton, Segal

## The Canadian Charter of Rights

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This resource is a practical working text that will shorten preparation time and be a valuable in-court reference. It deals with the ever expanding effect of the *Charter* on the issues arising in criminal proceedings and the prosecution of statutory offences. Organized conceptually rather than in chronological order by section of the *Charter*, this work pulls together the reported and unreported case law determining the impact of the *Charter* on the legislative provisions, the substantive law and the practice in this area.

This release features updates to the case law and commentary in Chapters 5 (Life, Liberty and Security of the Person — Section 7), 6 (Search and Seizure — Section 8), and 8 (Reasons on Arrest or Detention — Section 10(a)), as well as to the judicial interpretations of relevant terminology in the Words & Phrases.

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### **Case Law Highlights**

- **Search and Seizure: Section 8 — Search without Warrant — Consent Searches** — The Supreme Court of Canada made clear that “third party consent”, which in this instance involved consent by the accused’s common-law spouse, cannot authorize the seizure of a shared electronic device — the accused maintains a reasonable expectation of privacy in the shared computer that cannot be nullified or voided by an individual who shares possession or control: *R. v. Reeves*, 2018 SCC 56, 2018 CarswellOnt 20930 (S.C.C.).
- **Search and Seizure: Section 8 — Production Orders** — According to the Supreme Court of Canada, a production order may be challenged under s. 487.0193(1) to the judge or justice who had made the order, or to a judge in the judicial district where the order had been made. Further, if not made by a superior court, *certiorari* may be used to challenge the production order: *R. v. Vice Media Canada Inc.*, 2018 SCC 53, 2018 CarswellOnt 19988 (S.C.C.).