SCC File No. 39227

IN THE SUPREME COURT OF CANADA
(ON APPEAL FROM THE COURT OF APPEAL OF ALBERTA)

B E T W E E N:

CAMERON O'LYNN PARRANTO also known as CAMERON O'LYNN ROCKY PARRANTO and PATRICK DOUGLAS FELIX

(Appellants)

- and -

HER MAJESTY THE QUEEN

(Respondent)

- and -

CANADIAN CIVIL LIBERTIES ASSOCIATION

(Proposed Intervener)

MOTION FOR LEAVE TO INTERVENE OF THE PROPOSED INTERVENER, CANADIAN CIVIL LIBERTIES ASSOCIATION

(Pursuant to Rules 47 and 55-59 of the *Rules of the Supreme Court of Canada, S.O.R./2002-156*)

MCKAY FERG LLP
1705, 639 5TH Ave SW
Calgary, AB T2P 0M9

Sarah Rankin
Tel: 403-984-1919
Fax: 844-895-3926
Email: Sarah@mckaycriminaldefence.com

Heather Ferg
Tel: 403-984-1919
Fax: 844-895-3926
Email: Heather@mckaycriminaldefence.com

Counsel for the Proposed Intervener, Canadian Civil Liberties Association

POWER LAW
130 Albert Street, Suite 1103
Ottawa, ON K1P 5G4

Maxine Vincelette
Tel: 613-702-5573
Fax: 613-702-5573
Email: mvincelette@juristespower.ca

Ottawa Agent for the Proposed Intervener, Canadian Civil Liberties Association

ORIGINAL TO:

SUPREME COURT OF CANADA
The Registrar
301 Wellington
Street Ottawa,
ON K1A 0J1

COPIES TO:

PAUL MOREAU
358-14032 23Avenue
Edmonton, AB T6R 3L6
Tel: 780-425-8337
Fax: 780-425-4296
Email: paul@moreaulaw.ca

Counsel for the Appellant, Cameron O'Lynn Parranto also known as Cameron O'Lynn Rocky Parranto

SUPREME ADVOCACY LLP
100-340 Gilmour Street
Ottawa, ON K2P 0R3

Marie-France Major
Tel: 613-695-8855 x 102
Fax: 613-695-8580
Email: mfmajor@supremeadvocacy.ca

Ottawa Agent for Counsel for the Appellant, Cameron O'Lynn Parranto also known as Cameron O'Lynn Rocky Parranto

ADVOCATE LAW
#1, 4820 47 Avenue
Red Deer, AB T4N 6B9

Andrew Phypers
Jared Craig
Tel: 403-754-4333
Fax: 403-770-8257
Email: andrew@advocatelawyers.ca

Counsel for the Appellant, Patrick Douglas Felix

SUPREME ADVOCACY LLP
100-340 Gilmour Street
Ottawa, ON K2P 0R3

Marie-France Major
Tel: 613-695-8855 x 102
Fax: 613-695-8580
Email: mfmajor@supremeadvocacy.ca

Ottawa Agent for Counsel for the Appellant, Patrick Douglas Felix

PUBLIC PROSECUTION SERVICE OF CANADA
Suite 1400, Duke Tower
5251 Duke Street B3J 1P3
Halifax, Nova Scotia

David W. Schermbrucker

Monique Dion
Tel.: 902-426-2285
Fax: 902-423-1351
Email:dschermb@ppsc-sppc.gc.ca

Counsel for the Respondent, Her Majesty the Queen

PUBLIC PROSECUTION SERVICE OF CANADA
160 Elgin Street, Suite 1200
Ottawa, ON K1A 0H8

François Lacasse
Tel: 613-957-4770
Fax: 613-941-7865
Email:Francois Lacasse@ppsc-sppc.gc.ca

Ottawa Agent for Counsel for the Respondent, Her Majesty the Queen

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(Appellants)

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NOTICE OF MOTION FOR LEAVE TO INTERVENE OF THE PROPOSED INTERVENER, CANADIAN CIVIL LIBERTIES ASSOCIATION

(Pursuant to Rules 47 and 55-59 of the *Rules of the Supreme Court of Canada*)

TAKE NOTICE that the Canadian Civil Liberties Association ("the CCLA"), a non-profit organization, hereby applies to a Judge of this Honourable Court, at a date to be fixed by the Registrar, pursuant to Rules 47 and 55-59 of the *Rules of the Supreme Court of Canada* for an Order granting the CCLA:

a) Leave to intervene in this appeal, on a without costs basis;

b) Permission to file a factum of not more than ten (10) pages (or such other length as the said Judge may deem appropriate):

c) Permission to make oral argument at the hearing of the appeal;

d) Such further and other order that the Judge may deem appropriate.

AND TAKE FURTHER NOTICE that the following documents will be referred to in support of this motion:

a) The Affidavit of Abby Deshman, sworn March 4, 2021.

b) Such further and other material as counsel may advise and the Judge may permit.

AND TAKE FURTHER NOTICE that the motion will be made on the following grounds:

a) The CCLA has a genuine and substantial interest in this appeal, which falls directly within the CCLA's mandate and expertise. The CCLA is one of Canada's leading civil liberties organizations. For decades, it has advocated and litigated for oversight mechanisms and legal frameworks which ensure protection for individual rights.

b) The CCLA is concerned about the legal framework governing appellate guidance on sentencing, which directly impacts liberty interests. If leave is granted, the CCLA will submit that starting point sentences frustrate proper trial-level sentencing, undermine basic procedural fairness, and rest almost entirely upon improper exercises of judicial notice. The CCLA will urge the Court to affirm a framework for protecting liberty through the exercise of individualized sentencing, procedural protections for defendants, and the criminal standard of proof.

c) In particular, the CCLA intends to argue the following:

Starting point sentences frustrate the sentencing exercise at first instance

i. Our system of law enshrines deference for the discretion of trial-level sentencing judges.[1] Deference reflects that sentencing judges hear the evidence first-hand during hearings, and that the sentencing hearing includes a process and standard of proof which protects the defendant's liberty. It

[1] *Criminal Code of Canada*, RSC, 1985, c. C-46 at s 718.3(1)-(2) [*Criminal Code*].

ensures they "can individualize sentencing both in method and outcome."[2] A responsive, flexible, and individualized sentencing process maintains a focus on the justification for incremental loss of liberty by an individual defendant. It recognizes there is no "justice of a uniform approach."[3]

ii. Individualized sentencing is made accountable to the parties, the legal system and the public through the requirement for reasons.[4] The *Criminal Code* already ensures sentences "start at the same point and differences are rationally explained."[5] Though the starting point jurisprudence pays lip service to judicial discretion, the body of case law generally treats rational sentence variability as threatening to produce undesirable "unwarranted disparity."[6] Other areas of the law recognize the public's acceptance of differing outcomes where there are principled, rational explanations.[7] Starting points presume a public with no such ability, and abdicates the responsibility to educate the public as to the appropriate and normal functioning of the sentencing process. To limit all variability, including rational and explicable differences, starting points pre-weigh the sentencing objectives applicable to a particular offence 'category.' This weighing subsequently operates to penalize sentencing judges whose discretion significantly departs from that weighing. Judges may rationally disagree on issues like the utility of long custodial sentences, the relative importance or effectiveness of deterrence, the relationship between a type of offence and a broader social issue, or the interaction between all of those considerations and systemic discrimination.

iii. There is a difference between appellate guidance that synthesizes past case

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[2] *R v Friesen,* 2020 SCC 9 at para 37.
[3] *R v Sandercock,* 1985 ABCA 218 at para 8.
[4] *Criminal Code,* s 726.1.
[5] *R v Sandercock,* 1985 ABCA 218 at para 8.
[6] *R v Arcand,* 2010 ABCA 363 at para 59; *R v Felix,* 2019 ABCA 458 at para 44; *R v Hajar,* 2016 ABCA 222 at para 72.
[7] See for example the law applicable to the tertiary bail ground, *R v St-Cloud,* 2015 SCC 27 at para 87.

law and interprets the common law and statutory framework, and appellate guidance which sets out a detailed, forward-looking mathematical model based on dubious empirical claims in a context where they cannot be tested. This Court's decision in *Friesen* exemplifies the first kind of guidance – it is the fundamental expertise of common law judging.[8] Much of the existing starting point case law exemplifies the second.

iv. It is not enough to reiterate to appellate courts that failing to adhere to a starting point is not an error in principle warranting appellate intervention. As discussed below, dubious policy concerns and purported solutions are transmuted into the appropriate weight to be given to particular sentencing objectives when the starting point is created. Sentencing judges who dare to impose a sentence responsive to the circumstances before them, all relevant law, and who weigh the objectives based on the case at hand, are routinely held to have committed an error in principle. Their error is not identified as a failure to adhere to the starting point, *per se*, but a failure to attribute the pre-determined weight to the pre-determined relevant sentencing principles. The case law from the Alberta Court of Appeal makes plain the minefield of errors in principle used to discipline sentencing judges into alignment with starting points.[9]

v. Courts of Appeal can, and should, work to identify the applied reasoning and

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[8] *R v Friesen,* 2020 SCC 9.

[9] See for example the litany of errors in principle cited in *R v Godfrey,* 2018 ABCA 369 at paras 4, 6, 7, 8, 9, 15, 17 and 18, where the sentencing judge was found to have committed an error in principle for both failing to explain her departure from the starting point adequately, providing an explanation that was not acceptable, considering the law in other jurisdictions to assess the general trends in sentencing for similar offences which threatened to suggest a new starting point that would mean "none of the starting points in Alberta would survive", and finally, weighing individual factors in a manner inconsistent with the starting point and failing to explain how the sentence complied with it.

wisdom which emerges through volumes of trial level decision making, and synthesize these into principles. They should provide interpretive guidance anchored in the relevant statutory framework, to provide clarity and coherence in the consideration and application of the law. This kind of analysis is exemplified by this Court's decision in *Friesen.*[10] Courts of Appeal should not take the exercise of discretion by trial judges and the production of individualized sentences as ills to be cured, or attempt to curtail them by effectively dictating the weight of the relevant factors.

Starting point sentences frequently rely on the improper use of judicial notice

vi. If granted leave to intervene, the CCLA will submit that starting point sentences often take judicial notice of untested, unproven evidence. It is particularly important to tightly constrain the use of judicial notice when it is employed in a manner that will increase a deprivation of liberty – as is invariably the case in the starting point jurisprudence.

vii. Starting point jurisprudence relies on unproven claims about both the existence of particular social problems, and the claimed solutions that the criminal law purportedly provides.

The starting point framework relies on perceived truths and intuitions about the effects of marginal increases of sentence on public safety, rates of offending, the operations of drug organizations, public confidence in the justice system, and other claims about what sentencing achieves, and which problems it must address.[11]

viii. The basis for these empirical claims can rarely be found in the record before the Court. They are claims which are, at minimum, disputed in the academic literature if not outright rejected by the majority of experts in the relevant

[10] *Lacasse* at para 7.
[11] *R v Arcand,* 2010 SCC 363 at paras 59-61, *R v Maskell,* 1981 ABCA 50 at 19; *R v Hajar,* 2016 ABCA 222 at paras 46-47, 77; *R v Felix,* 2019 ABCA 458 at para 40-44; *R v Ostertag,* 2000 ABCA 232 at para 18; *R v Melnyk,* 2014 ABCA 313 at para 8.

fields.[12] They are relied on as justification for the Court's decision-making despite there being no expert evidence, and nothing to contextualize them in the relevant fields of study.

ix. Intuitions about policy problems or solutions are a deeply inadequate basis for depriving an individual – and all subsequent defendants – of their liberty.

Starting Points are Procedurally Unfair

x. If granted leave to intervene, the CCLA will submit that starting point sentences are procedurally unfair both in terms of how they are established and applied.

xi. A defendant is entitled to a fair, rational and adversarial process to determine whether they will lose their liberty, and how much liberty they will lose. The sentencing hearing has a direct and significant impact on a defendant's

[12] See for example Beletsky, L, Davis, C.S., 2017. Today's fentanyl crisis: Prohibition's Iron Law, revisited. Int. J. Drug Policy 46, 156-159 and Global Commission on Drug Policy, *The Opioid Crisis in North America*, (2017) (online) regarding the proliferation of increasingly toxic opioids to fill supply gaps created by enforcement measures; Freeborn, B "Arrest Avoidance: Law Enforcement and the Price of Cocaine" (2009) 52 *Journal of Law and Economics* 19; Caulkins, J, Reuter, P "How Drug Enforcement Affects Drug Prices" (2010), 39:1 *Crime and Justice* 213 on the cost-benefit analysis of individuals involved in drug trafficking and purchasing; Doob, A, Webster, C "Sentence Severity and Crime: Accepting the Null Hypothesis" (2003), 30 *Crime & Just*. 143, Gendreau, P. Goggin, C. & Cullen, FT (1999), *The Effects of Prison Sentences on Recidivism.* Ottawa: Solicitor General Canada; Tonry, Michael. "Learning from the Limitations of Deterrence Research." (2008), 37 *Crime and Justice* 279 on the dubious nature of increased sentences (of which mandatory minimums are one example) on both specific and general deterrence; Doob, T. "The Unfinished Work of the Canadian Sentencing Commission" (2011) *Canadian Journal of Criminology and Criminal Justice* 279 on the absence of any empirical foundation for the public to form beliefs on the severity of sentence due to Canadian data collection practices.

liberty.[13] Given the percentage of offenders who plead guilty, sentencing will be the sole contested hearing in many cases. The primary importance of the sentencing process is reflected in the procedural protections the law provides during sentencing hearings, including the applicability of the beyond a reasonable doubt standard to aggravating facts and fact-finding after jury verdicts.[14]

xii. In a starting point sentencing case the appellant is rarely, if ever, provided the opportunity to challenge many of the central empirical claims made by the Court of Appeal. It is not clear that they are even given notice, in most cases, of the 'factual' or policy foundation the Court will rely on. The appellant in a case which creates a starting point is frequently exempted from the application of that particular starting point. As a practical matter, this means it is highly unlikely that the starting point itself will be subject to an appeal. The conclusions about how various sentencing principles should be weighed based on the assumed facts then binds trial judges who are sentencing future offenders. Unsourced empirical claims are now baked into the analysis on sentence, without an opportunity for the defendant to challenge them or complicate the analysis with other evidence.

d) The CCLA will make submissions that are different from those of the parties and other proposed interveners in the proceeding. CCLA's submissions will focus the way that starting points rely on empirical claims with processes that do not respect a defendant's right to procedural fairness when aggravating factors are alleged. The CCLA is concerned by deprivations of liberty without the protection of the reasonable doubt standard or an adversarial process to test contested claims.

e) The CCLA does not seek to introduce any evidence. The relief sought by the CCLA will not unduly complicate or delay this appeal or otherwise cause prejudice to the parties. The CCLA will work with the Appellants and any other intervener(s) to

[13] *R v Gardiner*, [1982] 2 SCR 368 at p 414.
[14] *Ibid* at p 416; *R v Ferguson*, 2008 SCC 6 at para 17-18.

ensure that its submissions are not duplicative.

f) The CCLA will comply with any terms and conditions this Honourable Court may set in granting leave to intervene.

g) Rules 47 and 55 of the *Rules of the Supreme Court of Canada*.

h) Such further and other grounds as counsel may advise and the Judge may permit.

DATED at the City of Calgary, Province of Alberta this 8th day of March, 2021.

for

Sarah Rankin
Tel: 403-984-1919
Fax: 844-895-3926
Email: Sarah@mckaycriminaldefence.com

Heather Ferg
Tel: 403-984-1919
Fax: 844-895-3926
Email: Heather@mckaycriminaldefence.com

MCKAY FERG LLP
1705, 639 5TH Ave SW
Calgary, AB T2P 0M9

Counsel for the Proposed Intervener, Canadian Civil Liberties Association

Maxine Vincelette
Tel: 613-702-5573
Fax: 613-702-5573
Email: Mvincelette@juristespower.ca

POWER LAW
130 Albert Street, Suite 1103
Ottawa, ON K1P 5G4

Ottawa Agent for the Proposed Intervener, Canadian Civil Liberties Association

ORIGINAL TO:

SUPREME COURT OF CANADA
The Registrar
301 Wellington
Street Ottawa,
ON K1A 0J1

COPIES TO:

PAUL MOREAU
358-14032 23Avenue
Edmonton, AB T6R 3L6
Tel: 780-425-8337
Fax: 780-425-4296
Email: paul@moreaulaw.ca

Counsel for the Appellant, Cameron O'Lynn Parranto also known as Cameron O'Lynn Rocky Parranto

SUPREME ADVOCACY LLP
100-340 Gilmour Street
Ottawa, ON K2P 0R3

Marie-France Major
Tel: 613-695-8855 x 102
Fax: 613-695-8580
Email: mfmajor@supremeadvocacy.ca

Ottawa Agent for Counsel for the Appellant, Cameron O'Lynn Parranto also known as Cameron O'Lynn Rocky Parranto

ADVOCATE LAW
#1, 4820 47 Avenue
Red Deer, AB T4N 6B9

Andrew Phypers
Jared Craig
Tel: 403-754-4333
Fax: 403-770-8257
Email: andrew@advocatelawyers.ca

Counsel for the Appellant, Patrick Douglas Felix

SUPREME ADVOCACY LLP
100-340 Gilmour Street
Ottawa, ON K2P 0R3

Marie-France Major
Tel: 613-695-8855 x 102
Fax: 613-695-8580
Email: mfmajor@supremeadvocacy.ca

Ottawa Agent for Counsel for the Appellant, Patrick Douglas Felix

PUBLIC PROSECUTION SERVICE OF CANADA
Suite 1400, Duke Tower
5251 Duke Street B3J 1P3
Halifax, Nova Scotia

David W. Schermbrucker

Monique Dion
Tel.: 902-426-2285
Fax: 902-423-1351
Email:dschermb@ppsc-sppc.gc.ca

Counsel for the Respondent, Her Majesty the Queen

PUBLIC PROSECUTION SERVICE OF CANADA
160 Elgin Street, Suite 1200
Ottawa, ON K1A 0H8

François Lacasse
Tel: 613-957-4770
Fax: 613-941-7865
Email:Francois Lacasse@ppsc-sppc.gc.ca

Ottawa Agent for Counsel for the Respondent, Her Majesty the Queen

NOTICE TO THE RESPONDENT TO THE MOTION: A respondent to the motion may serve and file a response to this motion within 10 days after service of the motion. If no response is filed within that time, the motion will be submitted for consideration to a judge or the Registrar, as the case may be.

If the motion is served and filed with the supporting documents of the application for leave to appeal, then the Respondent may serve and file the response to the motion together with the response to the application for leave

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BETWEEN:

PATRICK DOUGLAS FELIX
CAMERON O'LYNN PARRANTO

APPELLANT

- and -

HER MAJESTY THE QUEEN

RESPONDENT

- and -

THE CANADIAN CIVIL LIBERTIES ASSOCIATION

APPLICANT
(Proposed Intervener)

AFFIDAVIT OF ABBY DESHMAN
(Pursuant to Rule 57(1) of the Rules of the *Supreme Court of Canada)*

I, Abby Deshman, of the City of Toronto in the Province of Ontario, MAKE OATH AND SAY:

1. I am the Criminal Justice Program Coordinator of the Canadian Civil Liberties Association (the "CCLA") and as such have knowledge of the matters contained in this affidavit, except where this knowledge is based on information and belief, in which case I believe it to be true.

Background of the CCLA

2. Founded in 1964, the CCLA is a national organization dedicated to the furtherance of civil liberties in Canada. The CCLA has several thousand supporters drawn from all walks of life, a number of chapters across the country, and many associated group members which, themselves, represent several thousand Canadians. A wide variety of persons, occupations, and interests are represented in the national membership.

3. The CCLA was constituted to promote respect for and observance of fundamental human rights and civil liberties and to defend and foster the recognition of those rights and liberties.

4. The CCLA has more than 50 years of experience advancing the cause of civil liberties in Canada. The CCLA pursues this objective in a number of ways including providing testimony before government committees and other bodies about the effects of legislation or government action on civil liberties. The CCLA also has a long history of involvement in litigation pertaining to civil liberties issues, sometimes as a direct party but primarily as an intervener.

The CCLA has an Interest in the Outcome of this Appeal

5. The CCLA's principal mandate is to promote and protect fundamental rights and liberties. This appeal raises issues which affect an important civil liberty and constitutional right – the entitlement to be deprived of liberty only where a fair and adversarial process is observed, and on the basis of evidence considered in accordance with the burden of proof in criminal cases. The issues raised on this appeal engage some of the most fundamental principles of concern to our organization and its core mandate: the protection of due process for convicted persons who face deprivations of liberty, and the burden of proof that applies to justifications for increasing such deprivations. The extent to which unproven social facts may be entrenched by the law, undermining proportionality and at the expense of individual liberty, is a serious issue with the potential to affect the rights of thousands of Canadians. It is squarely within the mandate of the CCLA.

The CCLA's Expertise On the Issues in This Appeal

6. The CCLA seeks leave to intervene in this appeal. The organization has a long history of intervention in cases involving oversight of both processes and legal analyses that affect liberty. More specifically, in the past, the CCLA has been granted intervener status by this Honourable Court in cases

that have served to entrench the need for transparent and fair processes in all circumstances where an individual faces detention or incarceration.

7. The CCLA has a distinct awareness and understanding of many aspects of civil liberties, having argued for and defended the rights of individuals on many occasions. The CCLA has been involved in the litigation of many important civil liberties issues arising both prior to and under the *Charter*. It is frequently granted intervener status before courts and tribunals across Canada to present oral and written argument on civil liberties issues

8. The CCLA has made vital contributions to Canadian sentencing law. The CCLA has been granted intervener status in a number of related cases including:

i. *Minister of Public Safety and Emergency Preparedness, et al v Tusif Ur Rehman Chhina*, 2019 SCC 29
ii. *R v Boudreault*, 2018 SCC 58
iii. *Bowden Institution v Khadr,* 2015 SCC 26
iv. *R. v. Summers*, 2014 SCC 26, [2014] 1 S.C.R. 575
v. *Mission Institution v Khela*, 2014 SCC 24
vi. *P.S. v. Ontario*, 2014 ONCA 900, 123 O.R. (3d) 651
vii. *R v Pham*, 2013 SCC 15
viii. *R v Ipeelee*, 2012 SCC 13
ix. R v Nasogaluak, 2010 SCC 6
x. *R v Latimer,* 2001 SCC 1

9. The CCLA has provided written submissions, and has appeared numerous times before Parliamentary committees, including to provide its expertise on mandatory minimum sentences. This has included:

a. Before the Parliamentary Committee on Public Safety and National Security in 2016, concerning Bill-C226 which proposed mandatory minimum sentences for certain driving offences;
b. Before the Parliamentary Committee on Justice and Human Rights in 2012, concerning Bill C-299 which proposed a mandatory minimum sentence for certain kidnapping offences;
c. Before the Parliamentary Committee on Justice and Human Rights in 2009, concerning Bill C-15, which proposed mandatory minimum sentences for certain drug related offences;
d. Before the Parliamentary Committee on Justice and Human Rights in 2006, concerning Bill C-10, which proposed additional mandatory minimum penalties for certain firearms offences;

10. In the submissions to these Committees, the CCLA has consistently defended the importance of protecting judicial discretion in sentencing.

11. The CCLA has been granted intervener status in dozens of cases before this Court, including numerous cases concerning procedural protections for a list of which is included as **Appendix A** to this Affidavit.

The Position to be Taken by the CCLA if Leave is Granted

Starting point sentences frustrate the sentencing exercise at first instance

i. Our system of law enshrines deference for the discretion of trial-level sentencing judges.[1] Deference reflects that sentencing judges hear the evidence first-hand during hearings, and that the sentencing hearing includes a process and standard of proof which protects the defendant's liberty. It ensures they "can individualize sentencing both in method and outcome."[2] A responsive, flexible, and individualized sentencing process maintains a focus on the justification for incremental loss of liberty by an individual defendant. It recognizes there is no "justice of a uniform approach."[3]

ii. Individualized sentencing is made accountable to the parties, the legal system and the public through the requirement for reasons.[4] The *Criminal Code* already ensures sentences "start at the same point and differences are rationally explained."[5] Though the starting point jurisprudence pays lip service to judicial discretion, the body of case law generally treats rational sentence variability as threatening to produce undesirable "unwarranted disparity."[6] Other areas of the law recognize the public's acceptance of differing outcomes where there are principled, rational explanations.[7] Starting points presume a public with no such ability, and abdicates the responsibility to educate the public as to the appropriate and normal functioning of the sentencing process. To limit all variability, including rational and explicable differences,

[1] *Criminal Code of Canada,* RSC, 1985, c. C-46 at s 718.3(1)-(2) [*Criminal Code*].
[2] *R v Friesen,* 2020 SCC 9 at para 37.
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starting points pre-weigh the sentencing objectives applicable to a particular offence 'category.' This weighing subsequently operates to penalize sentencing judges whose discretion significantly departs from that weighing. Judges may rationally disagree on issues like the utility of long custodial sentences, the relative importance or effectiveness of deterrence, the relationship between a type of offence and a broader social issue, or the interaction between all of those considerations and systemic discrimination.

iii. There is a difference between appellate guidance that synthesizes past case law and interprets the common law and statutory framework, and appellate guidance which sets out a detailed, forward-looking mathematical model based on dubious empirical claims in a context where they cannot be tested. This Court's decision in *Friesen* exemplifies the first kind of guidance – it is the fundamental expertise of common law judging.[8] Much of the existing starting point case law exemplifies the second.

iv. It is not enough to reiterate to appellate courts that failing to adhere to a starting point is not an error in principle warranting appellate intervention. As discussed below, dubious policy concerns and purported solutions are transmuted into the appropriate weight to be given to particular sentencing objectives when the starting point is created. Sentencing judges who dare to impose a sentence responsive to the circumstances before them, all relevant law, and who weigh the objectives based on the case at hand, are routinely held to have committed an error in principle. Their error is not identified as a failure to adhere to the starting point, *per se*, but a failure to attribute the pre-determined weight to the pre-determined relevant sentencing principles. The case law from the Alberta Court of Appeal makes plain the minefield of errors in principle used to discipline sentencing judges into alignment with starting points.[9]

[8] *R v Friesen*, 2020 SCC 9.

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v. Courts of Appeal can, and should, work to identify the applied reasoning and wisdom which emerges through volumes of trial level decision making, and synthesize these into principles. They should provide interpretive guidance anchored in the relevant statutory framework, to provide clarity and coherence in the consideration and application of the law. This kind of analysis is exemplified by this Court's decision in *Friesen.*[10] Courts of Appeal should not take the exercise of discretion by trial judges and the production of individualized sentences as ills to be cured, or attempt to curtail them by effectively dictating the weight of the relevant factors.

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vii. Starting point jurisprudence relies on unproven claims about both the existence of particular social problems, and the claimed solutions that the criminal law purportedly provides.

The starting point framework relies on perceived truths and intuitions about the effects of marginal increases of sentence on public safety, rates of offending, the operations of drug organizations, public confidence in the justice system, and other claims about what sentencing achieves, and which problems it must address.[11]

viii. The basis for these empirical claims can rarely be found in the record before the Court. They are claims which are, at minimum, disputed in the academic literature if not outright rejected by the majority of experts in the relevant fields.[12] They are relied on as justification

[10] *Lacasse* at para 7.
[11] *R v Arcand,* 2010 SCC 363 at paras 59-61*R v Maskell,* 1981 ABCA 50 at 19; *R v Hajar,* 2016 ABCA 222 at paras 46-47, 77; *R v Felix,* 2019 ABCA 458 at para 40-44; *R v Osterag,* 2000 ABCA 232 at para 18; *R v Melnyk,* 2014 ABCA 313 at para 8.
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Starting Points are Procedurally Unfair

x. If granted leave to intervene, the CCLA will submit that starting point sentences are procedurally unfair both in terms of how they are established and applied.

xi. A defendant is entitled to a fair, rational and adversarial process to determine whether they will lose their liberty, and how much liberty they will lose. The sentencing hearing has a direct and significant impact on a defendant's liberty.[13] Given the percentage of offenders who plead guilty, sentencing will be the sole contested hearing in many cases. The primary importance of the sentencing process is reflected in the procedural protections the law provides during sentencing hearings, including the applicability of the beyond a reasonable doubt standard to aggravating facts and fact-finding after jury verdicts.[14]

xii. In a starting point sentencing case the appellant is rarely, if ever, provided the

supply gaps created by enforcement measures; Freeborn, B "Arrest Avoidance: Law Enforcement and the Price of Cocaine" (2009) 52 *Journal of Law and Economics* 19; Caulkins, J, Reuter, P "How Drug Enforcement Affects Drug Prices" (2010), 39:1 *Crime and Justice* 213 on the cost-benefit analysis of individuals involved in drug trafficking and purchasing; Doob, A, Webster, C "Sentence Severity and Crime: Accepting the Null Hypothesis" (2003), 30 *Crime & Just*. 143, Gendreau, P. Goggin, C. & Cullen, FT (1999), *The Effects of Prison Sentences on Recidivism.* Ottawa: Solicitor General Canada; Tonry, Michael. "Learning from the Limitations of Deterrence Research." (2008), 37 *Crime and Justice* 279 on the dubious nature of increased sentences (of which mandatory minimums are one example) on both specific and general deterrence; Doob, T. "The Unfinished Work of the Canadian Sentencing Commission" (2011) *Canadian Journal of Criminology and Criminal Justice* 279 on the absence of any empirical foundation for the public to form beliefs on the severity of sentence due to Canadian data collection practices.

[13] *R v Gardiner,* [1982] 2 SCR 368 at p 414.
[14] *Ibid* at p 416; *R v Ferguson,* 2008 SCC 6 at para 17-18.

opportunity to challenge many of the central empirical claims made by the Court of Appeal. It is not clear that they are even given notice, in most cases, of the 'factual' or policy foundation the Court will rely on. The appellant in a case which creates a starting point is frequently exempted from the application of that particular starting point. As a practical matter, this means it is highly unlikely that the starting point itself will be subject to an appeal. The conclusions about how various sentencing principles should be weighed based on the assumed facts then binds trial judges who are sentencing future offenders. Unsourced empirical claims are now baked into the analysis on sentence, without an opportunity for the defendant to challenge them or complicate the analysis with other evidence.

Distinct Assistance to be Provided by the CCLA

12. I believe that the CCLA's proposed submissions would be helpful to this Court and would provide a unique perspective from that of the parties and the other interveners. The CCLA's proposed arguments are grounded in the CCLA's mandate to promote and protect fundamental principles of justice and legal rights, and its extensive experience in addressing issues similar to those in this appeal.

13. I also believe that the CCLA's submissions on the appeal would be useful to the Court because the CCLA is able to articulate the potential effect of the Court's decision on the interests of Canadians beyond the current Appellant. As a national organization, the CCLA can offer a broad perspective that differs from the parties or from other potential interveners. The CCLA's focus is on placing the way starting point analysis operates within the broader law of Canadian sentencing, particularly the legal protections entrenched for defendants around finding aggravating facts and increasing deprivations of liberty. The CCLA is not aware of any other proposed intervener who intends to address this aspect of the implications of this appeal. The CCLA is also committed to working with all other interveners in order to ensure there is no duplication or overlap in the submissions made to this Court.

14. In addition, the CCLA would confine its submissions to the issues set forth above. The CCLA does not seek leave to file any new evidence.

Conclusion

15. The issues raised on this appeal are squarely within the CCLA's mandate to defend and advance the cause of civil liberties in Canada. The CCLA has a legitimate interest in the resolution of this matter.

16. The CCLA has extensive experience and expertise on the issues raised on this appeal, and will provide assistance to this Court with a distinct perspective from other parties in this appeal.

17. The Appellant has consented to this Intervention.

18. The CCLA seeks leave to file a single factum of up to 10 pages and to present oral argument on the appeal; it does not seek leave to adduce any additional evidence. If Leave is granted the CCLA will abide by any schedule that the Court sets for the filing of materials. The CCLA will not seek costs against any of the parties, and respectfully requests that no costs be awarded against it.

SWORN BEFORE ME remotely by videoconference)
in accordance with section 9(2) of Commissioners for)
Taking Affidavits Act, R.S.O. 1990, c.C.17 and section)
1 of O.Reg.431/20 with the deponent at the City of)
Toronto, in the Province of Ontario and commissioner)
at the City of Toronto, in the Province of Ontario this)
4th day of March, 2021.)

)

)

Commissioner for Taking Affidavits)

CARA FAITH ZWIBEL
LSO# 509365

Abby Deshman

This is Exhibit "A" to the Affidavit of Abby Deshman, SWORN BEFORE ME remotely by videoconference in accordance with section 9(2) of *Commissioners for Taking Affidavits Act*, R.S.O. 1990, c.C.17 and section 1 of O.Reg.431/20 with the deponent at the City of Toronto, in the Province of Ontario and commissioner at the City of Toronto, in the Province of Ontario this 4th day of March, 2021.

Commissioner for Taking Affidavits
Cara Faith Zwibel
LSO # 509365

Exhibit A – CCLA Litigation

CCLA Interventions

Cases in which the CCLA has been granted intervener status include those listed chronologically below:

1. *R. v. Morgentaler,* [1976] 1 S .C.R. 616, where the general issue was whether the necessity defence was applicable to a charge of procuring an unlawful abortion under the *Criminal Code* (the CCLA intervened in the Supreme Court of Canada);

2. *Nova Scotia (Board of Censors) v. McNeil,* [1976] 2 S.C.R. 265, in which the issue was whether a taxpayer has standing to challenge legislation concerning censorship of films (the CCLA intervened in the Supreme Court of Canada);

3. *R. v. Miller,* [1977] 2 S.C.R. 680, in which one of the issues was whether the death penalty under the *Criminal Code* constituted cruel and unusual punishment under the *Canadian Bill of Rights* (the CCLA intervened in the Supreme Court of Canada);

4. *Nova Scotia (Board of Censors) v. McNeil,* [1978] 2 S.C.R. 662, in which the issues were whether statutory provisions and regulations authorizing the Board of Censors to regulate and control the film industry in the province were *intra vires* the provincial legislature and whether they violated fundamental freedoms, including freedom of speech (the CCLA intervened in the Supreme Court of Canada);

5. *Reference re Legislative Privilege* (1978), 18 O.R. (2d) 529 (C.A.), in which the issue was whether a member of the legislature has a privilege allowing him or her to refuse to disclose the source or content of confidential communications by informants when testifying at a criminal trial (the CCLA intervened in the Ontario Court of Appeal);

6. *R. v. Saxell* (1980), 33 O.R. (2d) 78 (C.A.), in which one of the issues was whether the provision in the *Criminal Code* for the detention of an accused acquitted by reason of insanity violated guarantees in the *Canadian Bill of Rights,* including the guarantee of due process and the protection against arbitrary detention and imprisonment (the CCLA intervened in the Ontario Court of Appeal);

7. *Nova Scotia (Attorney General) v. Maclntyre,* [1982] 1 S.C.R. 175, in which the issue was whether a journalist is entitled to inspect search warrants and the information used to obtain them (the CCLA intervened in the Supreme Court of Canada);

8. *Re Fraser and Treasury Board (Department of National Revenue)* (1982), 5 L.A.C. (3d) 193 (P.S.S.R.B.), in which the issue was whether termination of a civil servant for publicly criticizing government policy violated freedom of expression (the CCLA intervened before the Public Service Staff Relations Board);

9. *R. v. Dowson,* [1983] 2 S.C.R. 144, and *R. v. Buchbinder,* [1983] 2 S.C.R. 159, in which the issue was whether the Attorney General could order a stay of proceedings under s. 508 of the *Criminal Code* after a private information has been received but before the Justice of the Peace has completed an inquiry (the CCLA intervened in *R. v. Dowson* before the Ontario Court of Appeal and the Supreme Court of Canada, and in *R. v. Buchbinder* before the Supreme Court of Canada);

10. *R. v. Oakes* (1983), 40 O.R. (2d) 660, in which the issue was whether the reverse onus clause in s. 8 of the *Narcotic Control Act* violated an accused's right to be presumed innocent under the *Charter* (the CCLA intervened in the Court of Appeal);

11. *Re Ontario Film & Video Appreciation Society and Ontario Board of Censors* (1984), 45 O.R. (2d) 80 (C.A.), in which the issue was whether a provincial law permitting a board to censor films violated the Charter's guarantee of freedom of expression (the CCLA intervened in the Ontario Divisional Court and the Ontario Court of Appeal);

12. *R. v. Rao* (1984), 46 O.R. (2d) 80 (C.A.), in which the issue was whether a provision under the *Narcotic Control Act* permitting warrantless searches violated the *Charter*'s guarantee of protection against unreasonable search and seizure (the CCLA intervened in the Ontario Court of Appeal);

13. *Re Klein and Law Society of Upper Canada; Re Dvorak and Law Society of Upper Canada* (1985), 16 D.L.R. (4th) 489 (Div. Ct.), in which the issue was whether the Law Society's prohibitions respecting fees advertising and communications with the media violated the *Charter*'s guarantee of freedom of expression (the CCLA intervened in the Ontario Divisional Court);

14. *Canadian Newspapers Co. Ltd. v. Attorney-General of Canada* (1986), 55 0. R. (2d) 737 (H.C.), in which the issue was whether the provision in the *Criminal Code* limiting newspapers' rights to publish certain information respecting search warrants violated the *Charter's* guarantee of freedom of expression (the CCLA intervened in the Ontario High Court of Justice);

15. *R. v. J.M.G.* (1986), 56 O.R. (2d) 705 (C.A.), in which the issue was whether a school principal's seizure of drugs from a student's sock violated the *Charter's* protection from unreasonable search and seizure (the CCLA intervened in the Ontario Court of Appeal);

16. *Re Ontario Film & Video Appreciation Society and Ontario Film Review Board* (1986), 57 O.R. (2d) 339 (Div. Ct.), in which the issue was whether actions taken by a film censorship board violated the *Charter*'s guarantee of freedom of expression (the CCLA intervened in the Ontario Divisional Court);

17. *R. v. Swain* (1986), 53 O.R. (2d) 609 (C.A.), in which some of the issues were whether the provision in the *Criminal Code* for the detention of an accused acquitted by reason of insanity violated ss. 7, 9, 12 or 15(1) of the *Charter* (the CCLA intervened in the Court of Appeal);

18. *Reference Re Bill 30, an Act to amend the Education Act (Ont.),* [1987] 1 S.C.R. 1148, in which the issues were whether Bill 30, which provided for full funding for Roman Catholic separate high schools, violated the *Charter's* guarantees of freedom of conscience and religion and equality rights (the CCLA intervened in the Ontario Court of Appeal and the Supreme Court of Canada);

19. *Zylberberg v. Sudbury Board of Education (Director)* (1988), 65 O.R. (2d) 641 (C.A.), in which the issue was whether an Ontario regulation which provided for religious exercises in public schools violated the *Charter*'s guarantee of freedom of conscience and religion (the CCLA intervened in the Ontario Divisional Court and the Ontario Court of Appeal);

20. *Tremblay v. Daigle,* [1989] 2 S.C.R. 530, in which the issue was whether a man who impregnated a woman could obtain an injunction prohibiting the woman from having an abortion (the CCLA intervened in the Supreme Court of Canada);

21. *Canada (Human Rights Commission) v. Taylor,* [1990] 3 S.C.R. 892, in which one of the issues was whether a provision in the Canada *Human Rights Act* that prohibited telephone communication of hate

messages offended the *Charter*'s guarantee of freedom of expression (the CCLA intervened in the Supreme Court of Canada);

22. *R. v. Keegstra*, [1990] 3 S.C.R. 697, in which the issue was whether the *Criminal Code* provision which made it an offence to willfully promote hatred against an identifiable group constitutes a violation of the *Charter*'s guarantee of freedom of expression (the CCLA intervened in the Supreme Court of Canada);

23. *Lavigne v. Ontario Public Service Employees Union*, [1991] 2 S.C.R. 211, in which the issues were whether the use for certain political purposes of union dues paid by nonmembers pursuant to an agency shop or Rand formula violated the *Charter* guarantees of freedom of expression and association (the CCLA intervened in the Supreme Court of Canada);

24. *R. v. Seaboyer*, [1991] 2 S.C.R. 577, in which one of the issues was whether the rape shield provisions of the *Criminal Code* violated the *Charter* guarantee of a fair trial (the CCLA intervened in the Ontario Court of Appeal and the Supreme Court of Canada of Canada);

25. *R. v. Butler*, [1992] 1 S.C.R. 452, in which the issue was whether the obscenity provisions in s. 163 of the *Criminal Code* violate the *Charter* guarantee of freedom of expression (the CCLA intervened in the Supreme Court of Canada);

26. *J.H. v. Hastings (County)*, [1992] O.J. No. 1695 (Ont. Gen. Div.), in which the issue was whether disclosure to municipal councilors of a list of social assistance recipients violated the protection of privacy under the *Municipal Freedom of Information and Protection of Privacy Act* (the CCLA intervened in the Ontario Court – General Division);

27. *R. v. Zundel*, [1992] 2 S.C.R. 731, in which the issue was whether s. 177 of the *Criminal Code* prohibiting spreading false news violated the *Charter* guarantee of freedom of expression (the CCLA intervened in the Supreme Court of Canada);

28. *Ontario Human Rights Commission v. Four Star Variety* (October 22, 1993) (Ont. Bd. of Inquiry), in which the issues were whether convenience stores displaying and selling certain magazines discriminated against women on the basis of their sex contrary to the Ontario *Human Rights Code* and if the Board of Inquiry's dealing with the obscenity issue intruded on the *Charter* guarantee of freedom of expression (the CCLA intervened before the Board of Inquiry);

29. *Ramsden v. Peterborough (City)*, [1993] 2 S.C.R. 1084, in which the issue was whether a municipal by-law banning posters on public property violated the *Charter*'s guarantee of freedom of expression (the CCLA intervened in the Ontario Court of Appeal and the Supreme Court of Canada);

30. *Hill v. Church of Scientology of Toronto*, [1995] 2 S.C.R. 1130, in which the issues were: (1) whether the common law of defamation should be developed in a manner consistent with freedom of expression; (2) whether the common law test for determining liability for defamation disproportionately restricts freedom of expression; and (3) whether the current law respecting non-pecuniary and punitive damages disproportionately restricts freedom of expression and whether limits on jury discretion and damages should be imposed (the CCLA intervened in the Supreme Court of Canada);

31. *Ontario (Attorney General) v. Langer* (1995), 123 D.L.R. (4th) 289 (Ont. Gen. Div.), in which the issue was the constitutionality of ss. 163.1 and 164 of the *Criminal Code* relating to child pornography (the CCLA intervened in the Ontario General Division);

32. *Adler v. Ontario*, [1996] 3 S.C.R. 609, in which the issues were whether Ontario not funding of Jewish and certain Christian day schools violated the *Charter*'s guarantees of freedom of conscience and religion and of equality without discrimination based on religion (the CCLA intervened in the Ontario General Division, the Ontario Court of Appeal, and the Supreme Court of Canada);

33. *Al Yamani v. Canada (Solicitor General) (TD.),* [1996] 1 F.C. 174 (T.D.), in which some of the issues were whether the provision in the *Immigration Act* regarding the deportation of permanent residents on the basis of membership in a class of organizations violated principles of fundamental justice contrary to s. 7 of the *Charter* or the *Charter* guarantees of freedom of association and expression (the CCLA intervened in the Federal Court Trial Division);

34. *R. v. Gill* (1996), 29 O.R. (3d) 250 (Ont. Gen. Div.), in which the issue was whether s. 301 of the *Criminal Code*, which creates an offence of publishing a defamatory libel, constitutes a violation of the *Charter*'s guarantee of freedom of expression (the CCLA intervened in the Ontario Court – General Division);

35. *Ross v. New Brunswick School District No. 15*, [1996] 1 S.C.R. 825, in which some of the issues were whether a teacher, who had been subject to discipline for making discriminatory anti-Semitic statements while off duty, could defend his conduct, at least in part, on freedom of religion (the CCLA intervened in the Supreme Court of Canada);

36. *R. v. Stillman*, [1997] 1 S.C.R. 607, in which the issue was the explication of the circumstances, including police conduct, that would bring the administration of justice into disrepute within the meaning of s. 24(2) of the *Charter* if unconstitutionally obtained evidence were to be admitted into a proceeding (the CCLA intervened in the Supreme Court of Canada);

37. *Winnipeg Child and Family Services (Northwest Area) v. D.F.G*, [1997] 3 S.C.R. 925, in which the issue was whether the law should permit the state to interfere with the privacy, dignity, and liberty of a pregnant woman where her actions may expose the fetus to serious injury (the CCLA intervened in the Supreme Court of Canada);

38. *R. v. Lucas*, [1998] 1 S.C.R. 439, in which the issue was whether s. 300 of the *Criminal Code*, which creates the offence of publishing a defamatory libel, constitutes a violation of the *Charter*'s guarantee of freedom of expression (the CCLA intervened in the Supreme Court of Canada);

39. *Thomson Newspapers Co. (c.o.b. Globe and Mail) v. Canada (Attorney General)*, [1998] 1 S.C.R. 877, in which the issue was whether s. 322.1 of the *Canada Elections Act*, which prohibits the publication of public opinion polls during the last 72 hours of a federal election campaign, constitutes a violation of the *Charter*'s guarantee of freedom of expression (the CCLA intervened in the Supreme Court of Canada);

40. *Daly v. Ontario (Attorney General)* (1999), 44 O.R. (3d) 349 (C.A.), in which the issue was the extent to which Ontario's constitutionally protected Catholic separate school boards must adhere to the restrictions on employment discrimination contained in the *Ontario Human Rights Code* (the CCLA intervened in the Ontario General Division and the Ontario Court of Appeal);

41. *R. v. Mills*, [1999] 3 S.C.R. 668, in which the central issue was the appropriate balance to be struck between the rights of the accused and the rights of complainants and witnesses with respect to the production of medical and therapeutic records (the CCLA intervened in the Supreme Court of Canada);

42. *Moumdjian v. Canada (Security Intelligence Review Committee),* [1999] 4 F.C. 624, in which one of the issues was the constitutionality of *Immigration Act* provisions which impacted on the freedom of association (the CCLA intervened in the Federal Court of Appeal);

43. *United Food and Commercial Workers, Local 1518 (U.F.C.W.) v. KMart Canada Ltd.*, [1999] 2 S.C.R. 1083, and *Allsco Building Products Ltd. v. United Food and Commercial Workers International Union, Local 1288 P*, [1999] 2 S.C.R. 1136, in which the issue was whether leafleting by striking employees at non-struck workplaces is constitutionally protected expression (the CCLA intervened in the Supreme Court of Canada);

44. *R. v. Budreo* (2000), 46 O.R. (3d) 481 (C.A.), in which the issue was whether the provision in s. 810.1 of the *Criminal Code,* which permits a court to impose recognizance on a person likely to commit sexual offences against a child, violates s. 7 of the *Charter* (the CCLA intervened in the Ontario Court of Appeal);

45. *Martin Entrop and Imperial Oil Ltd* (2000), 50 O.R. (3d) 18 (C.A.), in which one of the issues was the legality of an employer testing employees' urine for drug use (the CCLA intervened in the Ontario General Division and the Ontario Court of Appeal);

46. *Little Sisters Book and Art Emporium v. Canada (Attorney General),* [2000] 2 S.C.R. 1120, in which one of the issues was whether certain provisions of Canada's customs legislation which permit customs officers to seize and detain allegedly obscene material at the border unreasonably infringe on the right to freedom of expression (the CCLA intervened in the Supreme Court of Canada);

47. *Toronto Police Association v. Toronto Police Services Board and David J. Boothby* (Ont. Div. Ct. Court, File No. 58/2000), in which the issue was the propriety of police fundraising and political activities, and the validity of a by-law and order issued by the Toronto Police Services Board and the Chief of Police, respectively, regarding police conduct (the matter settled prior to the hearing);

48. *R. v. Latimer*, [2001] 1 S.C.R. 3, in which one of the issues was whether the *Criminal Code* provision for a mandatory minimum sentence of life imprisonment for second degree murder constitutes cruel and unusual punishment under s. 12 of the *Charter* (the CCLA intervened in the Supreme Court of Canada);

49. *R. v. Banks* (2001), 55 O.R. (3d) 374 (O.C.J.) and 2007 ONCA 19 (docket no. C43259) in which one of the issues was whether provisions of the Ontario *Safe Streets Act* prohibiting certain forms of soliciting violate s. 2(b) of the *Charter* (the CCLA intervened before the Ontario Court of Justice, the Ontario Superior Court of Justice and the Ontario Court of Appeal);

50. *R. v. Golden,* [2001] 3 S.C.R. 679, in which one of the issues was whether a strip search of the accused conducted as an incident to arrest violated s. 8 of the *Charter* (the CCLA intervened in the Supreme Court of Canada);

51. *R. v. Sharpe,* [2001] 1 S.C.R. 45, in which the issue was whether the *Criminal Code* prohibition of the possession of child pornography is an unreasonable infringement on the right to freedom of expression under the *Charter* (the CCLA intervened in the Supreme Court of Canada);

52. *Trinity Western University v. British Columbia College of Teachers*, [2001] 1 S. C. R. 772, in which the CCLA supported a private university's claim to be accredited for certification of its graduates as teachers eligible to teach in the public school system, despite the fact that the university's religiously-based code of conduct likely excluded gays and lesbians (the CCLA intervened in the Supreme Court of Canada);

53. *Ross v. New Brunswick Teachers' Association* (2001), 201 D.L.R. (4th) 75 (N.B.C.A.), in which one of the issues was the extent to which the values underlying the common law tort of defamation must give way to the *Charter* values underlying freedom of expression, especially where a claimant who asserts the former at the expense of the latter freely enters the public arena (the CCLA intervened in the New Brunswick Court of Appeal);

54. *Ontario (Human Rights Commission) v. Brillinger*, [2002] O.J. No. 2375 (Div. Ct.), in which the issue concerned the balance to be struck between freedom of religion and the right to equality (the CCLA intervened in the Ontario Superior Court of Justice);

55. *Chamberlain v. The Board of Trustees of School District #36 (Surrey)*, [2002] 4 S.C.R. 710, which involved the balancing of freedom of religion and equality rights in the context of a public school board's approval of books for a school curriculum (the CCLA intervened in the Supreme Court of Canada);

56. *Falkiner v. Ontario (Ministry of Community and Social Services)* (2002), 59 O.R. (3d) 481 (C.A.), in which the issues were the extent to which regulations made under the *Family Benefits Act* and the General *Welfare Assistance Act* amending the definition of "spouse" in relation to benefit entitlement (1) constituted discrimination under s. 15(1) of the *Charter*, and (2) set the stage for unwarranted government intrusion into the personal and private circumstances of affected recipients (the CCLA intervened before SARB, the Ontario Divisional Court, the Ontario Superior Court of Justice, and the Ontario Court of Appeal);

57. *Retail, Wholesale and Department Store Union, Local 558 v. Pepsi-Cola Canada Beverages (West) Ltd.*, [2002] 1 S.C.R. 156, in which the issue concerned the extent to which the common law regarding secondary picketing should be modified in light of *Charter values* (the CCLA intervened in the Supreme Court of Canada);

58. *Lafferty v. Parizeau* (SCC File No. 30103), [2003] S.C.C.A. No. 555 (leave granted but settled before hearing), which examined the application of *Charter* freedom of expression values to defamation and the defense of fair comment (the CCLA intervened in the Supreme Court of Canada, but the matter settled prior to hearing);

59. *R. v. Malmo-Levine, R. v. Clay, R. v. Caine*, [2003] S.C.J. No. 79, in which one of the issues was whether the criminal prohibition against the possession of marijuana violates s. 7 of the *Charter* (the CCLA intervened in the Supreme Court of Canada);

60. *Odhavji Estate v. Woodhouse*, [2003] 3 S.C.R. 263, which examined the appropriate scope of both the tort of abuse of public office and the tort of negligent supervision of the police, and the appropriate legal principles to be applied when addressing the issues of costs orders against private individuals of modest means who are engaged in public interest litigation (the CCLA intervened in the Supreme Court of Canada);

61. *La Congrégation des témoins de Jéhovah de St-Jérôme Lafontaine, et al. v. Municipalité du village de Lafontaine, et al.*, [2004] 2 S.C.R. 650, which examined the constitutionality of a municipal zoning decision that limited the location of building places of religious worship (the CCLA intervened in the Supreme Court of Canada);

62. *R. v. Glad Day Bookshop Inc.*, [2004] O.J No. 1766 (Ont. Sup. Ct. Jus.), in which one of the issues was the constitutionality of the statutory regime requiring prior approval and allowing the prior restraint of films (the CCLA intervened in the Ontario Superior Court of Justice);

63. *In the matter of an application under § 83.28 of the Criminal Code*, [2004] 2 S.C.R. 248, which questioned *inter alia* the constitutionality of investigative hearings and the over breadth of certain provisions of the Anti-Terrorism Act (the CCLA intervened in the Supreme Court of Canada);

64. *In the Matter of a Reference by the Government in Council Concerning the Proposal for an Act Respecting Certain Aspects of Legal Capacity for Marriage for Civil Purposes*, [2004] 3 S.C.R. 698, which examined the equality and religious freedom aspects of proposed changes to the marriage legislation (the CCLA intervened in the Supreme Court of Canada);

65. *R v. Mann*, [2004] 3 S.C.R. 59, which examined whether the police have the authority at common law to detain and search a person in the absence of either a warrant or reasonable and probable grounds to believe an offence has been committed (the CCLA intervened in the Supreme Court of Canada);

66. *R v. Tessling*, [2004] 3 S.C.R. 432, which examined the constitutionality of the police conducting warrantless searches of private dwelling houses using infrared technology during the course of criminal investigations (the CCLA intervened in the Supreme Court of Canada);

67. *Genex Communications Inc. v. Attorney General of Canada*, [2005] F.C.J. No. 1440 (F.C.A.), which examined the application of the *Charter's* guarantee of freedom of expression to a decision by the CRTC to refuse to renew a radio station license (the CCLA intervened in the Federal Court of Appeal);

68. *R. v. Hamilton*, [2005] S.C.J. No. 48, which examined the scope of the offence of counseling the commission of a crime (the CCLA intervened in the Supreme Court of Canada);

69. *R. v. Déry*, [2006] 2 S.C.R. 669, which examined whether the *Criminal Code* contains the offence of "attempted conspiracy" (the CCLA intervened in the Supreme Court of Canada);

70. *Montague v. Page* (2006), 79 O.R. (3d) 515 (Ont. S.C.J.), which concerned the application of the Charter's guarantee of freedom of expression to the question of whether municipalities are allowed to file defamation suits against residents (CCLA intervened in the Ontario Superior Court of Justice);

71. *Multani v. Commission Scolaire Marguerite-Bourgeoys*, [2006] 1 S.C.R. 256, which concerned whether the *Charter's* guarantee of freedom of religion allows a student to wear a kirpan in school (the CCLA intervened in the Supreme Court of Canada);

72. *O'Neill v. Attorney General of Canada*, [2006] O.J. No. 4189 (Ont. S.C.J.), which concerned the interaction of national security and *Charter* rights (the CCLA intervened in the Ontario Superior Court of Justice);

73. *Owens v. Saskatchewan Human Rights Commission* (2006), 267 D.L.R. (4th) 733 (Sask.C.A.), which concerned the application of the *Charter's* guarantees of freedom of religion and expression to a provincial statute banning hateful speech (the CCLA intervened in the Saskatchewan Court of Appeal);

74. *Charkaoui et al. v. Canada (Citizenship and Immigration)*, [2007] 1 S.C.R. 350, which examined, *inter alia*, the constitutionality of certain "security certificate" provisions of the *Immigration and Refugee Protection Act* (the CCLA intervened in the Supreme Court of Canada);

75. *R. v. Bryan*, [2007] 1 S.C.R. 527, which examined the constitutionality of provisions of the *Elections Act* which penalize dissemination of election results from eastern Canada before polls are closed in the West (the CCLA intervened in the Supreme Court of Canada);

76. *R. v. Clayton*, 2007 SCC 32, concerning the scope of the police power to establish a roadblock and to stop and search vehicles and passengers (the CCLA intervened in the Supreme Court of Canada);

77. *Hill v. Hamilton-Wentworth Regional Police Services Board*, 2007 SCC 41, concerning the issue of whether police officers can be held liable in tort for a negligently conducted investigation (the CCLA intervened in the Supreme Court of Canada);

78. *Bruker v. Marcovitz*, 2007 SCC 54, which examined the extent to which civil courts can enforce a civil obligation to perform a religious divorce (the CCLA intervened in the Supreme Court of Canada);

79. *Lund v. Boissoin AND The Concerned Christian Coalition Inc.* (2006), CarswellAlta 2060 (AHRCC), which examined the extent to which Alberta human rights law can limit a homophobic letter to the editor (the CCLA intervened before the Alberta Human Rights and Citizen Commission);

80. *Whatcott v. Assn. Of Licensed Practical Nurses (Saskatchewan)*, 2008 SKCA 6, concerning the freedom of expression of an off-duty nurse who picketed a Planned Parenthood facility - whether he should be subject to disciplinary action by the professional association of nurses for this activity (the CCLA intervened in the Saskatchewan Court of Appeal);

81. *R. v. Kang-Brown*, 2008 SCC 18, and *R. v. A.M.*, 2008 SCC 19, concerning the constitutionality of using dogs to conduct random warrantless inspections of high school students (the CCLA intervened in the Supreme Court of Canada);

82. *Michael Esty Ferguson v. Her Majesty the Queen*, 2008 SCC 6, which concerned the constitutional challenge of a law requiring mandatory minimum sentences (the CCLA intervened in the Supreme Court of Canada);

83. *Elmasry and Habib v. Roger's Publishing and MacQueen* (No. 4), 2008 BCHRT 378, concerning the extent to which a British Columbia human rights law can limit the freedom of expression of a news magazine that had published offensive material about Muslims (the CCLA intervened before the British Columbia Human Rights Tribunal);

84. *Amnesty International Canada v. Canada (Minister of National Defence)*, 2008 FCA 401, concerning the extraterritorial application of the *Charter*, and specifically its application to Canadian Forces in Afghanistan and the transfer of detainees under Canadian control to Afghan authorities (the CCLA intervened in the Federal Court of Appeal);

85. *WIC Radio Ltd., et al. v. Kari Simpson*, 2008 SCC 40, concerning the appropriate balance to be struck in the law of defamation when one person's expression of opinion may have harmed the reputation of another (the CCLA intervened in the Supreme Court of Canada);

86. *Toronto Police Services Board v. (Ontario) Information and Privacy Commissioner*, 2009 ONCA 20 regarding freedom of information and the extent to which the public's right to access electronic data requires that the institution render such data in retrievable form (the CCLA intervened in the Ontario Court of Appeal);

87. *R. v. Patrick*, 2009 SCC 17, concerning the constitutionality of police conducting warrantless searches of household garbage located on private property (the CCLA intervened in the Supreme Court of Canada);

88. *Robin Chatterjee v. Attorney General of Ontario*, 2009 SCC 19, concerning the constitutionality of the civil forfeiture powers contained in Ontario's *Civil Remedies Act, 2001* (the CCLA intervened in the Supreme Court of Canada);

89. *R. v. Suberu*, 2009 SCC 33, concerning the constitutional right to counsel in the context of investigative detentions (the CCLA intervened in the Supreme Court of Canada);

90. *R. v. Grant*, 2009 SCC 32, concerning the appropriate legal test for the exclusion of evidence under s. 24(2) of the *Charter* (the CCLA intervened in the Supreme Court of Canada);

91. *R. v. Harrison*, 2009 SCC 34, concerning the appropriate application of s. 24(2) of the *Charter* in cases where police have engaged in "blatant" and "flagrant" *Charter* violations (the CCLA intervened in the Supreme Court of Canada);

92. *Alberta v. Hutterian Brethren of Wilson Colony*, 2009 SCC 37, concerning whether a provincial law requiring that all driver's licenses include a photograph of the license holder violates the freedom of religion of persons seeking an exemption from being photographed for religious reasons (the CCLA intervened in the Supreme Court of Canada);

93. *R. v. Breeden*, 2009 BCCA 463, concerning whether the constitutional right to freedom of expression applies in certain public and publicly accessible spaces (the CCLA intervened before the British Columbia Court of Appeal);

94. *R. v. Chehil* [2009] N.S.J. No. 515, concerning the permissibility of warrantless searches of airline passenger information by police (the CCLA intervened at the Nova Scotia Court of Appeal);

95. *Matthew Miazga v. The Estate of Dennis Kvello, et al.*, 2009 SCC 51, concerning the appropriate legal test for the tort of malicious prosecution (the CCLA intervened at the Supreme Court of Canada);

96. *Johanne Desbiens, et al. v. Wal-Mart Canada Corporation*, 2009 SCC 55, and *Gaétan Plourde v. Wal-Mart Canada Corporation*, 2009 SCC 54, concerning the interpretation of the Quebec *Labour Code* and the impact of the freedom of association guarantees contained in the *Canadian Charter* and the Quebec *Charter* (the CCLA intervened in the Supreme Court of Canada);

97. *Stephen Boissoin and the Concerned Christian Coalition Inc. v. Darren Lund*, 2009 ABQB 592, which will examine the extent to which Alberta human rights law can limit a homophobic letter to the editor (the CCLA intervened before the Queen's Bench of Alberta);

98. *Quan v. Cusson*, 2009 SCC 62, raising the novel question of a public interest responsible journalism defence, as well as the traditional defence of qualified privilege, in the setting of defamation law and its relationship to freedom of the press (the CCLA intervened in the Supreme Court of Canada);

99. *Peter Grant v. Torstar Corp.*, 2009 SCC 61concerning the creation and operation of a public interest responsible journalism defence (the CCLA intervened in the Supreme Court of Canada);

100. *Whitcombe and Wilson v. Manderson*, December 18 2009, Ontario Superior Court of Justice File No. 31/09, concerning a Rule 21 motion to dismiss a defamation lawsuit being funded by a municipality (the CCLA intervened in the Ontario Superior Court of Justice);

101. *Karas v. Canada (Minister of Justice)*, (SCC File No. 32500) concerning the appropriateness of extraditing a fugitive to face the possibility of a death penalty without assurances that the death penalty will not be applied (the CCLA was granted leave to intervene at the Supreme Court of Canada but the case was dismissed as moot prior to the hearing);

102. *Prime Minister of Canada, et al. v. Omar Ahmed Khadr*, 2010 SCC 3, concerning *Charter* obligations to Canadian citizens detained abroad and the appropriateness of *Charter* remedies in respect to matters affecting the conduct of foreign relations (the CCLA intervened in the Supreme Court of Canada);

103. *R. v. Nasogaluak*, 2010 SCC 6, concerning the availability of sentence reductions as a remedy for violations of constitutional rights (the CCLA intervened in the Supreme Court of Canada);

104. *Whatcott v. Saskatchewan (Human Rights Tribunal)*, 2010 SKCA 26, concerning the extent to which a Saskatchewan human rights law can limit the expression of a man distributing anti-homosexual flyers (the CCLA intervened in the Saskatchewan Court of Appeal);

105. *Leblanc et al. c. Rawdon (Municipalite de) (Quebec Court of Appeal File No. 500-09-019915-099) concerning the ability of a municipality to sue for defamation, the proper test for an interlocutory injunction in a defamation case, and the impact of "anti-SLAPP" legislation* (the CCLA intervened at the Quebec Court of Appeal)*;*

106. *Warman v. Fournier et al.*, 2010 ONSC 2126, concerning the appropriate legal test when a litigant in a defamation action is attempting to identity previously-anonymous internet commentators (the CCLA intervened at the Ontario Superior Court of Justice);

107. *R. v. National Post*, 2010 SCC 16, concerning the relationship between journalist-source privilege, freedom of the press under s. 2b, and search warrant and assistance orders targeting the media (the CCLA intervened in the Supreme Court of Canada);

108. *Toronto Star Newspapers Ltd. v. Canada*, 2010 SCC 21, concerning the constitutionality of mandatory publication bans regarding bail hearing proceedings when requested by the accused (the CCLA intervened in the Supreme Court of Canada);

109. *Smith v. Mahoney* (U.S. Circuit Court of Appeals for the Ninth Circuit, Court File No. 94-99003) concerning the constitutionality of carrying out a death sentence on an inmate who has spent 27 years living under strict conditions of confinement on death row (the CCLA intervened in the U.S. Circuit Court of Appeals for the Ninth Circuit);

110. *R. v. Cornell*, 2010 SCC 31, concerning whether the manner in which police conduct a search, in particular an unannounced 'hard entry', constitutes a violation of s. 8 (the CCLA intervened in the Supreme Court of Canada);

111. *City of Vancouver, et al v. Alan Cameron Ward, et al.*, 2010 SCC 27, concerning whether an award of damages for the breach of a *Charter* right can made in the absence of bad faith, an abuse of power or tortious conduct (the CCLA intervened in the Supreme Court of Canada);

112. *R. v. Sinclair*, 2010 SCC 35, *R. v. McCrimmon*, 2010 SCC 36, and *R. v. Willier*, 2010 SCC 37, concerning the scope of the constitutional right to counsel in the context of a custodial interrogation (the CCLA intervened in the Supreme Court of Canada);

113. *R. v. N.S. et al.*, 2010 ONCA 670, concerning the balancing of freedom of religion and conscience and fair trial rights, where a sexual assault complainant is a religious Muslim woman and the accused has

requested that she be required to remove the veil before testifying (the CCLA intervened at the Ontario Court of Appeal);

114. *The Toronto Coalition to Stop the War et al. v. The Minister of Public Safety and Emergency Preparedness and the Minister of Citizenship and Immigration Canada, 2010 FC 957, concerning the freedom of association and freedom of expression implications of a* preliminary assessment by the government that a British Member of Parliament who was invited to speak in Canada was inadmissible because the government claimed he had engaged in terrorism and was a member of a terrorist organization (the CCLA intervened in the Federal Court);

115. *Globe and Mail, a division of CTVglobemedia Publishing Inc. v. Attorney General of Canada, et al*, 2010 SCC 41, concerning the disclosure of confidential journalistic sources in the civil litigation context, and the constitutionality of a publication ban (the CCLA intervened in the Supreme Court of Canada);

116. *R. v. Gomboc,* 2010 SCC 55, concerning the constitutionality of police conducting warrantless searches of private dwelling houses using real-time electricity meters (the CCLA intervened in the Supreme Court of Canada);

117. *Tiberiu Gavrila v. Minister of Justice,* 2010 SCC 57, concerning the interaction between the Immigration and Refugee Protection Act and the Extradition Act and whether a refugee can be surrendered for extradition to a home country (the CCLA intervened in the Supreme Court of Canada);

118. *Reference re Marriage Commissioners Appointed Under the Marriage Act, 1995 S.S. 1995, c. M-4.1,* 2011 SKCA 3, concerning the constitutionality of proposed amendments to the *Marriage Act* that would allow marriage commissioners to refuse to perform civil marriages where doing so would conflict with commissioners' religious beliefs (the CCLA intervened at the Court of Appeal for Saskatchewan);

119. *Canadian Broadcasting Corporation et al. v. The Attorney General of Quebec et al.*, 2011 SCC 2, and *Canadian Broadcasting Corporation v. Her Majesty the Queen and Stéphan Dufour*, 2011 SCC 3 concerning the constitutional protection of freedom of the press in courthouses and the constitutionality of certain rules and directives restricting the activities of the press and the broadcasting of court proceedings (the CCLA intervened in the Supreme Court of Canada);

120. *R. v. Caron,* 2011 SCC 5, concerning the availability of advance cost orders in criminal and quasi-criminal litigation that raises broad reaching public interest issues (the CCLA intervened in the Supreme Court of Canada);

121. *R. v. Ahmad,* 2011 SCC 6, concerning the constitutionality of ss. 38 to 38.16 of the Canada Evidence Act, R.S.C. 1985 (the CCLA intervened in the Supreme Court of Canada);

122. *Farès Bou Malhab v. Diffusion Métromédia CMR inc., et al.,* 2011 SCC 9, concerning statements made by a radio host, and examining the scope and nature of defamation under Quebec civil law in the context of the freedom of expression guarantees found in the Quebec and Canadian Charters (the CCLA intervened in the Supreme Court of Canada);

123. *Ontario (Attorney General) v. Fraser,* 2011 SCC 20, concerning the exclusion of agricultural workers from Ontario's *Labour Relations Act* and whether the labour scheme put in place for these workers violated freedom of association under the *Canadian Charter* (the CCLA intervened in the Supreme Court of Canada);

124. ***R. v. K.M.*** **2011 ONCA 252, concerning the constitutionality of** taking DNA samples from young offenders on a mandatory or reverse onus basis **(the CCLA intervened in the Ontario Court of Appeal);**

125. *Issassi v. Rosenzweig*, 2011 ONCA 302, concerning a 13 year old girl from Mexico who had been granted refugee status in Canada because of allegations that her mother had sexually abused her, and the subsequent return of that youth to her mother in Mexico, by a judge who did not conduct a risk assessment (the CCLA intervened at the Ontario Court of Appeal);

126. *Attorney General of Canada et al. v. Mavi et al.*, 2011 SCC 30, considering whether there is a need for procedural fairness in the federal immigration sponsorship regime (the CCLA intervened in the Supreme Court of Canada);

127. *Canada (****Information Commissioner) v. Canada (Minister of National Defence),*** **2011 SCC 25, cases concerning whether Minister's offices, including the Prime Minister's Office, are considered "government institutions" for the purposes of the federal *Access to Information Act* (the CCLA intervened in the Supreme Court of Canada);**

128. *Toussaint v. Attorney General of Canada*, 2011 FCA 213, concerning whether a person living in Canada with precarious immigration status has the right to life-saving healthcare (the CCLA intervened in the Federal Court of Appeal);

129. ***Phyllis Morris v. Richard Johnson, et al.,*** **2011 ONSC 3996, concerning a motion for production and disclosure brought by a public official and plaintiff in a defamation action in order to get identifying information about anonymous bloggers (the CCLA intervened on the motion at the Ontario Superior Court of Justice);**

130. *Canada (Attorney General) v. PHS Community Services Society*, 2011 SCC 44, **concerning a safe (drug) injection site, and the constitutionality of certain criminal provisions in relation to users and staff of the site (the CCLA intervened in the Supreme Court of Canada);**

131. ***Crookes*** *v. Newton*, 2011 SCC 47, concerning whether a hyperlink constitutes "publication" for the purposes of the law of defamation (the CCLA intervened in the Supreme Court of Canada);

132. *R. v. Katigbak*, 2011 SCC 48, **considering the scope of the statutory defences to possession of child pornography (the CCLA intervened in the Supreme Court of Canada);**

133. *R. v. Barros*, 2011 SCC 51, **considering the scope of the informer privilege and whether it extends to prohibit independent investigation by the defence which may unearth the identity of a police informer (the CCLA intervened in the Supreme Court of Canada);**

134. *Batty v. City of Toronto*, 2011 ONSC 6862, concerning the constitutionality of municipal bylaws prohibiting the erection of structures and overnight presence in public parks as applied to a protest (the CCLA intervened at the Ontario Superior Court of Justice);

135. *S.L. v. Commission scolaire des Chênes*, 2012 SCC 7, concerning parents seeking to have their children exempt from participating in Quebec's Ethics and Religious Culture curriculum on the basis of their freedom of religion concerns (the CCLA intervened before the Supreme Court of Canada)**;**

136. *Doré v. Barreau du Québec*, 2012 SCC 12, concerning the jurisdiction of a provincial law society to discipline members for comments critical of the judiciary (the CCLA intervened before the Supreme Court of Canada);

137. *R. v. Ipeelee*, 2012 SCC 13, concerning the application of s. 718.2(e) of the *Criminal Code* and *Gladue* principles when sentencing an Aboriginal offender of a breach of long-term supervision orders (the CCLA intervened before the Supreme Court of Canada);

138. ***Canada (Attorney General) v. Bedford*, 2012 ONCA 186, concerning the constitutionality of certain prostitution-related offences (the CCLA intervened at the Ontario Court of Appeal);**

139. ***R. v. Tse*, 2012 SCC 16, concerning the constitutionality of the Criminal Code's "warrantless wiretap" provisions (the CCLA intervened before the Supreme Court of Canada);**

140. ***Éditions Écosociété Inc. v. Banro Corp.*, 2012 SCC 18, concerning the appropriate test for jurisdiction and *forum non conveniens* in a multi-jurisdictional defamation lawsuit and the implications of these jurisdictional issues on freedom of expression (the CCLA intervened before the Supreme Court of Canada);**

141. *Peel (Police) v. Ontario (Special Investigations Unit)*, 2012 ONCA 292, **concerning the jurisdiction of Ontario's Special Investigations Unit to investigate potentially criminal conduct committed by a police officer who has retired since the time of the incident (the CCLA intervened before the Ontario Superior Court of Justice and the Ontario Court of Appeal);**

142. ***Pridgen v. University of Calgary*, 2012 ABCA 139, which considers whether a university can discipline students for online speech and whether the *Canadian Charter of Rights and Freedoms* applies to disciplinary proceedings at a university (the CCLA intervened before the Alberta Court of Appeal);**

143. *J.N. v. Durham Regional Police Service*, 2012 ONCA 428**, concerning the retention of non-conviction disposition records by police services (the CCLA intervened in the Ontario Court of Appeal; CCLA also intervened before the Ontario Superior Court of Justice, *J.N. v. Durham Regional Police Service*, 2011 ONSC 2892);**

144. *Opitz v. Wrzesnewskyj*, 2012 SCC 55**, concerning the proper interpretation of the *Canada Elections Act* in the context of elections contested based on "irregularities," and in light of s. 3 of the Charter (CCLA intervened before the Supreme Court of Canada);**

145. *Canada (Human Rights Commission) v. Warman*, 2012 FC 1162, **concerning the constitutionality of the hate speech prohibitions in the *Canadian Human Rights Act*** (the CCLA intervened in the Federal Court of Canada)**;**

146. ***R. v. Cuttell*, 2012 ONCA 661 and *R. v. Ward*, 2012 ONCA 660,** concerning the permissibility of warrantless searches of internet users' identifying customer information **(the CCLA intervened at the Ontario Court of Appeal);**

147. *Canada (Attorney General) v. Downtown Eastside Sex Workers United Against Violence Society*, 2012 SCC 45, concerning the issue of the appropriate test for granting standing in a public interest case (CCLA **intervened before the Supreme Court of Canada);**

148. ***R. v. Cole***, 2012 SCC 53**, examining an employee's reasonable expectation of privacy in employer-issued computers and the application of s. 8 to police investigations at an individual's workplace** (CCLA **intervened before the Supreme Court of Canada);**

149. *R. v. Prokofiew*, 2012 SCC 49, concerning the inferences that could be made from accused person's decision not to testify (CCLA **intervened before the Supreme Court of Canada);**

150. *A.B. v. Bragg Communications Inc.*, 2012 SCC 46, concerning the proper balance between the transparency of court proceedings and the privacy of complainants **(CCLA intervened before the Supreme Court of Canada);**

151. *Lund v. Boissoin*, 2012 ABCA 300, which considers the extent to which Alberta human rights law can limit a homophobic letter to the editor (the CCLA intervened before the Alberta Court of Appeal);

152. *R. v. Khawaja*, 2012 SCC 69 and *Sriskandarajah v. United States of America*, 2012 SCC 70 which together considered whether the definition of "terrorist activity" introduced by the Anti-Terrorism Act 2001, amending the Criminal Code, infringe the Charter (CCLA intervened before the Supreme Court of Canada);

153. *R. v. NS*, 2012 SCC 72, concerning the balancing of freedom of religion and conscience and fair trial rights, where a sexual assault complainant is a religious Muslim woman and the accused has requested that she be required to remove the veil before testifying (the CCLA intervened before the Supreme Court of Canada);

154. *R. v. Davey*, 2012 SCC 75, *R. v. Emms*, 2012 SCC 74 and *R. v. Yumnu*, 2012 SCC 73, **concerning the Crown's vetting of prospective jurors prior to jury selection and the failure to disclose information to defence counsel (**CCLA **intervened before the Supreme Court of Canada);**

155. ***R. v. Manning,*** 2013 SCC 1, **concerning the** proper interpretation of a criminal forfeiture provision, and whether courts may consider the impact of such forfeiture on offenders, their dependents, and affected others (CCLA intervened before the Supreme Court of Canada);

156. ***Saskatchewan Human Rights Commission v. William Whatcott*, 2013 SCC 11, concerning the constitutionality and interpretation of the hate speech provisions of the Saskatchewan Human Rights Code and the** extent to which that law can limit the expression of a man distributing anti-homosexual flyers (CCLA intervened before the Supreme Court of Canada);

157. ***R. v. Mernagh*, 2013 ONCA 67, concerning the constitutionality of medical marijuana regulations** (CCLA intervened before the Ontario Court of Appeal);

158. *Tigchelaar Berry Farms v. Espinoza*, 2013 ONSC 1506, concerning temporary migrant workers who, following their termination, were immediately removed from Canada by their employers pursuant to a government-mandated employment contract (CCLA intervened before the Ontario Superior Court);

159. ***R. v. TELUS Communications Co.*, 2013 SCC 16, concerning the interpretation of the interception provisions of the *Criminal Code* and whether the authorizations in a General Warrant and Assistance Order are sufficient to require a cell phone company to forward copies of all incoming and outgoing text messages to the police;**

160. ***R. v. Pham,*** 2013 SCC 15**, concerning whether the** demands of proportionality in sentencing require that the individual accused's circumstances be taken into account to include a collateral consequence, such as deportation;

161. ***Canadian Human Rights Commission v. Canada (Attorney General),*** 2013 FCA 75, in which the court considered whether an allegation that the Government of Canada has engaged in prohibited discrimination by under-funding child welfare services for on-reserve First Nations children, in order to succeed, requires a comparison to a similarly situated group;

162. ***Penner v. Niagara (Regional Police Service Board),* 2013 SCC 19, concerning the use of issue estoppel in the context of civil claims against the police;**

163. ***R. v. Saskatchewan Federation of Labour,* 2013 SKCA 43, concerning essential services legislation and the freedom to strike;**

164. *R. v. Welsh*, 2013 ONCA 190**, concerning the constitutionality of an undercover police officer posing as a religious or spiritual figure in order to elicit information from a suspect;**

165. ***Communications, Energy and Paperworkers Union of Canada, Local 30 v. Irving Pulp & Paper, Ltd.*, 2013 SCC 34, concerning employee privacy and the reasonableness of randomized alcohol testing in the workplace;**

166. ***RC v. District School Board of Niagara*, 2013 HRTO 1382, concerning the policy and practice of distribution of non-instructional religious material within the school board system and whether it is discriminatory on the basis of creed;**

167. ***Divito v. Canada (Public Safety and Emergency Preparedness),* 2013 SCC 47, concerning the government's refusal to permit Canadians detained abroad to serve the remainder of their sentence in Canada and the application of s. 6 of the Charter (the CCLA also intervened at the Federal Court of Appeal, 2011 FCA 39);**

168. ***R. v. Chehil*, 2013 SCC 49, and *R. v. Mackenzie*, 2013 SCC 50, concerning the "reasonable suspicion" standard and the right to be free from unreasonable search and seizure;**

169. ***Ezokola v. Minister of Immigration and Citizenship*, 2013 SCC 40, concerning application of the exclusion clause 1(F)(a) of the 1951 UN Refugee Convention, as incorporated in the IRPA, and the proper test for complicity in war crimes and crimes against humanity. The case considers an individual who has been denied refugee status because he was employed by the government of the Democratic Republic of Congo at a time that international crimes were committed by the State;**

170. *Reva Landau v. Ontario (Attorney General)*, 2013 ONSC 6152, concerning the constitutionality of the current funding of Ontario's Catholic schools;

171. *R. v. Vu*, 2013 SCC 60, concerning the scope of police authority to search computers and other personal electronic devices found within a place for which a warrant to search has been issued;

172. *Alberta (Information and Privacy Commissioner) v. United Food and Commercial Workers, Local 401*, 2013 SCC 62, concerning the constitutionality of Alberta's *Personal Information Protection Act* in light of its impact on a union's freedom of expression in respect of activities on a picket line;

173. ***Faysal v. General Dynamics Land Systems Canada* (Ontario Human Rights Tribunal File No. 2009-03006-I), concerning the application by a Canadian employer of the US *International Traffic in Arms Regulations,* and whether such application constitutes discrimination, contrary to the Ontario *Human Rights Code*, the *Charter of Rights and Freedoms,* and Canadian legal obligations pursuant to international human rights law (matter settled before a hearing);**

174. *Wood v. Schaeffer*, 2013 SCC 71, **concerning the scope of public interest standing and the interpretation of certain Regulations governing investigations conducted by Ontario's Special Investigations Unit (the CCLA also intervened at the Ontario Court of Appeal, 2011 ONCA 716);**

175. *Bernard v. Canada (Attorney General)*, 2014 SCC 13, concerning an employer sharing the contact information of a Rand employee with a union and whether this violates rights to privacy and the freedom not to associate;

176. *John Doe v. Ontario (Finance)*, 2014 SCC 36, concerning an exception in Ontario's *Freedom of Information and Protection of Privacy Act* for advice and recommendations to a Minister;

177. *Mission Institution v. Khela*, 2014 SCC 24, concerning the scope of habeas corpus, the disclosure obligations on a correctional institution when they conduct an involuntary transfer, and the remedies that are available pursuant to a habeas application;

178. *R. v. Summers*, 2014 SCC 26, concerning the presumption of innocence and the interpretation of "circumstance[s]" that may justify granting enhanced credit for pre-trial custody under s. 719(3.1) of the *Criminal Code*;

179. *Canada (Citizenship and Immigration) v. Harkat*, 2014 SCC 37, concerning the constitutionality of Canada's "security certificate" regime, particularly the restrictions on communications between a Named Person and the Special Advocate;

180. *France v. Diab*, 2014 ONCA 374, **regarding whether an extradition judge must engage in a limited weighing of evidence to assess the sufficiency of evidence for committal to extradition and whether a failure to do so would violate s. 7 of the *Charter*;**

181. *R. v. Spencer*, 2014 SCC 43, concerning the permissibility of warrantless searches of internet users' identifying customer information;

182. *R. v. Taylor*, 2014 SCC 50, concerning the right to counsel and whether intentional police reliance on medical procedures to gather evidence without implementing the right to counsel violates s. 8 of the *Charter*;

183. *R. v. Hart*, 2014 SCC 52, concerning the constitutionality and admissibility of a confession obtained through a "Mr. Big" police operation;

184. *Febles v. Canada (Citizenship and Immigration)*, 2014 SCC 68, concerning whether a court must consider an individual's rehabilitation when seeking to exclude a refugee from Canada for "serious prior criminality";

185. ***Kazemi Estate v. Islamic Republic of Iran*, 2014 SCC 62, concerning the application of the *Charter* to the *State Immunity Act* and whether it denies state immunity for acts committed by foreign governments when such acts result in violations of international law prohibitions against torture (the CCLA also intervened at the Quebec Court of Appeal, 2012 QCCA 1449);**

186. *Wakeling v. United States of America*, 2014 SCC 72, regarding the constitutionality of sections of the *Criminal Code* and the *Privacy Act* that allow for the substance of wiretaps to be disclosed to foreign law enforcement actors;

187. ***R. v. Fearon***, 2014 SCC 77, **concerning the scope of the police power to search incident to arrest and whether it extends to a warrantless search of personal electronic devices (the CCLA also intervened at the Ontario Court of Appeal, 2013 ONCA 106);**

188. *PS v. Ontario*, 2014 ONCA 900, concerning detention under mental health law and the scope of *Charter* protection afforded to a person with a hearing impairment and linguistic needs, in a situation of compound rights violations;

189. *Mounted Police Association of Ontario v. Canada (Attorney General)*, 2015 SCC 1, concerning the constitutionality of the labour relations regime for members of the Royal Canadian Mounted Police;

190. *Carter v. Canada (Attorney General)*, 2015 SCC 5, concerning the constitutionality of the *Criminal Code* prohibition on assisted suicide in light of the rights protected under ss. 7 and 15 of the *Charter*;

191. *Canada (Attorney General) v. Federation of Law Societies of Canada*, 2015 SCC 7, concerning the impact of provisions of the *Proceeds of Crime (Money Laundering) and Terrorist Financing Act*, and associated regulations, on solicitor-client privilege and whether these provisions unjustifiably violate s. 7 of the *Charter*;

192. *Baglow v. Smith*, 2015 ONSC 1175, concerning the fair comment defence and the approach to defamation cases where the allegedly defamatory publication takes place within the "blogosphere";

193. *Loyola High School v. Quebec (Attorney General)*, 2015 SCC 12, concerning whether a private religious high school should be exempted from the requirement to teach Quebec's Ethics and Religious Culture curriculum and whether the failure to grant an exemption violates the institution's freedom of religion;

194. *Figueiras v. Toronto (Police Services Board)*, 2015 ONCA 208, regarding whether a roving police "stop and search" checkpoint targeting apparent protesters during the G20 Summit violated ss. 2 and 7 of the *Charter*;

195. *R. v. Nur*, 2015 SCC 15, concerning the constitutionality of various provisions of the *Criminal Code* which impose mandatory minimum sentences for the possession of a prohibited firearm (the CCLA also intervened at the Ontario Court of Appeal, 2013 ONCA 677, and at the Ontario Superior Court of Justice, 2011 ONSC 4874);

196. *Mouvement laïque québécois v. Saguenay (City)*, 2015 SCC 16, concerning whether the rights to equality or to freedom of religion as protected under the Quebec *Charter of human rights and freedoms* are violated when a prayer is recited at the outset of a municipal council meeting;

197. *Henry v. British Columbia (Attorney General)*, 2015 SCC 24, regarding the availability of *Charter* remedies for non-disclosure of evidence at trial and whether claimants should be required to prove prosecutorial malice in the *Charter* claim;

198. *Bowden Institution v. Khadr*, 2015 SCC 26, regarding the proper interpretation of the *International Transfer of Offenders Act* as applied to the sentence received by a Canadian citizen sentenced in the United States and whether the sentence should be served in a provincial correctional facility;

199. *R. v. St-Cloud*, 2015 SCC 27, regarding the interpretation of the power to deny bail because detention is necessary to maintain confidence in the administration of justice;

200. *R. v. Barabash*, 2015 SCC 29, considering the scope of the private use exception to making and possessing child pornography;

201. *R. v. Smith*, 2015 SCC 34, concerning the constitutionality of the *Marijuana Medical Access Regulations* and whether the limitation in the *Regulations* restricting legal possession to only dried marijuana unreasonably infringes s. 7 *Charter* rights;

202. *Equustek Solutions Inc. v. Google Inc.*, 2015 BCCA 265, concerning the validity of an order of the BC Supreme Court that requires a global internet search service to delete certain websites from its search results worldwide;

203. *Taylor-Baptiste v. Ontario Public Service Employees Union*, 2015 ONCA 495, concerning the role of the *Charter of Rights and Freedoms* in the interpretation of the Ontario *Human Rights Code* by the Human Rights Tribunal of Ontario, and in particular how the *Charter* protection of freedom of expression impacts on the Code's protections (the CCLA also intervened before the Ontario Superior Court of Justice, 2014 ONSC 2169);

204. *Frank v. Canada (Attorney General)*, 2015 ONCA 536, concerning the constitutionality of provisions of the *Canada Elections Act* that preclude Canadian citizens who have resided outside of the country for more than five years from voting in federal elections;

205. *Quebec (Commission des droits de la personne et des droits de la jeunesse) v. Bombardier Inc. (Bombardier Aerospace Training Center)*, 2015 SCC 39, concerning the application of the Quebec *Charter* to a Canadian company's refusal to train a Pakistan-born Canadian pilot because he was refused clearance under a US program requiring security checks for foreigners;

206. *Disciplinary Hearings of Superintendent David Mark Fenton*, Toronto Police Service Disciplinary Tribunal decision dated 25 August 2015, regarding whether the mass arrest of hundreds of individuals at two locations during the G20 Summit constituted a violation of ss. 2 and 9 of the *Charter* and whether the officer's conduct amounted to misconduct under the *Police Services Act*;

207. *R. v. Appulonappa*, 2015 SCC 59, and *B010 v. Canada (Citizenship and Immigration)*, 2015 SCC 58, concerning the constitutionality of criminal and immigration sanctions imposed on those who provide assistance to refugee claimants as "human smugglers" (CCLA also intervened in *R. v. Appulonappa* before the BC Court of Appeal, 2014 BCCA 163);

208. *Schmidt v. Attorney General of Canada*, 2016 FC 269, concerning the proper interpretation of statutory provisions requiring the Minister of Justice to report to Parliament on the constitutionality of proposed legislation;

209. *Good v. Toronto (Police Services Board)*, 2016 ONCA 250, regarding the certification of a class action arising from alleged police misconduct during the 2010 G20 Summit;

210. *Villeneuve c. Montréal (Ville de)*, 2016 QCCS 2888, concerning the constitutionality of a City of Montreal by-law that prohibits the holding of gatherings and marches without informing the police of the itinerary and location and prohibiting individuals participating in such gatherings from covering their faces without valid justification;

211. *Trinity Western University v. Law Society of Upper Canada*, 2016 ONCA 518, considering the Law Society of Upper Canada's decision not to accredit the proposed law school at Trinity Western University, and whether the decision strikes an appropriate balance between freedom of religion and equality;

212. *Thompson v. Ontario (AG)*, 2016 ONCA 676, concerning a constitutional challenge to schemes in Ontario's *Mental Health Act* that permit involuntary detention and coerced medical treatment for individuals who are not a danger to themselves or others;

213. *R. v. Donnelly* and *R. v. Gowdy*, 2016 ONCA 988 and 2016 ONCA 989, concerning the availability of a sentence reduction remedy under s. 24(1) of the *Charter* and whether such a remedy allows courts to reduce an offender's sentence below the statutory mandatory minimum;

214. *Jean-François Morasse v. Gabriel Nadeau-Dubois*, 2016 SCC 44, concerning an appeal of a contempt conviction in respect of an individual who made public statements about the legitimacy of certain protest activities (CCLA also intervened before the Quebec Court of Appeal, 2015 QCCA 78);

215. *Ernst v. Energy Resources Conservation Board*, 2017 SCC 1, concerning the availability of a Charter remedy where a statute has a general immunity clause;

216. *BC Freedom of Information and Privacy Association v. Attorney General of British Columbia*, 2017 SCC 6, concerning the constitutionality of provisions of the British Columbia *Election Act* requiring registration of third party advertisers without a threshold spending limit;

217. *R. v. Saikaley*, 2017 ONCA 374, concerning the proper interpretation of the *Customs Act* in relation to the warrantless search of cell phones (or other electronic devices) of anyone entering Canada;

218. *Bingley v. Her Majesty the Queen*, 2017 SCC 12, regarding whether a *Mohan voir dire* is required to determine the admissibility of testimony from a Drug Recognition Expert;

219. *R. v Peers*, 2017 SCC 13, concerning whether the word punishment in s. 11(f) of the *Charter* is restricted to imprisonment or other punishments that engaged the accused's liberty interests;

220. *R. v Tinker*, 2017 ONCA 552, concerning whether a mandatory victim surcharge violates ss. 7 and 12 of the Charter;

221. *Quebec (Director of Criminal and Penal Prosecutions) v Jodoin*, 2017 SCC 26, concerning the imposition of personal costs against a criminal lawyer on the basis of his conduct in the representation of his clients;

222. *R. v Antic*, 2017 SCC 27, concerning the *Criminal Code* restriction on cash bails and the right of an accused to the least restrictive form of bail;

223. *Deborah Louise Douez v. Facebook, Inc*, 2017 SCC 33, regarding the need to modify the "strong cause" test in forum selection cases where constitutional or *quasi*-constitutional rights are engaged in contracts of adhesion;

224. *Google Inc. v. Equustek Solutions Inc., et al.*, 2017 SCC 33, concerning the validity of an order of the BC Supreme Court that requires a global internet search service to delete certain websites from its search results worldwide (the CCLA also intervened before the British Columbia Court of Appeal, 2015 BCCA 265);

225. *Nour Marakah v. Her Majesty the Queen*, 2017 SCC 59, regarding whether the sender of a text message has a reasonable expectation of privacy in the message once it is accessible on a recipient's cell phone;

226. *Tristin Jones v. Her Majesty*, 2017 SCC 60, companion case to Marakah, regarding whether the standing test in an informational privacy case should be clarified in the context of evolving technologies;

227. *Cooperstock v. United Airlines* (Federal Court of Appeal File No. A-262-17), concerning whether an attempted parody website critical of a corporation constitutes a copyright or trademark violation (CCLA was granted leave to intervene but the matter settled prior to a hearing);

228. *Schmidt v. Attorney General of Canada*, 2018 FCA 55, concerning the proper interpretation of statutory provisions requiring the Minister of Justice to report to Parliament on the constitutionality of proposed legislation (the CCLA also intervened before the Federal Court, 2016 FC 269);

229. *R v. Wong*, 2018 SCC 25, concerning an accused's request to withdraw a guilty plea after finding the applicant was uninformed of significant collateral consequences of the plea;

230. *Groia v. Law Society of Upper Canada*, 2018 SCC 27, concerning a finding of professional misconduct made against a lawyer on the basis of incivility and the question of when such a finding impacts freedom of expression **(the CCLA also intervened before the Law Society Appeal Panel, 2013 ONLSAP 41, the Divisional Court, 2015 ONSC 686, and the Court of Appeal, 2016 ONCA 471)**;

231. *Trinity Western University v. Law Society of Upper Canada*, 2018 SCC 33, considering the Law Society of Upper Canada's decision not to accredit the proposed law school at Trinity Western University, and whether the decision strikes an appropriate balance between freedom of religion and equality (the CCLA also intervened before the Ontario Court of Appeal, 2016 ONCA 518);

232. *Stewart v. Toronto Police Services Board*, 2018 ONSC 2785, concerning the constitutionality of establishing a police perimeter around a public park and requiring a search of bags and belongings as a condition of entry.

233. *Re: Interim Prohibitory Orders issued against Leroy St. Germaine, Lawrence Victor St. Germaine and James Sears dated May 26, 2016*, Board of Review proceedings under the *Canada Post Corporation Act*, considering the constitutionality of a Ministerial decision to prohibit access to Canada Post for individuals alleged to be committing an offence;

234. *Abdi v Canada*, 2018 FC 733 concerning whether *Charter* rights and values may be considered in admissibility proceedings against a non-citizen who had been a Crown ward;

235. *R v Boudreault*, 2018 SCC 58, concerning whether a mandatory victim surcharge violates s. 12 of the Charter;

236. *R v Vice Media Canada Inc*, 2018 SCC 53, considering when a journalist can be compelled to reveal communications with a source for the purpose of assisting a police investigation and whether the police record underlying the production order should be subject to a sealing order or a publication ban (The CCLA also intervened before the Ontario Court of Appeal, 2017 ONCA 231);

237. *Frank v. Canada (Attorney General)*, 2019 SCC 1 concerning the constitutionality of provisions of the *Canada Elections Act* that preclude Canadian citizens who have resided outside of the country for more than five years from voting in federal elections;

238. *Spencer Dean Bird v. Her Majesty the Queen*, 2019 SCC 7, concerning the role of Charter considerations when applying the doctrine of collateral attack;

239. *R v. Jarvis*, 2019 SCC 10, concerning whether surreptitious visual recordings of students were made in circumstances that give rise to a reasonable expectation of privacy;

240. *R v. Corey Lee James Myers*, 2019 SCC 18, concerning the proper approach to be taken in respect of a 90 day bail review;

241. *Mills v. Her Majesty the Queen*, 2019 SCC 22, concerning whether an accused had a reasonable expectation of privacy in electronic communications to an undercover police officer;

242. *Minister of Public Safety and Emergency Preparedness, et al. v. Tusif Ur Rehman Chhina*, 2019 SCC 29, concerning whether a *habeas corpus* proceeding should be available to individuals held in immigration detention;

243. *Gregory Allen v. Her Majesty the Queen in right of Ontario as represented by the Minister of Community Safety and Correctional Services* (Ontario Human Rights Tribunal File No 2016-25116-I) concerning the use of solitary confinement on persons with physical disabilities (this matter settled prior to hearing);

244. ***Mitchell v. Jackman*** **(Supreme Court of Newfoundland and Labrador, Court of Appeal File No. 2017 01H 0089), concerning the constitutionality of provisions of the Newfoundland *Elections Act* which allow for special ballot voting prior to an election writ being dropped (CCLA also intervened in the Newfoundland and Labrador Trial Division (General) 2017 NLTD(G) 150; the Court of Appeal dismissed the appeal as moot);**

245. ***R. v. Culotta,*** **2018 SCC 57, concerning whether the right to counsel requires immediate access to a phone and the internet, and whether blood samples should be excluded under s. 24(2) of the *Charter* when the samples are taken for strictly medical purposes rather than police purposes;**

246. ***R. v. Le,*** **2019 SCC 34,** concerning whether a detention and search in a private backyard of a racialized individual violated an accused's ss. 8 and 9 rights;

247. *R. v. Penunsi*, 2019 SCC 39, concerning whether the judicial interim release provisions contained in s. 515 of the Criminal Code apply to s. 810 peace bond proceedings, and whether s. 810.2(2) of the *Criminal Code* empowers a judge to issue an arrest warrant in order to cause a defendant to a s. 810.2 information to appear.

248. *Christian Medical and Dental Society et al. v. College of Physicians and Surgeons of Ontario,* 2019 ONCA 393, concerning the constitutionality of policies requiring physicians who conscientiously object to a medical practice to nevertheless provide an effective referral and urgent care to patients seeking care (CCLA also intervened in the Superior Court, 2018 ONSC 579);

249. *R v. Passera,* 2019 ONCA 527, considering whether it is cruel and unusual punishment to compel an offender who is detained prior to trial to spend more time in custody than other similarly situated offenders prior to becoming eligible for parole or early release;

250. *Marie-Maude Denis v. Marc-Yvan Coté*, 2019 SCC 44, concerning the interpretation and application of the *Journalistic Sources Protection Act* and the changes it made to the *Canada Evidence Act* concerning the treatment of journalistic sources in court proceedings;

251. *Fleming v. Ontario,* 2019 SCC 45, concerning the ancillary common law powers of police officers in the context of an arrest for an apprehended breach of the peace, and the impact of the exercise of that power on the right to freedom of expression and peaceful protest;

252. *R. v. Rafilovich*, 2019 SCC 51, concerning whether a fine in lieu of forfeiture should be imposed in respect of proceeds of crime seized by the police but returned by order of the court to the accused to pay for defence counsel;

253. *Kosoian v. Société de transport de Montréal, et al.,* 2019 SCC 59, concerning whether a pictogram can create an infraction and the circumstances in which an individual must identify themselves to police;

254. *Ontario (Attorney General) v. Bogaert*s, 2019 ONCA 876, concerning private organizations with delegated law enforcement powers that engage s. 8 of the *Charter*, and the importance of transparency and accountability as fundamental legal principles under s. 7;

255. *C.M. v York Regional Police,* 2019 ONSC 7220, concerning the procedural fairness of the police vulnerable sector check process;

256. *Stewart v. Toronto Police Services Board*, 2020 ONCA 255, concerning the constitutionality of establishing a police perimeter around a public park and requiring a search of bags and belongings as a condition of entry;

257. *R. v. Sullivan*, 2020 ONCA 333, concerning the constitutionality of s. 33.1 of the Criminal Code which ousts the common law defence of automatism for certain offences when induced by voluntary intoxication;

258. *Leroux v. Ontario*, 2020 ONSC 1994, concerning the impact of the *Crown Liability and Proceedings Act* on a certification motion previously granted by the Court;

259. *R. v. Zora*, 2020 SCC 14, concerning the mens rea for the offence of failing to comply with a condition of undertaking or recognizance;

260. *British Columbia v. Provincial Court Judges' Association of B.C.,* 2020 SCC 20 and Nova Scotia v. Nova Scotia Provincial Court Judges' Association, 2020 SCC 21, considering whether Cabinet documents should be protected from disclosure in the judicial review of judicial compensation or whether they should be exempted on the basis of public interest immunity;

261. *1704604 Ontario Limited v. Pointes Protection Association, et al.*, 2020 SCC 22 and *Maia Bent, et al. v. Howard Platnick, et al.*, 2020 SCC 23, concerning the appropriate approach to applying the criteria for dismissal set out in ss. 137.1 to 137.5 in Ontario's Courts of Justice Act (i.e. the proper interpretation of Ontario's anti-SLAPP provisions);

262. *Attorney General of Quebec, et al. v. 9147-0732 Québec inc.* , 2020 SCC 32, considering whether corporations should (or should not) have a right to be free from cruel and unusual treatment under s. 12 of the Charter;

263. *Ontario (Attorney General) v. G*, 2020 SCC 38, concerning whether inclusion on a sex offender registry is contrary to ss. 7 and 15 of the *Charter* for persons found not criminally responsible by reason of mental disorder and absolutely discharged by a Review Board (CCLA also intervened before the Ontario Court of Appeal);

264. *Children's Aid Society of Toronto v. O.O & J.A.G.-L.* (Ontario SCJ File No. FS-20-16365), concerning the suspension of parental access to a child in care as a result of the COVID-19 pandemic and the proper evidentiary threshold that must be met before eliminating parental access; and

265. *AC and JF v Alberta*, 2021 ABCA 24, concerning the test for an injunction against government action or legislation, in the context of a constitutional challenge against the government's retroactive change to Alberta's Support Financial Assistance Program for young people who had been raised in government care. The change lowered the age eligibility for this program.

CCLA Interventions – Hearing or Decision Pending

266. *Leroux v. Ontario*, (Ontario Div Ct. File: DC-003-19), considering whether the *Crown Liability and Proceedings Act* alters the common law of Crown immunity, whether the legislation improperly usurps the core jurisdiction of the superior courts, and the impact of the legislation on a previously certified class proceeding;

267. *Estate of Bernard Sherman and the Trustees of the Estate et al., v. Kevin Donovan et al.* (Supreme Court of Canada File No. 38695), considering the relationship between privacy interests in an estate administration matter and the open courts principle;

268. *Ethiopian Orthodox Tewahedo Church of Canada St. Mary Cathedral, et al. v. Teshome Aga, et al.* (Supreme Court of Canada File No. 39094), concerning when a civil court can intervene in a dispute about membership within a voluntary religious association; and

269. *Francis v. Ontario* (Ontario Court of Appeal File No. C68403), concerning a class action regarding the placement of inmates with serious mental illness in solitary confinement, and the scope of the Crown's liability in tort under the *Crown Liability and Proceedings Act*.

The CCLA has also litigated significant civil liberties issues as a party in the following cases and inquests:

270. *Canadian Civil Liberties Association v. Ontario (Minister of Education)* (1990), 71 OR (2d) 341 (CA), reversing (1988), 64 OR (2d) 577 (Div Ct), concerning whether a program of mandatory religious education in public schools violated the *Charter*'s guarantee of freedom of religion;

271. *Canada (Canadian Human Rights Commission) v. Toronto-Dominion Bank (re Canadian Civil Liberties Association)*, [1996] 112 FTR 127, affirmed [1998] 4 FC 205 (CA), concerning whether an employer's policy requiring employees to submit to a urine drug test was discriminatory under the *Canadian Human Rights Act*;

272. *Corporation of the Canadian Civil Liberties Association v. Ontario (Civilian Commission on Police Services)* (2002), 61 OR (3d) 649 (CA), concerning the proper evidentiary standard to be applied under the *Ontario Police Services Act* when the Civilian Commission on Police Services considers the issue of hearings into civilian complaints of police misconduct;

273. *Canadian Civil Liberties Association v. Toronto Police Service*, 2010 ONSC 3525 and 2010 ONSC 3698, concerning whether the use of Long Range Acoustic Devices (LRADs) by the Toronto Police Service and the Ontario Provincial Police during the G20 Summit in June 2010 violated Regulation 926 of the *Police Services Act* and ss. 2 and 7 of the *Charter*;

274. *Inquest into the Death of Ashley Smith* (Office of the Chief Coroner) (Ontario), concerning the death of a young woman with mental health issues, who died by her own hand while in prison, under the watch of correctional officers;

275. *Corporation of the Canadian Civil Liberties Association and Christopher Parsons v. Attorney General (Canada)* (Ontario Superior Court File No. CV-14-504139), an application regarding the proper interpretation of certain provisions of the federal *Personal Information Protection and Electronic Documents Act* which have been used to facilitate warrantless access to internet subscriber information (application ongoing);

276. *Corporation of the Canadian Civil Liberties Association v. Attorney General (Canada)*, 2019 ONCA 243; and *Corporation of the Canadian Civil Liberties Association v. Her Majesty the Queen*, 2017 ONSC 7491, an application and appeal regarding the constitutionality of provisions of the *Corrections and Conditional Release Act* which authorize "administrative segregation" in Canadian correctional institutions (currently on cross-appeal at the Supreme Court of Canada, File No. 38574,);

277. *Corporation of the Canadian Civil Liberties Association, et al. v. Attorney General (Canada)* (Ontario Superior Court File No. CV-15-532810), an application concerning the constitutionality of provisions of various pieces of legislation as a result of the *Anti-Terrorism Act, 2015* (application ongoing);

278. *National Council of Canadian Muslims (NCCM), Marie-Michelle Lacoste and Corporation of the Canadian Civil Liberties Association c Attorney General of Quebec* (Quebec Superior Court File No. 500-17-100935-173); *National Council of Canadian Muslims (NCCM) c. Attorney General of Québec*, 2018 QCCS 2766, and *National Council of Canadian Muslims (NCCM) c. Attorney General of Quebec*, 2017 QCCS 5459, an application to challenge the validity of a provision banning face coverings in giving or receiving public services and applications for an order staying the operation of this provision;

279. *Becky McFarlane, in her personal capacity and as litigation guardian for LM, and The Corporation of the Canadian Civil Liberties Association v. Minister of Education (Ontario)*, 2019 ONSC 1308, concerning whether the removal of sections of Ontario's health and physical education curriculum violates the equality rights of LGBTQ+ students and parents;

280. *Ichrak Nourel Hak, National Council of Canadian Muslims (NCCM) and Corporation of the Canadian Civil Liberties Association v Attorney General of Quebec* (Quebec Superior Court File No. 500-17-108353-197); *Hak c. Procureure générale du Québec*, 2019 QCCA 2145, an application to challenge the validity of provisions banning religious symbols in certain professions in the public sector, and an application for an order staying the operation of these provisions.

281. *Corporation of the Canadian Civil Liberties Association and Lester Brown v Toronto Waterfront Revitalization Corporation, et. al*, (Ontario Superior Court of Justice File No. 211/19), concerning whether Sidewalk Labs' smart city project is *ultra vires* and whether it violates ss. 2(c), 2(d), 7, and 8 of the *Charter of Rights and Freedoms* (without costs abandonment filed when Sidewalk Labs ended the project);

282. *CCLA v. Attorney General of Ontario*, 2020 ONSC 4838, concerning the constitutionality of Ontario's *Federal Carbon Tax Transparency Act* which compels gas retailers to post an anti-carbon tax notice on all gas pumps or face fines;

283. *Sanctuary Ministries of Toronto, et. al v. City of Toronto, et. al* (Ontario Superior Court of Justice), concerning the constitutionality of the Toronto Shelter Standards and 24-Hour Respite Site Standards, and of the conduct of the City in the operation of its shelters and failure to develop and implement a COVID-19 mitigation plan, on the basis that these do not comply with public health dictates regarding physical distancing during the COVID-19 pandemic;

284. *Canadian Civil Liberties Association et al. v. Attorney General of Canada* (Federal Court File No. T-539-20), claiming that the Correctional Service of Canada's failure to take reasonable steps to protect the lives and health of inmates in the face of the COVID-19 pandemic violates the statutory duties in ss. 70, 86 and 87 of the CCRA and violates prisoners' ss. 7, 12 and 15 *Charter* rights; and

285. *Taylor v. Newfoundland and Labrador*, 2020 NLSC 125, claiming that the Special Measures Order put in place by the province's Chief Medical Officer of Health that prohibits some Canadian citizens and permanent residents to visit the province is *ultra vires* provincial jurisdiction and that it violates ss. 6 and 7 of the *Charter* and cannot be saved by s. 1, and arguing that new enforcement provisions under the *Public Health Protection and Promotion Act* unjustifiably infringe ss. 7 8 and 9 of the *Charter* (decision is being appealed).