SCC File No. 39664

IN THE SUPREME COURT OF CANADA
(ON APPEAL FROM THE COURT OF APPEAL FOR ONTARIO)

BETWEEN:

COREY DANIEL RAMELSON

Appellant

- AND -

HER MAJESTY THE QUEEN

Respondent

- AND -

DIRECTOR OF PUBLIC PROSECUTIONS, CRIMINAL LAWYERS' ASSOCIATION OF ONTARIO, BRITISH SOLUMBIA CIVIL LIBERTIES ASSOCIATION and CANADIAN CIVIL LIBERTIES ASSOCIATION

Interveners

Style of cause continued on following pages #'s 39803; 39871 & 39676.

FACTUM OF THE INTERVENER, CANADIAN CIVIL LIBERTIES ASSOCIATION

(Pursuant to Rule 42 of the *Rules of the Supreme Court of Canada*)

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Style of cause continued….

AND BETWEEN

SCC File No. 39803

ERHARD HANIFFA

Appellant

- AND -

HER MAJESTY THE QUEEN

Respondent

- AND -

DIRECTOR OF PUBLIC PROSECUTIONS, CRIMINAL LAWYERS' ASSOCIATION OF ONTARIO, BRITISH SOLUMBIA CIVIL LIBERTIES ASSOCIATION and CANADIAN CIVIL LIBERTIES ASSOCIATION

Interveners

AND BETWEEN

SCC File No. 39871

TEMIOPE DARE

Appellant

- AND -

HER MAJESTY THE QUEEN

Respondent

- AND -

DIRECTOR OF PUBLIC PROSECUTIONS, CRIMINAL LAWYERS' ASSOCIATION OF ONTARIO, BRITISH SOLUMBIA CIVIL LIBERTIES ASSOCIATION and CANADIAN CIVIL LIBERTIES ASSOCIATION

Interveners

AND BETWEEN

SCC File No. 39676

MUHAMMAD ABBAS JAFFER

Appellant

- AND -

HER MAJESTY THE QUEEN

Respondent

- AND -

DIRECTOR OF PUBLIC PROSECUTIONS, CRIMINAL LAWYERS' ASSOCIATION OF ONTARIO, BRITISH SOLUMBIA CIVIL LIBERTIES ASSOCIATION and CANADIAN CIVIL LIBERTIES ASSOCIATION

Interveners

FACTUM OF THE INTERVENER CANADIAN CIVIL LIBERTIES ASSOCIATION

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PART I. OVERVIEW

1. The Canadian Civil Liberties Association (the "CCLA") intervenes in this appeal to raise concerns about two emerging trends in the way the entrapment framework articulated in *R. v. Ahmad* is being applied that threaten to undermine privacy rights in online spaces.[1] Lower court decisions confirm that police are undertaking roving investigations online that begin with no reasonable suspicion in either an identifiable person or the location under investigation, which undermines the public's settled expectation that they will not ordinarily find themselves in contact with undercover officers "unless [they] have done something to trigger their suspicions, or unless [they] happen to be in the vicinity or reach of a *bona fide* investigation of criminal activity".[2] At the same time, appeal courts have been giving law enforcement interests disproportionate weight in determining whether an online investigation has strayed into the realm of impermissible random virtue testing.

2. In *Ahmad*, this Court brought the entrapment doctrine into the digital era thirty years after it first articulated the modern test in *R. v. Mack*.[3] *Ahmad* recognized that as crime and policing moved into online spaces, an unprecedented number of people could become ensnared in police investigations.[4] These issues did not arise on the facts in *Ahmad,* which centered on whether the police had a reasonable suspicion that a single phone number was being used for drug trafficking. Nonetheless, the majority developed a non-exhaustive list of factors that would inform the scope of online investigations in the future.

3. In these appeals, this Court is again called upon to set limits on the scope of virtual investigations, but this time in the context of a wide reaching, web-based online investigation. The CCLA respectfully submits that *Ahmad* was the beginning, not the end of necessary alterations to the entrapment framework to limit the intrusiveness of online investigations. Accordingly, the CCLA asks this Court to: (1) confirm that privacy interests should be at the forefront when delimiting the acceptable scope of online investigations; and (2) set additional guardrails to limit the intrusive potential of online investigations.

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[1] *R. v. Ahmad*, 2020 SCC 11.
[2] *R. v. Mack,* [1988] 2 S.C.R. 903, at p. 957.
[3] *R. v. Mack,* [1988] 2 S.C.R. 903
[4] *R. v. Ahmad*, 2020 SCC 11, at para. 37.

4. The CCLA makes no submission on the facts of the appeals.

PARTS II & III: STATEMENT OF ISSUES AND ARGUMENT

A. Privacy interests should be at the forefront when applying the Ahmad *factors and delimiting the acceptable scope of undercover investigations online*

5. Under the first branch of the traditional entrapment framework, *Mack* held that police may not "provide a person with an opportunity to commit an offence without acting on a reasonable suspicion that this person is already engaged in criminal activity or pursuant to a bona fide inquiry".[5] In *Ahmad*, this Court began the work of bringing the entrapment doctrine into the digital age by stressing that the "virtual space in question must be defined with sufficient precision in order to ground reasonable suspicion".[6] The majority developed a non-exhaustive list of factors to guide courts in determining when an investigation crosses into the threshold of impermissible random virtue testing. These included:

(a) the seriousness of the crime in question;

(b) the time of day and the number of activities and persons who might be affected;

(c) whether racial profiling, stereotyping or reliance on vulnerabilities played a part in the selection of the location;

(d) the level of privacy expected in the area or space;

(e) the importance of the virtual space to freedom of expression; and

(f) the availability of other, less intrusive investigative techniques.[7]

6. Despite this Court's emphasis on the need for a precise and narrow field of investigation[8], appeal courts have allowed law enforcement interests to attain outsized importance in the weighing exercise when confronted with online investigations that have no identifiable target in mind.[9]

7. In the decisions under appeal, the Court of Appeal began its reasons by observing that "[w]here the evidence establishes the police have narrowed their investigation as much as the

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[5] *R. v. Mack,* [1988] 2 S.C.R. 903, at p. 964.
[6] *R. v. Ahmad*, 2020 SCC 11, at para. 41.
[7] *R. v. Ahmad*, 2020 SCC 11, at para. 41.
[8] *R. v. Ahmad*, 2020 SCC 11, at paras. 42-43.
[9] *R. v. Ramelson,* 2021 ONCA 328 ["*Ramelson* (OCA)"]; *R. v Brown*, 2021 NLCA 27.

evidence allows, it may be acceptable that reasonable suspicion relates to a wider area".[10] Consistent with that conclusion, it held that the law enforcement interests (and in particular the difficulty of investigating child luring offences) "weigh[ed] heavily" against finding that the police were engaged in random virtue testing.[11] The collateral consequences of Project Raphael (including the significant number of people and the activities affected) became just one factor among many that did not hold any "greater prominence than the other factors listed."[12]

8. The Ontario Court of Appeal is not the only court to have given law enforcement interests an outsized importance when reviewing the scope of a proactive investigation into online spaces. In *R. v. Brown*, the Newfound Court of Appeal undertook a similar line of analysis in a challenge to an investigation in which an undercover police officer placed an ad purporting to be a teenage girl in the "I am a woman seeking a man" section of NLAdult.com because he had previously gone on the page and laid charges against people for child luring.[13] The Newfoundland Court of Appeal upheld the trial judge's conclusion that there was no entrapment, beginning its analysis by noting:

> In determining whether the police had the necessary reasonable suspicion to proceed with the investigation, the factors set out in *Ahmad* are of assistance. It is self evident that child luring is a serious crime. Young people are adept at accessing technology and must be protected from those who would take advantage of their immaturity, naivety and curiosity. The potential for serious harm to the child cannot be understated.[14]

9. With respect, the seriousness of the offences under investigation or the difficulty of investigating crime – no matter how vexing – have no bearing on the objective prevalence of crime in an online space.[15]

10. Law enforcement needs already weigh heavily when assessing the permitted scope of an undercover investigation. The entrapment doctrine (as traditionally expressed) permits police to lay down opportunities to commit crimes whenever they have a reasonable suspicion that the target

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[10] *Ramelson* (OCA), at para. 46.
[11] *Ramelson* (OCA), at paras. 113, 147.
[12] *Ramelson* (OCA), at paras. 96, 140, 145.
[13] *R. v Brown*, 2021 NLCA 27, at paras. 2, 18, leave to appeal ref'd (39731).
[14] *R. v. Brown*, 2021 NLCA 27, at para. 14.
[15] See, e.g. Binnie J.'s summary of the meaning of reasonable suspicion in R. *v. Kang-Brown*, [2008] 1 S.C.R. 456, at para. 75.

is engaged in crime or that the targeted location is a place where people are engaged in crime.[16] The adoption of the reasonable suspicion standard was said to represent a "carefully calibrated balance" between society's interest in preserving the "rule of law … privacy and personal freedom against state overreach", on the one hand, and investigating and prosecuting crime, on the other.[17] Because it is "a lower standard than reasonable grounds, it allows police additional flexibility in enforcing the law and preventing crime".[18] It serves a similar balancing function in the context of s. 8 (authorizing searches where privacy interests are reduced, or where state objectives of public importance are predominant)[19] and s. 9 (authorizing brief investigative detentions after weighing, among other things, whether the interference with individual liberty is necessary to perform the officer's duty and the nature and extent of that interference).[20]

11. Given the work that is done by the adoption of the "reasonable suspicion" standard, allowing law enforcement interests to weigh heavily in both (1) the selection of what standard is to be met; and (2) the decision about whether that standard was met upsets the delicate balance struck in this Court's jurisprudence and is inconsistent with the settled meaning of the standard.

12. *Ahmad* cannot have been intended to reverse Lamer J.'s admonition that "in our democratic system … the ends do not justify the means."[21] Indeed, the *Ahmad* factors bear a striking resemblance to the factors listed in McLachlin J.'s dissenting judgment in *Barnes:*

> [A] determination that the police were operating in the course of a bona fide inquiry within the meaning of *Mack* requires the Court to consider not only the motive of the police and whether there is crime in the general area, but also other factors relevant to the balancing process, such as the likelihood of crime at the particular location targeted, the seriousness of the crime in question, the number of legitimate activities and persons who might be affected, and the availability of other less intrusive investigative techniques. In the final analysis, the question is whether the

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[16] *R. v. Ahmad*, 2020 SCC 11, at para. 19.

[17] *R. v. Ahmad*, 2020 SCC 11, at paras. 22-23.

[18] *R. v. Ahmad*, 2020 SCC 11, at para. 45.

[19] *R. v. Chehil,* 2013 SCC 49, [2013] 3 S.C.R. 220, at para. 23, citing *Hunter et al. v. Southam Inc.,* [1984] 2 S.C.R. 145, at p. 168. See also *R. v. Stairs*, 2022 SCC 11, at paras. 65, 73-74, which recently reviewed the function of the standard in a search of a home incident to arrest.

[20] *R. v. Mann*, 2004 SCC 52, [2004] 3 SCR 59, at paras. 33-35*; R. v. Simpson*, (1993), 79 C.C.C. (3d) 482 (OCA) at p. 503, citing *R. v. Mack,* [1988] 2 S.C.R. 903, at p. 956.

[21] *R. v. Mack,* [1988] 2 S.C.R. 903, at p. 938.

> interception at the particular location … was reasonable having regard to the conflicting interests of private citizens in being left alone from state interference and of the state in suppressing crime.[22] [Emphasis added.]

13. McLachlin J.'s formulation, however, correctly recognized that these factors were intended to function as a meaningful check on how police conduct undercover investigations. She disagreed with the majority's narrow focus on police officers' motivations and whether they had a reasonable suspicion that criminal activity was taking place in the area under investigation. She would have held that it was unacceptable for an undercover officer to stop anyone within six block radius of Granville Mall in downtown Vancouver to see if they would sell the officer drugs based on, among other things, the impact of the investigation on law-abiding citizens pursuing legitimate activities.[23] McLachlin J. stressed (and the *Ahmad* majority reiterated) that "individuals should be free to go about their daily business — to go shopping, to visit the theatre, to travel to and from work, to name but three examples — without courting the risk that they will be subjected to the clandestine investigatory techniques of agents of the state."[24]

14. It is incumbent on this Court to clarify the spirit of *Ahmad*: that police are in all circumstances required to hold a reasonable suspicion in a specific person or place, and that the *Ahmad* factors are additional considerations that limit – not expand – the types of investigations that can be undertaken. In a proper case, law enforcement imperatives may neutralize privacy and other concerns that would otherwise indicate that the police are engaged in improper and random virtue testing. However, they do not convert an improper investigation undertaken without grounds into a proper investigation undertaken with grounds.

B. Ahmad was the beginning but not the end of necessary alterations to the entrapment framework to limit the intrusiveness of online investigations

15. Whether or not this investigation amounted to random virtue testing, additional guidance is needed on how online investigations should be conducted in the future.

16. For his part, the trial judge in *R. v. Ramelson* suggested that "the undercover officer should have done more to satisfy himself that the Applicant was looking for an underage girl before

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[22] *R. v. Barnes*, [1991] 1 S.C.R. 449, at p. 483.
[23] *R. v. Barnes*, [1991] 1 S.C.R. 449, at p. 487, *per* McLachlin J. (dissenting).
[24] *R. v. Ahmad*, 2020 SCC 11, at para. 39, citing *R. v. Barnes*, [1991] 1 S.C.R. 449, at p. 481.

inviting the Applicant to commit the offence".[25] He could have either disclosed that the person was underage earlier, or (given the officers' testimony that age had to be introduced naturally) engaged the accused in a more extensive conversation to develop a reasonable suspicion.[26]

17. The suggestion that police officers should embark on more probing inquiries of innocent people under no suspicion of committing an offence alleviates one concern with entrapment – that the police are manufacturing crime, as opposed to detecting it – but does nothing to prevent the danger that the police will invade the privacy of innocent people.[27] To the contrary, it encourages police to do so in a more extensive fashion. The CCLA submits that more robust limits are needed on how police conduct online investigations.

1. The privacy concerns surrounding intrusive online investigations

18. Child luring investigations are conducted in a variety of contexts using a variety of techniques. They are by no means confined to paid escort services and webpages. Recent reported decisions include online investigations that take place in the casual encounters section of Locanto.com, group chat applications, a Toronto chat room on Yahoo, and on Facebook.[28] They may target specific individuals who are said to have drawn suspicion to themselves,[29] or they may (initially at least) focus on a location at large.[30]

19. Investigations that have no pre-identified target present the greatest risk of becoming roaming and unfocused inquisitions that compromise the privacy of online users. For example, in

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[25] *R. v. C.D.R.*, 2020 ONSC 5030, at para. 32.

[26] *R. v. C.D.R.*, 2019 ONSC 6894, at para. 12; *R. v. C.D.R.*, 2020 ONSC 5030, at para. 32.

[27] *R. v. Mack,* [1988] 2 S.C.R. 903, at p. 941; *R. v. Ahmad*, 2020 SCC 11, at para. 39, citing *R. v. Barnes,* [1991] 1 S.C.R. 449, at p. 481, *per* McLachlin J. (dissenting).

[28] *R. v. Kainth*, 2021 ONSC 1941; *R. v. Karadics,* 2022 ABQB 121; *R. v. Ghotra*, 2020 ONCA 373, 388 C.C.C. (3d) 416, aff'd 2021 SCC 12; *R. v. Mills,* 2019 SCC 22, [2019] 2 S.C.R. 320.

[29] *R. v. Leskosky*, 2020 ABQB 517 (US police force forwarding child luring complaint concerning accused); *R. v. Kainth,* 2021 ONSC 1941 (response to casual encounters post on Locanto.com); *R. v. Argent,* 2016 ONCA 129 (response to Craigslist ads).

[30] *Ramelson* (OCA); *R. v Brown*, 2021 NLCA 27 (police ad on NLadult.com); *R. c. Brodeur*, 2021 QCCS 2401 (three police ads on unspecified sites)

R. v. Karadics,[31] the police, acting on unspecified complaints about Kik, a group chat application, set about investigating Kik chat groups associated with Edmonton. The police were well aware that they had no reasonable suspicion at the outset of their investigation: grounds were to be "formed during communication with targets".[32] The police expressly excluded groups that were sexual in nature; instead, they joined two unrelated groups using an undercover persona of a 15-year-old girl and made posts about innocuous subjects such as cooking and the weather.[33] The undercover officer monitoring the account was expressly instructed to keep their conversations "general and non-sexual, until a correspondent introduced sexual themes".[34] The investigation gave rise to charges after one user, the accused, exchanged "hundreds of messages" with the undercover officer in which he began to groom the purported 15-year-old.[35]

20. Every step that the officers took in *Karadics* was consistent with the jurisprudence at the time, including this Court's guidance in *Ahmad*.[36] However, this type of investigation was not contemplated when this Court developed the entrapment doctrine. *Mack* and *Barnes* centered on investigations into people who were reasonably suspected of engaging in crime and locations where it was reasonably suspected that crime was taking place. Lamer J. thought it unlikely that the police would attempt to investigate people and places to which no reasonable suspicion attached: his judgment is replete with comments to the effect that "from a common sense viewpoint it is likely that the police would not waste valuable resources attempting to attract unknown individuals into the commission of offences."[37]

21. Two factors have converged since *Mack* and *Barnes* were decided that have encouraged police to adopt different tactics. First, technology has moved socialization online, which has presented police with opportunities to reach more people with fewer resources.[38] Second, courts

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[31] *R. v. Karadics*, 2022 ABQB 121. See also *R. v. Ghotra*, 2020 ONCA 373, 388 C.C.C. (3d) 416, aff'd 2021 SCC 12 (adult-only Yahoo chatroom labelled "Toronto Global Chat 1") and *R. v. Brown*, 2021 NLCA 27 (ad on NLadult.com)

[32] *R. v. Karadics*, 2022 ABQB 121, at paras. 4, 9, 76.

[33] *R. v. Karadics*, 2022 ABQB 121, at paras. 3, 7.

[34] *R. v. Karadics*, 2022 ABQB 121, at para. 9.

[35] *R. v. Karadics*, 2022 ABQB 121, at para. 12.

[36] *R. v. Ahmad*, 2020 SCC 11, at para. 54.

[37] *R. v. Mack*, [1988] 2 S.C.R. 903, at p. 958. See also similar comments at p. 957.

[38] *R. v. Mills*, 2019 SCC 22, [2019] 2 S.C.R. 320, at paras. 104-105, *per* Martin J. (dissenting).

later began allowing police to engage likely innocent people in likely innocuous places for the purposes of establishing a reasonable suspicion. This authority appears to have emerged from a line of cases predominantly dealing with investigations in which police set out with some grounds about an identifiable individual but did not have enough evidence to amount to grounds at law.[39] But it was this authority that allowed the officer in *Karadics* to conduct an investigation with no grounds and no identifiable target in mind.[40]

2. Additional protections are needed

22. In *Ahmad,* the majority decision accepted that the internet has meaningfully shifted the balance of privacy and law enforcement interests in a way that necessitates special safeguards that do not apply to investigations that take place in the physical world.[41] This is because:

> state surveillance over virtual spaces is of an entirely different qualitative order than surveillance over a public space. Technology and remote communication significantly increase the number of people to whom police investigators can provide opportunities, thereby heightening the risk that innocent people will be targeted. Online anonymity allows police to increasingly fabricate identities and "pose" as others to a degree that would not be possible in a public space like the Granville Mall. And they can do so anytime and anywhere, since cell phones are a 24/7 gateway into a person's private life. Individuals must be able to enjoy that privacy free from state intrusion, subject only to the police meeting an objective and reviewable standard allowing them to intrude (see *Barnes*, at p. 481, per McLachlin J., dissenting but not on this point).[42] [Emphasis added.]

23. Meaningful limits are required to rein in online police investigations. In *Ahmad,* this Court hinted at the existence of such limits, suggesting that "[r]eviewing courts must scrutinize the

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[39] See, e.g. *R. v. Gladue,* 2012 ABCA 143, at para. 9, leave to appeal ref'd (34906) (tip that phone number used to sell drugs) citing *R. v. Imoro*, 2010 ONCA 122 at para. 16, aff'd 2010 SCC 50, [2010] 3 SCR 62, (tip that man selling drugs on the 12th floor of apartment building). See also *R. v. Ahmad*, 2020 SCC 11, at para. 54 (tip that phone number used to sell drugs) citing *R. v. Townsend*, [1997] O.J. No. 6516 (Ont Gen Div), at para. 50 (tip that pager number used to sell drugs).

[40] *R. v. Karadics,* 2022 ABQB 121, at para. 4. To the extent that the unspecified "complaints" referenced in para. 2 is said to have narrowed the field of investigation, it did not do so in any meaningful way. The initial scope of potential targets included every person in Edmonton who used Kik and participated in the discussions about topics like cooking and the weather: at para. 7.

[41] *R. v. Ahmad*, 2020 SCC 11, at paras. 37, 40-41.

[42] *R. v. Ahmad*, 2020 SCC 11, at para. 37.

evidence that prompted the inquiry to ensure the police have narrowed their scope so that the purview of their inquiry is no broader than the evidence allows."[43] More, however, is needed. In the context of online investigations where there is no identifiable target under investigation, it is not unduly onerous and it is good policy to require the police to:

(a) develop grounds for a reasonable suspicion in advance of the investigation;

(b) rule out other, less intrusive techniques;

(c) tailor their investigation as much as possible given the objectives of the investigation and the factors that give rise to grounds in all circumstances; and

(d) at all steps of the investigation give due consideration to the technical features of the site or platform at issue, including the inherent unpredictability of algorithmic and other forms of content targeting, ranking, or moderation where applicable.

24. When the police make contact "without reasonable suspicion, they are walking on thin ice, having already intruded upon the private life of their interlocutor."[44] The damage is already done. The tradeoff may be acceptable in circumstances like *Ahmad*, where police are making limited inquiries of a single phone number and ultimately a single person, or, to the extent that *Barnes* remains good law, investigations in physical spaces where there are practical limits on the state's ability to intrude into the lives of people in Canada, but it is untenable in roving online investigations of the internet at large where there are few limits on the number of people that may be affected and the extent to which they are affected.[45]

25. It is not just potential targets who may be unknowingly disclosing personal information about, among other things, their interests, habits, and sexual preferences to an agent of the state.[46] Anyone who interacts with an undercover officer online can be involuntarily conscripted into an investigation. In *R. v. Mills,* an undercover officer impersonated a youth who was a stranger to him

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[43] *R. v. Ahmad*, 2020 SCC 11, at para. 41.
[44] *R. v. Ahmad*, 2020 SCC 11, at para. 54.
[45] *R. v. Ahmad*, 2020 SCC 11, at para. 42.
[46] This information forms part of the "biographical core of personal information which individuals in a free and democratic society would wish to maintain and control from dissemination to the state": *R. v. Plant,* [1993] 3 S.C.R. 281, at p. 293.

and used their photos to create a fake Facebook profile for a 14 year old girl.[47] The officer – a grown man – accepted friend requests from high school students and engaged with them so that his profile did not appear to be an obvious fake.[48] None of the children involved were aware that they were interacting with an undercover officer.[49]

26. The CCLA's concern is for both the immediate privacy interests of innocent people who become involved in the investigation and the broader, diffuse impact on society's sense of privacy in their communications. This Court understood those dangers in *R. v. Duarte,* which disavowed wiretapping an accused's conversation with an undercover police officer and an informant without prior judicial authorization because of the chilling effect that broad state surveillance would have on private communications writ large.[50] La Forest J. condemned the practice of engaging in "random fishing expeditions" conducted on the basis of "mere suspicion alone" "in the hope of uncovering evidence of crime".[51] His words apply with equal force in the digital era.

PART IV. COSTS

27. The CCLA seeks no costs and asks that no costs be awarded against it.

PART V. ORDER REQUESTED

28. The CCLA takes no position on the ultimate order to be made.

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[47] *R. v. Mills,* 2019 SCC 22, [2019] 2 S.C.R. 320, at para. 147.

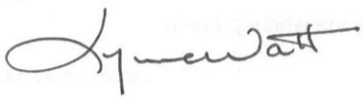
[48] *R. v. Mills,* 2019 SCC 22, [2019] 2 S.C.R. 320, at para. 147; *R. v. Mills*, 2015 CanLII 13412 (NL PC), at paras. 14-16.

[49] *R. v. Mills* (SCC), at para. 147; *R. v. Mills*, 2015 CanLII 13412 (NL PC), at paras. 14-16.

[50] *R. v. Duarte*, [1990] 1 S.C.R. 30, at pp. 44, 51-52, 54. It is no answer to suggest that communications that take place online are less meaningful or deserving of protection because they involve conversations between strangers: that is the first step in almost every meaningful relationship in life. Online communities can also be important sources of support for marginalized communities such as LGBT youth who have no access to LGBT peers at school or in their communities or who are more comfortable being out online than in person: Noah Palmer et. al, "Out Online: The Experiences of Lesbian, Gay, Bisexual and Transgender Youth on the Internet" (Gay, Lesbian & Straight Education Network, 2013), at pp. 13-15.

[51] *R. v. Duarte*, [1990] 1 S.C.R. 30, at p. 48.

ALL OF WHICH IS RESPECTFULLY SUBMITTED



for:

May 2, 2022

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PART VI. TABLE OF AUTHORITIES

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