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The Honourable Justice Marc Rosenberg

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- Reference should be had to *R. v. Wong*, 2018 SCC 25, where the Supreme Court considered what constitutes a valid guilty plea under s. 606 of the *Code*, particularly as it relates to collateral consequences of the conviction. An accused who wishes to withdraw a guilty plea on the basis that it was not fully informed must establish subjective prejudice — that is, a reasonable possibility that he or she would have acted differently if properly informed of the relevant consequences.
- Reference should also be had to *R. v. Suter*, 2018 SCC 34, where the court considered the impact of an accused's mistake of law on the sentencing principles in s. 718.2. Although no defence to a criminal charge, a mistake of law can be a mitigating factor on sentence, because offenders who honestly but mistakenly believe in the lawfulness of their actions are less morally blameworthy than offenders who are unsure about the lawfulness of their

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actions or know that their actions are unlawful. In the same decision, the court held that vigilante violence carried out against the offender as a result of his or her offence can likewise be mitigating on sentence.

- Finally, note should be made of two appellate decisions in which the courts held that a police officer's deception as to his identity with an online or text message interlocutor does not convert the interaction into an "interception" requiring judicial authorization under Part VI of the *Code*: *R. v. Beirsto* (2018), 359 C.C.C. (3d) 376 (Alta. C.A.); *R. v. Mills*, 2017 NLCA 12. An appeal from the *Mills* decision was heard by the Supreme Court on May 25, 2018, and currently remains on reserve.