

Publisher's Note

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CRIMES AGAINST CHILDREN Rebecca S. Zaretsky Release No. 3, June 2022

Publisher's Special Release Note 2021

The pages in this work were reissued in August 2021 and updated to reflect that date in the release line. Please note that we did not review the content on every page of this work in the August 2021 release. We will continue to review and update the content according to the work's publication schedule. This will ensure that subscribers are reading commentary that incorporates developments in the law as soon as possible after they have happened or as the author deems them significant.

Changes to chapter and heading numbering may have occurred. Please refer to the Correlation Table in the front matter if you wish to confirm references.

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What's New in this Update:

This release features updates to the commentary and case law in Chapter 11 (Sexual Offence Cases: Special Rules), as well as new sentencing digests under the topics of Luring a Child and Indecent Acts.

Highlights:

Included in the updates to Chapter 11 is the revision of the commentary pertaining to child luring via telecommunication devices, which appears according to the following structure:

- Luring Young Person by means of Telecommunication
 - The Offence
 - The Defences
 - The Constitutional Challenges
 - Privacy Arguments

Case law introduced with this release includes the following:

● **Sexual Offence Cases: Special Rules — Specific Prohibitions relating to Children and Young Persons — Luring Young Person by means of Telecommunication — The Defences** — A police operation involved the placement of a fake advertisement on a website, wherein the descriptors hinted that the fictional escort was underage. The accused responded to the ad and was advised by the officer posing as the escort that the accused was 14 years old. The accused broached sexual topics in his communications with and requested a rendezvous. Police arrested the accused at their arranged meeting place. The accused was charged with child luring and other offences, but the trial judge stayed the proceedings after having found entrapment to have taken place. The Court of Appeal disagreed, and found the trial judge to have focused solely upon the large number of innocent people whose virtues were tested by the fake advertisement online, rather than assessing several other considerations that factor into whether the virtual space being investigated qualified as an area where the occurrence of criminal activity would be reasonably expected. Other factors that should have been considered included the seriousness of the target criminal activity; the difficulty of investigating the targeted criminal activity using less intrusive means; the definition of the virtual space and scope of the investiga-

tion; the activities affected by the investigation; the nature and level of privacy expected in the virtual space; and the number of persons affected by the investigation. In this instance, the appellate court found the escort section of the website's classified ads to have been specifically defined, and the scope of the investigation to target only those who had responded to the fake ad and who either were actively seeking an underage prostitute or had remained indifferent despite knowledge of the escort's age. Although the number of innocent persons, such as those who had responded with no interest in engaging with an underage female, may have supported a finding of entrapment, the Court of Appeal found, on balance, consideration of all factors should have pointed to the conclusion that the accused was not entrapped: *R. v. Ramelson*, 2021 ONCA 328, 2021 CarswellOnt 7056 (Ont. C.A.).

ProView Developments

Your ProView edition of this product now has a new, modified layout:

- The opening page is now the title page of the book as you would see in the print work
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- The Table of Cases and Index are now in PDF with no searching and linking
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- Images are generally greyscale and size is now adjustable
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