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# CRIMINAL LAW UPDATE

**Legal update focussing on Criminal related Charter matters**

**By Steven G. Slimovitch, Attorney, Aug 29, 2014.**

**Steven G. Slimovitch, B.A., LL.B.**, provides legal counsel to individuals and corporations in the areas of criminal, penal and Charter of Rights litigation. With over 20 years of experience as a criminal defence attorney he has successfully represented clients before all levels of courts including the Supreme Court of Canada. Highly regarded by the judiciary, the prosecution, and his colleagues for both his intellectual rigor and his strict adherence to ethics, his expertise is highly sought out by clients, and colleagues. He is frequently called upon by the media because of his ability to clearly analyse current legal matters. He can be reached at **514-984-2309** or [slimovitch@montrealcriminallaw.com](mailto:slimovitch@montrealcriminallaw.com).

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### 1. CANADIAN LAW

#### [Quebec woman who stopped for ducks allowed to appeal](#)

A woman convicted in the deaths of a motorcyclist and his daughter who crashed into her car when she stopped to help a family of ducks is allowed to appeal the verdict, a Quebec judge ruled Wednesday.

#### [Jail life adds pounds to Luka Magnotta's frame](#)

MONTREAL -- Jail life has left Luka Rocco Magnotta overweight and unrecognizable.

#### [Jail time for former Quebec teacher who had sexual relationship with student](#)

GATINEAU — A former gym teacher from Quebec has been sentenced to 20 months in jail for carrying on a two-year sexual relationship with a high school student.

#### [Detained refugees treated worse than criminals: lawyer](#)

A handcuffed man wearing an orange jumpsuit is escorted to a hearing by a uniformed guard. He has been transported from a provincial jail.

#### [Quebec 'clairvoyant medium' charged under obscure sorcery law](#)

A Quebec man who advertised his services as a "clairvoyant medium" is in trouble for not delivering on his prophecies after being charged for falsely claiming to practise witchcraft and sorcery.

#### [Unanimity not necessary for jury recommendations: BCCA](#)

As the federal government moves to limit judicial discretion in the sentencing of violent crimes, a recent decision from the British Columbia Court of Appeal has reasserted the court's authority,

ruling that jurors in murder trials need not be unanimous in their sentencing recommendation to the court.

### **[Mentally ill need help, not handcuffs: report](#)**

VANCOUVER—There has been a significant increase in the number of interactions between police and people with mental illness over the past five-seven years, says a new report by the Mental Health Commission of Canada.

### **[Doctor's nightmare ordeal with obsessed stalker](#)**

ALISON HEWITT was living a normal life as a Brighton GP until she met a psychopathic stalker who set fire to her parents' home and armed himself with a crossbow.

### **[Mom says lifeguard assaulted her over topless toddler 4](#)**

MONTREAL - A mother says lifeguards violently threw her and her three-year-old girl out of a Montreal pool because the child wasn't wearing her bikini top.

### **[Dental hygiene care for inmates](#)**

Expanding roles for dental hygienists are available within the government sector. A career working with inmates is one option for those seeking employment. Dental hygiene services are important for the inmate population, and dental hygienists play a vital role behind bars.

### **[Stephen Harper is Winning the War on Crime](#)**

With the release of the latest suite of police-reported crime statistics for 2013, it is clear that the Conservative Party of Canada's tough stance on crime is starting to produce real rewards, particularly towards youth crime.

### **[Crown can't assume accused in bid-rigging trial read all their emails: judge](#)**

On the eve of a major bid-rigging trial that's expected to put a spotlight on federal government procurement, nearly a dozen accused people and firms have won an important legal victory.

### **[How 'vigilantes' work 'within the law' to force child sex offenders out of Canadian communities](#)**

Violent sex offender Keith Constantin was released from prison in July after five years, but in the space of a few weeks he was run out of town twice by angry activists.

### **[Charges dropped, Oshawa house still seized as proceed of crime](#)**

When police stormed a house on a quiet Oshawa street in August 2006, they thought they had hit the jackpot: Ounces of cocaine, Oxycotin pills, ecstasy, hashish and cash.

### **[Dead at noon: Assisted suicide in cases of dementia may be a long time coming \(with video\)](#)**

When Gillian Bennett lay down on a rocky cliff outside her home on Bowen Island Monday and ingested Nembutal to end her life, she made the choice to avoid a long and terrifying descent into dementia.

### **[Caylor and Beaulne: In defence of mandatory minimum sentences and surcharges](#)**

The Harper government has lost some very public court battles lately, highlighting current tensions between Parliament and the judiciary over mandatory minimum sentencing tools.

### **[Teacher quits after allegedly looking at incest video at school](#)**

VANCOUVER — A B.C. teacher has resigned after he allegedly let young girls sit on his lap and looked at videos of incest on a school computer.

### **Questions raised about why no charges have been laid against Canadian military instructor who allegedly assaulted recruit**

On August 13, 2014 the Canadian [French-speaking] media reported on the results of an interview aired the same day with ex-Private soldier James Robichaud who complained of having been assaulted in October 2009 by one of his instructors during recruit training. The assault left him with a host of permanent physical injuries to his feet, ankles, Achilles tendons, calf muscles, both knees and left shoulder.

### **Meerai Cho faces 75 charges relating to condo deposits**

Toronto police have laid 75 charges against a newly suspended lawyer who is accused of failing to return deposits to purchasers in a cancelled condo project.

### **Teen girl was beaten by Mountie, lawsuit alleges**

A woman who alleges she was beaten by a Mountie in Williams Lake, B.C., when she was 17 has now filed a civil suit against the city and three officers, including one who was acquitted of an assault charge.

### **Calgary woman sentenced to 60 days behind bars after throwing Chihuahua from balcony**

A 52-year-old woman from Calgary has been sentenced after submitting a guilty plea in connection to a 2012 incident in which a small dog was thrown from a second floor balcony into a fence, picked up, and thrown over the fence.

### **Inquiry would delay action on missing, murdered aboriginal women: police chiefs**

VICTORIA - The Canadian Association of Chiefs of Police has decided against endorsing a public inquiry into missing and murdered aboriginal women.

## **2. AMERICAN LAW**

### **Ecstasy, pot heading south**

The acting U.S. drug czar is calling for increased co-operation with Canada to prevent ecstasy and marijuana from flowing south across the border -- and to stop guns, cocaine and methamphetamine from heading north.

### **Petition circulated on “right to carry” for driver self-defense**

A new “right to carry” petition is being circulated by the Small Business in Transportation Coalition’s James Lamb. It’s collecting signatures in an attempt to demonstrate that there’s support for easing many interstate drivers’ ability to legally travel with firearms. Today, a patchwork of local and state restrictions makes doing so difficult for many a professional driver.

## **3. INTERNATIONAL LAW**

### **14 police on trial for shooting**

Fourteen former federal police officers have gone on trial on charges of using excessive force in a 2012 shooting attack that wounded two CIA agents, Mexico's national security commissioner said Wednesday.

### **German court rejects complaint by former MP in child porn case**

Germany's Constitutional Court ruled on Friday that the complaint filed by Sebastian Edathy (pictured above) was both inadmissible and unsubstantiated, clearing the way for criminal proceedings against the former Bundestag member who faces charges of child pornography possession.

**IS executes scores of Syrian troops in new atrocity**

Damascus: Islamic State jihadists boasted Thursday they had executed scores of Syrian troops after capturing a key air base, the latest in a string of abuses that have shocked the world.

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