**Supreme Court of Canada / Cour suprême du Canada**

*(Le français suit)*

**JUDGMENT IN APPEAL**

**November 4, 2022**

**For immediate release**

**OTTAWA** – The Supreme Court of Canada has today deposited with the Registrar judgment in the following appeal. The [reasons for judgment](https://decisions.scc-csc.ca/scc-csc/scc-csc/en/nav_date.do) and the [Case in Brief](https://www.scc-csc.ca/case-dossier/cb/index-eng.aspx) will be available shortly.

**JUGEMENT SUR APPEL**

**Le 4 novembre 2022**

**Pour diffusion immédiate**

**OTTAWA** – La Cour suprême du Canada a déposé aujourd’hui auprès du registraire le jugement dans l'appel suivant. Les [motifs de jugement](https://decisions.scc-csc.ca/scc-csc/scc-csc/fr/nav_date.do) et [*La cause en bref*](https://www.scc-csc.ca/case-dossier/cb/index-fra.aspx) seront disponibles sous peu.

**39346** **His Majesty The King in Right of Canada v. Cheyenne Sharma - and - Attorney General of British Columbia, Attorney General of Saskatchewan, Aboriginal Legal Services Inc., Federation of Sovereign Indigenous Nations, British Columbia Civil Liberties Association, Queen’s Prison Law Clinic, HIV & AIDS Legal Clinic Ontario, HIV Legal Network, Canadian Bar Association, Women’s Legal Education and Action Fund Inc., Legal Services Board of Nunavut, Criminal Lawyers’ Association (Ontario), Canadian Civil Liberties Association, Native Women’s Association of Canada, David Asper Centre for Constitutional Rights, Ontario Native Women’s Association, Assembly of Manitoba Chiefs, Canadian Association of Elizabeth Fry Societies, John Howard Society of Canada, Criminal Trial Lawyers’ Association and Association québécoise des avocats et avocates de la défense** (Ont.)

**2022 SCC 39/ 2022 CSC 39**

Coram: Wagner C.J. and Moldaver, Karakatsanis, Côté, Brown, Rowe, Martin, Kasirer and Jamal JJ.

The appeal from the judgment of the Court of Appeal for Ontario, Number C66390, 2020 ONCA 478, dated July 24, 2020, heard on March 23, 2022, is allowed. Sections 742.1(c) and 742.1(e)(ii) of the *Criminal Code*, R.S.C. 1985, c. C-46,are constitutional. The order of the Court of Appeal is set aside and the sentence imposed at first instance is restored. Karakatsanis, Martin, Kasirer and Jamal JJ. dissent.

L’appel interjeté contre l’arrêt de la Cour d’appel de l’Ontario, numéro C66390, 2020 ONCA 478, daté du 24 juillet 2020, entendu le 23 mars 2022, est accueilli. L’alinéa 742.1c) et le sous‑alinéa 742.1e)(ii) du *Code criminel*, L.R.C. 1985, ch. C-46,sont constitutionnels. L’ordonnance de la Cour d’appel est annulée et la peine infligée en première instance est rétablie. Les juges Karakatsanis, Martin, Kasirer et Jamal sont dissidents.

Supreme Court of Canada / Cour suprême du Canada :

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