Chapter 32

Revenge Pornography and Rape Culture in Canada's Nonconsensual Distribution Case Law

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Abstract

Canada criminalized the nonconsensual distribution of intimate images in 2014. Lawmakers and commentators noted that this new offense would fill a legislative gap in relation to "revenge pornography," which entails individuals (typically men) sharing intimate images of their ex-partners (typically women) online in an attempt to seek revenge or cause them harm. Feminist writers and activists categorize revenge pornography as a symptom and consequence of "rape culture," in which sexual violence is routinely trivialized and viewed as acceptable or entertaining, and women are blamed for their sexual victimization. In this chapter, I analyze Canada's burgeoning revenge pornography case law and find that these cases support an understanding of revenge pornography as a serious form of communal, gendered, intimate partner violence, which is extremely effective at harming victims because of broader rape culture. While Canadian judges are taking revenge pornography seriously, there is some indication from the case law that they are at risk of relying on gendered reasoning and assumptions previously observed by feminists in sexual assault jurisprudence, which may have the result of bolstering rape culture, rather than contesting it.

Keywords: Revenge pornography; rape culture; nonconsensual distribution; gender violence; intimate partner violence; Canadian criminal law

Introduction

Revenge pornography is a form of technology-facilitated violence that has attracted significant attention from the public, the media, and governments in recent years. It is perpetrated primarily by men against women, with significant repercussions for female victims' social, professional, and psychological well-being. Revenge pornography is both a symptom and consequence of rape culture, in which sexual violence is excused and legitimized. In this chapter, I demonstrate that the Canadian case law regarding nonconsensual distribution of intimate images (NCD) supports an understanding of revenge pornography as a manifestation of rape culture. The burgeoning case law indicates judges are taking revenge pornography seriously, emphasizing denunciation and deterrence in sentencing offenders for this behavior. Nevertheless, some troubling trends are emerging that echo concerns previously raised by feminist legal scholars in the context of sexual assault case law.

In the first section of this chapter, I define "revenge pornography" and detail Canada's legal response to this phenomenon, the *Criminal Code* offense of NCD. I review the work of previous authors who have highlighted the ways image-based abuse, such as revenge pornography, forms part of the broader rape culture. In the second section of this chapter, I analyze the Canadian nonconsensual distribution case law involving revenge pornography, highlighting the ways the facts of these cases reflect rape culture. I explore how the cases of revenge pornography appearing in Canadian courts paint a picture of revenge pornography as a highly gendered, communal form of sexual violence where victims suffer significant repercussions as a result of gendered double-standards regarding male and female heterosexuality. Throughout this section, I examine the factors sentencing judges are relying on to determine the seriousness of an instance of revenge pornography, as well as judicial analysis of victims' credibility in the few available reasons for judgment at trial, and highlight areas where judges are at risk of relying on problematic reasoning and assumptions previously identified by feminist legal scholars in the context of sexual assault.

"Revenge Pornography"

Definition

"Revenge pornography," as it is commonly understood, involves a person (typically a man) posting nude or sexual images of a former romantic partner online in an effort to punish that person for infidelity, terminating the relationship, or some other perceived wrongdoing. The images may have been created with the consent or active participation of the victim, or they may have been obtained via coercion or surreptitious recording. The term "revenge pornography" is controversial, and has been rejected by many on the basis that it reduces the severe harms of this behavior to the narrative of a scorned ex-partner, improperly implies offenders are motivated solely by vengeance, and casts images that were not created for public consumption as "pornography" (Maddocks, 2018).

Alternative labels, including "nonconsensual pornography" and "image-based abuse," have been proposed, however such terms inevitably encompass a broader range of behavior than I am concerned with in this chapter, the intentional NCD of a current or former partner. I believe it is crucial that revenge pornography is

understood as a form of intimate partner violence, which has historically been viewed as "private" or non-criminal in Western societies (Minaker, 2001). Revenge pornography is often a type of separation abuse intended to block a partner's leaving, retaliate for their departure, or forcibly end a separation (Mahoney, 1991). The nonconsensual sharing of intimate images of a current or former partner is a distinct form of intimate partner violence, requiring examination separate from the nonconsensual sharing of intimate images more generally. I acknowledge "revenge pornography" is something of a misnomer for this behavior, for the reasons outlined above. However, as this is the term most frequently used in media and governmental discourses around the phenomenon of nonconsensual distribution of partners' intimate images, I use it throughout this chapter to refer to this specific form of technology-facilitated sexual violence.

Canada's Legal Response – Section 162.1 of the Criminal Code

Men nonconsensually sharing intimate recordings and images of female partners obtained during the course of a romantic relationship is not a new phenomenon (Citron & Franks, 2014; Maddocks, 2018; Salter & Crofts, 2015). The growing ubiquity of smartphones with built-in cameras and internet access in the past decade has, however, greatly increased the average person's ability to engage in this behavior. By 2013, the phenomenon of online revenge pornography was receiving worldwide attention and had been criminalized in several countries and US states. In Canada, then Justice Minister Peter MacKay named revenge pornography as one of the targets of the Conservative Government's "anti-cyberbullying" legislation, the *Protecting Canadians from Online Crime Act* (Canada, 2013–2015). This legislation created new *Criminal Code (Code)* provisions intended to combat NCD, which read as follows:

> 162.1 (1) Everyone who knowingly publishes, distributes, transmits, sells, makes available or advertises an intimate image of a person knowing that the person depicted in the image did not give their consent to that conduct, or being reckless as to whether or not that person gave their consent to that conduct, is guilty
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> (a) of an indictable offense and liable to imprisonment for a term of not more than five years; or
> (b) of an offense punishable on summary conviction.

An "intimate image" is defined in section 162.1(2) of the *Code* as "a visual recording of a person made by any means including a photographic, film, or video recording":

> (a) in which the person is nude, is exposing his or her genital organs or anal region or her breasts or is engaged in explicit sexual activity;
> (b) in respect of which, at the time of the recording, there were circumstances that gave rise to a reasonable expectation of privacy; and
> (c) in respect of which the person depicted retains a reasonable expectation of privacy at the time the offense is committed.

All revenge pornography involves NCD, however not every case of NCD is an instance of revenge pornography. Revenge pornography is a specific form of gendered, intimate partner violence, and manifestation of rape culture, as will be examined throughout this chapter.

Revenge Pornography as a Manifestation of Rape Culture

The popularity of revenge pornography on both "mainstream" and niche pornography websites is a symptom of modern Western society's broader "rape culture," in which sexual violence against women and persons who do not conform to hetero-sexist norms of masculinity and femininity is routinely "excused, legitimized and viewed as inevitable" (Smith, 2004, as cited in Dodge, 2016, p. 67; Dietzel, this volume). Revenge pornography is a form of gender violence as it depends on the gender identities of the parties (Merry, 2009). There is ongoing debate about the extent to which intimate partner violence is a gendered phenomenon, however there is broad consensus among researchers that women are overwhelmingly victims of sexual intimate partner violence in heterosexual relationships (Johnson, Holmes, & Johnson, 2016). Recent research indicates that men perpetrate image-based sexual abuse more frequently than women (Powell, Scott, Flynn, & Henry, 2020; Ruvalcaba & Eaton, 2019), the vast majority of images on revenge pornography websites depict women (Cyber Civil Rights Initiative, 2014, as cited in; Henry & Powell, 2018, p. 202; Franks, 2017), and women suffer unique and distinctly damaging consequences as a result of their gender when they are targeted for revenge pornography (Bates, 2017; Citron, 2019; Powell et al., 2020).

Revenge pornography is popular not because it depicts women nude or engaged in sexual activity, but because of its nonconsensual nature. Viewers seek out revenge pornography images specifically because they believe the women depicted did not consent to the image's distribution (Franks, 2017; Slane & Langlois, 2018). Research indicates that female revenge pornography victims experience harms similar to those suffered by victims of sexual assault (Bates, 2017), however many individuals who view revenge pornography images may not consider them to be particularly harmful. Under rape culture, viewing women's naked bodies or sexual activity without their consent is frequently understood as an acceptable pornographic preference, and form of entertainment (Dodge, 2016; Franks, 2017). The result is that victims may experience the extremely harmful, gendered, consequences of revenge pornography intended by their current or former partners, while at the same time attracting little sympathy and having their victimization extended by the numerous individuals who circulate and consume their intimate images.

Revenge pornography is a communal form of violence. To have its intended impact on the victim, there must be a receptive audience for the images. Rape culture is fostered in online environments where the sexualized abuse and harassment of women and girls is tolerated or encouraged, and where victims are viewed as responsible for their victimization (Fairbairn, 2015). Male peer support theory holds that patriarchal men situated in rape culture will have their values and beliefs reinforced by male friends with similar beliefs, allowing them to feel normal and

justified in abusing their female intimate partners (DeKeseredy & Schwartz, 2016). The ease with which men holding such views can be located online has allowed abusive men to find large audiences to consume and participate in their partners' victimization and has allowed for the proliferation of materials depicting this abuse (DeKeseredy & Schwartz, 2016). Many pornography websites allow users to comment on videos and images, and such comments frequently direct disgust and shame toward the women depicted, and admiration toward the male poster (Dodge, 2016; Langlois & Slane, 2017). When men include their victim's name or other identifying information in a posting, they can ensure she will be a target for contact and surveillance by strangers, both online and offline (Langlois & Slane, 2017).

As with other crimes of sexual violence, rape culture results in victims of revenge pornography having their actions scrutinized and criticized, while the (male) offender's behavior is understood as predictable and inevitable, if not acceptable (Powell & Henry, 2017; Salter & Crofts, 2015). Members of the general public may blame revenge pornography victims for having consented to the recording of such images in the first place, as victims of sexual violence have traditionally been blamed for behaving provocatively, or not exercising sufficient caution to avoid victimization (Gotell, 2006). Revenge pornography is a means by which men situated in rape culture can harm their current or former partners by instrumentalizing the gendered double standard that punishes women for perceived promiscuity, while rewarding men for the same behavior (Salter & Crofts, 2015). As a result, female victims frequently suffer significant social or reputational repercussions as a result of their partners nonconsensually sharing their intimate images.

Methodology: Examining Revenge Pornography within Canada's Nonconsensual Distribution Case Law

In this chapter, I review all available English-language criminal law decisions involving charges under section 162.1 of the *Code,* in which the intimate images depict the accused's current or former intimate partner. The data set does not include cases of revenge pornography that took place before the enactment of section 162.1, or where NCD charges were not pursued. Furthermore, it does not include cases of revenge pornography prosecuted pursuant to other sections of the *Code,* such as its child pornography provisions, as I am particularly interested in how the NCD legislation is being interpreted and applied with respect to a specific behavior it was enacted to target.

I located the decisions in my data set by noting-up section 162.1 of the *Code* on both Westlaw and Quicklaw online databases, and reviewing all English-language decisions citing that section. For each decision I located, I reviewed any potentially relevant cases cited in the text and noted-up each decision to locate additional relevant cases. Finally, I conducted searches on both Westlaw and Quicklaw for the terms "revenge porn," "revenge pornography," and "intimate image," and added all additional relevant decisions to the data set. I completed my search for case law on February 12, 2020, and thus the data set is current up to that date.

Results: Evidence of Revenge Pornography as Rape Culture in Canada's Nonconsensual Distribution Case Law

I located 33 cases involving NCD charges, consisting of 37 individual decisions (for example, the case *R v MR* (2017) consists of two decisions: trial reasons and reasons for sentence). Over 80% of all NCD cases, (27 of 33), met my criteria for "revenge pornography," as they involved individuals accused of distributing intimate images of their current or former intimate partners. I excluded one of these cases from the data set, *R v Tunney* (2018), as the only available decision was a ruling on an application which did not include a clear description of the facts, or any judicial commentary regarding NCD. The data set therefore consists of 26 revenge pornography cases, made up of 30 individual decisions (see Table 31.1).

Judges in all 21 sentencing decisions emphasized denunciation and deterrence as the primary sentencing objectives in cases of NCD. Leach J. in *R v JB* (2018), for example, noted that denunciation and deterrence must be more pronounced in cases of NCD than the similar offenses of voyeurism and criminal harassment in order to properly reflect Parliament's intention to address NCD in a targeted and serious manner (para 55). The high rate of prison sentences outlined in Table 31.1 indicates judges are treating NCD as a serious offense. In general, facts that corresponded with longer terms of imprisonment in the data set cases included: intimate images obtained by surreptitious or nonconsensual recording; widespread or public dissemination of images; and "explicit" sexual images or recordings. I will discuss each of these factors, and their relevance to understanding revenge pornography as a manifestation of rape culture, in more detail throughout this chapter.

Table 31.1. Data Set Decisions and Outcomes.

Case	Associated Decision(s)	Outcome	Sentence re: Nonconsensual Distribution of Intimate Images
R v AB	Sentencing	Guilty plea	Conditional sentence (Two months)
R v AC	Sentencing	Guilty plea	Five months
R v BS	Sentencing	Guilty plea	Three months (intermittent)
R v Calpito	Sentencing	Guilty plea	Conditional discharge
R v CRD	Trial	Acquittal	NA
R v Greene	Sentencing	Guilty plea	Five months
R v JB	Sentencing	Guilty plea	Conditional sentence (16 months)
R v JR	Sentencing	Guilty plea	60 days
R v JS (AB)	Sentencing	Guilty plea	

Table 31.1. *(Continued)*

Case	Associated Decision(s)	Outcome	Sentence re: Nonconsensual Distribution of Intimate Images
			Suspended sentence (Two years)
R v JS (ON)	Sentencing	Guilty plea	18 months
R v JTB	Sentencing	Guilty plea	Four years
R v Ly	Sentencing	Guilty plea	Four years (Three counts of NCD)
R v MR	Trial; Sentencing	Conviction	Five months
R v MTB	Sentencing	Conviction	Five months
R v Newby	Sentencing	Guilty plea	90 days (intermittent)
R v NM	Sentencing	Guilty plea	12 months
R v NN	Sentencing	Guilty plea	30 days (intermittent)
R v OK	Trial	Conviction	(unavailable)
R v PSD	Sentencing	Guilty plea	Suspended Sentence (Two years)
R v Ruby	Trial; Sentencing	Conviction	21 days
R v Sobh	Trial	Acquittal	NA
R v TD	Sentencing	Guilty plea	90 days
R v Trinchi	Application; Sentencing; Appeal	Acquittal (on NCD charges)	NA
R v Tsang	Motion	Acquittal	NA
R v Verner	Trial	Conviction	(unavailable)
R v Wilson	Sentencing	Conviction	Six months

Note: Offenders were frequently sentenced to terms of probation. Probation terms have not been included in the above table as they apply to the global sentence, while the sentences listed above apply only to the NCD charges.

Gender Violence

Every published Canadian decision involving charges of NCD that met the definition of "revenge pornography" involved a male accused and a female victim. Some offenders were described as harboring negative attitudes toward a

number of their female ex-partners, or women in general (*R v BS*, 2019*; R v JTB*, 2018*; R v MTB*, 2019*)*. Offenders posted sexist and vulgar titles, descriptions, and comments alongside their partners' intimate images in a number of cases, often referring to them as "sluts" (*R v AC*, 2017; *R v JS* (ON), 2018; *R v JTB*, 2018*; R v TD*, 2018). There were no instances of revenge pornography in the context of LGBTQ relationships in the reported NCD case law, however this does not mean that NCD is not occurring in the context of same-sex partnerships. Indeed some studies indicate that LGBTQ persons face disproportionately high rates of image-based sexual abuse (see Dietzel, this volume; Powell et al., 2020). The lack of reported decisions involving LGBTQ persons could be reflective of warranted distrust of law enforcement and unwillingness to report violent incidents to police in the LGBTQ community (see Dario, Fradella, & Verhagen, 2020).

As Galiatsatos J. Q. C. notes in *R v AB* (2020)*,* there is a discernible trend in the Canadian NCD case law of male, first-time offenders (para 76). In the 22 cases where judges discussed whether the accused had a criminal record, the accused had no record in 15, a minor record in three, and a more extensive record in four. That so many accused were first-time offenders cannot be attributed to their generally being youthful. While the accused's age was not noted in every decision, the accused was 30 or older in 11 of the 18 cases where age was discussed. It is possible that NCD is a common first offense given the ease with which it can be committed, as camera-equipped digital technologies are now ubiquitous (Dodge, 2019). Furthermore, some offenders may not view this behavior as particularly deviant or harmful, given the prevalence and popularity of online revenge pornography images under rape culture (DeKeseredy & Schwartz, 2016). For example, in a series of interviews with perpetrators of image-based abuse, Flynn and Henry found that many viewed these offenses as "untroubling and normative within a context of male bonding and homosociality" (cited in Powell et al., 2020, p. 6).

A number of judges noted that engaging in revenge pornography may be tempting for men in possession of intimate images of their partners, such that this behavior must be denounced in clear terms. Shandler J. in *R v Ly* (2016) noted that general deterrence may be particularly relevant to prevent "like-minded individuals with intimate recordings of ex-partners in their possession who are otherwise ordinarily law-abiding people" from engaging in revenge pornography (at para 45). Two sentencing judges determined periods of incarceration were necessary in part because house arrest might be considered a small price to pay for an "aggrieved spouse" or a person "considering humiliating a former partner on the internet," as compared with the benefit of taking revenge on a former spouse (*R v JR,* 2018, p. 34; *R v AC,* 2017, para 66). Such reasoning belies a belief that it may be difficult for an "average" man to resist sharing his former partner's intimate images, particularly if the relationship ended badly, such as through his ex-partner's infidelity (*R v JR,* 2018, pp. 33–34). Feminists have criticized the persistence of such narratives in relation to intimate partner violence, where acts of violence are frequently characterized as "crimes of passion" borne out of volatile relationships and intense emotions, despite more often forming part of a long-term pattern of abuse and control (Fairbairn & Dawson, 2013).

The most commonly cited motive for revenge pornography was to humiliate the victim, and indeed victims in many cases testified that they were humiliated or embarrassed by the offender posting their intimate images (*R v Calpito*, 2017*; R v JTB*, 2018*; R v Ly*, 2016*; R v Newby*, 2018*; R v NN,* 2019*; R v TD*, 2018*; R v Trinchi,* 2016 (trial and sentencing), 2019). Victims' experiences of humiliation and shame as a result of revenge pornography are consistent with other forms of gendered sexual violence. Within rape culture, female victims are understood by society as wholly or partly to blame for the sexual violence committed against them, and victims often internalize this shame (Bates, 2017; Citron & Franks, 2014; Dodge, 2016).

The consequences experienced by men and women as a result of having their intimate images nonconsensually shared are likely to diverge on gendered lines, based on the differential expectations and understandings of male and female heterosexuality under rape culture. While there were no male victims in the data set cases to use as a comparator, female victims in the data set cases suffered significant harms beyond humiliation and embarrassment. In *R v TD* (2018)*,* the victim described losing relationships with friends who viewed the images, while in two cases, *R v MTB* (2019) and *R v NM* (2019)*,* victims had to upend multiple aspects of their lives, including moving and changing jobs. Other victims suffered negative impacts on their educational or professional lives, including the images being sent to or viewed by their current employers, or fears that this would occur (*R v AC,* 2017*; R v BS,* 2019*; R v Calpito*, 2017; *R v JB*, 2018; *R v JTB*, 2018*; R v Ly,* 2016; *R v MR* (trial), 2017*; R v NN,* 2019; *R v Newby*, 2018). Numerous victims expressed warranted fear for their physical safety as a result of offenders' actions, as will be discussed further below. Rape culture results in female victims experiencing far-reaching social, professional, and emotional repercussions as a result of revenge pornography, in addition to the significant harms to their privacy, dignity, and sexual autonomy occasioned by the initial nonconsensual distribution.

A final aspect of case law that may reflect the gendered nature of revenge pornography is the impact of the "explicitness" of intimate images on sentencing. Cases involving images depicting sexual activity, or focusing on the victim's genitals or anus, generally attracted harsher sentences than cases where the victim was "merely" nude. The three cases where accused were granted a conditional discharge or suspended sentence involved such "non-explicit" images (*R v Calpito*, 2017*; R v JS (AB),* 2019*; R v PSD*, 2016). The longest sentence imposed in a case involving non-explicit intimate images was 90 days imprisonment (*R v TD,* 2018).

The impact of the explicitness of intimate images on sentencing likely reflects a judicial understanding that explicit images constitute a greater violation of privacy when they are nonconsensually shared. In a number of cases, judges emphasized that the primary purpose of the NCD provisions is to protect privacy (see *R v AC,* 2017*; R v JB*, 2018*; R v JS* (AB), 2019). Legal conceptions of privacy are controversial from a feminist perspective, as "privacy" historically shielded abusive male partners from legal scrutiny (MacKinnon, 1987), and the legal privacy rights extended to women traditionally reflected certain raced and classed notions of feminine "modesty" (Bailey, 2008, p. 285; Gotell, 2006, p. 747). For example, Gotell (2006) found that Canadian judges considering applications for the

admission of sexual history evidence sometimes emphasized the potential for victims' "humiliation" and "embarrassment," which they "based upon a scale of sexual activity in which evidence of sexual intercourse is viewed as the most serious threat to privacy" (p. 768). In the data set cases, two judges expressly found the fact that the images (which depicted close-ups of victims' genitals) could not have been more "private" (*R v JB*, 2018, para 44) or "intimate" (*R v JTB,* 2018, para 97) to be an aggravating factor on sentencing.

The privacy harms of revenge pornography are significant, and it is unsurprising that judges emphasized this aspect of the offense in their reasons. Judges should ensure, however, that their reasons do not support an understanding of privacy based on gendered notions of modesty, shame, and concealment in relation to sexual activity. Understanding the sharing of explicit intimate images as a greater violation of privacy can be consistent with an equality-preserving account of privacy if framed within the broader context of the significant, gendered consequences female victims suffer as a result of NCD in an unequal society, rather than because intimate images of women are inherently humiliating or embarrassing. The former interpretation contests patriarchy and rape culture, while the latter upholds it. Thus, in discussing victims' right to privacy in the context of revenge pornography, judges should characterize the implications for victims' privacy in relation to their dignity, sexual autonomy, and equality (Bailey, 2008; Citron, 2019). While a number of judges noted the violation of dignity inherent in NCD in their reasons (*R v AC,* 2017; *R v JB,* 2018; *R v JS* (AB), 2019; *R v JS* (ON); *R v JTB*, 2018; *R v Newby,* 2018), none characterized it as a violation of victims' (or women's and girls' generally) right to gender equality.

The data set cases strongly support an understanding of revenge pornography as form of gendered sexual violence bolstered by rape culture. "Ordinary" men without criminal records are the overwhelming perpetrators, indicating that these offenders may not view NCD as a serious act of violence, or that the ease with which they can use their female partners' intimate images to cause them harm is too "tempting" to pass up. Revenge pornography victims experience shame, humiliation, and other significant repercussions as a result of gendered double-standards around sexuality. Judges in the data set cases treated revenge pornography as a serious offense, worthy of denunciation and deterrence; however, it was not always clear whether their reasons for doing so reflected an understanding of women's sexuality as inherently shameful, or was grounded in respect for victims' dignity, autonomy, and right to equality.

Communal Violence

The data set cases were fairly evenly split between those involving broad public or semi-public dissemination of intimate images, and more limited, targeted distribution. Of the 22 cases in which offenders were found or pleaded guilty, intimate images were posted on publicly accessible pornography, dating, or sexual service websites in 10, disseminated on social media in four, and sent directly to an

individual or small group of recipients (for example, via text message or e-mail) in 10. Some cases involved multiple forms of distribution.

Images posted on public pornography websites have enormous potential audiences. In *R v JS* (ON) (2018), the victim's intimate images had been viewed over 10,000 times at the time of judgment, and in *R v TD* (2018), the victim's images were viewed by "at least 7,000 people" (para 1). While any images posted online have the potential to exist permanently on the internet or on individuals' hard drives, intimate images of women and girls will often be downloaded, saved, and redistributed at a particularly high rate (see Clancy, Klettke, & Hallford, 2019; UN Broadband Commission, 2015), as rape culture casts these images as acceptable sources of titillation and entertainment.

Broader dissemination tended to correspond with lengthier sentences in the data set cases. A number of judges directly linked the number of people who viewed intimate images with the seriousness of the privacy breach (*R v AC*, 2017*; R v JS* (AB), 2019; *R v JTB*, 2018*; R v TD*, 2018)*. For example, Justice Rahman in *R v AC* (2017) noted that "[t]he more people to whom the image is exposed, the greater the invasion of privacy and the greater the harm caused to the victim" (para 20). Other judges grappled with whether it is "worse" to have one's intimate images distributed widely to anonymous strangers, or narrowly to known individuals. In *R v JB* (2018)*, for example, the offender posted intimate images of the victim to a fake Facebook profile he created under her name. Many of the victim's close friends and family members accepted friend requests from this fake account. Leach J. found that this targeted distribution was intended to maximize the victim's degradation and embarrassment (para 44). He noted, however, that known individuals were less likely to redistribute the images, which decreased the harmful nature of the distribution (para 60).

The judge in *R v AB* (2020) made a similar observation, noting that the offender's choice to distribute an intimate image to a female friend of the victim reduced the likelihood the image would be distributed further (para 110). In many cases, targeted distribution may indeed result in intimate images not being viewed as many times or by as many people as images that are posted publicly. Nevertheless, judges should not lose sight of the fact that once an image has been distributed digitally to even a single individual, a significant risk remains that that image will be posted publicly online at some point in the future. Furthermore, under rape culture, friends, family, or acquaintances of victims may blame the victim for the offender's NCD and actively participate in their victimization. In *R v Newby* (2018)*, for example, the offender distributed intimate images to two individuals who had known his ex-partner for long periods of time. One of these recipients questioned why the offender was sharing the images (to which the offender replied it was because the victim "didn't swallow lol" (*R v Newby,* 2018, Appendix, para 15)), but did not otherwise object or express concern for the victim. Rather, he noted that the victim could "be a huge bitch lol" and was "super slutty," musing that she "must have fucked up big time" for the offender to be sharing the images (*R v Newby,* 2018, Appendix, para 15). The recipient's comments in *R v Newby* (2018) are reflective of rape culture, as he used the

victim's intimate images as a means for bonding with a male peer and blamed the victim for the offender's actions (DeKeseredy & Schwartz, 2016; Dodge, 2016). Dodge (2019) notes that the

> …impact of a digital image shared with a few people known to the victim will not necessarily cause less harm than an image shared with hundreds of people on a pornography site. (p. 134)

Victims in the data set cases suffered significant harms regardless of whether images were distributed broadly, or in a narrow, targeted manner. Victims who had their images distributed publicly did not generally report greater embarrassment or humiliation, however they did in some cases express heightened fear for their safety as a result of the distribution. Offenders included victims' names or other identifying information alongside their intimate images on publicly accessible websites in 11 cases, sometimes indicating the victims were escorts or sex workers. Unknown men contacted many of these women. In *R v JTB* (2018)*,* Leach J. noted that since the arrest of the offender over a year previously, strangers continued to actively use the photos and information posted by the offender to track down and contact the victim online. The victim stated that she had reason to fear not only the offender but also all those unknown individuals who viewed the images, and who continued to contact her seeking to fulfill the "rape fantasy" the offender claimed she was seeking in the fake online profile (para 97). Victims received sexualized messages from strangers via social media (*R v AC*, 2017*; R v TD,* 2018*),* and in one case, a victim received over 300 calls and messages in response to a fake advertisement the offender created using her intimate images on the "escort" section of Backpage.com indicating she was "into anything" (*R v JS* (ON), 2018, para 10).

Rape culture ensures that when women's personal information is posted online alongside their intimate images, a certain number of men will feel entitled to contact and harass them. While in some cases the men contacting the victims in the data set cases likely believed they were responding to legitimate postings authored by the women themselves, victims' reported reactions to these communications indicated they often felt threatened or degraded. Victims may experience large-scale dissemination of intimate images as particularly harmful not necessarily because it is more embarrassing, but because it increases the possibility that they will come across men in their daily lives who have viewed their intimate images, or that such men will attempt to locate them, representing a significant risk to their safety and psychological well-being.

Rape culture creates conditions where revenge pornography victims will experience significant shame regardless of whether images are shared with known or unknown individuals, as any recipients are likely to draw negative conclusions about the victim as a result of viewing her images. Widespread distribution results not only in humiliation but also substantial fear for many victims who must live with the reality that individuals they meet in their daily lives could have viewed their images and will view them as appropriate targets for sexualized behaviors or communications. Judges should determine the seriousness or harmful nature of an instance of revenge pornography based on the actual impact on the victim's

psychological, emotional, social, and professional well-being, where these impacts are known. In addition, they should consider the communal harms of revenge pornography as an offense of gendered, sexual, intimate partner violence. Assumptions about the inherent harms of NCD should be informed by a broad conception of sexual privacy premised on equality, as discussed previously, rather than understanding the harms of breaches of privacy primarily in terms of humiliation or embarrassment.

Victim Blaming

Men who disseminate ex-partners' intimate images can be confident not only that they will find a receptive audience for those images but also that those who view them will likely direct some measure of blame toward the victim. A woman who agrees to have her intimate images recorded may be understood as complicit in her own victimization, and as such not truly worthy of concern or empathy. Feminists have long highlighted the ways the media, the public, and legal system actors cast women as responsible for the sexual violence committed against them (Gotell, 2007; Randall, 2010). While judicial victim-blaming can be overt, such as former Judge Robin Camp's questioning why a sexual assault victim "couldn't… just keep [her] knees together" (Canadian Judicial Council, 2016, para 135), it may also be subtle. Such subtle blaming occurs where judges reach conclusions that imply women were not sufficiently cautious or did not take adequate steps to ensure they would not be victimized (Gotell, 2007). A victim may be viewed as less credible as a result of her "poor choices," a finding that is extremely harmful in the context of sexual assault cases, which often do not involve direct evidence and therefore turn on parties' credibility (Koshan, 2017, p. 265). The data set indicates that revenge pornography cases will similarly rarely involve direct (i.e., eyewitness or forensic) evidence of a perpetrator's identity, and thus victims' credibility may be central in these cases as well.

The four data set cases in which an accused was not convicted of NCD lacked any direct evidence as to the perpetrator's identity. In *R v Tsang* (2019), the victim's intimate images were uploaded to an anonymous revenge pornography website, and while the victim testified she only ever shared those images with the accused, Quigley J. granted the defense's motion for a directed verdict on the basis that the Crown failed to adduce evidence it was the accused who uploaded the images. In *R v Trinchi* (2016 (trial and sentencing), 2019), the victim's intimate images were distributed through an anonymous e-mail account, and the trial judge acquitted the accused based on evidence that one of the accused's girlfriends had the motive, opportunity, and propensity to distribute the intimate images, which left him with a reasonable doubt that it was the accused who distributed the images.

The other two data set cases resulting in acquittals involved complainants who had shared their own intimate images before the alleged nonconsensual distribution. In *R v CRD* (2019), the complainant testified that while she may have sent some of the intimate images that were later nonconsensually distributed to

multiple individuals, one was sent exclusively to the accused. She testified that she did not remember that the accused was the sole recipient of that image until one to two days after she learned of the distribution. Cheverie J. noted

> [w]hile I found [the complainant] to be generally credible, I found it unusual that it would take her a day and a half to two days to conclude she sent [the image] exclusively to C.R.D.

He ultimately found that the circumstantial evidence did not exclude the possibility that all of the images were sent to someone other than the accused, and as such was left with reasonable doubt as to the identity of the perpetrator.

In *R v Sobh* (2018), the complainant consented to the accused producing and distributing a number of her intimate images, and in some instances, she distributed these images online herself. She claimed that she did not consent to the accused disseminating intimate images in which she was depicted having sex, as opposed to nude, including the two images which were the subject of the NCD charges. The two contested images depicted the complainant at nude resorts having sex with men Bondy J. made a point of noting she had met one to three hours before the photos were taken (paras 25 and 27). Bondy J. found the complainant was not a reliable or credible witness for a variety of reasons related to her evasiveness, inconsistency, and possible fabrication or misrepresentation of certain evidence (paras 173–228). He did not state that the complainant's choices to engage in sex in public spaces, allow this sexual activity to be recorded, or distribute her own intimate recordings negatively impacted her credibility. Bondy J. did, however, find her credibility was undermined by the fact that she initially testified that she only shared intimate images with two individuals other than the accused, but later conceded she "maybe" shared images with other individuals named by defense counsel (para 198). While she maintained that she did not share the images that were the subject of the charges with anyone other than the accused, Bondy J. expressed difficulty believing the complainant "could not recall who she had sent photos of herself to, yet could recall with certainty what images had been sent to those people" (para 199).

The complainants in both *R v CRD* (2019) and *R v Sobh* (2018) had their credibility questioned in part because judges doubted their ability to accurately recall who they had shared the contested images with, having previously shared intimate images with individuals other than the accused. Once again, there were a number of serious issues with the complainant's testimony in *R v Sobh* (2018), in particular, such that a finding she was not a credible witness was likely warranted. It is not necessarily problematic that judges question complainants who have previously distributed their own intimate images regarding who received those images. Indeed this will be a crucial issue when the identity of the perpetrator is contested. Judges must ensure that in doing so, however, they do not allow value judgments regarding victims' lifestyles and choices regarding their intimate images color their thinking about victims' credibility in general.

The data set cases for which there are reasons for judgment at trial and accused were convicted each involved additional circumstantial evidence substantiating the victim's version of events. In *R v Ruby* (2018, 2019), Flynn P. J. C. found the circumstantial evidence, which included copies of text messages in which the offender apologized for posting the images, was sufficient to establish guilt. In *R v OK* (2019), the accused asserted that the victim posted her own intimate images to the pornography website Pornhub. The judge rejected this theory, noting that the victim's version of events was bolstered by transcripts of abusive Facebook messages the accused sent to the victim around the time the images were posted, and emails between the victim and Pornhub in which she implored the website to remove the images. In *R v MR* (2017), Felix J. rejected the defense's theory that a hacker distributed the victim's intimate images, based in part on the fact the images were sent to a very specific group of individuals close to the victim, and text message evidence indicating the accused "possessed peculiar information concerning the timing and content of the dissemination emails" ((trial), para 124). The data set cases indicate that if offenders do not engage in additional communications implicating themselves in distributing the images, charges of NCD may be difficult to prove in cases of revenge pornography. This is particularly troubling if one understands revenge pornography as an act of sexual violence, as corroborating evidence is explicitly not required for a conviction on sexual assault charges, thanks to significant feminist legal reform efforts (Cunliffe, 2012; *Code*, 1985, s. 274).

Seven of the data set cases had facts that created little risk of victim blaming, as the intimate images were initially obtained without victims' consent. These cases resulted in the harshest sentences in the data set. Offenders took screenshots of what were intended to be live or fleeting online sexualized interactions with victims in three cases (*R v CRD*, 2019; *R v Ly*, 2016; *R v Trinchi,* 2016 (trial and sentencing), 2019). In *R v Trinchi* (2016 (trial and sentencing), 2019), while the offender was acquitted of NCD at trial, the Ontario Court of Appeal upheld the trial judge's finding that capturing a permanent image from a live, online sexual encounter met the definition of voyeurism in the *Code,* given the significant harms that can result from recording a permanent image as opposed to mere observation. In two cases, *R v JS* (ON) (2018) and *R v Verner* (2017), offenders used hidden cameras to surreptitiously record consensual sexual activity with their partners, and subsequently distributed those recordings. In *R v PSD* (2016), the offender pulled down his partner's shirt to expose her breasts and took a photograph with his phone, which he immediately texted to two friends. Finally, in the particularly egregious case of *R v NM* (2019), the offender created numerous recordings of himself sexually assaulting his partner while she was unconscious, often using weapons and in one instance abusing the couple's pet dog in the process. The offender edited these recordings, set them to music, and posted them on pornography websites with vulgar titles. Each of these cases attracted lengthy prison sentences, apart from *R v PSD* (2016). In that case, the judge appeared to rely on problematic narratives around intimate partner violence, noting the offender was "very frustrated and angered by seemingly mixed signals" from the victim, and that the distribution was a "rash

decision," such that the circumstances of the NCD were less egregious than other cases (*R v PSD,* 2016, paras 12–13).

While NCD involving images that were captured nonconsensually is extremely serious, and should attract a harsh sentence, an inverse conclusion that the non-consensual distribution of consensually created images is less serious or harmful should be avoided. Section 162.1 of the *Code* is intended to address the harms inherent in having one's intimate images *distributed* without consent. The non-consensual recording of intimate images in some cases may be addressed through corresponding voyeurism charges. Judges must ensure that by emphasizing the harmful nature of nonconsensual recording, they are not attributing blame to victims who consensually participate in the creation of intimate images, or who distribute those images themselves.

Overall, sentencing judges in the data set cases did a good job of emphasizing that victims having consented to the recording of intimate images is not a miti-gating factor, and indeed, Justice Ghosh in *R v JS* (ON) (2018) noted that reaching such conclusions "engages retrograde thinking surrounding the interplay of sex, privacy, consent and control" (para 36; also see *R v BS,* 2019). Some sentencing judges did, however, use their reasons to caution victims or people in general (in reality, women) about producing intimate images. Justice West addressed the victim in *R v NN* (2019) in his oral reasons for sentence, stating that she should not let the NCD define her, but that the offender's actions should

> …have an impact on how you conduct yourself in the future because while you might think initially you can trust someone with everything, even the most intimate things about yourself, certain things probably should never be shared, like intimate photographs. (p. 52)

Galiatsatos J. Q. C. noted in *R v AB* (2020) that many couples, particularly young couples, were now making intimate recordings "without first pausing to consider the future consequences" (para 8). The judge in that case also reached the problematic conclusion that because the recipient of the images already had them in their possession at the time of the NCD, this neutralized the harms of the offender's actions as the victim could "hardly suggest that her privacy was tar-nished *by the accused* if the recipient of the video already had possession of it" (*R v AB,* 2020, para 116). While Galiatsatos J. Q. C. noted that the victim had the right to control access to her intimate images (*R v AB,* 2020, para 115), the effect of locating the harmful nature of the NCD in whether a recipient has already viewed or possessed the images is inconsistent with an understanding of privacy as grounded in dignity, equality, and sexual autonomy (Aikenhead, 2018).

The case law data set represents an extremely small sample, including only six reasons for judgment at trial. However, these few cases indicate that charges of NCD may be more difficult to prove where women have previously distributed their own intimate images (whether or not these are the intimate images in question), and where there is no corroborating evidence, which will often take the form of communications authored by the accused themselves. Judges in two

decisions indicated they viewed the creation of intimate images as an inherently risky behavior that should be avoided, despite the fact that it is the nonconsensual distribution of these images that is the source of their harm. Each of these findings are problematic in the context of broader rape culture in which women's accounts of sexual violence are frequently cast in doubt, and their choices regarding their sexual lives are understood as contributing to their own victimization.

Conclusion

The early Canadian case law involving instances of revenge pornography prosecuted pursuant to section 162.1 of the *Code* support an understanding of revenge pornography as a manifestation of rape culture. Every case in my data set involved a male accused and female victim. The offenders often had no previous criminal record, indicating these men may not consider nonconsensual distribution to be a harmful act of sexual violence or found the ease with which they could cause significant harm to their former partners too tempting to pass up. Victims in the cases suffered serious consequences. Individuals both known and unknown to victims participated in and extended the violence of revenge pornography, and victims were subjected to shame, humiliation, and more tangible professional, educational, and social consequences as a result of offenders' actions.

Overall, judges emphasized the serious and harmful nature of NCD, consistently naming denunciation and deterrence as primary sentencing objectives, and often sentencing offenders to periods of incarceration. Certain findings in the data set cases, however, raise some red flags from a feminist perspective. Judges must ensure that in emphasizing the privacy harms inherent in revenge pornography, they are not directly or indirectly implying that women's intimate images are inherently shameful and humiliating, but rather account for the broader context of rape culture and gender inequality that allows women's intimate images to be weaponized against them. The few available reasons for judgment at trial indicate that corroborating evidence may be necessary to ground a conviction, and that a woman's choice to distribute her own intimate images might have negative implications for judicial assessment of her credibility. While judges generally emphasized that a victim's choice to participate in an intimate recording in no way lessened the serious nature of NCD, the particularly harsh sentences in cases involving surreptitiously recorded images, and occasional judicial commentary regarding the risky nature of creating and sharing intimate images, indicate that judgments about victims' choices may be coloring judicial attitudes toward revenge pornography victims. Judges in revenge pornography cases must ensure they are not relying on myths and stereotypes informed by broader rape culture, which feminist legal reformers have identified and problematized in the context of sexual assault.

References

Aikenhead, M. (2018). Non-consensual disclosure of intimate images as a crime of gender-based violence. *Canadian Journal of Women and the Law*, *30*, 117–143. doi:10.3138/cjwl.30.1.117

Bailey, J. (2008). Towards an equality-enhancing conception of privacy. *Dalhousie Law Journal*, *31*(2), 267–309. Retrieved from https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2281447.

Bates, S. (2017). Revenge porn and mental health: A qualitative analysis of the mental health effects of revenge porn on female survivors. *Feminist Criminology*, *12*(1), 22–42. doi:10.1177/1557085116654565

Canada. Parliament. House of Commons. (2013–2015). *Debates (41st Parliament, 2nd Session*, *Vol. 147*, No. 25). Ottawa, ON: Canadian Government Publishing.

Canadian Judicial Council. (2016). In the matter of an inquiry pursuant to s. 63(1) of the Judges Act regarding the Honourable Justice Robin Camp: Report and Recommendation of the Inquiry Committee to the Canadian Judicial Council. Ottawa: Canadian Judicial Council.

Citron, D. K. (2019). Sexual privacy. *The Yale Law Journal*, *128*(7), 1870–1960. Retrieved from https://www.yalelawjournal.org/article/sexual-privacy

Citron, D. K., & Franks, M. A. (2014). Criminalizing revenge porn. *Wake Forest Law Review*, *49*, 345–391. Retrieved from https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2368946

Clancy, E. A., Klettke, B., & Hallford, D. J. (2019). The dark side of sexting – Factors predicting the dissemination of sexts. *Computers in Human Behavior*, *92*, 266–272. doi:10.1016/j.chb.2018.11.023

Criminal Code, RSC 1985, c. C-46.

Cunliffe, E. (2012). Sexual assault cases in the Supreme Court of Canada: Losing sight of substantive equality? *Supreme Court Law Review*, *57*(2), 295–316. Retrieved from https://digitalcommons.osgoode.yorku.ca/sclr/vol57/iss1/13

Cyber Civil Rights Initiative. (2014). Effects of revenge porn survey. Retrieved from http://www.endrevengeporn.org

Dario, L. M., Fradella, H. F., Verhagen, M., & Parry, M. M. (2020). Assessing LGBT people's perceptions of police legitimacy. *Journal of Homosexuality*, *67*(7), 885–915. doi:10.1080/00918369.2018.1560127

DeKeseredy, W. S., & Schwartz, M. D. (2016). Thinking sociologically about image-based sexual abuse: The contribution of male peer support theory. *Sexualization, Media, & Society*, *2*(4), 1–8. doi:10.1177/2374623816684692

Dodge, A. (2016). Digitizing rape culture: Online sexual violence and the power of the digital photograph. *Crime, Media, Culture: An International Journal*, *12*(1), 65–82. doi:10.1177/1741659015601173

Dodge, A. (2019). Nudes are forever: Judicial interpretations of digital technology's impact on "revenge porn". *Canadian Journal of Law and Society*, *34*(1), 121–143. doi:10.1017/cls.2019.4

Fairbairn, J. (2015). Rape threats and revenge porn: Defining sexual violence in the digital age. In J. Bailey, & V. Steeves (Eds.), *eGirls, eCitizens: Putting technology, theory and policy into dialogue with girls' and young women's voices* (pp. 229–252). Ottawa, ON: University of Ottawa Press.

Fairbairn, J., & Dawson, M. (2013). Canadian news coverage of intimate partner homicide: Analyzing changes over time. *Feminist Criminology*, *8*(3), 147–176. doi: 10.1177/1557085113480824

Franks, M. A. (2017). "Revenge porn" reform: A view from the front lines. *Florida Law Review*, *69*(5), 1251–1337. Retrieved from https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2853789

Gotell, L. (2006). When privacy is not enough: Sexual assault complainants, sexual history evidence and the disclosure of personal records. *Alberta Law Review*, *43*, 743–778. doi:10.29173/alr1504

Gotell, L. (2007). The discursive disappearance of sexual violence: Feminist law reform, judicial resistance, and neo-liberal sexual citizenship. In D. E. Chunn, S. Boyd, & H. Lessard (Eds.), *Reaction and resistance: Feminism, law and social change* (pp. 127–153). Vancouver, BO: UBC Press.

Henry, N., & Powell, A. (2018). Technology-facilitated sexual violence: A literature review of empirical research. *Trauma, Violence, & Abuse*, *19*(2), 195–208. doi:10.1177/1524838016650189

Johnson, N. L., Holmes, S. C., & Johnson, D. M. (2016). It is and it is not: The importance of context when exploring gender differences in perpetration of physical partner violence. *Journal of Family Violence*, *31*(8), 999–1003. doi:10.1007/s10896-016-9858-3

Koshan, J. (2017). The judicial treatment of marital rape in Canada: A post-criminalisation case study. In M. Randall, J. Koshan, & P. Nyaundi (Eds.), *The right to say no: Marital rape and law reform in Canada, Ghana, Kenya & Malawi* (pp. 257–298). Oxford: Hart Publishing.

Langlois, G., & Slane, A. (2017). Economies of reputation: The case of revenge porn. *Communication and Critical/Cultural Studies*, *14*(2), 120–138. doi:10.1080/14791420.2016.1273534

MacKinnon, C. A. (1987). *Feminism unmodified: Discourses on life and the law*. Cambridge, MA: Harvard University Press.

Maddocks, S. (2018). From non-consensual pornography to image-based sexual abuse: Charting the course of a problem with many names. *Australian Feminist Studies*, *33*(97), 345–361. doi:10.1080/08164649.2018.1542592

Mahoney, M. R. (1991). Legal images of battered women: Redefining the issue of separation. *Michigan Law Review*, *90*(1), 1–94. Retrieved from https://repository.law.umich.edu/mlr/vol90/iss1/2/

Merry, S. E. (2009). *Gender violence: A cultural perspective*. Chichester: Wiley-Blackwell.

Minaker, J. C. (2001). Evaluating criminal justice responses to intimate abuse through the lens of women's needs. *Canadian Journal of Women and the Law*, *13*, 74–106.

Powell, A., & Henry, N. (2017). *Sexual violence in a digital age*. London: Palgrave Macmillan.

Powell, A., Scott, A., Flynn, A., & Henry, N. (2020). *Image-based sexual abuse: An international study of victims and perpetrators*. Clayton: Monash University. doi:10.13140/RG.2.2.35166.59209

Randall, M. (2010). Sexual assault law, credibility, and "ideal victims": Consent, resistance, and victim blaming. *Canadian Journal of Women and the Law*, *22*(2), 397–433. Retrieved from https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1742077

Ruvalcaba, Y., & Eaton, A. A. (2019). Nonconsensual pornography among U.S. adults: A sexual scripts framework on victimization, perpetration, and health correlates for women and men. *Psychology of Violence*, *10*(1), 68–78. doi:10.1037/vio0000233

Salter, M., & Crofts, T. (2015). Responding to revenge porn: Challenges to online legal impunity. In L. Comella, & S. Tarrant (Eds.), *New views on pornography: Sexuality, politics, and the law* (pp. 233–253). Santa Barbara, CA: Praeger.

Slane, A., & Langlois, G. (2018). Debunking the myth of "not my bad": Sexual images, consent, and online host responsibilities in Canada. *Canadian Journal of Women and the Law*, *30*(1), 42–81. doi:10.3138/cjwl.30.1.42

Smith, M. (2004). *Encyclopedia of rape*. Westport, CT: Greenwood Press.

UN Broadband Commission for Digital Development Working Group on Broadband and Gender. (2015). *Cyber violence against women and girls: A world-wide wake-up call*. Geneva: Broadband Commission for Sustainable Development. Retrieved from https://en.unesco.org/sites/default/files/genderreport2015final.pdf

APPENDIX: DATA SET CASES

R v AB, 2020 QCCQ 260

R v AC, 2017 ONCJ 317

R v BS, 2019 MBPC 26

R v Calpito, 2017 ONCJ 129

R v CRD, 2019 PESC 30

R v Greene, [2018] NJ No 95; 2018 Carswell Nfld 101

R v JB, 2018 ONSC 4726

R v JR, 2018 ONCJ 851

R v JS (AB)*,* 2019 ABPC 134

R v JS (ON)*,* 2018 ONCJ 82

R v JTB, 2018 ONSC 2422; [2018] ON No 7196

R v Ly, [2016] OJ No 7196

R v MR (trial)*,* 2017 ONCJ 558

R v MR (sentencing)*,* 2017 ONCJ 943

R v MTB, 2019 BCPC 77

R v Newby, [2018] OJ No 6279

R v NM, [2019] OJ No 6238

R v NN, 2019 ONCJ 512

R v OK, 2019 ONCJ 804

R v PSD, 2016 BCPC 400

R v Ruby (trial)*,* [2018] NJ No 407

R v Ruby (sentencing)*,* [2019] NJ No 155

R v Sobh, 2018 ONSC 2299; [2018] OJ No 1921

R v TD, 2018 ABPC 232

R v Trinchi (application)*,* 2016 ONSC 2537

R v Trinchi (sentencing)*,* 2016 ONSC 6586

R v Trinchi (appeal)*,* 2019 ONCA 356

R v Tsang, 2019 ONSC 3235

R v Tunney, 2018 ONSC 961

R v Verner, 2017 ONCJ 415

R v Wilson, [2019] OJ No 2059