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WORKING MANUAL OF CRIMINAL LAW

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This manual summarizes the current law on issues arising in criminal practice. The expert commentary integrates the statutory provisions and case law relevant to a particular topic. The commentary is divided into six sections: defences, evidence, substantive offences, procedure, sentencing, and *Canadian Charter of Rights and Freedoms*. This publication facilitates preparation and is of assistance in the courtroom. Regular releases ensure that the text is current, accurate and reliable.

This release features updates to the case law and commentary in Chapters 5 (Substantive Offences) and 6 (Charter of Rights and Freedoms).

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Release Highlights

New entries introduced with this release include the following:

- **Substantive Offences — Offences against the Person — Murder — Elements of the Offence: *Mens Rea*** — According to the Court of Appeal for Ontario, it is not always necessary for the guilty act and the *mens rea* to be completely concurrent. A flexible application of the contemporaneity principle may allow for the requisite intent to be distanced from the guilty act if the latter were part of a sequence of acts within the same transaction and the intent were to coincide at any time with that sequence: *R. v. Collins*, 2023 ONCA 394, 2023 CarswellOnt 8356 (Ont. C.A.).
- **Charter of Rights and Freedoms — Section 11(b): Right to be Tried within a Reasonable Time — Transitional Cases** — The Supreme Court of Canada held the transitional exceptional circumstance not to apply in case where charges had been laid shortly before *Jordan* with proceedings continuing for 2.5 years afterwards — the parties could not reasonably have relied upon the pre-*Jordan* state of the law, and where the delay had been caused primarily by the Crown's refusal to consent to a re-election to trial by judge alone, despite otherwise having ample time to adapt to *Jordan*: *R. v. Hanan*, 2023 SCC 12, 2023 CarswellOnt 6573 (S.C.C.).

ProView Developments

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