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MENTAL DISORDER IN CANADIAN CRIMINAL LAW

Joan Barrett

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Publisher's Release Note

This publication provides practitioners with a quick and easy reference tool, while keeping them up to date with the latest jurisprudential and legislative developments arising under Part XX.1 of the *Criminal Code*. The reader will be given a thorough analysis of all the issues arising under Part XX.1 including an examination of mental disorders, such as automatism, and the not criminally responsible defence (NCR), assessment orders and fitness to stand trial determinations, disposition hearings, fitness dispositions and their review, review board and appeal processes and procedures, and a discussion of mental disorder in a non-NCR context.

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Highlights

This release features revisions to the case law and commentary in chapters 6 (Mental Disorder in A Non-NCR Context), 8 (Disposition Hearings), 10 (Appeals).

- **Uniform Standard for Assessing Claims of Mental Incompetency by Accused Persons — Voluntariness of Statements to Persons in Authority** — The Right to Counsel: The taking of medication for a psychotic mental disorder is not a legally relevant change that triggers the need to re-advise a detainee of their right to counsel: *R. v. Kostuk*, 2025 ONCA 195, 2025 CarswellOnt 3100 (Ont. C.A.).
- **Relevance of Mental Illness to Sentencing** — Treatment options aimed at rehabilitation and public protection are relevant factors to consider provided the sentence imposed falls within the appropriate range: *R. v. J.W.*, 2025 SCC 16, 2025 CarswellOnt 7643, 2025 CarswellOnt 7644 (S.C.C.).