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CANADIAN CRIMINAL CODE OFFENCES

John L. Gibson

Release No. 5, August 2024

This publication is an acclaimed practice manual for Crown counsel, defence counsel, judges and police. The manual brings together in one place essential information about more than 50 commonly charged *Criminal Code* offences. The offences are organized alphabetically into individual, tabbed chapters for immediate access. Each chapter contains the full text of the *Criminal Code* sections and any other statutory provisions that relate to the offence, available defences, the best wording of the charge, the elements to be proved, procedural considerations, up-to-date case law, recent, significant changes in the law, and forms.

This release features updates to the commentary and case law in the following chapters: 30 (Murder and Manslaughter); 33 (Party Liability); 35 (Possession); 38 (Sexual Abuse of Young and Vulnerable Persons); 39 (Sexual Assault); and 40 (Sexual Services).

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Release Highlights

New cases discussed with this release include the following:

- **Murder and Manslaughter** – According to the Supreme Court of Canada, a defendant may be held liable for harm that he or she did not specifically foresee, provided the general nature of the harm was reasonably foreseeable under the circumstances or had flowed naturally from his or her actions, and provided those actions were a significant contributing cause to the harm. In this instance, the defendant and others engaged in a bar fight with another group, and his group later pursued and attacked the other group. A member of the other group was stabbed and killed by a member of the defendant’s group. Even though the defendant was unaware that his companion had a knife, the court found a jury could hold him liable for manslaughter: *R. v. Lozada*, 2024 SCC 18 (S.C.C.).
- **Sexual Assault** – Prompted by the recent Supreme Court of Canada decision, *R. v. Kruk*, 2024 SCC 7, two discrete sections of commentary have been introduced with this release to the discussion of Sexual Stereotypes and Myths. The first focuses on the “twin myths” that a sexually active woman is both more likely to have consented to the sexual activity upon which the charge is based and that she is less worthy of belief, as well as the introduction of s. 276 of the Criminal Code as a measure to minimize such discriminatory and illogical reasoning. The second new section of commentary features a list of other commonly-held misconceptions involving sexual offences, such as false allegations of sexual assault based on ulterior motives take place more often than those of other offences, and genuine sexual assaults are perpetrated by strangers to the victim and result in visible physical injuries.

ProView Developments

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