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WORKING MANUAL OF CRIMINAL LAW

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Publisher's Special Release Note 2021

The pages in this work were reissued in August 2021 and updated to reflect that date in the release line. Please note that we did not review the content on every page of this work in the August 2021 release. We will continue to review and update the content according to the work's publication schedule. This will ensure that subscribers are reading commentary that incorporates developments in the law as soon as possible after they have happened or as the author deems them significant.

Changes to chapter and heading numbering may have occurred. Please refer to the Correlation Table in the front matter if you wish to confirm references.

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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.

Release Highlights

This release features updates to the case law and commentary in Chapters 4 (Sentencing), 5 (Substantive Offences) and 6 (Charter of Rights and Freedoms).

- **Sentencing — Specific Kinds of Sentencing Hearings — Dangerous Offenders** — British Columbia’s Court of Appeal found *Gladue* principles may be relevant in determining the sentence to impose on a dangerous offender — evidence showing benefits from treatment options specifically available to those of Indigenous descent may impact upon the assessments of moral culpability or of management of future risk: *R. v. Hamer*, 2021 BCCA 297, 2021 CarswellBC 2390 (B.C. C.A.).
- **Charter of Rights and Freedoms — Specific Charter Guarantees — Section 7: Right to Life, Liberty and Security of the Person — Essential Components of the Right — Diminished Moral Blameworthiness of Young Persons** — The Supreme Court of Canada upheld the constitutionality of subs. 37(1) of the *Youth Criminal Justice Act*, which denies young persons the automatic right to appeal to the country’s highest court. The appellant’s proposed principle — that young persons are entitled to enhanced procedural protections in the criminal justice system — was found not to have satisfied the test for a new principle of fundamental justice within the meaning of s. 7 of the Charter: *R. v. C.P.*, 2021 SCC 19, 2021 CarswellOnt 6510 (S.C.C.).

ProView Developments

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