

Publisher’s Note

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<p>SENTENCING: THE PRACTITIONER’S GUIDE Gary R. Clewley & Lindsay M. Kromm Release No. 3, August 2025</p>
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What’s New in this Update:

This release features updates to the commentary and case law in Chapters 1 (Sentencing Principles), 3 (Terrorism and Weapons Offence), 5 (Sexual Offences, Public Morals and Disorderly Conduct), 8 (Offences Against the Person and Reputation), 9 (Offences Related to Conveyances), 13 (Part XXIII of the Criminal Code – Sentencing) and 14 (Dangerous Offenders and Long-Term Offenders).

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Highlights:

- Several themes emerge in this most recent survey of appellate decisions from across the country, the first of which is the impact of an offender's intoxication at the time of the offences on the sentence ultimately imposed. In both *Normand c. R.* and *Lakehal c. R.*, the Quebec Court of Appeal found the offender's voluntary intoxication at the time of committing a violent offence should not be considered a mitigating circumstance, on account of a failure to take treatment for known substance abuse issues in the past, and/or the fact the offender's actions when under the influence were not unexpected and unforeseeable.
- A number of cases from Ontario and Quebec demonstrate that a significant jail sentence will continue to be the usual outcome for penetrative sexual assaults, notwithstanding an offender's youth and prior good character. While a sentence of less than two years may be in the appropriate range depending on the circumstances, conditional sentences remain rare notwithstanding their availability.
- Finally, commentary on the decision of the British Columbia Court of Appeal in *R. v. Davis* addresses the thorny issue of how *Gladue* considerations intersect with the proportionality assessment in the case of serious violent offences for which a conditional sentence is now available, and whether the imposition of such sentences, arguably lenient based on precedent, amounts to the type of "race-based discount" the Supreme Court cautioned against in *R. v. Ipeelee* (2012), 280 CCC (3rd) 265, 2012 CarswellOnt 4375, [2010] S.C.C.A. No. 129 (S.C.C.).

ProView Developments

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- The Table of Cases and Index are now in PDF with no searching and linking
- The Table of Contents now has internal links to every chapter and section of the book within ProView
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