# Publisher's Note

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# SENTENCING: THE PRACTITIONER'S GUIDE

Gary R. Clewley & Lindsay M. Kromm Release No. 4, September 2025

## 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), 10 (Offences Against Rights of Property) and 14 (Dangerous Offenders and Long-Term Offenders).

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### **Highlights:**

- Of note in this publication is the Supreme Court of Canada's decision in *R. v. J.W.*, 2025 SCC 16, addressing two important issues: (i) whether it is an error to consider the availability of and time required to complete institutional programming in fixing the length of sentence, and (ii) the meaning of "wrongful conduct" on the part of an offender (as described in *R. v. Summers*, 2014 SCC 26) as a reason for denying enhanced credit for pre-sentence custody.
- On the first issue, the Court clarified that while it would be an error for a sentencing judge to impose a sentence *beyond* the appropriate range purely on account of the time anticipated to complete treatment, it is not an error to consider the time required to complete rehabilitative treatment when determining the length of sentence *within* an appropriate range.
- On the second issue, The Court held that although it is appropriate to deny offenders an incentive to drag out their time in pre-sentence custody, interpreting "wrongful conduct" in too broad a manner risks undermining the proportionality principle by subjecting certain offenders to lengthier sentences disproportionate to the gravity of their crimes and the level of their moral culpability. As such, only acts done with an intention to "frustrate the proper operation of the system of criminal justice" will constitute "wrongful conduct" which then serves as a basis to deny enhanced credit.
- Also of significance in this update is a reformulation of Chapter 9 (IX), addressing the offences of operation while impaired causing death, and failure or refusal to comply with a demand where an accident resulted in death offences which, sadly, remain all too common. The addition of several cases demonstrates a sentencing range of five to six years' imprisonment for first offenders, and up to 12 years' imprisonment for repeat offenders or those who have caused the death of more than one person.

### **ProView Developments**

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- The opening page is now the title page of the book as you would see in the print work
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- The Table of Contents now has internal links to every chapter and section of the book within ProView

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