

# Publisher's Note

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| <b>SENTENCING:<br/>THE PRACTITIONER'S GUIDE</b><br>Gary R. Clewley & Lindsay M. Kromm<br>Release No. 6, December 2024 |
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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) and 9 (Offences Related to Conveyances).

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### Highlights:

- **Offences against the Person and Reputation—Murder—Case Summaries: Second-Degree Murder—Period of Parole Ineligibility**—The Court of Appeal reduced the period of parole ineligibility, accompanying a life sentence for second-degree murder, from 20 years to 13 years, after finding the sentencing judge had erred by treating the offender’s mental illness as an aggravating factor. In this instance, the offender’s failure to take his medication for schizophrenia led the judge to infer, without sufficient evidence, that he must have intentionally disregarded the risk posed to others: *R. v. Mucpa*, 2024, NUCA 15, 2024 CarswellNun 45 (Nun. C.A.).
- **Offences related to Conveyances—Dangerous Operation of Conveyances Causing Death—Punishment**—The Supreme Court of Canada set aside the driving imposition imposed by the sentencing judge, after ruling it not to be available upon conviction for the offence of criminal negligence causing death. According to the court, in light of Parliament’s intention to develop a simplified driving scheme under a single part of the *Criminal Code*, the exclusion of criminal negligence from the offences listed in subs. 320.24(4) reflected a choice it had made – dangerous driving is better addressed via the dangerous operation sections of the Code than via its criminal negligence provisions: *R. v. Wolfe*, 2024 SCC 34, 2024 CarswellSask 438 (S.C.C.).

### ProView Developments

Your ProView edition of this product now has a new, modified layout:

- 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 Cases and Index are now in PDF with no searching and linking
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