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DRUG OFFENCES IN CANADA FOURTH EDITION Bruce A. MacFarlane, K.C. Robert J. Frater, K.C. Croft Michaelson, K.C. Release No. 6, December 2023
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What's New in this Update:

This release features updates to Chapter 35 (Sentencing under the CDSA and the Cannabis Act) and Chapter 36 (General Sentencing Principles and Pardons).

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Highlights:

- Several important sentencing decisions are discussed in this release in Chapter 35. The Alberta Court of Appeal's decision in *R. v. Phillips*, 2023 ABCA 210 (Alta. C.A.) is an important judgment on the treatment of an offender's addiction in drug cases. The court held in *Phillips* that it is an error in principle to treat a refusal to seek help for addiction as an aggravating factor in imposing sentence. Another significant sentencing decision is the British Columbia Court of Appeal decision in *R. v. Kehoe*, 2023 BCCA 2 (B.C. C.A.). In that case, the court looked at how the *Gladue* factors might be applied to a person who had lost connection to his Indigenous roots. *R. v. Cerezo-Brennan*, 2023 MBCA 17 (Man. C.A.) is a significant decision of the Manitoba Court of Appeal concerning the use of psychiatric reports in assessing an offender's moral culpability.
- The Ontario Court of Appeal dismissed a constitutional argument that fines in lieu of forfeiture result in cruel and unusual treatment and infringe s. 12 of the Charter in *R. v. Abdelrazzaq*, 2023 ONCA 112. The Court also provided helpful guidance on when a judge might decide to exercise the discretion to decline to order a fine in lieu of forfeiture, identifying several factors that a judge could take into account in determining whether to exercise the discretion. *Abdelrazzaq* is discussed in Chapter 35.

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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