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### **YOUTH CRIMINAL JUSTICE ACT MANUAL**

**The Honourable Miriam H. Bloomenfeld**

**Release No. 2, July 2022**

### **Publisher's Special Release Note 2021**

The pages in this work were reissued in December 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 December 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.

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## What's New in this Update:

- *R. v. T.G.*, 2022 ABCA 164 — The Court of Appeal upheld the young person's 18-month custody and supervision sentence and affirmed that the sentencing judge had not misused or overemphasized denunciation and deterrence. The young person had pleaded guilty to assaulting his girlfriend while streaming the assault live on social media, then repeatedly breaching his no contact order by phoning her from custody and also attempting to dissuade her from giving evidence against him: § **6:6**, § **12:31**
- *R. v. O. (R.)*, 2021 ONSC 6683 — The YCJA does not impose an elevated onus on the court in considering whether to shackle a young person. Here, the court considered the YCJA, s. 3(b)(iii) requirement of enhanced procedural protections for young persons as well as the YCJA, s. 83(2)(a) mandate that the least restrictive measures be used for incarcerated young persons. In the result, however, the court determined that the young person should wear silent leg shackles in the prisoner's dock at his second-degree murder jury trial: § **2:25**, § **7:2.50**
- *R. v. C.C.*, 2022 NLPC 1321 — The young person was sentenced to 12 months' probation for a sexual assault described by the sentencing judge as a "violent sexual assault and a significant attack on [the victim's] sexual integrity": § **12:42.50**
- *R. v. C.Z.*, 2022 ONCJ 152 — The young person was sentenced to 18 months' custody and supervision, 12 months' probation and a six-year driving prohibition for two counts of dangerous driving causing death and one count of dangerous driving causing bodily harm: § **12:23.50**
- *R. v. M.S.*, 2022 ONCJ 56 — The youth justice court accepted a joint submission to sentence the young person to the maximum three-year custody and supervision sentence upon his guilty plea to an array of terrorism offences. The Crown had initially intended to seek an adult sentence but modified its position following the receipt of multiple pre-sentence and psychiatric reports indicating that the young person had made significant rehabilitative progress. The joint recommendation was contingent upon no time being numerically deducted for the three years that the young person had spent in secure detention prior to sentencing pursuant to YCJA, s. 38(3): § **12:3.50**

## **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
- As with the print product, the front matter is in a different order than previously displayed
- 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
- Images are generally greyscale and size is now adjustable
- Footnote text only appears in ProView-generated PDFs of entire sections and pages