## **Summary of Contents**

## Volume 1

Cł	napt	ter	1.	Int	troc	luct	ion
----	------	-----	----	-----	------	------	-----

- Chapter 2. Youth Criminal Justice Act Preamble, Definitions and Policy
- Chapter 3. Extrajudicial Measures
- Chapter 4. Organization of Youth Criminal Justice System
- Chapter 5. Judicial Measures
- Chapter 6. Sentencing
- Chapter 7. Custody and Supervision
- Chapter 8. Publication, Records and Information
- Chapter 9. General Provisions
- Chapter 10. Transitional Provisions

## Volume 2

- Chapter 11. Adult Sentence Hearing Cases
- Chapter 12. Sentencing Under the YCJA

### **Appendices**

- Appendix A. YCJA Quick Start Procedural Guide
- Appendix B. Youth Criminal Justice Act
- Appendix C. Statutory Evolution of YCJA Sentencing Provisions
- Appendix D. Young Offenders Act (Repealed April 1, 2003)
- Appendix TC. Table of Concordance

#### **Table of Cases**

#### Index

## Volume 1

#### CHAPTER 1. INTRODUCTION

- § 1:1 Youth Justice Innovations
- § 1:2 Youth Criminal Justice Act Overview

# CHAPTER 2. YOUTH CRIMINAL JUSTICE ACT — PREAMBLE, DEFINITIONS AND POLICY

#### I. HISTORY, PREAMBLE AND SHORT TITLE

- § 2:1 Amendment History
- § 2:2 [Preamble]
- § 2:3 Preamble—Commentary
- § 2:4 —Preamble—Case Law
- § 2:5 [Section 1 Short Title]

#### II. INTERPRETATION

- § 2:6 [Section 2 Definitions]
- § 2:7 Section 2—Adult—Commentary
- § 2:8 —Child—Commentary
- § 2:9 ——Case Law
- § 2:10 —Offence—Commentary
- § 2:11 ——Case Law
- § 2:12 —Parent—Commentary
- § 2:13 ——Case Law
- § 2:14 —Record—Case Law
- § 2:15 —Violent Offence—Case Law
- § 2:16 —Young Person—Commentary
- § 2:17 ——Case Law
- § 2:18 —Youth Justice Court—Commentary
- § 2:19 ——Case Law
- § 2:20 —Youth Justice Court Judge—Case Law

#### III. DECLARATION OF PRINCIPLE

§ 2:21 [Section 3 Policy for Canada with Respect to Young Persons]

§ 2:22	Section 3—Policy—Commentary
§ 2:23	—Diminished Moral Blameworthiness or Culpability
	and Reduced Level of Maturity (ss. 3(1)(b)(i) and
0.0.04	3(1)(b)(ii))—Commentary
§ 2:24	——Case Law—Reduced Level of Maturity
§ 2:25	—Enhanced Procedural Protection and Respect for Rights (s. 3(1)(b)(iii))—Case Law
§ 2:26	—Timely Intervention, Promptness and Speed (s.
8 2.20	3(1)(b)(iv) and (v))—Case Law
§ 2:27	—Respond to the Needs of Aboriginal Young Persons
•	(s. $3(1)(c)(iv)$ )—Case Law
§ 2:28	—Right to Participate in Decisions and Special
	Guarantees of Rights and Freedoms (s. 3(1)(d)(i))—
8 0 00	Case Law
§ 2:29	—Opportunity for Victims to Participate and Be Heard—Case Law
	nearu—Case Law
СНА	PTER 3. EXTRAJUDICIAL
	SURES
§ 3:1 § 3:2	[Section 4 Declaration of Principles] Section 4—Principles—Commentary
§ 3.2 § 3:3	[Section 4.1 Certain Offences — Extrajudicial
8 0.0	Measures Deemed Adequate]
§ 3:4	[Section 5 Objectives]
§ 3:5	[Section 6 Warnings, Cautions and Referrals]
§ 3:6	Section 6—Police Extrajudicial Measures—
	Commentary
§ 3:7	——Case Law
§ 3:8	[Section 7 Police Cautions]
§ 3:9	[Section 8 Crown Cautions]
§ 3:10	[Section 9 Evidence of Measures is Inadmissible]
§ 3:11	[Section 10 Extrajudicial Sanctions]
§ 3:12	Section 10—Extrajudicial Sanctions—Case Law
§ 3:13	[Section 11 Notice to Parent]
§ 3:14	[Section 12 Victim's Right to Information]
CHA	PTER 4. ORGANIZATION OF YOUTH
CRIN	MINAL JUSTICE SYSTEM
§ 4:1	[Section 13 Designation of Youth Justice Court]
§ 4:2	Section 13—Youth Justice Court—Commentary
§ 4:3	——Case Law
§ 4:4	—Youth Justice Court a Court of Record—

[Section 14 Exclusive Jurisdiction of Youth Justice

§ 4:5

Commentary

Court]

§ 4:6	Section 14—Section 14(2) of the YCJA and Section
	810 of the Criminal Code—Commentary
§ 4:7	——Case Law
§ 4:8	—Jurisdiction of Youth Court by Averment in Information and Proof of Age—Commentary
§ 4:9	——Case Law
§ 4:10	—Jurisdiction to Deal with Charter Issues—Case Law
§ 4:11	—Jurisdiction to Deal with Youth Cases—Case Law
§ 4:12	—Powers of Youth Justice Court Judge—Case Law
§ 4:13	[Section 15 Contempt Against Youth Justice Court]
§ 4:14	Section 15—Contempt—Commentary
§ 4:15	——Case Law
§ 4:16	[Section 16 Status of Offender Uncertain]
§ 4:17	Section 16—Status of Offender—Commentary
§ 4:18	——Case Law
§ 4:19	[Section 17 Youth Justice Court May Make Rules]
§ 4:20	Section 17—Youth Justice Court Rules— Commentary
§ 4:21	[Section 18 Youth Justice Committees]
§ 4:22	Section 18—Youth Justice Committees— Commentary
§ 4:23	[Section 19 Conferences May be Convened]
§ 4:24	Section 19—Conferences—Commentary
§ 4:25	——Case Law
§ 4:26	[Section 20 Certain Proceedings may be Taken Before Justices]
$\S 4:27$	Section 20—Justices of the Peace—Commentary
§ 4:28	[Section 21 Powers of Clerks]
§ 4:29	Section 21—Clerks—Commentary
§ 4:30	[Section 22 Powers, Duties and Functions of Provincial Directors]

## CHAPTER 5. JUDICIAL MEASURES

#### I. CONSENT TO PROSECUTE

- § 5:1 [Section 23 Pre-Charge Screening]
- § 5:2 Section 23—Pre-Charge Screening—Commentary
- § 5:3 [Section 24 Private Prosecutions]

### II. CERTAIN OFFENCES — REVIEW OF CHARGES BY ATTORNEY GENERAL

- § 5:4 [Section 24.1 Review Required]
- § 5:5 Section 24.1—Review Required—Commentary

#### III. RIGHT TO COUNSEL

- § 5:6 [Section 25 Right to Counsel]
- § 5:7 Section 25—Right to Counsel—Commentary
- § 5:8 —Proper Compliance with Right to Counsel—Case Law
- § 5:9 —Direction That Youth Be Represented by Counsel—Case Law
- § 5:10 —Order Requiring Attorney General to Appoint Counsel—Case Law
- § 5:11 —Youth May Be Assisted by an Adult—Case Law
- § 5:12 —Recovery of Costs from Parents—Case Law

#### IV. NOTICES TO PARENTS

- § 5:13 [Section 26 Notice in Case of Arrest or Detention]
- § 5:14 Section 26—Notice—Commentary
- § 5:15 ——Case Law
- § 5:16 [Section 27 Order Requiring Attendance of Parent]
- § 5:17 Section 27—Order for Parent to Attend— Commentary

#### V. DETENTION AND RELEASE

- § 5:18 [Section 28 Application of Part XVI of the Criminal Code]
- § 5:19 Section 28—Application of Part XVI of the Criminal Code—Commentary
- § 5:20 ——Case Law
- § 5:21 [Section 28.1 Substitute for Social Measures Prohibited]
- § 5:22 Section 28.1—Substitute for Social Measures Prohibited—Commentary
- § 5:23 [Section 29 Release Order with Conditions]
- § 5:24 Section 29—Justification for Detention in Custody— Commentary
- § 5:25 ——Case Law
- § 5:26 ——Case Law Subsequent to the 2012 Amendments to the YCJA
- § 5:27 [Section 30 Designated Place of Temporary Detention]
- § 5:28 Section 30—Temporary Detention—Commentary
- § 5:29 —Transfer to Adult Facility—Case Law
- § 5:30 [Section 30.1 Review of Detention 30-Day Period]
- § 5:31 [Section 31 Placement of Young Person in Care of Responsible Person]
- § 5:32 Section 31—Responsible Person—Commentary

_			_
8 5	33	 Case	Law

VI	Δ	PP'	EΑ	RA	N	C1	Ю

- § 5:34 [Section 32 Appearance Before Judge or Justice]
- § 5:35 Section 32—First Appearance—Commentary
- § 5:36 ——Case Law
- § 5:37 —Understanding the Charge—Commentary
- § 5:38 ——Case Law

## VII. APPLICATION FOR RELEASE FROM OR DETENTION IN CUSTODY

- § 5:39 [Section 33 Application for Release From or Detention in Custody]
- § 5:40 Section 33—Release from Detention—Commentary
- § 5:41 —Issues and Procedures on Release Hearings—Case
- § 5:42 —Court in Which Application for Review is Made— Case Law
- § 5:43 —Two Clear Days' Notice—Commentary
- § 5:44 —Murder Charges/Attempted Murder Which Court has Jurisdiction to Hear Bail Applications?— Commentary
- § 5:45 ——Case Law
- § 5:46 —Bail Reviews for Young Persons Charged with s. 469 Offences—Commentary
- § 5:47 ——Case Law
- § 5:48 —Failure to Comply with Terms of Release Issues— Case Law

## VIII. MEDICAL AND PSYCHOLOGICAL REPORTS

- § 5:49 [Section 34 Medical or Psychological Assessment]
- § 5:50 Section 34—Medical or Psychological Assessment— Commentary
- § 5:51 ——Case Law
- § 5:52 —Limitations on the Youth Justice Court's Authority to Order Specific Types of Assessments and Diagnostic Tests Pursuant to s. 34—Case Law
- § 5:53 —Jurisdiction to Order a s. 34 Report at a Bail Hearing—Case Law
- § 5:54 —Disclosure of a s. 34 Report s. 34(7)—Case Law
- § 5:55 —Unfitness to Stand Trial—Case Law

#### IX. REFERRAL TO CHILD WELFARE AGENCY

§ 5:56 [Section 35 Referral to Child Welfare Agency]

§ 5:57 Section 35—Child Welfare Referral—Commentary

#### X. ADJUDICATION

- § 5:58 [Section 36 When Young Person Pleads]
- § 5:59 Section 36—Plea of Guilty Procedure—Commentary
- § 5:60 ——Case Law

#### XI. APPEALS

- § 5:61 [Section 37 Appeals]
- § 5:62 Section 37—Appeals—Commentary
- § 5:63 ——Case Law
- § 5:64 —Issues on Appeal Bail Pending Appeal—Case Law
- § 5:65 —Powers of Appellate Court on Sentence Appeal— Commentary
- § 5:66 ——Case Law
- § 5:67 —Appeals where Election in Issue—Case Law
- § 5:68 —Charter Stays for Unreasonable Delay in Youth Cases—Case Law
- § 5:69 —Appeals to the Supreme Court of Canada—s. 37(10)

#### CHAPTER 6. SENTENCING

#### I. PURPOSE AND PRINCIPLES

- § 6:1 [Section 38 Purpose]
- § 6:2 Section 38—Sentencing Purpose and Principles— Commentary
- § 6:3 ——Constitutional Issues—Case Law
- § 6:4 ——Accountability/Meaningful Consequences s. 38(1)—Case Law
- § 6:5 — Deterrence / Denunciation—Commentary
- § 6:6 ——Case Law
- § 6:7 ——Sentence Must Not Exceed Sentence Adult Would Receive s. 38(2)(a)—Case Law
- $\S$  6:8 ——Sentence Parity s. 38(2)(b)—Case Law
- § 6:9 ——Responsibility/Proportionality s. 38(2)(c)—Case Law
- § 6:10 ——Reasonable Alternatives to Custody with Particular Attention to Circumstances of Aboriginal Young Persons — s. 38(2)(d)—Case
- § 6:11 ——Least Restrictive Appropriate Sentence s. 38(2)(e)(i)—Case Law

§ 6:12	——Sentence Most Likely to Rehabilitate and
	Reintegrate the Young Person — s. 38(2)(e)(ii)— Case Law
§ 6:13	——Promoting a Sense of Responsibility and an
	Acknowledgment of Harm Done — s. 38(2)(e)(iii)—Case Law
§ 6:13.50	— —Limitations on Optional Sentence
	Conditions—s. 38(2)(e.1)—Case Law
§ 6:14	——Consideration for Pre-trial Custody and
§ 6:15	Other Issues — s. 38(3)—Case Law ——Individualized Sentencing or Joint and
3 0.10	Several Responsibility—Case Law
§ 6:16	[Section 39 Committal to Custody]
§ 6:17	Section 39—Restrictions on Custody—
8.6.10	Commentary
§ 6:18	— — Violent Offence Restriction—Commentary
§ 6:19	— —Failures to Comply with Non-Custodial Sentences—Commentary
§ 6:20	——A History Indicating a Pattern of Findings
3 0.20	of Guilt and/or Extrajudicial Sanctions—
	Commentary
§ 6:21	——Exceptional Cases where Aggravating
	Circumstances Make Custody Necessary—
8 6 00	Commentary
§ 6:22	<ul> <li>— Considerations Designed to Reduce the Use of Custody—Commentary</li> </ul>
§ 6:23	— — Whether s. 39(1) Operates as a Mandatory
	Prohibition on Custody—Case Law
§ 6:24	——"Violent Offence" Restriction—Case Law
§ 6:25	———Case Law Subsequent to the 2012
	Amendments to the YCJA
§ 6:26	— The "Failure to Comply with Non-custodial
9 0 0 7	Sentences" Restriction—Case Law
§ 6:27	— —The "History Indicating a Pattern of Findings of Extrajudicial Sanctions and/of
	Findings of Extragadicial Sanctions and of Findings of Guilt" Restriction—Case Law
§ 6:28	— —The "Exceptional Case" Restriction—
3 0.20	Arson—Case Law
§ 6:29	— — —Attempted Murder—Case Law
§ 6:30	———Accessory After the Fact to Murder—Case
	Law
§ 6:31	— —— Aggravated Assault—Case Law
§ 6:32	— ——Sexual Offences—Case Law
§ 6:33	———Procuring—Case Law
§ 6:34	— — Firearms—Case Law
§ 6:35	— — — Drugs—Case Law

§ 6:36	———Break and Enter—Case Law
§ 6:37	———Theft—Case Law
§ 6:38	— — — Public Mischief—Case Law
§ 6:39	— — — Perjury—Case Law
§ 6:40	—Alternatives to Custody—Case Law
§ 6:41	——Reasons for Custodial Sentence—Case Law
§ 6:42	[Section 40 Pre-Sentence Report]
§ 6:43	Section 40—Pre-Sentence Reports—Commentary
§ 6:44	——Case Law
§ 6:45	[Section 41 Recommendation of Conference]
§ 6:46	Section 41—Conferencing—Commentary
§ 6:47	——Calgary Community Conferencing—
	Commentary
§ 6:48	— —Conferencing and Due Process—
	Commentary
§ 6:49	— —Conferencing Implementation—Commentary
§ 6:50	——Case Law
§ 6:51	[Section 42 Considerations as to Youth Sentence]
§ 6:52	Section 42—Youth Sentences—A Brief Review of
	All the Considerations Necessary for Sentencing
§ 6:53	——Suggested Approach to Sentencing (A
	Prioritized Ladder of Considerations)
§ 6:54	——Procedure on Sentence Hearing
§ 6:55	—Mandatory Considerations Prior to Imposing
0.050	Sentence — s. 42(1)—Case Law
§ 6:56	—The Reprimand—Commentary
§ 6:57	——Case Law
§ 6:58	—Discharges—Commentary
§ 6:59	——Conditional Discharges—Case Law
§ 6:60	—Fines—Commentary
§ 6:61	—Compensation—Commentary
§ 6:62	—Restitution—Commentary
§ 6:63	—Payment to Innocent Purchaser—Commentary
§ 6:64	—Personal Service Order—Commentary
§ 6:65	—Community Service Order—Commentary
§ 6:66	—Prohibition, Seizure or Forfeiture Order—
	Commentary
§ 6:67	——Case Law
§ 6:68	—Probation Order—Commentary
§ 6:69	——Case Law
§ 6:70	—Intensive Support and Supervision Order—
	Commentary
§ 6:71	——Case Law
§ 6:72	—Order of Attendance at a Non-Residential
	Program—Commentary

§ 6:73	—Custody and Supervision Order—Commentary
§ 6:74	——Case Law
§ 6:75	—Custody and Conditional Supervision Orders —
	Murder, Attempted Murder, Manslaughter and
	Aggravated Sexual Assault: s. 42(2)(o), (q) and
	(r)—Commentary
§ 6:76	——Case Law
§ 6:77	—Deferred Custody and Supervision Order—
8 0 70	Commentary
§ 6:78	——Case Law
§ 6:79	—Murder Sentences—Commentary
§ 6:80	——Case Law
§ 6:81	—Intensive Rehabilitative Custody and
8.0.00	Supervision Sentences—Commentary
§ 6:82	——IRCS Eligibility Criteria—Commentary
§ 6:83	——Eligibility Differences between IRCS and
S C.O.4	Presumptive Offences—Commentary
§ 6:84	——Program Eligibility Criteria—Commentary
§ 6:85	— — Consent to Treatment—Commentary
§ 6:86	——Length of Orders and IRCS Procedures—
S C.07	Commentary
§ 6:87	——Case Law
§ 6:88	—Calculation of Custody and Supervision—
8 6.00	Commentary Timing of Youth Sentance Commentary
§ 6:89	—Timing of Youth Sentence—Commentary — —Case Law
§ 6:90	
§ 6:91	—Consecutive or Concurrent Sentences—Case Law
8 6.00	<del></del>
§ 6:92	—Sentence Calculation Rules—Commentary —Case Law
§ 6:93	
§ 6:94	[Section 43 Additional Youth Sentences]
§ 6:95	Section 43—Additional Sentences—Commentary
§ 6:96	——Case Law
§ 6:97	[Section 44 Custodial Portion if Additional Youth Sentence]
§ 6:98	Section 44—Calculating Sentence Expiry Date—
	Commentary
§ 6:99	——Case Law
§ 6:100	[Section 45 Supervision when Additional Youth Sentence Extends the Period in Custody]
§ 6:101	Section 45—Custody for Additional Sentence— Commentary
§ 6:102	[Section 46 Exception when Youth Sentence in Respect of Earlier Offence]
§ 6:103	Section 46—Six-Year Cap Rule—Commentary
	-

§ 6:104	[Section 47 Committal to Custody Deemed Continuous]
§ 6:105	Section 47—Custody Must Be Continuous— Commentary
§ 6:106	[Section 48 Reasons for the Sentence]
§ 6:107	Section 48—Reasons—Commentary
§ 6:108	[Section 49 Warrant of Committal]
§ 6:109	[Section 50 Application of Part Xxiii of Criminal Code]
§ 6:110	Section 50—Adult Sentences—Commentary
§ 6:111	——Case Law
§ 6:112	—Application of Part XXIII of the Criminal Code—Case Law
§ 6:113	[Section 51 Mandatory Prohibition Order]
§ 6:114	Section 51—Prohibition Orders—Commentary
§ 6:115	——Case Law
§ 6:116	[Section 52 Review of Order Made Under Section 51]
§ 6:117	Section 52—Review of Section 51 Order— Commentary
§ 6:118	[Section 53 Funding for Victims]
§ 6:119	[Section 54 Where a Fine or Other Payment is Ordered]
§ 6:120	Section 54—Fines—Commentary
§ 6:121	[Section 55 Condition that Must Appear in Orders]
§ 6:122	Section 55—Conditions—Commentary
§ 6:123	—Mandatory Conditions: Appear Before the Youth Justice Court—Case Law
§ 6:124	—Orders Requiring Governments to Pay for Resources—Case Law
§ 6:125	—Order to Comply with Other Conditions—Case Law
§ 6:126	[Section 56 Communication of Order]
§ 6:127	Section 56—Communication and Commencement of Order—Commentary
§ 6:128	——Case Law
§ 6:129	[Section 57 Transfer of Youth Sentence]
§ 6:130	[Section 58 Interprovincial Arrangements]
§ 6:131	[Section 59 Review of Youth Sentences not Involving Custody]
§ 6:132	Section 59—Review of Non-Custodial Sentences—Commentary
§ 6:133	[Section 60 Provisions Applicable to Youth Sentences on Review]

## II. ADULT SENTENCE AND ELECTION

§ 6:134	[Sections 61 to 63 Repealed]
§ 6:135	[Section 64 Application by Attorney General]
§ 6:136	Section 64—Application by Attorney General—
_	Commentary
§ 6:137	[Sections 65, 66 Repealed]
§ 6:138	[Section 67 Election — Adult Sentence]
§ 6:139	Section 67—Election of Young Person—
	Commentary
§ 6:140	——Case Law
§ 6:141	— —Jury Trials for Young Persons—Case Law
§ 6:142	[Section 68 Proof of Notice under Section 64(4)
	[Repealed. 2012, c. 1, s. 179.]]
§ 6:143	[Section 69 Paragraph (a) "Presumptive Offence" -
	Included Offences [Repealed. 2012, c. 1, s.
	180(1).]]
§ 6:144	[Section 70 Inquiry by Court to Young Person
	[Repealed. 2012, c. 1, s. 181.]]
§ 6:145	[Section 71 Hearing — Adult Sentences]
§ 6:146	Section 71—Adult Sentence Hearing—Commentary
§ 6:147	[Section 72 Order of Adult Sentences]
§ 6:148	Section 72—Adult Sentence Hearings under the
-	YCJA—Commentary
§ 6:149	—Onus—Case Law
§ 6:150	—The Test to be Applied in the Determination of
	Whether to Impose an Adult Sentence—Case Law
	Prior to the 2012 Amendments to the YCJA
§ 6:151	——Case Law Following the 2012 Amendments to
	the YCJA
§ 6:152	—Diminished Moral Blameworthiness and
	Gladue—Case Law
§ 6:153	Section 72(1)(b)—Length and Accountability—Case
	Law
§ 6:154	—Effect of IRCS Eligibility on Length and
	Accountability—Case Law
§ 6:155	—Role of IRCS Availability in Adult Sentence
	Applications
§ 6:156	Section 72—Credit for Pre-sentence Custody for
_	Young Persons Sentenced as Adults—Case Law
§ 6:157	—YCJA Adult Sentence Administrative Issues—
_	Case Law
§ 6:158	——Case Law Following the 2012 Amendments to
0.0.1	the YCJA
§ 6:159	[Section 73 Court Must Impose Adult Sentence]
§ 6:160	Section 73—Mandatory Imposition of Adult or
	Youth Sentence—Commentary

[Section 74 Application of Parts XXIII and XXIV of Criminal Code]
Section 74—Parts XXIII and XXIV of Criminal Code—Commentary
——Applicable Principles in Determining an Adul- Sentence—Case Law
——Application for an Assessment Prior to Dangerous or Long-term Offender Application— Case Law
[Section 75 [Repealed, 2019, c. 25, s. 377.]]
[Section 76 Placement when Subject to Adult Sentence]
Section 76—Placement—Commentary
——Case Law
[Section 77 Obligation to Inform — Parole]
[Section 78 Release Entitlement]
[Section 79 If Person Convicted Under Another Act]
Section 79—If Person Convicted Under Another Act—Case Law
[Section 80 If Person who is Serving a Sentence under Another Act is Sentenced to an Adult Sentence]
[Section 81 Procedure for Application or Notice]
Section 81—Generally—Commentary
FFECT OF TERMINATION OF YOUTH ENTENCE
ENTENCE
[Section 82 Effect of Absolute Discharge or Termination of Youth Sentence]
Section 82—Discharge or Termination—Case Law
DNA Orders—Case Law
Sentencing for Historical Offences—Case Law
TER 7. CUSTODY AND
RVISION
[Section 83 Purpose]
Section 83—Purpose of Custody and Supervision—Commentary
——Case Law
[Section 84 Young Person to be Held Apart From Adults]
[Section 85 Levels of Custody]
Section 85—Reviewing the Level of Pre-trial Detention—Commentary

§ 7:6	——Case Law
§ 7:7	[Section 86 Procedural Safeguards]
§ 7:8	Section 86—Level of Custody Review Hearing—
	Commentary
§ 7:9	[Section 87 Review]
§ 7:10	Section 87—Review—Commentary
§ 7:11	[Section 88 Functions to be Exercised by Youth Justice Court]
§ 7:12	Section 88—Functions to be Exercised by Youth Justice Court—Commentary
§ 7:13	——Case Law
§ 7:14	[Section 89 Exception if Young Person is Twenty Years Old or Older]
§ 7:15	Section 89—Youth Twenty or Older at Sentencing—Commentary
§ 7:16	——Case Law
§ 7:17	[Section 90 Youth Worker]
§ 7:18	[Section 91 Reintegration Leave]
§ 7:19	[Section 92 Transfer to Adult Facility]
§ 7:20	Section 92—Transfer—Commentary
§ 7:21	——Case Law
§ 7:22	[Section 93 When Young Person Reaches Twenty Years of Age]
§ 7:23	Section 93—Youth Reaches Twenty Years of Age— Commentary
§ 7:24	[Section 94 Annual Review]
§ 7:25	Section 94—Annual Review—Commentary
§ 7:26	— —Grounds for Review — s. 94(6)—Case Law
§ 7:27	— — Mandatory Review—Case Law
§ 7:28	— — Optional Reviews—Case Law
§ 7:29	— — Decisions Available—Case Law
§ 7:30	——Sentence Reviews for Young Persons
	Transferred to Adult Facilities—Case Law
§ 7:31	[Section 95 Orders are Youth Sentences]
§ 7:32	[Section 96 Recommendation of Provincial Director for Conditional Supervision of Young Person]
§ 7:33	Section 96—Conditional Supervision of Young Person—Case Law
§ 7:34	[Section 97 Conditions to be Included in Custody and Supervision Order]
§ 7:35	Section 97—Conditions to be Included in Custody and Supervision Order—Case Law
§ 7:36	[Section 98 Application for Continuation of Custody]
§ 7:37	Section 98—Continuation of Custody—Commentary

§ 7:38	——Case Law		
§ 7:39	[Section 99 Report]		
§ 7:40	[Section 100 Reasons]		
§ 7:41	[Section 101 Review of Youth Justice Court		
	Decision]		
§ 7:42	[Section 102 Breach of Conditions]		
§ 7:43	Section 102—Breach Proceedings—Case Law		
§ 7:44	[Section 103 Review by Youth Justice Court]		
§ 7:45	Section 103—Breach Hearings—Commentary		
§ 7:46	——Case Law		
§ 7:47	[Section 104 Continuation of Custody]		
§ 7:48	Section 104—Continuation of Custody— Commentary		
§ 7:49	——Case Law		
§ 7:50	[Section 105 Conditional Supervision]		
§ 7:51	[Section 106 Suspension of Conditional Supervision]		
§ 7:52	[Section 107 Apprehension]		
§ 7:53	[Section 108 Review by Provincial Director]		
§ 7:54	[Section 109 Review by Youth Justice Court]		
§ 7:55	Section 109—Breach Hearings—Commentary		
§ 7:56	— —The Conditional Supervision "Breach" Regime—Commentary		
§ 7:57	——Case Law		
§ 7:58	[Section 743.5 Transfer of Jurisdiction when Person Already Sentenced under <i>Youth Criminal</i> Justice Act]		
§ 7:59	Criminal Code, s. 743.5 Transfer of Jurisdiction where Young Person is Subsequently Sentenced as an Adult—Case Law		
	CHAPTER 8. PUBLICATION, RECORDS		
	INFORMATION		
§ 8:1	[Section 110 Identity of Offender not to be Published]		
§ 8:2	Section 110—Information, Records and Disclosure—		
	Commentary		
§ 8:3	——Publication Issues—Commentary		
§ 8:4	——Disclosure Issues—Commentary		
§ 8:5	——Case Law		
§ 8:6	[Section 111 Identity of Victim or Witness not to be Published]		
§ 8:7	Section 111—Identity of Victim or Witness Not to be Published—Case Law		

§ 8:8 [Section 112 Non-Application]

§ 8:9	[Section 113 Identification of Criminals Act Applies]
§ 8:10	[Section 114 Records that may be Kept]
§ 8:11	[Section 115 Police Records]
§ 8:12	Section 115—Police Investigations and Child Welfare Proceedings—Case Law
§ 8:13	[Section 116 Government Records]
§ 8:14	[Section 117 Exception — Adult Sentence]
§ 8:15	Section 117—Exception—Case Law
§ 8:16	[Section 118 No Access Unless Authorized]
§ 8:17	Section 118—No Access Unless Authorized—Case Law
§ 8:18	[Section 119 Persons Having Access to Records]
§ 8:19	Section 119—Access Where No Charges are Laid— Case Law
§ 8:20	—Persons Having Access to Records—Case Law
§ 8:21	—Records of Assessments or Forensic DNA Analysis—Case Law
§ 8:22	—Search Warrants and Informations to Obtain— Case Law
§ 8:23	—Media Access—Case Law
§ 8:24	—Youth Records as Fresh Evidence on Appeal— Case Law
§ 8:25	—Review of Records Access Decisions—Case Law
§ 8:26	[Section 120 Access to R.C.M.P. Records]
§ 8:27	[Section 121 Deemed Election]
§ 8:28	Section 121—Deemed Election—Case Law
§ 8:29	[Section 122 Disclosure of Information and Copies of Record]
§ 8:30	[Section 123 Where Records may be Made Available]
§ 8:31	Section 123—Access Records where No Charges are Laid—Case Law
§ 8:32	—Notice—Case Law
§ 8:33	—Standing for the Complainant on Records Applications—Case Law
§ 8:34	—Applications for Police Occurrence Reports where No Charge is Laid and No Extra-judicial Measures are Used—Case Law
§ 8:35	—Where Records May be Made Available—Case Law
§ 8:36	—Review of Records Access Decisions—Case Law
§ 8:37	—Youth Records and Third-Party Records Applications—Case Law
§ 8:38	[Section 124 Access to Record by Young Person]
§ 8:39	Section 124—Access to Record by Young Person— Case Law

§ 8:40	[Section 125 Disclosure by Peace Officer During Investigation]
§ 8:41	_
9 0:41	[Section 126 Records in the Custody, Etc., of Archivists]
§ 8:42	Section 126—Records in Custody—Case Law
§ 8:43	[Section 127 Disclosure with Court Order]
§ 8:44	[Section 128 Effect of End of Access Periods]
§ 8:45	Section 128—End of Access Periods—Case Law
§ 8:46	[Section 129 No Subsequent Disclosure]
§ 8:47	Section 129—Publication Issues (s. 110)— Commentary
§ 8:48	——Case Law
§ 8:49	—Form of Record (s. 114) / Police and Government
, 0.10	Records (ss. 115 and 116)—Case Law
§ 8:50	—Jurisdiction to Order Access to Record—Case Law
§ 8:51	—Access to Records of Extrajudicial Measures—
5	Case Law
§ 8:52	—Disclosure of Youth Records (Generally: ss.
Ü	119-127)—Case Law
§ 8:53	—Disclosure of Youth Records After the End of the
	Record Access Period Under s. 119(2) (ss. 123 and
	128)—Case Law
§ 8:54	—Disclosure of Records with No Access Period—
5	
3	Case Law
CHA	Case Law PTER 9. GENERAL PROVISIONS
<b>CHA</b> ] § 9:1	Case Law  PTER 9. GENERAL PROVISIONS  [Section 130 Disqualification of Judge]
CHA	Case Law  PTER 9. GENERAL PROVISIONS  [Section 130 Disqualification of Judge]  [Section 131 Powers of Substitute Youth Justice
<b>CHA</b> ] § 9:1 § 9:2	Case Law  PTER 9. GENERAL PROVISIONS  [Section 130 Disqualification of Judge]  [Section 131 Powers of Substitute Youth Justice Court Judge]
<b>CHA</b> I § 9:1 § 9:2 § 9:3	Case Law  PTER 9. GENERAL PROVISIONS  [Section 130 Disqualification of Judge]  [Section 131 Powers of Substitute Youth Justice Court Judge]  [Section 132 Exclusion From Hearing]
<b>CHA</b> ] § 9:1 § 9:2	Case Law  PTER 9. GENERAL PROVISIONS  [Section 130 Disqualification of Judge]  [Section 131 Powers of Substitute Youth Justice Court Judge]
<b>CHA</b> I § 9:1 § 9:2 § 9:3	Case Law  PTER 9. GENERAL PROVISIONS  [Section 130 Disqualification of Judge]  [Section 131 Powers of Substitute Youth Justice Court Judge]  [Section 132 Exclusion From Hearing]  Section 132—Exclusion from Proceedings (s. 132)—
<b>CHA</b>   § 9:1 § 9:2 § 9:3 § 9:4	PTER 9. GENERAL PROVISIONS  [Section 130 Disqualification of Judge] [Section 131 Powers of Substitute Youth Justice Court Judge] [Section 132 Exclusion From Hearing] Section 132—Exclusion from Proceedings (s. 132)—Case Law
CHAI § 9:1 § 9:2 § 9:3 § 9:4 § 9:5	PTER 9. GENERAL PROVISIONS  [Section 130 Disqualification of Judge] [Section 131 Powers of Substitute Youth Justice Court Judge] [Section 132 Exclusion From Hearing] Section 132—Exclusion from Proceedings (s. 132)—Case Law [Section 133 Transfer of Charges]
CHAI § 9:1 § 9:2 § 9:3 § 9:4 § 9:5 § 9:6	PTER 9. GENERAL PROVISIONS  [Section 130 Disqualification of Judge] [Section 131 Powers of Substitute Youth Justice Court Judge] [Section 132 Exclusion From Hearing] Section 132—Exclusion from Proceedings (s. 132)— Case Law [Section 133 Transfer of Charges] [Section 134 Applications for Forfeiture]
CHAI § 9:1 § 9:2 § 9:3 § 9:4 § 9:5 § 9:6 § 9:7	PTER 9. GENERAL PROVISIONS  [Section 130 Disqualification of Judge] [Section 131 Powers of Substitute Youth Justice Court Judge] [Section 132 Exclusion From Hearing] Section 132—Exclusion from Proceedings (s. 132)—Case Law [Section 133 Transfer of Charges] [Section 134 Applications for Forfeiture] [Section 135 Proceedings in Case of Default] [Section 136 Inducing a Young Person, Etc.]
CHAI § 9:1 § 9:2 § 9:3 § 9:4 § 9:5 § 9:6 § 9:7 § 9:8	PTER 9. GENERAL PROVISIONS  [Section 130 Disqualification of Judge] [Section 131 Powers of Substitute Youth Justice Court Judge] [Section 132 Exclusion From Hearing] Section 132—Exclusion from Proceedings (s. 132)— Case Law [Section 133 Transfer of Charges] [Section 134 Applications for Forfeiture] [Section 135 Proceedings in Case of Default]
CHAI § 9:1 § 9:2 § 9:3 § 9:4 § 9:5 § 9:6 § 9:7 § 9:8	PTER 9. GENERAL PROVISIONS  [Section 130 Disqualification of Judge] [Section 131 Powers of Substitute Youth Justice Court Judge] [Section 132 Exclusion From Hearing] Section 132—Exclusion from Proceedings (s. 132)—Case Law [Section 133 Transfer of Charges] [Section 134 Applications for Forfeiture] [Section 135 Proceedings in Case of Default] [Section 136 Inducing a Young Person, Etc.] [Section 137 Failure to Comply with Sentence or
CHAI § 9:1 § 9:2 § 9:3 § 9:4 § 9:5 § 9:6 § 9:7 § 9:8 § 9:9	PTER 9. GENERAL PROVISIONS  [Section 130 Disqualification of Judge] [Section 131 Powers of Substitute Youth Justice Court Judge] [Section 132 Exclusion From Hearing] Section 132—Exclusion from Proceedings (s. 132)— Case Law [Section 133 Transfer of Charges] [Section 134 Applications for Forfeiture] [Section 135 Proceedings in Case of Default] [Section 136 Inducing a Young Person, Etc.] [Section 137 Failure to Comply with Sentence or Disposition]
CHAI § 9:1 § 9:2 § 9:3 § 9:4 § 9:5 § 9:6 § 9:7 § 9:8 § 9:9 § 9:10	PTER 9. GENERAL PROVISIONS  [Section 130 Disqualification of Judge] [Section 131 Powers of Substitute Youth Justice Court Judge] [Section 132 Exclusion From Hearing] Section 132—Exclusion from Proceedings (s. 132)— Case Law [Section 133 Transfer of Charges] [Section 134 Applications for Forfeiture] [Section 135 Proceedings in Case of Default] [Section 136 Inducing a Young Person, Etc.] [Section 137 Failure to Comply with Sentence or Disposition] Section 137—Failure to Comply—Commentary
CHAI § 9:1 § 9:2 § 9:3 § 9:4 § 9:5 § 9:6 § 9:7 § 9:8 § 9:9 § 9:10 § 9:11	PTER 9. GENERAL PROVISIONS  [Section 130 Disqualification of Judge] [Section 131 Powers of Substitute Youth Justice Court Judge] [Section 132 Exclusion From Hearing] Section 132—Exclusion from Proceedings (s. 132)— Case Law [Section 133 Transfer of Charges] [Section 134 Applications for Forfeiture] [Section 135 Proceedings in Case of Default] [Section 136 Inducing a Young Person, Etc.] [Section 137 Failure to Comply with Sentence or Disposition] Section 137—Failure to Comply—Commentary ——Case Law —Jurisdiction of Youth Justice Court — Failure to Comply—Case Law
CHAI § 9:1 § 9:2 § 9:3 § 9:4 § 9:5 § 9:6 § 9:7 § 9:8 § 9:9 § 9:10 § 9:11	PTER 9. GENERAL PROVISIONS  [Section 130 Disqualification of Judge] [Section 131 Powers of Substitute Youth Justice Court Judge] [Section 132 Exclusion From Hearing] Section 132—Exclusion from Proceedings (s. 132)— Case Law [Section 133 Transfer of Charges] [Section 134 Applications for Forfeiture] [Section 135 Proceedings in Case of Default] [Section 136 Inducing a Young Person, Etc.] [Section 137 Failure to Comply with Sentence or Disposition] Section 137—Failure to Comply—Commentary ——Case Law —Jurisdiction of Youth Justice Court — Failure to Comply—Case Law —Issues of Proof — Failure to Comply—Case Law
CHAI § 9:1 § 9:2 § 9:3 § 9:4 § 9:5 § 9:6 § 9:7 § 9:8 § 9:9 § 9:10 § 9:11 § 9:12	PTER 9. GENERAL PROVISIONS  [Section 130 Disqualification of Judge] [Section 131 Powers of Substitute Youth Justice Court Judge] [Section 132 Exclusion From Hearing] Section 132—Exclusion from Proceedings (s. 132)— Case Law [Section 133 Transfer of Charges] [Section 134 Applications for Forfeiture] [Section 135 Proceedings in Case of Default] [Section 136 Inducing a Young Person, Etc.] [Section 137 Failure to Comply with Sentence or Disposition] Section 137—Failure to Comply—Commentary ——Case Law —Jurisdiction of Youth Justice Court — Failure to Comply—Case Law

§ 9:16	[Section 140 Application of Criminal Code]
§ 9:17	Section 140—Application of Criminal Code—Case Law
§ 9:18	[Section 141 Sections of Criminal Code Applicable]
§ 9:19	[Section 142 Part XXVII and Summary Conviction Trial Provisions of Criminal Code to Apply]
§ 9:20	[Section 143 Counts Charged in Information]
§ 9:21	[Section 144 Issue of Subpoena]
§ 9:22	[Section 145 Evidence]
§ 9:23	[Section 146 General Law on Admissibility of Statements to Apply]
§ 9:24	Section 146—Introduction to Admissibility of Statements—Commentary
§ 9:25	——Case Law
§ 9:26	—Interaction Between s. 146 and the Charter—Case Law
§ 9:27	—Statements to which s. 146 Does Not Apply—Case Law
§ 9:28	—Persons in Authority—Commentary
§ 9:29	——Case Law
§ 9:30	—Arrest or Detention or Reasonable Grounds to
Ü	Believe Offence Committed—Case Law
§ 9:31	—Voluntariness—Commentary
§ 9:32	——Case Law
§ 9:33	—Clear Explanation in Appropriate Language— Case Law
§ 9:34	—Reasonable Opportunity to Consult and Have Person Consulted Present—Case Law
§ 9:35	—Spontaneous Statement—Commentary
§ 9:36	——Case Law
§ 9:37	—Electronic or Written Waiver—Commentary
§ 9:38	——Case Law
§ 9:39	—Technical Irregularity in Waiver—Commentary
§ 9:40	—Technical Irregularity in Compliance with Sections 2(b) to 2(d)—Commentary
§ 9:41	——Case Law
§ 9:42	—Duress—Commentary
§ 9:43	—Tainting—Case Law
§ 9:44	—Section 146(2) Rights Arise at Every New
0	Questioning Session—Case Law
§ 9:45	[Section 147 Statements not Admissible Against Young Person]
§ 9:46	[Section 148 Testimony of a Parent]
§ 9:47	[Section 149 Admissions]
§ 9:48	[Section 150 Material Evidence]
	F1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 -

§ 9:49	[Section 151 Evidence of a Child or Young Person]
§ 9:50	Section 151—Instructing the Child Witness—Case
	Law
§ 9:51	[Section 152 Proof of Service]
§ 9:52	[Section 153 Seal not Required]
§ 9:53	[Section 154 Forms]
§ 9:54	[Section 155 Regulations]
§ 9:55	[Section 156 Agreements with Provinces]
§ 9:56	[Section 157 Community-Based Programs]
CHA	PTER 10. TRANSITIONAL
	VISIONS
§ 10:1	[Section 158 Prohibition on Proceedings]
§ 10:2	Section 158—Transitional Provisions—
3 20.2	Commentary
§ 10:3	[Section 159 Proceedings Commenced Under the
	Young Offenders Act]
§ 10:4	[Section 160 [Repealed, 2012, c. 1, s. 193.]]
§ 10:5	[Section 161 Applicable Sentence]
§ 10:6	Section 161—Transitional Issues—Case Law
§ 10:7	[Section 162 Commencement of Proceedings]
§ 10:8	[Section 163 Application to Delinquency and Other
	Offending Behaviour]
§ 10:9	[Section 164 Agreements Continue in Force]
§ 10:10	[Section 165 Designation of Youth Justice Court]
§ 10:11	[Section 184 Criminal Code Amendment]
§ 10:12	Section 184—Criminal Code "Strike Out"
0.40.40	Provision—Commentary
§ 10:13	——Case Law
§ 10:14	[Section 187 DNA Identification Act]
§ 10:15	[Section 188]
§ 10:16	[Section 189]
§ 10:17	[Section 199 Repeal]
§ 10:18	[Section 200 Coming Into Force]

## Volume 2

## CHAPTER 11. ADULT SENTENCE HEARING CASES

§ 10:20 [Section 195 Transitional Provision]

§ 11:1 Procedure and Evidence on Adult Sentence Hearings—Case Law

§ 10:19 [Schedule]

§	11:2	Pre-trial Custody and the Adult Sentence Decision—Case Law
§	11:3	Constitutionality of Adult Sentencing Regime Prior to the Amendment of s. 72 in the Safe Streets and Communities Act, S.C. 2012, c. 1—Case Law
8	11:4	Other Charter Issues—Case Law
	11:5	Applicable Sentencing Principles for Youth Sentenced as Adults—Case Law Prior to the 2012 Amendments to the YCJA
§	11:6	—Case Law Subsequent to the 2012 Amendments to the YCJA
§	11:7	Murder (First and Second Degree)—Alberta—Case Law Prior to the 2012 Amendments to the YCJA
§	11:8	— —Case Law Subsequent to the 2012 Amendments to the YCJA
	11:9	—British Columbia—Case Law Prior to the 2012 Amendments to the YCJA
-	11:10	—Manitoba—Case Law Prior to the 2012 Amendments to the YCJA
	11:11	— —Case Law Subsequent to the 2012 Amendments to the YCJA
	11:12	—Nova Scotia—Case Law Prior to the 2012 Amendments to the YCJA
	11:13	—Ontario—Case Law Prior to the 2012 Amendments to the YCJA
	11:14	—Saskatchewan—Case Law Prior to the 2012 Amendments to the YCJA
§	11:15	— —Case Law Subsequent to the 2012 Amendments to the YCJA
§	11:16	Manslaughter—Alberta—Case Law Prior to the 2012 Amendments to the YCJA
§	11:17	—British Columbia—Case Law Prior to the 2012 Amendments to the YCJA
§	11:18	— —Case Law Subsequent to the 2012 Amendments to the YCJA
	11:19	—Manitoba—Case Law Prior to the 2012 Amendments to the YCJA
	11:20	—Ontario—Case Law Prior to the 2012 Amendments to the YCJA
§	11:21	—Saskatchewan
§	11:22	Attempted Murder—Manitoba—Case Law
§	11:23	—Nova Scotia—Case Law Prior to the 2012 Amendments to the YCJA
§	11:24	—Saskatchewan—Case Law Prior to the 2012 Amendments to the YCJA
§	11:25	Adult Sentences for Firearms Offences—Case Law Prior to the 2012 Amendments to the YCJA

the 2012 Amendments to the YCJA	
§ 11:27 Offences of Non-Fatal Violence—Aggravated Assault—Case Law Prior to the 2012 Amendments to the YCJA	
§ 11:28 —Kidnapping—Case Law Prior to the 2012 Amendments to the YCJA	
§ 11:29 —Robbery—Case Law Prior to the 2012 Amendments to the YCJA	
§ 11:30 Sexual Assault—Alberta—Case Law Prior to 2012 Amendments to the YCJA	the
§ 11:31 —Ontario—Case Law Prior to the 2012 Amendments to the YCJA	
§ 11:32 Sexual Assault with a Weapon—Ontario—Ca Law	se
§ 11:33 Aggravated Sexual Assault—Manitoba—Case Prior to the 2012 Amendments to the YCJA	Law
§ 11:34 Trafficking in Persons—Ontario—Case Law	
§ 11:35 Firearms and Weapons Offences—Ontario—C Law Prior to the 2012 Amendments to the Y	
§ 11:36 ——Case Law Subsequent to the 2012 Amendments to the YCJA	
§ 11:37 Property Offences—Break and Enter—Case I Prior to the 2012 Amendments to the YCJA	law
§ 11:38 Sentencing for Historical Offences—Case Lav	V

## CHAPTER 12. SENTENCING UNDER THE YCJA

## I. INTRODUCTION AND LEVEL OF CUSTODY DETERMINATION

- § 12:1 Introduction
- § 12:2 Level of Custody Determination—Case Law

#### II. OFFENCES AGAINST PUBLIC ORDER

- § 12:3 Riot—Case Law
- § 12:3.50 Terrorism—Case Law

#### III. FIREARMS AND OTHER WEAPONS

- § 12:4 Discharging a Firearm—Case Law Prior to the 2012 Amendments to the YCJA
- § 12:5 Possession of a Firearm—Case Law Prior to the 2012 Amendments to the YCJA

## IV. OFFENCES AGAINST THE ADMINISTRATION OF LAW AND JUSTICE

- § 12:6 Breach of Release—Case Law
- § 12:7 Breach of Probation—Case Law Prior to the 2012 Amendments to the YCJA
- § 12:8 Escape Custody—Case Law Prior to the 2012 Amendments to the YCJA

### V. OFFENCES AGAINST THE PERSON

§ 12:9	Criminal Negligence Causing Death—Case Law Prior to the 2012 Amendments to the YCJA
§ 12:10	Criminal Negligence Causing Bodily Harm— Case Law Prior to the 2012 Amendments to the YCJA
§ 12:11	Murder—Case Law Prior to the 2012 Amendments to the YCJA
§ 12:12	—Case Law Subsequent to the 2012 Amendments to the YCJA
§ 12:13	Manslaughter—Alberta—Case Law Prior to the 2012 Amendments to the YCJA
§ 12:14	—British Columbia—Case Law Prior to the 2012 Amendments to the YCJA
§ 12:15	—Manitoba—Case Law Prior to the 2012 Amendments to the YCJA
§ 12:16	—New Brunswick—Case Law Prior to the 2012 Amendments to the YCJA
§ 12:17	—Nunavut—Case Law Prior to the 2012 Amendments to the YCJA
§ 12:18	—Ontario—Case Law Prior to the 2012 Amendments to the YCJA
§ 12:19	—Saskatchewan—Case Law Prior to the 2012 Amendments to the YCJA
§ 12:20	Attempted Murder—Alberta—Case Law
§ 12:21	ManitobaCase Law
§ 12:22	Motor Vehicle Offences—Dangerous Driving— Case Law Prior to the 2012 Amendments to the YCJA
§ 12:23	—Dangerous Driving Causing Death—Case Law Prior to the 2012 Amendments to the YCJA
§ 12:23.50	— —Case Law Subsequent to the 2012 Amendments to the YCJA
§ 12:24	—Flight from Police in a Motor Vehicle—Case Law Subsequent to the 2012 Amendments to the YCJA

§ 12:25	—Impaired Driving—Case Law Prior to the 2012 Amendments to the YCJA
§ 12:26	—Impaired Driving Causing Death—Case Law Prior to the 2012 Amendments to the YCJA
§ 12:27	Sexual Offences, Public Morals and Disorderly Conduct—Child Pornography—Case Law Subsequent to the 2012 Amendments to the YCJA
§ 12:28	Criminal Harassment—Case Law
§ 12:29	—Uttering Threats—Case Law
§ 12:30	Assault—Case Law Prior to the 2012 Amendments to the YCJA
§ 12:31	—Case Law Subsequent to the 2012
	Amendments to the YCJA
§ 12:32	Assault with a Weapon—Case Law Prior to the 2012 Amendments to the YCJA
§ 12:33	Assault Causing Bodily Harm—Case Law Prior to the 2012 Amendments to the YCJA
§ 12:34	Aggravated Assault—Case Law Prior to the 2012 Amendments to the YCJA
§ 12:35	—Case Law Subsequent to the 2012 Amendments to the YCJA
§ 12:36	Sexual Assault and Sexual Interference— Alberta—Case Law Prior to the 2012 Amendments to the YCJA
§ 12:37	— —Case Law Subsequent to the 2012 Amendments to the YCJA
§ 12:38	—British Columbia—Case Law Prior to the 2012 Amendments to the YCJA
§ 12:39	— —Case Law Subsequent to the 2012 Amendments to the YCJA
§ 12:40	—Manitoba—Case Law Prior to the 2012 Amendments to the YCJA
§ 12:41	——Case Law Subsequent to the 2012
	Amendments to the YCJA
§ 12:42	—Newfoundland—Case Law Prior to the 2012
	Amendments to the YCJA
§ 12:42.50	——Case Law Subsequent to the 2012
	Amendments to the YCJA
§ 12:43	—Northwest Territories—Case Law Prior to the 2012 Amendments to the YCJA
§ 12:44	—Nova Scotia—Case Law Prior to the 2012
	Amendments to the YCJA
§ 12:45	—Ontario—Case Law Prior to the 2012
	Amendments to the YCJA
§ 12:46	——Case Law Subsequent to the 2012
	Amendments to the YCJA

§ 12:47	—Saskatchewan—Case Law Prior to the 2012 Amendments to the YCJA
§ 12:48	Sexual Assault Causing Bodily Harm—Case Law
§ 12:49	—Aggravated Sexual Assault—Case Law Prior to the 2012 Amendments to the YCJA
§ 12:50	—Procuring—Case Law
§ 12:51	Kidnapping—Case Law Prior to the 2012 Amendments to the YCJA
VI. O	FFENCES AGAINST PROPERTY
§ 12:52	Theft—Case Law
§ 12:53	Robbery—Alberta—Case Law Prior to the 2012 Amendments to the YCJA
§ 12:54	——Case Law Subsequent to the 2012
	Amendments to the YCJA
§ 12:55	—British Columbia—Case Law Prior to the 2012 Amendments to the YCJA
§ 12:56	—Manitoba—Case Law Prior to the 2012 Amendments to the YCJA
§ 12:57	— —Case Law Subsequent to the 2012 Amendments to the YCJA
§ 12:58	—Newfoundland—Case Law Prior to the 2012 Amendments to the YCJA
§ 12:59	—Northwest Territories—Case Law Prior to the 2012 Amendments to the YCJA
§ 12:60	—Nova Scotia—Case Law Prior to the 2012 Amendments to the YCJA
§ 12:61	—Ontario—Case Law Prior to the 2012
	Amendments to the YCJA
§ 12:62	—Quebec—Case Law
§ 12:63	—Saskatchewan—Case Law Prior to the 2012
Ü	Amendments to the YCJA
§ 12:64	——Case Law Subsequent to the 2012
	Amendments to the YCJA
§ 12:65	Break and Enter—Manitoba—Case Law Prior to the 2012 Amendments to the YCJA
§ 12:66	——Case Law Subsequent to the 2012
	Amendments to the YCJA
§ 12:67	—Newfoundland—Case Law Prior to the 2012 Amendments to the YCJA
§ 12:68	—Nova Scotia—Case Law Prior to the 2012 Amendments to the YCJA
§ 12:69	—Nunavut—Case Law Prior to the 2012 Amendments to the YCJA
§ 12:70	—Saskatchewan—Case Law Prior to the 2012 Amendments to the YCJA

§ 12:71 Possession of Stolen Property—Case Law Prior to the 2012 Amendments to the YCJA

## VII. WILFUL AND FORBIDDEN ACTS IN RESPECT OF CERTAIN PROPERTY

- § 12:72 Mischief—Case Law Prior to the 2012 Amendments to the YCJA
- § 12:73 Arson—Case Law Prior to the 2012 Amendments to the YCJA
- § 12:74 —Case Law Subsequent to the 2012 Amendments to the YCJA

## VIII. ATTEMPTS — CONSPIRACIES — ACCESSORIES

§ 12:75 Conspiracy to Commit Murder—Case Law Prior to the 2012 Amendments to the YCJA

#### IX. D.N.A.

§ 12:76 D.N.A. Sample Applications—Case Law

#### X. DRUG-RELATED OFFENCES

- § 12:77 Possession for the Purpose of Trafficking—Case Law Prior to the 2012 Amendments to the YCJA
- § 12:78 Trafficking—Case Law Prior to the 2012 Amendments to the YCJA
- § 12:79 Internet, Online and Cyber Crime—Case Law
- § 12:80 Specific Sentencing Considerations—Fetal Alcohol Spectrum Disorder—Case Law
- § 12:81 Sentencing for Historical Offences—Case Law

### APPENDICES

Appendix A. YCJA Quick Start Procedural Guide

Appendix B. Youth Criminal Justice Act

Appendix C. Statutory Evolution of YCJA Sentencing Provisions

Appendix D. Young Offenders Act (Repealed April 1, 2003)

Appendix TC. Table of Concordance

#### **Table of Cases**

#### Index