

Publisher's Note

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Barrett

Mental Disorder in Canadian Criminal Law

This publication provides practitioners with a quick and easy reference tool, while keeping them up to date with the latest jurisprudential and legislative developments arising under Part XX.1 of the *Criminal Code*. The reader will be given a thorough analysis of all the issues arising under Part XX.1 including an examination of mental disorders, such as automatism, and the not criminally responsible defence (NCR), assessment orders and fitness to stand trial determinations, disposition hearings, fitness dispositions and their review, review board and appeal processes and procedures, and a discussion of mental disorder in a non-NCR context.

This release features updates to the case law and commentary in chapters 7 (Review Boards), 8 (Disposition Hearings: Venue, Procedure and Evidence), 9 (Section 672.54: NCR and Fitness Dispositions) and 11 (Appeals).

Highlights

- **Automatism — Automatism Defined — Mental Disorder vs. Non-Mental Disorder Automatism:** Voluntary extreme intoxication that deprives an accused of the ability to rationally respond to a lawful demand does not constitute the defence of non-mental disorder automatism. Trial

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judge erred in accepting this defence and acquitting an accused of refusing to provide a breath sample. A verdict of guilt was substituted. *R. v. Blanchard*, 2018 QCCA 1069, 2018 CarswellQue 5384, 2018 CarswellQue 5523 (C.A. Que.).

- **Review Boards — Overview — Duty of Procedural Fairness — Procedural Fairness and Joint Submissions:** Joint submissions play an important role in proceedings before the Review Board and are encouraged. Where the Review Board accepts a joint submission as the appropriate disposition under s. 672.54 its Reasons need not provide a detailed analysis of the basis for finding the accused remains a significant risk to public safety. *Mott (Re)*, 2018 ONCA 404, 2018 CarswellOnt 6453 (Ont. C.A.).