

Publisher's Note

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Previous release was 2018-6

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Working Manual of Criminal Law

This manual summarizes the current law on issues arising in criminal practice. The expert commentary integrates the statutory provisions and case law relevant to a particular topic. The commentary is divided into six sections: defences, evidence, substantive offences, procedure, sentencing, and *Canadian Charter of Rights and Freedoms*. This publication facilitates preparation and is of assistance in the courtroom. Regular releases ensure that the text is current, accurate and reliable.

Release Highlights

This release features updates to the case law and commentary in Chapters 1 (Defences) and 6 (Charter of Rights and Freedoms).

Recent case law discussed in this release includes the following:

- **Defences — Corrective Force** — The Supreme Court of Canada, while recognizing that the legal standard for unlawful confinement is technically the same for adults and children, the parent-child context is nevertheless relevant — a parent may restrict a child's liberty in accordance with the best interests of the child, but the parent's lawful authority to confine the child ceases upon engagement of abusive or harmful conduct towards the child that surpasses any acceptable form of parenting: *R. v. Magoon*, 2018 SCC 14, 2018 CarswellAlta 696 (S.C.C.).
- **Charter of Rights and Freedoms — Right to Life, Liberty and Security of the Person: s. 7** — According to the Court of Appeal for Ontario, the five-year mandatory minimum sentence for committing attempted murder while using a restricted or prohibited firearm, found in subparagraph 239(1)(a)(i) of the

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Criminal Code, is not overbroad and contrary to s. 7 of the *Charter of Rights and Freedoms*: *R. v. Forcillo*, 2018 ONCA 402, 2018 CarswellOnt 6454 (Ont. C.A.).