

***An Update has
Arrived in Your
Library for:***

**Please circulate this notice to anyone
in your office who may be interested
in this publication.**

Distribution List

	<input type="checkbox"/>

**YOUTH CRIMINAL JUSTICE ACT
MANUAL**

**The Honourable Miriam H. Bloomenfeld
and The Honourable Peter J. Harris**

Release No. 56, December 2018

What's New in this Update:

- *R. v. R.T.J.*, 2018 ABQB 451: In sentencing the young person to five years' custody and supervision for the brutal, group murder of a young, single mother, the court rejected both the Crown's call for the maximum sentence and the defence request for a total sentence of two and a half years (*i.e.* 20 months' custody plus 10 months' conditional supervision): **SEN:403000, SEN:1101000**
- *R. v. T.J.T.*, 2018 ONSC 5280: The court dismissed the Crown's application for an adult sentence after a jury found the young person guilty of second degree murder and sentenced him to the maximum

THOMSON REUTERS CANADA®

Customer Support

1-416-609-3800 (Toronto & International)

1-800-387-5164 (Toll Free Canada & U.S.)

Fax 1-416-298-5082 (Toronto)

Fax 1-877-750-9041 (Toll Free Canada Only)

Email CustomerSupport.LegalTaxCanada@TR.com

This publisher's note may be scanned electronically and photocopied for the purpose of circulating copies within your organization.

seven-year YCJA sentence with no mathematical deduction for the three years he had spent in pre-sentence custody. Sentencing considerations included the effects of systemic racism, the need for a lengthy period of rehabilitation in a structured setting and the dramatic maturation and progress that the young person had made while in pre-sentence custody: **72:20000, AD:50500, SEN:403000**

- *R. v. L. (D.M.C.)*, 2015 ABQB 781, affd 2017 ABCA 22: The young person unsuccessfully sought *habeas corpus* on the ground that the ss. 43 and 44 merger of his two s. 42(2)(n) custody and supervision sentences resulted in a breach of his Charter rights. The application of the merger provisions resulted in a custodial portion that was 11 days longer than anticipated by the joint submission of counsel. The disparity was attributable to the sentencing judge's decision (based on the joint submission) to deduct mathematical credit for pre-sentence custody from the custodial portion of the second sentence: **38:10000, 43:00000, 44:00000**
- *R. v. M.O.A.*, 2018 ABQB 873: The effect of the ss. 43 and 44 on merged s. 42(2)(n) sentences does not violate ss. 7, 9 or 15 of the Charter, even where they result in the young person spending longer in custody than anticipated by an accepted joint submission: **38:10000, 43:00000, 44:00000**