



Windsor Law

University of Windsor

2018-19 Term | Professor Tanovich

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## CRIMINAL LAW & PROCEDURE SYLLABUS (98-805-01)

### 1. DESCRIPTION

This is a course about substantive criminal law in Canada. It examines a number of broad themes and issues that dominate criminal justice discourse in Canada and around the common law world. Some of the themes include:

1. What is a crime? What is the difference between true crimes and regulatory offences?
2. What is the purpose of criminal law? To what extent does that purpose impact how we think about substantive criminal law issues?
3. What constitutional limits are there on Parliament's ability to criminalize conduct?
4. What legal values should guide courts in deciding substantive law questions?
5. What is the legitimate role of the courts in determining what behaviour should be criminalized?
6. What relevant factors should be taken into account when determining the limits of culpability (i.e. when we should hold someone criminally accountable for their conduct)? Should culpability be measured subjectively (did the accused know or intend the consequences of their actions) or objectively (what measures should the accused have taken to prevent the harm)?
7. What circumstances should excuse or justify violating the law?
8. Is gender, race, Aboriginality, poverty, sexual orientation, mental illness relevant to thinking about substantive criminal law? Why or why not?
9. What is the relationship between sentencing and substantive criminal law? To what extent does sentencing give effect to the purpose of criminal law?
10. How do we sentence offenders?

Unlike other areas of the law, criminal law receives considerable attention by Parliament and the courts and is influenced by *Charter* values such as equality, autonomy, proportionality, dignity, and the presumption of innocence. As we work through the materials, we will explore how well Parliament and the courts have done to give effect to these values. As a first year course, one of the central objectives of this course is to provide another context wherein students can learn and apply basic skills that will enable them to "think like a lawyer" in any area of law. These objectives will be facilitated and evaluated through readings, class discussion, reflective essays, group-work, drafting a

judgment and a final examination.

## 2. LEARNING OUTCOMES

By the end of the course, a student should be able to:

1. Read a criminal statute;
2. Identify how section 7 of the *Charter* and judicial review have impacted the ability of Parliament to criminalize conduct;
3. Identify the limits of criminal law as a mechanism to control harmful behaviour;
4. Recognize manifestations of systemic racism in the criminal justice system and identify ways in which this social context can be addressed/acknowledged in individual cases;
5. Identify some of the causes of wrongful convictions;
6. Identify the constituent elements of a crime (act and fault) and distinguish true crimes from regulatory offences and civil torts;
7. Draft reasons for judgment based on a hypothetical fact pattern either as the trial judge or the Court of Appeal;
8. Identify some of the stereotypical assumptions that continue to impact on the fair adjudication of sexual assault cases;
9. Understand the elements of sexual assault and challenges of defending and prosecuting sex assault cases;
10. Make sentencing submissions in relation to an Aboriginal client;
11. Critically evaluate a recent Supreme Court of Canada judgment not covered in class;
12. Persuasively make a legal argument; and,
13. Apply the law to a hypothetical set of facts.

In order to accomplish these goals, it is imperative that you read the assigned material and think about it before coming to class. You should come to class prepared to answer questions. I have provided a detailed Syllabus which includes the key questions and issues that we will explore with each set of readings. Many of the issues that we will explore in this class are personal, painful, and complex. Given that all of you will come to this class with different lived and learned experiences, not everyone will be on the same page. Therefore, it is critical to ensure that everyone be given an opportunity to express their understanding or perspective without fear of ridicule or unfounded criticism. No one should feel uncomfortable in contributing to the dialogue. That said, statements or opinions must be based on a reasoned analysis of the issue with reference to the relevant social context or the materials assigned for class.

### 3. USE OF ELECTRONIC DEVICES

The use of computers in class for non-class purposes has become a serious issue in Universities both in terms of its impact on learning and as a distraction for both the Professor and fellow students. In addition, some research suggests that students better retain information when taking handwritten notes as opposed to typing on the computer. I highly recommend not using your laptop in class. At the end of every topic I post my class power point slides. These slides are quite detailed as they constitute my class notes and provide more than enough information that you will need for your assignments and final exam.

### 4. CLASSES

**Mondays      1:30 pm – 4:00 pm (2100)**

### 5. TEXTS

(i)      *Required*

Roach, Berger, Cunliffe, Stribopoulos, *Criminal Law and Procedure: Cases and Materials* (11<sup>th</sup> ed) (2015) (available at Bookstore) (all pages refer to this casebook unless otherwise indicated)

*Criminal Law and Procedure: Cases and Materials 2017-18 Supplement* available online [http://www.emond.ca/downloads/clp11\\_supplement\\_2017.pdf](http://www.emond.ca/downloads/clp11_supplement_2017.pdf) (S)

*Canadian Criminal Code*

<https://www.canlii.org/en/ca/laws/stat/rsc-1985-c-c-46/latest/rsc-1985-c-c-46.html>

Supplementary Readings (posted on Blackboard) (BB)

(ii)      *Recommended*

Roach, Kent, *Criminal Law* (7<sup>th</sup> ed) (Toronto: Irwin Law, 2018)

## 6. RELEVANT POLICIES

(i) *Grading*

[http://www.uwindsor.ca/law/academic-coordinator/sites/uwindsor.ca.law.academic-coordinator/files/grading\\_policy\\_edited.pdf](http://www.uwindsor.ca/law/academic-coordinator/sites/uwindsor.ca.law.academic-coordinator/files/grading_policy_edited.pdf)

(ii) *Plagiarism*

[http://www.uwindsor.ca/law/academic-coordinator/sites/uwindsor.ca.law.academic-coordinator/files/law\\_7\\_plagiarism\\_0.pdf](http://www.uwindsor.ca/law/academic-coordinator/sites/uwindsor.ca.law.academic-coordinator/files/law_7_plagiarism_0.pdf)

(iii) *Human Rights*

[https://www.uwindsor.ca/law/academic-coordinator/sites/uwindsor.ca.law.academic-coordinator/files/law\\_6\\_human\\_rt\\_poly\\_law\\_excerpts.pdf](https://www.uwindsor.ca/law/academic-coordinator/sites/uwindsor.ca.law.academic-coordinator/files/law_6_human_rt_poly_law_excerpts.pdf)

(iv) *University Sexual Assault Policy*

<http://www.uwindsor.ca/sexual-assault/301/university-policies>

### University of Windsor Sexual Misconduct Response & Prevention Office

Our various roles at the University place us in positions where students may approach us and disclose incidents of sexual misconduct. At the University of Windsor sexual misconduct is used as an umbrella term that encompasses all forms of sexually inappropriate behaviour and sexual violence, whether verbal, non-verbal, or physical. This includes, but is not limited to, sexual harassment, sexual assault, threat of sexual assault, non-consensual sexting, relationship violence and gender based misconduct. If a student or other member of the campus community discloses to you an incident of sexual misconduct, it is important that you:

- (1) *Listen* with compassion and empathy;
- (2) Ask as *few* questions as possible;
- (3) *Refer* this person to Dusty Johnstone at the Sexual Misconduct Response and Prevention Office. The Sexual Misconduct Response and Prevention Office provides the following in relation to sexual misconduct: support - accommodation - information - guidance - referrals - resources

Dusty can be contacted at ext 4550 or [dustyj@uwindsor.ca](mailto:dustyj@uwindsor.ca). Please also visit the SMRP office website at <http://www.uwindsor.ca/sexual-assault>.

(v) *Religious Accommodation*  
[http://www.uwindsor.ca/law/academic-coordinator/sites/uwindsor.ca.law.academiccoordinator/files/religious\\_accommodation\\_policy\\_1.pdf](http://www.uwindsor.ca/law/academic-coordinator/sites/uwindsor.ca.law.academiccoordinator/files/religious_accommodation_policy_1.pdf)

Student evaluations will take place during the last two weeks of the term.

## 7. **EVALUATION**

(i) *Reflective Essays (15% x 2 = 30%) [FALL TERM]*

### **General Instructions**

Students must submit two (2) reflective pieces in the Fall term. Reflective pieces provide you with an opportunity to critically think about the doctrinal, policy and practical implications of the material you are reading and our class discussions and, where relevant, with reference to current events or your own experiences.<sup>1</sup> The length including footnotes/endnotes should be **5 single-sided pages double-spaced** with normal margins/12 point font. Title page and list of authorities are not included in the page limit.

#### **First Reflection Essay (Due October 29)**

Your first reflection essay must relate to a topic/case in Part I: Introduction of the course. To assist you in choosing a topic, I have set out a series of questions to reflect on for each topic and set of readings (see below). You are not limited to these questions. Your topic must relate to a case or issue that we have covered in class or in the readings.

#### **Second Reflection Essay (Due December 3)**

Your second reflection essay must relate to a topic about systemic racism. Some potential topics include:

1. Based on the readings (and, in particular, the Donald Marshall wrongful conviction) identify one manifestation of systemic racism in the criminal justice system (outside of racial profiling) and identify one or two reforms that could address the problem. Reflect on what impediments there might be in the ability of your reforms to bring about the change you hope for.

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<sup>1</sup> See Daniel M Schaffzin, "[So Why Not An Experiential Law School ... Starting With Reflection In the First Year?](#)" (2015) 7 *Elon L Rev* 383.

2. Why are lawyers reluctant to raise arguments grounded in systemic racism in criminal cases? What steps could be taken to address this problem? What resistance are these steps likely to take? How would you respond to them?
3. Identify one or two reform suggestions by the Marshall Commission and whether they have been implemented in Nova Scotia or elsewhere in Canada. Do you think they have made a difference? Why or why not?
4. Justice ME Turpel provides many examples of the incompatibility of the criminal justice system with Indigenous culture and approaches in her piece at page 257. Is it possible for the system to accommodate any of these or is a separate criminal justice system the only viable option?

## **Structure**

### **Title**

- Give your piece a title. It conveys an immediate message to your reader about your topic and your take on it

### **Introduction**

- Identification of the case/article/issue/event that you are reflecting on and the specific issue from that location that you wish to address
  - For example - the issue of the meaning of bestiality in *R v W(DL)*

### **Reflection**

- Identify why the topic was chosen
  - For example if you chose to reflect on *R v W(DL)* - you may have a background/interest in animal rights issues. Please ensure to elaborate on why you have chosen the topic - it is not sufficient to indicate that it is a topic you are interested in or an important one and leave it at that
- Identify and set out how the case/issue/event relates to a theme(s) or objectives of the course
  - For example - *R v SW(DL)* is about, in part, statutory interpretation and how we interpret the boundaries of an offence or the role of the courts in determining the boundaries of criminal liability
- Relate what you are reflecting on to a relevant school of legal thought (for example - classic liberal approach to criminal law (Mill); feminist theory (Cairns-Way article) or critical race/First Nations theory (Devlin article)) and how thinking about the issue through that lens helps or hinders us from better understanding the issue
- Identify whether you agree or disagree with the case/article you are reflecting on and set out the reasons in support of your position
- To assist in your reflection, try to find some academic commentary on the case or issue you are reflecting on and comment on it

### **Concluding Thoughts**

- Where do we go from here? Should the SCC reconsider the issue? What would that case look like? Should Parliament respond by amending the *Criminal Code*? What would that look like? What role should law schools/Law Society play in addressing the issues you have identified?

### **Marking Rubric**

In each reflection, students should demonstrate:

- Knowledge and comprehension: pieces should demonstrate thorough, insightful, and accurate comprehension of the vocabulary, concepts, and themes presented in the readings. You should not summarize the readings or article you are reflecting on but should draw on and explore key ideas from the readings
- Reflective engagement: pieces should demonstrate thoughtful introspection and engagement with the materials and with the course
- Writing style: pieces should be written clearly, with accurate grammar, appropriate and nuanced use of language, little or no jargon

The reflections will be assessed on the following scale: **Excellent (13-14); Very Good (11 ½-12); Adequate (10 ½- 11); Needs Improvement (8-10); Unsatisfactory (7)**

### **Submission Instructions**

You are to e-mail a copy of your reflections to my assistant Barbara Pare ([barbpare@uwindsor.ca](mailto:barbpare@uwindsor.ca)) by 12:00 pm. on the relevant due date. Reflections handed in after the due date will be subject to a **10% per day deduction** (a day defined as any time between 12:01 pm to 12:00 pm). Students seeking to hand in a late reflection without penalty need to apply to the Academic Status Committee on the basis of medical or compassionate grounds.

(ii) *Judgment Writing Exercise (20%) [WINTER TERM]*

During the first class of the Winter term, the class will be divided up into six groups. Each group will meet together in rooms reserved in the Paul Martin library to work through a hypothetical fact pattern. The six groups will then be divided into 2 groups – trial judges and appellate judges. The trial judges will provide reasons for judgment in relation to the set of charges discussed in the hypothetical. The reasons should be **8-10 pages single-sided double-spaced** in length. I would suggest the following structure for the reasons:

Statement of the Issues

The Relevant Facts

The Relevant Legal Principles

The Arguments of the Crown & Defence  
Application of the Facts/Law/Argument  
Verdict

In thinking about how to draft your reasons, consider who your audience is and whether/how that should impact how the reasons are drafted. Your reasons will be graded on the basis of correct identification of the relevant legal principles and facts and the persuasiveness of the reasons for either convicting or acquitting. The reflections will be assessed on the following scale: **Excellent (17-18); Very Good (15-16); Adequate (14-13); Needs Improvement (12-10); Unsatisfactory (9)**. The trial judge groups' reasons will be due on **Monday, February 4, 2019 at 12:00 pm** (same submission instructions as the Fall Term reflection pieces).

The trial judge groups' reasons will then be circulated to the corresponding appellate judge groups. The appellate judge groups will respond to whomever is appealing (the accused if convicted/the Crown if accused acquitted) and provide reasons for upholding or reversing the lower court decision. The reasons should be **8-10 pages single-sided double spaced** in length. In thinking about how to draft your reasons, consider who your audience is and whether/how that should impact how the reasons are drafted. I would suggest the following structure:

Statement of the Issues  
The Arguments of the Appellant & Respondent  
Did the Trial Judge Err?  
Disposition of the Appeal

Additional material will be provided about the standard of review and the role of intermediate appellate courts in criminal appeals. The same marking rubric and scale will be used as for the trial judges (review above). The appellate judge groups' reasons will be due on **Monday, March 4, 2019 at 12:00 pm** (same submission instructions as Fall Term reflection pieces referenced earlier).

*(iii) Final Exam (50%) [WINTER TERM]*

The final exam is scheduled for **Monday, April 8, 2019 at 9:00 am**. It will be a three (3) hour open book traditional law school hypothetical exam. A practice exam will be administered at the end of March to assist you in preparing for the exam. Students will not be able to access material on their computer during the exam.

## 8. OFFICE HOURS

**FALL TERM: Tuesday (12:30-1:30 pm)**

**WINTER TERM: Monday (11:30-1:00 pm)** (extended office hours will be posted prior to the final exam)

### **Also available by appointment**

Office: Room 2123 (ext. 2966) - [tanovich@uwindsor.ca](mailto:tanovich@uwindsor.ca) (e-mail) - @dtanovich (twitter) - <http://athena.uwindsor.ca/law/tanovich> (website)

Assistant: Barbara Pare ([barbpare@uwindsor.ca](mailto:barbpare@uwindsor.ca))

## 9. BACKGROUND READINGS FOR COURSE

Richard F. Devlin, "Jurisprudence For Judges: Why Legal Theory Matters for Social Context Education" (2002) 27 *Queen's LJ* 161

Rosemary Cairns-Way, "Attending to Equality: Criminal Law, The *Charter* and Competitive Truths" (2012) 57 *Sup Ct Law Review* 39

In order to assist your reflection and critical understanding of the material, it is important to have some grounding in legal theory. The Devlin article provides us with a brief summary of the various theories developed over the last century from legal positivism to critical race theory. As you read the article, ask yourself the following questions: (1) Why is legal theory important? (2) Which theoretical perspective, if any, did you bring with you to law school? (3) How has your exposure to the law and, in particular, criminal law over the course of your first year changed which perspective(s) offers the most accurate understanding of the interaction of law and our criminal justice system? It is also important to understand the meaning of equality and cultural competence in order to understand these questions and the purpose of this course. The Cairns-Way article sets out an equality theory of criminal law and identifies its relevance in thinking about issues of culpability, blame and punishment. It provides us with a theoretical framework to use in exploring many of the issues in this course. You should try to work through this material over the first month of the course. We will return to it throughout the course as we work through the various topics.

## 10. READINGS

<b>Part I - Introduction</b>	<b>Date</b>	<b>Pages</b>	<b>Key Cases</b>	<b>Questions</b>
<b>Overview Sources: Constitution</b>	Sept 10	1-17		What is this course about? What do you hope to get out of it? What is the purpose of criminal law? What is the relationship between the Constitution, the courts and Parliament in creating criminal law offences?

	<b>Date</b>	<b>Pages</b>	<b>Key Cases</b>	<b>Questions</b>
<b>Sources: Codification</b>	Sept 17	17-31	<i>R v Jobidon</i> <i>R v W(DL)</i>	What tools does the Supreme Court have to limit/expand the scope of criminal law? Have they fairly exercised them?
	Sept 24	32-49	<i>R v Pare</i> <i>Canadian Foundation</i>	Do judges play too large a role in determining the scope of criminal liability in Canada?

	<b>Date</b>	<b>Pages</b>	<b>Key Cases</b>	<b>Questions</b>
<b>Limits: Harm Principle</b>	Oct 1	51-88	<i>R v Malmo-Levine</i> <i>R v Labaye</i>	What is the harm principle and what role does it play in criminal law? Should it be the organizing principle? Is it now a principle of fundamental justice after <i>R v Labaye</i> ? What critical social context evidence was missing in <i>R v Malmo-Levine</i> ? Why did this happen?

	<b>Date</b>	<b>Pages</b>	<b>Key Cases</b>	<b>Questions</b>
<b>Limits: Sex Work</b>	Oct 15	89-114	<i>Can (AG) v Bedford</i>	How does <i>Bedford</i> define arbitrariness, overbreadth and gross disproportionality? How should Parliament have responded to the Supreme Court's decision in <i>R v Bedford</i> ? How will the provisions impact the lives of sex trade workers?

	<b>Date</b>	<b>Pages</b>	<b>Key Cases</b>	<b>Questions</b>
<b>Limits: Hate Crimes</b>	Oct 22	115-127	<i>R v Keegstra</i> <i>R v Zundal</i>	How does the Canadian <i>Criminal Code</i> approach hate crimes? Should hate speech be criminalized?

<b>Part II – Race &amp; Criminal Justice</b>	<b>Date</b>	<b>Pages</b>	<b>Key Cases</b>	<b>Questions</b>
<b>Systemic Racism: Meaning, Acknowledgement, Manifestations</b>	Oct 29/ Nov 12	193-197 203-208 248-252 306-312 “Applying the Racial Profiling Correspondence Test” (BB) “Two Worlds Colliding” (Video)	<i>R v Grant</i> <i>R v Mann</i> <i>R v Brown</i> <i>R v Parks</i> <i>R v Williams</i> <i>R v S(RD)</i>	What does the “starlight tour” phenomenon tell us about our criminal justice system? What is systemic racism? What are some of its manifestations in the criminal justice system? How might the Supreme Court have factored in race into its analysis in <i>R v Mann</i> ? Should there be a presumption of racial profiling when police interact with Aboriginal or Black individuals for a criminal investigation? Why are lawyers reluctant to raise race where relevant?
<b>The Wrongful Conviction of Donald Marshall</b>	Nov 19	223-248 252-261	<i>R v Marshall</i>	What are some of the lessons from Donald Marshall’s wrongful conviction? What are the different ways racism can cause wrongful convictions? What are some of the ways to mitigate implicit racial bias in criminal trials?

<b>PART III – Principles of Criminal Liability</b>	<b>Date</b>	<b>Pages</b>	<b>Key Cases</b>	<b>Questions</b>
<b>Actus Reus</b>	Nov 26	333-367	<i>R v Browne</i> <i>R v Thornton</i> <i>R v Smithers</i> <i>R v Harbottle</i>	How do we identify the physical elements of an offence? Are you satisfied with the current statutory/common law regime for omissions? How would you have decided <i>R v Thornton</i> ? Has the SCC provided a workable approach to determining legal causation?
	Dec 3	367-405	<i>R v Nette</i> <i>R v Maybin</i>	
	Jan 7	Group Exercise		
<b>Absolute &amp; Strict Liability</b>	Jan 14	407-432	<i>R v Beaver</i> <i>R v Sault Ste Marie</i> <i>BC Motor Vehicle</i>	How do we identify regulatory offences and their fault requirement, if any? What is the minimum fault requirement under section 7 for true crimes? Should strict liability be the minimum fault requirement for all offences?
<b>Subjective Fault</b>	Jan 21	445-472 501-504	<i>R v ADH</i> <i>R v Hibbert</i> <i>R v Buzzanga</i> <i>R v Theroux</i> <i>R v Briscoe</i> <i>R v Sansregret</i>	Should Parliament legislate a “General Part” in the <i>Criminal Code</i> ? What are the arguments for and against codifying fault?
<b>Objective Fault</b>		472-501	<i>R v Creighton</i> <i>R v Beatty</i>	Should personal factors beyond the control of the accused (ie poverty, domestic violence survivor) be considered in assessing objective liability?

<b>PART IV – Extensions of Criminal Liability</b>	<b>Date</b>	<b>Pages</b>	<b>Key Cases</b>	<b>Questions</b>
<b>Participation – Party Liability</b>	Jan 28	526-552	<i>R v Thatcher</i> <i>R v Buzzanga</i> <i>R v Theroux</i> <i>R v Briscoe</i> <i>R v Sansregret</i>	Who is a party to a criminal offence? Can/should the failure to act amount to aiding and abetting in some circumstances?
<b>Inchoate Offences</b>	Jan 28	571-588 (Attempts)	<i>R v Ancio</i> <i>R v Logan</i> <i>USA v Dynar</i>	What is an attempt? Is factual impossibility a defence to attempts?
		595-602 (Conspiracy)	<i>USA v Dynar</i> <i>R v Dery</i>	What is a conspiracy? Is attempted conspiracy an offence in Canada?

<b>PART V – Sexual Assault</b>	<b>Date</b>	<b>Pages</b>	<b>Key Cases</b>	<b>Questions</b>
<b>1. The Elements</b> This part of the course may be understandably difficult for any student for any variety of reasons. If you or someone you know find the readings or class discussions to be disruptive to your well-being, please consider making use of the available supports on and off-campus. This link provides more information about those resources: <a href="http://www.uwindsor.ca/sexual-assault/8/resources">http://www.uwindsor.ca/sexual-assault/8/resources</a> .	Feb 4/11	641-660 680-682 685-692	<i>R v Ewanchuk</i> <i>R v Chase</i>	Why do sexual assault prosecutions continue to pose challenges for our justice system? What are the <i>actus reus</i> and fault requirements? If consent requires an affirmative communication, how can there ever be a true mistake of fact?
	Feb 25	660-673	<i>R v J(A)</i> <i>R v Mabior</i>  <i>R v Al-Rawi</i> (BB)	Do you think the Supreme Court went too far in extending criminal liability for sexual assault in <i>R v J(A)</i> and <i>R v Mabior</i> ?  When does intoxication render a complainant incapable of consenting?

<b>PART VI – Principles of Exculpation</b>	<b>Date</b>	<b>Pages</b>	<b>Key Cases</b>	<b>Questions</b>
<b>Age &amp; Mental Disorder</b>	Mar 4	791-831	<i>R v Swain</i> <i>R v Chaulk</i> <i>Winko v BC</i> <i>R v Cooper</i> <i>R v Bouchard-Lebron</i> <i>R v Oommen</i>	Why does the NCR defence remain so controversial? Why do we place the onus on the accused to prove NCR? What are the elements of the section 16 NCR defence? What is the difference between NCR and automatism?
<b>Intoxication</b>	Mar 11	850-854 866-881 76-79 (S)	<i>R v Bouchard-Lebron</i> <i>R v Tatton</i> <i>R v Daley</i> <i>R v Daviault</i> <i>R v Chaulk</i>	When will intoxication serve as a defence? Is section 33.1 constitutional? What is involuntary intoxication?
<b>Self-Defence</b>	Mar 18	883-925	<i>R v Cinous</i> <i>R v Lavallee</i> <i>R v Malott</i>	What are the elements of self-defence? How is gendered violence relevant in thinking about self-defence? Do you think that the law on self-defence been clarified by Parliament?

<b>PART VII – Sentencing</b>	<b>Date</b>	<b>Pages</b>	<b>Key Cases</b>	<b>Questions</b>
<b>General Principles</b>	Mar 25	988-1009 1026-1035 84-91 (S)	<i>R v Proulx</i> <i>R v M(CA)</i> <i>R v Munson</i> (BB)	Why do courts struggle with applying section 718.2(a)(i)? What should the standard be for assessing hate motivation?
<b>718.2(e) &amp; Aboriginal Offenders</b>	Apr 1	1009-1026	<i>R v Gladue</i> <i>R v Ipeelee</i> <i>R v Sledz</i> (BB)	What are some of the problems in the way that section 718.2(e) has been interpreted and applied? How should they be addressed? How did you feel as you read the reasons of Justice Nakatsuru in <i>R v Sledz</i> ? How can 718.2(e) apply to other offenders impacted by systemic racism?

**END OF COURSE!**