

**IN THE SUPREME COURT OF CANADA
(ON APPEAL FROM THE COURT OF APPEAL FOR ALBERTA)**

BETWEEN:

K.J.M.

Appellant
(Appellant)

- and -

HER MAJESTY THE QUEEN

Respondent
(Respondent)

- and -

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JUSTICE FOR CHILDREN AND YOUTH**

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(Pursuant to Rule 42 of the *Rules of the Supreme Court of Canada*)**

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PART I – OVERVIEW

1. It is a matter of legal and scientific consensus that young people are inherently vulnerable as a result of their age and brain development. They are deserving of special protections under the law, including a separate and distinct criminal justice system. This is a principle of fundamental justice under s. 7 of the *Charter* and is codified in the *Youth Criminal Justice Act*¹ (“*YCJA*”). Young people require enhanced and distinct procedural protections at every stage of their criminal justice involvement, from police contact to disposition, including the discrete analysis of unreasonable delay under s. 11(b) of the *Charter*, in order to benefit from the full scope of the protections afforded by the *Charter* and the *YCJA* and to comply with Canada’s obligations under the *United Nations Convention on the Rights of the Child* (the “*UNCRC*”)².

PART II – INTERVENER’S POSITION ON THE QUESTIONS IN ISSUE

2. Justice for Children and Youth (“*JFCY*”) takes no position on the outcome of this appeal. *JFCY* submits that in light of the heightened vulnerability and developmental realities of young people they require special protections to benefit from substantively equal protection under the *Charter*. In practice, this requires a separate and distinct system of criminal justice with enhanced procedural protections. These principles must inform this Court’s analysis of s. 11(b) and the application of the *Jordan* framework³ to young people, and demonstrate the necessity of a lower presumptive ceiling for young people.

PART III – STATEMENT OF ARGUMENT

A. YOUNG PEOPLE DEVELOPMENTALLY DIFFERENT THAN ADULTS

3. Young people think, reason, and make decisions differently than adults as a result of their neurological and psychosocial development.⁴ The areas of the brain responsible for executive functioning, decision-making, impulse control, foresight, judgment, and evaluation of risk continue to develop throughout adolescence⁵ and it is widely accepted that the brain continues to

¹ *Youth Criminal Justice Act* SC 2002, c 1 [*YCJA*].

² *Convention on the Rights of the Child*, 28 May 1990, 1577 UNTS 3 (entered into force 2 September 1990, ratified by Canada 13 December 1991) [*UNCRC*].

³ *R v Jordan*, 2016 SCC 27, [2016] 1 SCR 631 [*Jordan*].

⁴ Teena Willoughby et al “Examining the link between adolescent brain development and risk taking from a social-developmental perspective” (2013) 83 *Brain & Cognition* 315 at 315; Nim Tottenham & Adriana Galvan “Stress and the adolescent brain: Amygdala-prefrontal cortex circuitry and ventral striatum as developmental targets” (2016) 70 *Neurosci & Behav Rev* 217 at 223.

⁵ Laurence Steinberg, “Adolescent Development and Juvenile Justice” (2009) 5 *Annu Rev Clin*

develop until the age of twenty five.⁶ Adolescents exhibit a reduced capacity for judgment and reasoning and a limited ability to consider situations from different viewpoints.⁷ They are likely to be more impulsive and have reduced capacity to weigh risks, consequences, and alternatives.⁸

4. These developmental immaturities explain in part why adolescence is a period marked with a spike of criminal and high-risk behaviours.⁹ However, the vast majority of young people charged with offences, even serious violent offences, can and do become productive and law abiding citizens, even without intervention, because the deficits uniquely associated with adolescence ultimately develop to maturity, curbing future risk of criminal behaviour.¹⁰

5. Adolescents are less future-oriented than adults.¹¹ Research demonstrates that “adolescence is inherently transitory”, marked by “rapid and dramatic change within the individual in the realms of biology, cognition, emotion and interpersonal relationships all of which affect the manner [in which] they experience time.”¹² Young people perceive time differently than adults; a few months in the life of a child may acquire great significance.¹³

B. YOUNG PEOPLE ARE CONSTITUTIONALLY ENTITLED TO ENHANCED PROCEDURAL PROTECTION AGAINST DELAY UNDER THE *CHARTER*

6. The analysis of young people’s rights under s. 11(b) requires a developmental approach that accounts for these unique features of adolescence and the associated vulnerabilities of young

Psychol 459 at 466-470; Elizabeth P Shulman et al “The dual systems model: Review, reappraisal, and reaffirmation” (2016) 17: Dev Cog Neurosci 103 at 104-5; Thomas Grisso, “Adolescents’ Decision Making: A Developmental Perspective on Constitutional Provisions in Delinquency Cases” (2006) 32 New Eng J on Crim & Civ Confinement 3, at 8.

⁶ Carla Cesaroni and Michele Peterson-Badali “Ashley Smith and Incarcerated Young Women: Marginalized at Any Age” (2017) Can J Law & Society 249 at 256-257; Stéphanie Gaudet, *Emerging Adulthood: A New Stage in the Life Course Implications for Policy Development*, Government of Canada Policy Paper (2007), at 18-19.

⁷ Elizabeth Cauffman and Laurence Steinberg “(Im)maturity of Judgement in Adolescence: Why Adolescents May Be Less Culpable Than Adults” (2000) 18 Behav Sci Law 741 at 745.

⁸ Tottenham, *supra* note 4 at 223.

⁹ Laurence Steinberg, “A Dual Systems Model of Adolescent Risk-Taking” (2010) 52 Dev Psychobiol 216 at 217.

¹⁰ Masha Levick et al (2012) “The Eighth Amendment Evolves: Defining Cruel and Unusual Punishment through the Lens of Childhood and Adolescence” 15 U. of Pennsylvania J L Soc Change 287 at 295 and 297.

¹¹ Laurence Steinberg et al “Age Differences in Future Orientation and Delay Discounting” (2009) Volume 80, Number 1, Child Development 28 at 39-40.

¹² Levick, *supra* at note 10 at 298.

¹³ *Catholic Children’s Aid Society of Metropolitan Toronto v CM*, [1994] 2 SCR 165 at para 44.

people – both generally and in their interactions with the criminal justice system – to ensure their *Charter* rights are meaningfully protected. Unreasonable delay implicates young people’s rights under not only section 11(b), but also sections 7 and 15, which mandate a lower presumptive ceiling for delay that attends to their developmental realities.

a. Enhanced protections for young people is a principle of fundamental justice

7. In *R v DB*, this Court recognized that young people are entitled to a presumption of diminished moral blameworthiness as a principle of fundamental justice, and confirmed the resulting necessity of a separate system of criminal justice for young people.¹⁴ This principle is

what flows from *why* we have a separate legal and sentencing regime for young people because of their age, young people have heightened vulnerability, less maturity and a reduced capacity for moral judgment. This entitles them to a *presumption* of diminished moral blameworthiness or culpability.¹⁵

8. The principle of fundamental justice identified in *DB* is an expression of the more general principle that young people are entitled to special consideration under the law and enhanced procedural protections commensurate with their psychosocial and developmental realities and inherent vulnerability. They are accordingly entitled to a separate system of criminal justice founded on the principles of diminished moral blameworthiness, with an emphasis on enhanced procedural protections, rehabilitation and reintegration, timely intervention, and promptness and speed given young persons’ perception of time. These principles are codified in the *YCJA*.¹⁶

9. Enhanced protection for young people under a separate system of youth criminal justice is a principle of fundamental justice: it is a legal principle; there is consensus that this principle is fundamental to the way in which the justice system ought fairly to operate; and it is precise enough to yield a manageable standard against which to measure potential deprivations of life, liberty, and security of the person.¹⁷

b. Enhanced protections for young people is a widely accepted legal principle

10. This Court has recognized that young people are universally recognized as being

¹⁴ *R v DB*, 2008 SCC 25 at para 41, [2008] 2 SCR 3 [*DB*] (emphasis added).

¹⁵ *Ibid* at para 40-41.

¹⁶ *YCJA*, *supra* note 1, s. 3(1).

¹⁷ *R v Malmo-Levine*, 2003 SCC 74 at para 112-113, [2003] 3 SCR 571; *Canadian Foundation for Children, Youth and the Law v Canada (Attorney General)*, 2004 SCC 4 at para 8, [2004] 1 SCR 76.

inherently vulnerable and deserving of protection within the legal system.¹⁸ Their vulnerability arises as a matter of age, not temperament. Consequently, young people are entitled to special protections under, for example, the *YCJA*, the *Criminal Code*, and child welfare legislation.¹⁹

11. This Court has stated that “while many adolescents may have the technical ability to make complex decisions, this does not always mean they will have the necessary maturity and independence of judgment to make truly autonomous decisions” as a consequence of their developing capacities; there is accordingly a positive legal obligation on the part of the state to protect young people from harm.²⁰ This Court has further held that children are rarely, if ever, deserving of hardship and experience greater hardship than adults when faced with a comparable situation; in decisions that affect them, their best interests and the unique vulnerabilities of childhood are imperative considerations.²¹

12. These decisions reflect international legal consensus that young people are deserving of special care and protection, beginning with the 1948 *Universal Declaration of Human Rights*²² and subsequently the *UNCRC*, which recognizes that “the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection”²³ and sets out unique legal protections for young people. The *UNCRC* is the most universally accepted international human rights instrument in history.²⁴

c. The need for enhanced procedural protections for young people at all stages of their interaction with the criminal justice system has been repeatedly recognized as fundamental to its fair operation

13. This Court in *R v LTH* recognized the heightened vulnerability of young people in their interactions with police. As a consequence of their age and relative lack of sophistication, the procedural safeguards generally available to adults in the criminal justice system do not

¹⁸ *R v Sharpe*, 2001 SCC 2 at para 175-177, [2001] 1 SCR 45 [*Sharpe*].

¹⁹ *AB v Bragg Communications*, 2012 SCC 46 at paras 17-18, [2012] 2 SCR 567 [*AB*].

²⁰ *AC v Manitoba (Director of Child and Family Services)*, 2009 SCC 30 at para 71, [2009] 2 SCR 181.

²¹ *Kanthisamy v Canada (Citizenship & Immigration)*, 2015 SCC 61 at para 41, 58, [2015] 3 SCR 909.

²² *Universal Declaration of Human Rights*, 10 December 1948, 183rd GA Plen ratified by Canada on December 10th, 1948.

²³ *UNCRC*, *supra* note 2, Preamble.

²⁴ *Sharpe*, *supra* note 18 at para 17.

adequately protect young persons.²⁵ This Court confirmed the necessity of enhanced procedural protections to ensure that young people's *Charter* rights are meaningfully protected.

14. In *R v SJJ*, this Court recognized the fundamental importance of separate trials for young people, highlighting the need to interpret rules of general application in light of the special rules that apply to young people under the *YCJA* to ensure young people are afforded due protection.²⁶ Similarly, in *R v RC*, the Court found that in applying the *Criminal Code* provisions concerning DNA orders, a judge must consider a young person's heightened vulnerability and seek to interfere with their personal freedom and privacy as little as possible.²⁷

15. In *Re: FN*, the Court determined that the unique vulnerabilities of young people in conflict with the law warranted an exception to the constitutionally-protected open court principle and held that enhanced privacy protections for young people are necessary to achieve the goal of rehabilitation given the harmful impacts of labelling and stigmatizing young people.²⁸

16. The United States Supreme Court has similarly recognized the need for unique and enhanced constitutional protections for young people.

17. In *Roper v Simmons*, the Court held that capital punishment is unconstitutional for young people, citing neuroscientific and psychosocial research regarding their lack of maturity, impetuosity, and poor decision-making, and consequent diminished moral culpability.²⁹ In *Graham v Florida* and *Miller v Alabama*, the Court noted developments in psychology and brain science make it clear that adolescents are inherently different than adults such that it is accordingly cruel and unusual punishment to impose a sentence of life without parole for young people.³⁰ In *JDB v North Carolina*, the Court noted the vulnerabilities of young people are relevant not only to sentencing but also to the protection of their *Miranda* rights, entitling them to enhanced procedural safeguards so as to not "deny children the full scope of the procedural safeguards that *Miranda* guarantees to adults"³¹.

²⁵ *R v LTH*, 2008 SCC 49 at paras 1-3, [2008] 2 SCR 739.

²⁶ *R v SJJ*, 2009 SCC 14 at para 6, [2009] 1 SCR 426.

²⁷ *R v RC*, 2005 SCC 61 at para 41, [2005] 3 SCR 99.

²⁸ *FN (Re)*, 2000 SCC 35, [2000] 1 SCR 880, at para 10, 14 [*FN (Re)*].

²⁹ *Roper v Simmons*, 543 US 551 (2005) at III B.

³⁰ *Graham v Florida*, 560 US 48 (2010) at III B; *Miller v Alabama* 567 US 460 (2012).

³¹ *JDB v North Carolina*, 564 US 261 (2011) at III.

18. Canada has consistently acknowledged the distinct vulnerabilities of young people in all of the *YCJA* predecessors beginning in 1857.³² The need for a comprehensive child rights-respecting criminal justice system is further highlighted both in the *United Nations Committee on the Rights of the Child's* commentary on juvenile justice³³ and in the *United Nations Standard Minimum Rules for the Administration of Juvenile Justice* (the “*Beijing Rules*”).³⁴

d. The constitutional requirement for enhanced protections for young people creates clear legal standards

19. The *YCJA* codifies and gives statutory expression and specificity to the constitutional principle that young people must be provided enhanced protection, commensurate with their age and developmental realities. These principles provide a measurable legal standard for interpretation of young people’s *Charter* rights.

20. The *YCJA* is founded on the principles of diminished moral blameworthiness, rehabilitation and reintegration, fair and proportionate accountability, enhanced procedural protection, timely intervention, and promptness and speed given young people’s perception of time. The Act is to be liberally construed to ensure that young people are dealt with in accordance with these principles.³⁵ The Preamble of the *YCJA* sets out that that the Act must acknowledge the “developmental challenges and the needs of young persons” and that “young persons have rights and freedoms” including those under the *UNCRC* and the *Charter*, “and have special guarantees of their rights and freedoms”³⁶. Not only are these principles statutorily-mandated, they follow by necessary implication from the principles of fundamental justice that young people are entitled to enhanced protection and the presumption of diminished moral blameworthiness. They have a constitutional dimension.

21. Each principle responds to the developmental needs of young people and are interconnected and indivisible. The degree to which procedural protections correspond to the developmental needs of young people is readily determined by reference to these principles.

³² *DB*, *supra* note 14 at para 48-57.

³³ UN Committee on the Rights of the Child, *General Comment No 10 (2007) on children’s rights in juvenile justice*, UNCRCOR, 44th Sess, UN Doc CRC/C/GC/10 at para 5-15 [*General Comment No 10*].

³⁴ *United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules)*, adopted 29 November 1985 [*Beijing Rules*].

³⁵ *YCJA*, *supra* note 1, s. 3.

³⁶ *Ibid*, at Preamble (emphasis added).

C. YOUNG PEOPLE ARE CONSTITUTIONALLY ENTITLED TO A LOWER PRESUMPTIVE CEILING UNDER THE *JORDAN* FRAMEWORK

22. The *Jordan* framework must be adapted to account for young people’s heightened vulnerability and diminished moral blameworthiness, consistent with the above-articulated principles of fundamental justice.

23. Unreasonable delay engages not only s. 11(b) of the *Charter*, but the s. 7-protected right to life, liberty, and security of the person. The animating purpose of s. 11(b) is to ensure that the interference with an individual’s liberty and security occasioned by their involvement in the criminal justice system is consistent with the fair administration of justice.³⁷

24. The s. 11(b) right is intended to protect against the “overlong subjection to the vexations and vicissitudes of a pending criminal accusation”, including stigmatizing of the accused, loss of privacy, and stress and anxiety resulting from possible disruption of family and social life, legal costs, and uncertainty as to the outcome and sanction.³⁸

25. This Court has held that the concern for an individual’s liberty and security interests “*apply equally if not more strongly in the case of young persons*”.³⁹ Courts have recognized that “the appropriate way to take into account the special circumstances of young persons is to acknowledge the potential for a heightened degree of prejudice to their liberty and security interests that may flow from delay”.⁴⁰ There is accordingly a large body of case law that suggests that a s. 11(b) analysis for young people must recognize the threshold for unreasonable delay will be reached more quickly than for adults.⁴¹

26. A lower ceiling for young people under the *Jordan* framework is necessary to meaningfully protect young people given their unique perception of time and the disproportionate impact on their liberty and security interests.

³⁷ *R v Rahey*, [1987] 1 SCR 588 at para 20; *R v Morin*, [1992] 1 SCR 771 at 786; *Jordan*, *supra* note 3 at para 20.

³⁸ *R v Rahey*, *supra* note 37, at para 22.

³⁹ *AB*, *supra* note 19 at para 18, citing *Toronto Star Newspaper Ltd v Ontario*, 2012 ONCJ 27 at paras 40-41, 44 [*Toronto Star*] with approval (emphasis in original).

⁴⁰ *R v JM*, 2017 ONCJ 4 at para 123 [*JM*], citing *R v R (DR)*, 2011 NSCA 86 at para 13 (emphasis added).

⁴¹ Appellant’s factum at para 36-42. *See also*: *R v PS*, 2018 ONCJ 142 at para 32-33; *R v ZN*, 2018 ONCJ 501 at 124-133; *R v BSH*, 2017 MBQB 104 at para 25; *R v KM*, 2017 ONCJ 8 at paras 36-37; *R v LB*, 2014 ONCA 748 at para 14; *R v TB*, 2017 ONCJ 84 at para 15.

27. Because adolescents perceive time differently, prolonged uncertainty as to outcome can be frightening and damage the young person's cognitive development.⁴² With less ability to anticipate long term consequences, adolescents may be primarily motivated simply to end their court involvement, regardless of the outcome. When a court process takes longer, adolescents are less able to assist in their defence and to ensure a just outcome.⁴³

28. Delays interfere with a court's ability to achieve goals of early intervention and rehabilitation.⁴⁴ Young people may lose their ability to connect the disposition of a case with their conduct. Even minor delays can "dilute the effectiveness of any disposition."⁴⁵ The *Committee on the Rights of the Child* has also emphasized that the longer it takes to dispose of criminal justice proceedings, the less likely the response will have its desired positive pedagogical impact and the more the child will be stigmatized.⁴⁶ There is clear psychosocial and developmental evidence that timely case processing generates better outcomes for young people accused of crime, their families, and their communities.⁴⁷

29. This Court's analysis of unreasonable delay must appropriately account for these developmental realities unique to young people. Failure to do so is contrary to the principles expressed in the *YCJA* and offends the relevant principles of fundamental justice.

30. The *YCJA* emphasizes meaningful consequences and proportionate accountability, and reintegration and rehabilitation, rather than general deterrence and punishment, as a corollary of the principle of diminished moral blameworthiness.⁴⁸ The increased susceptibility of young people to prejudice as a result of delay renders their involvement in the criminal justice system disproportionately more severe. Delays cause a disconnect between consequences and youthful offending behaviour, rendering any consequences less meaningful to a young person and undermining their sense of accountability. Delay also exposes young people to interference with

⁴² National Council of Juvenile and Family Court Judges, *Enhanced Juvenile Justice Guidelines Improving Court Practice in Juvenile Justice Cases*, <www.ncfcj.org> at 16.

⁴³ Jeffrey Butts, Gretchen Cusick & Benjamin Adams "Delays in Youth Justice" (2009) [Unpublished (funded by National Institute of Justice, Office of Justice Programs, U.S. Department of Justice), archived at National Criminal Justice Reference Service] at 9-10.

⁴⁴ Butts, *supra* note 43 at 8.

⁴⁵ Peter Harris et al, Working in the Trenches with the *YCJA* (2004) 46 *Can J Criminology & Crim Just* 367 at 369.

⁴⁶ *General Comment No 10 (2007)*, *supra* note 33 at para 51.

⁴⁷ Butts, *supra* note 43 at 9-10.

⁴⁸ *DB*, *supra* note 14, at para 87.

their privacy and the risk of stigmatization and labelling, which ultimately jeopardizes their chances for rehabilitation and reintegration.⁴⁹

31. Accordingly, the principles of the *YCJA* militate in favour of a distinct s. 11(b) analysis that gives effect to the need for timely intervention, promptness, and speed in a way that attends to young people's distinct perception of time, that is, a shorter timeframe than that for adults.

32. This Court has noted that the *Charter* should be presumed to provide at least as great a level of protection as the international human rights instruments to which Canada is a signatory.⁵⁰ Article 40 of the *UNCRC* states that every child charged with a criminal offence must be afforded due process and to have their matter determined without delay.⁵¹ In fact, the *UN Committee on the Rights of the Child* calls for states parties to implement time limits for the final adjudication of juvenile justice proceedings that are much shorter than for those set for adults.⁵² The *United Nations General Assembly* declares in the *Beijing Rules* that the speedy conclusion of juvenile cases is a paramount concern for the effective administration of juvenile justice.⁵³ Eight European Union Countries have imposed a maximum time limit for when cases involving child suspects reach trial; these limits range from 2 weeks to 6 months.⁵⁴

33. Section 15 of the *Charter* demands that young people are treated in a manner that corresponds with their unique position and needs. A lower presumptive ceiling is required for all youth criminal justice proceedings in order to achieve substantive equality for young people⁵⁵:

If the section 11(b) analysis tolerates the same length of delay for youth and adults, the result will be that young persons will receive less protection than adults. Different presumptive ceilings are required to ensure that both groups experience the same constitutional guarantee. . . .⁵⁶

⁴⁹ *FN (Re)*, *supra* note 28 at para 14; *DB*, *supra* note 14 at para 84; *AB*, *supra* note 19 at para 18, citing *Toronto Star*, *supra* note 19 at para 40-41, 44, 77.

⁵⁰ *Divito v Canada (Public Safety and Emergency Preparedness)*, 2013 SCC 47 at para 22-23 [2013] 3 SCR 157; *Facilities Subsector Bargaining Assn v British Columbia* 2007 SCC 27 at para 70, [2007] 2 SCR 391.

⁵¹ *UNCRC*, *supra* note 2 at art 2, 40(2)(iii) (emphasis added).

⁵² *General Comment No 10*, *supra* note 33 at para 52 (emphasis added).

⁵³ *Beijing Rules*, *supra* note 34 at art 20.1 (emphasis added).

⁵⁴ European Commission – Directorate-General for Justice, *Summary of contextual overviews on children's involvement in criminal judicial proceedings in the 28 Member States of the European Union*, (2014) at 27.

⁵⁵ *Withler v Canada (Attorney General)*, 2011 SCC 12 at para 39, [2011] 1 SCR 396.

⁵⁶ *JM*, *supra* note 40 at para 133-134 (emphasis added).

34. A reduced ceiling for unreasonable delay for young people must be more than “symbolic or paltry”.⁵⁷ If too much deference is given to the Crown and court to hold the young person before the court under the guise of “rehabilitation”, as contemplated by Justice O’Ferrall in the concurring decision of court below⁵⁸, then the harmful and deleterious effects of a young person remaining in the justice system will be perpetuated and exacerbated. This is contrary not only to their s. 11(b) rights, but to their security interests under section 7 and their right to substantive equality under section 15 of the Charter.

35. Parliament has recently underscored the need to improve youth criminal justice delays, passing Bill C-75 which amends the *YCJA* in part to address the problem of delay.⁵⁹

36. Youth criminal justice judges have noted that the *YCJA* “creates the illusion of a legislative entitlement to a speedy trial” which has been treated as a “laudable aim [that] has not been offered so much as a passing glance in youth courts.”⁶⁰ Until specific requirements for youth administrative delay are created, the existing adult standard will become the rule⁶¹, depriving young people of the enhanced protection of their rights to which they are constitutionally entitled.

37. As stated by Justice Abella in *Jordan*, a new framework for delay was required to break a culture of complacency towards unreasonable delay.⁶² The same is true for young people. The common law rule of a reduced threshold under s. 11(b) for young people must be given constitutional force to ensure that young people’s *Charter* rights are meaningfully protected.

PARTS IV AND V– COSTS AND ORDER REQUESTED

38. JFCY seeks no costs and requests that none be awarded against it. JFCY takes no position regarding the outcome of the appeal.

ALL OF WHICH IS RESPECTFULLY SUBMITTED, this 5th day of February, 2019.



 Jane Stewart, Samira Ahmed & Mary Birdsell, Counsel for JFCY

⁵⁷ *Ibid* at para 144.

⁵⁸ *R v KJM*, 2018 ABCA 278 at para 75.

⁵⁹ Bill C-75, *An Act to amend the Criminal Code, Youth Criminal Justice Act and other Acts to and to make consequential amendments to other Acts*, 1st session, 42nd Parl, 2018, (Introduction and First Reading at Senate on December 3rd, 2018) at Summary.

⁶⁰ Harris, *supra* note 45 at 368.

⁶¹ *Ibid* at 370.

⁶² *Jordan*, *supra* note 3 at para 40.

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