

The Canadian Abridgment eDigests -- Young Offenders

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C16.XIV.3.c.iii

Subject Title: Criminal law

Classification Number: XIV.3.c.iii

Young offenders -- Youth Criminal Justice Act -- Youth Justice Court -- Jurisdiction

Young person charged with murder elected trial by judge and jury -- Pursuant to s. 13(3) of Act, young person was then to be tried by superior court which was deemed youth justice court for purpose of proceeding -- Section 33(8) of Act provides that only youth justice court judge may release young person charged with offence referred to in s. 522 of Criminal Code -- Under s. 522, release on murder charge may only be ordered by superior court -- Young person applied to Provincial Court judge for judicial interim release -- Judge had jurisdiction to order release -- On plain reading of s. 33(8), youth justice court judge had jurisdiction -- Provincial Court judge was youth justice court judge in Manitoba -- Pursuant to s. 28 of Act, provision ousted s. 522 of Code as it was inconsistent with it -- S. 13(3) of Act was intended only to clarify that superior court judge is youth justice court judge when conducting trial pursuant to that section -- Jurisdiction over release was not transferred to superior court until after committal for trial or arraignment in that court.

R. v. H. (B.W.) (2005), [2005 CarswellMan 397](#) (Man. Prov. Ct.) [Manitoba]



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