

Contents

| | |
|---|-----------|
| Abbreviations | 11 |
| Citations | 12 |
| Introduction | 13 |
| 1 Justified Use of Force | 17 |
| S. 25 – Authorised Use of Force to Enforce the Law | 17 |
| The Test of Reason | 18 |
| S. 26 – Excess Force a Crime: | 21 |
| Gee 68CCC 2nd 24: | 21 |
| Homicide | 22 |
| Siu 71CCC 3d 196: | 24 |
| Richter 73WWR 140: | 25 |
| Road Rage | 25 |
| S. 30 – Preventing Breach of the Peace | 26 |
| Lefebvre 15 CCC, 3d, 503: | 27 |
| Citizen’s Right to Arrest | 28 |
| S. 32 – Suppression of Riots | 28 |
| S. 34 – Self Defence Against Unprovoked Assault | 29 |
| Deegan 49CCC 2nd 417: | 30 |
| Setrum 32CCC 2nd 109: | 30 |
| Matson 1CCC 2nd 374: | 31 |
| Exact Force to be Measured | 33 |
| Ogal 50CCC 71: | 33 |
| Antley 42CR 384 | 33 |
| Bolyantu 29CCC 2nd 174: | 35 |
| Important Rulings of S.34: | 36 |
| S. 35 – Self Defence in Case of Aggression | 36 |
| Merson 4CCC 3d 251: | 38 |
| S. 37 – Preventing Assault | 39 |
| Lowther 26CR 150: | 39 |
| Whynot 9CCC 3d 449: | 40 |
| Lavalee 55CCC 3D 97: | 41 |
| S. 38 – Defence of Personal Property | 41 |
| Weare 4CCC 3d 494: | 42 |

| | |
|--|-----------|
| S. 39 – Defence With a Claim to Right | 43 |
| Nykoln 94CCC 145: | 44 |
| S. 40 – Defence of Dwelling. | 44 |
| S. 41 – Defence of House or Real Property | 45 |
| Trespass | 45 |
| S. 177 – Trespassing at Night | 46 |
| Passive Resistance by Trespasser | 47 |
| Home Invasions | 48 |
| S. 348 – Aggravating circumstance - home invasion | 48 |
| S. 279 – Kidnapping, Hostage Taking | 49 |
| S. 343 – Robbery | 50 |
| S. 346. – Extortion. | 50 |
| S. 348 – Breaking and Entering. | 51 |
| Defences to a Home Invasion | 52 |
| S. 40. – Defence of Dwelling | 52 |
| S. 41 – Defence of House or Real Property | 53 |

2 Weapons Offences 55

| | |
|--|-----------|
| S. 2 – Definition of Weapon. | 55 |
| S. 84 – Definition of Prohibited & Restricted Weapons | 55 |
| Prohibited Weapons | 57 |
| Update: weapons laws changes to note. | 59 |
| Weapons by Design | 61 |
| Maciel 35CCC 2nd 291: | 62 |
| Re C 59AR 289:. | 62 |
| Murray 24CCC 3d 568:. | 63 |
| Coleman 37CCC 3d 568:. | 63 |
| Pannu 34 CCC 3d, 569: | 64 |
| Kilpatrick (1985 after Dec.) 31CCC 3d 334: | 65 |
| Roberts 59SR 68:. | 65 |
| S. 87 – Possession of a Weapon for a Dangerous Purpose: | 66 |
| The Right to Carry a Weapon for Self Defence: | 66 |
| Sulland 2CCC 3d 68:. | 67 |
| Arrance 3CCC 2nd 341: | 67 |
| Halvorsen 46CCC 2nd 545: | 68 |

| | |
|--|-----------|
| Weapon Bust in your own Home | 69 |
| Stavroff 48CCC 2nd 353: | 69 |
| Proverbs 9CCC 3d 249: | 69 |
| Nelson 8CCC 2nd 29: | 69 |
| Janssen 28CCC 2nd 515: | 71 |
| Display of Weapon Not Excess Force | 71 |
| Richter 73WWR 140: | 71 |
| Right to Carry Weapon to Deter Attack | 72 |
| Thornton 2CCC 2nd 225: | 72 |
| S. 88 – Weapon Possession at a Public Meeting | 73 |
| S. 89 – Concealed Weapon | 73 |
| Hanabury 1CCC 2nd 438: | 73 |
| Graham 1WCB 589: | 74 |
| Starr 24SR 6: | 74 |
| Lady’s Purse Knife | 75 |
| Blondell 8CCC 2ND 130: | 75 |
| Acoose 17SR 240: | 75 |
| Coughlin 17CCC 2nd 430: | 75 |
| Lemire 57CCC 2nd 561: | 76 |
| S. 90 – Possession of a Prohibited Weapon | 77 |
| Kaye 67SR 61: | 78 |
| Summary: Weapons Offenses | 79 |
| | |
| 3 Assaults | 80 |
| S. 265 – Assault | 80 |
| Legal Weapons Carry May Be Assault | 81 |
| Take Your Best Shot | 82 |
| Carrier 27CCC 3d 511: | 83 |
| McTavish 8CCC 3d 511: | 84 |
| B.(T.B.) 93CCC 3d 191: | 84 |
| W.(G.) 90CCC 3d 139: | 85 |
| Bergner 36CCC 3d 25: | 85 |
| S. 266 – Sentence: Assault | 85 |
| S. 267 – Assaults: Weapons and Bodily Harm: | 85 |
| Consent <i>not</i> Defence to Manslaughter | 86 |
| Jobidon 45CCC 3d 176: | 86 |
| McCleod 84CCC 3d 342: | 86 |

| | |
|---|------------|
| Definition: Bodily Harm | 87 |
| Dixon 42CCC 3d 318: | 87 |
| Dupperon 16CCC 3d 453: | 87 |
| Threats Are Assaults | 88 |
| Kelly 37CR 3d 190: | 88 |
| McCraw 66CCC 3d 518: | 88 |
| Remy 82CCC 3d 176: | 88 |
| S. 268 – Aggravated Assault: | |
| (an assault which wounds) | 89 |
| Littleton 17CCC 3d 520: | 89 |
| Carrier 35CCC 3d 276: | 89 |
| S. 269 – Sentence: Aggravated Assault | 89 |
| Self Defence and Street Awareness | 89 |
| Summary: Assaults | 90 |
| | |
| 4 Martial Artists and Self Defence | 91 |
| | |
| <i>Jutsu vs Do:</i> | 91 |
| Steward and Noonan vrs Harpo’s Cabaret | 92 |
| Homicide or Manslaughter | 98 |
| S.26 Excess Force a Crime: | 98 |
| Preemptive Strikes | 100 |
| Training on Private Property at Night | 101 |
| S. 177 Trespassing at Night | 101 |
| Illegal Martial Arts Weapons | 102 |
| Concealed Martial Arts Weapons | 103 |
| Tournaments: a case about liability | 104 |
| Cey 48CCC 3d 480: | 104 |
| S. 71 – Duels | 105 |
| S. 83 – Prize Fights: The Law that Makes all Training Illegal! | 106 |
| We Will Shut You Down! | 107 |
| Bibliography | 109 |