

This paper is intended to provide the civil practitioner a basic outline of criminal law issues that may intersect aspects of their practices (or alternatively, “what to do when you are awakened at 2 am from a wine soaked slumber by the corporate VP who has just been picked up for impaired driving, or perhaps even the far more interesting offence of species inappropriate carnal knowledge).

In no particular order of importance then:

The Top Ten Things A Solicitor Might Want To Know About Criminal Law

No. 10: What you should know when the police come calling with a search warrant for your office.

You are reviewing a shopping centre lease, minding your business at \$300 plus/hour, when your receptionist rings: “Bob, the police are here. They say they have a search warrant. They say they are taking all Mr. Beelzebub’s files and seizing the firm’s accounting hard drive. You reluctantly pause your billing program thinking this must all be a mistake. It’s not. How should this be handled?

In the mid-1980's Parliament attempted to legislate a protocol for searches of law offices. These provisions were struck down by the S.C.C. in *R. v. Lavallee*¹. The following *obiter* remarks of Madam Justice Arbour in *Lavallee* have effectively become the *de facto* common law protocol in Canada:

1. No search warrant can be issued with regards to documents that are known to be protected by solicitor-client privilege.
2. Before searching a law office, the investigative authorities must satisfy the issuing justice that there exists no other reasonable alternative to the search.
3. When allowing a law office to be searched, the issuing justice must be rigorously demanding so to afford maximum protection of solicitor-client confidentiality.
4. Except when the warrant specifically authorizes the immediate examination, copying and seizure of an identified document, all documents in possession of a lawyer must be sealed before being examined or removed from the lawyer's possession.

¹ [2002] 3SCR 209

5. Every effort must be made to contact the lawyer and the client at the time of the execution of the search warrant. Where the lawyer or the client cannot be contacted, a representative of the Bar should be allowed to oversee the sealing and seizure of documents.

6. The investigative officer executing the warrant should report to the Justice of the Peace the efforts made to contact all potential privilege holders, who should then be given a reasonable opportunity to assert a claim of privilege and, if that claim is contested, to have the issue judicially decided.

7. If notification of potential privilege holders is not possible, the lawyer who had custody of the documents seized, or another lawyer appointed either by the Law Society or by the court, should examine the documents to determine whether a claim of privilege should be asserted, and should be given a reasonable opportunity to do so.

8. The Attorney General may make submissions on the issue of privilege, but should not be permitted to inspect the documents beforehand. The prosecuting authority can only inspect the documents if and when it is determined by a judge that the documents are not privileged.

9. Where sealed documents are found not to be privileged, they may be used in the normal course of the investigation.

10. Where documents are found to be privileged, they are to be returned immediately to the holder of the privilege, or to a person designated by the court.
(para. 49)

Where the targeted client's lawyer is not suspected of any wrongdoing there is no reason why he or she will not be in a position to make the necessary claim of privilege on behalf of their client, and to monitor the execution of the search and sealing of the material so as to protect the client's confidentiality. The Law Society can be contacted to provide an experienced lawyer in the area for advice, failing which the member should contact an experienced criminal lawyer to ensure that the requirements of *Lavallee* are respected.

The situation differs when the lawyer themselves is suspected of wrong-doing, as they cannot then be depended upon to act in the best interests of their client. The case of *R. v.*

*Tarrabain, O'Byrne & Company et al*² provides that in such a situation a “referee” can be employed, acting essentially as the client’s lawyer in the safeguarding of that client’s privilege interest. The referee would usually be a senior criminal lawyer agreed upon by the Crown and Law Society who is willing to provide this assistance.

No. 9: Proceeds of crime or money laundering.

A new client hands you an envelope with \$10,000 cash and asks you to “take care” of a contractual dispute he has with the landlord of his chopper shop. While initially pleased with the sight of so many \$20 bills in one place, this euphoria slowly dissipates as you note a white powdery substance coating many of the bills. What do you do?

The “cash”, “chopper” and “coating” would be considered three quite substantive clues, considered conjunctively, that you may be dealing with the proceeds of crime. Due diligence would dictate that the lawyer make reasonable enquiries about the source of these funds and document same on their file. Failure to exercise such scrutiny can (and has) attracted disciplinary sanction. If the lack of due diligence amounts to wilful blindness or actual knowledge that the funds are tainted, the lawyer could be subject to criminal charges: sections 354 (possession of proceeds of crime) and 462.31 (money laundering).

Early attempts by the government to require lawyers to secretly report suspicious receipts or transactions of monies were stopped after a concerted intervention by Law Societies across the country. Other regulations, however, remain in effect.

For example, on February 10, 2007 the less than pithy sounding legislation, *An Act to amend the Proceeds of Crime (Money-Laundering) and Terrorist Financing Act and the Income Tax Act to and make a consequential amendment to another act*, S.C. 2006 c. 12, came into force. While there exists an express exemption for legal counsel from the suspicious or prescribed transactions reporting requirements, lawyers are still bound by the client verification and recording requirements (s. 10.1).

Alive to the severity of the money laundering problem Law Societies across the country have, or soon will have modified rules developed to better address law enforcement concerns. The Law Society of Alberta already has a “no cash” rule prohibiting the receipt

² 2006 ABQB 14 (Alta. Q.B.)

of more than \$7500 from one client or with respect to one matter.³ On December 1, 2008 our law society will adopt further rules of conduct pertaining to client identification/verification for several specified types of transactions. Notably, an exemption will still exist for professional fees, disbursements, payments of fines/penalties and bail. Under the December 1, 2008 rules a lawyer will have a professional obligation to withdraw their services from any client where they reasonably suspect that their continued involvement would be "...assisting a client in dishonesty, fraud crime or illegal conduct."⁴

No. 8: Ignorance of the law is no excuse.

Right up there with the physician's creed of "Do no harm!" should be the legal dictum, "Don't counsel crime!"

As lawyers we pride ourselves on our knowledge of the laws governing the land. The reality is...more complex. After 25 years of practice the *Criminal Code* continues to surprise (and scare) me with its very inclusive definition of crime. Meat and potato crime like thieving, killing, cattle rustling I get. Far less intuitively grasped by me is the notion that delaying the departure of a train by calling ahead to assure them that I will only be 5 minutes late (knowing it'll be more like 15 minutes) probably constitutes criminal breach of contract contrary to section 422(1)(e) of the *Code*. The proviso that, like public nudity, the Attorney General must consent to the prosecution of this offence on a case by case basis is only slightly comforting (as a side note you might still get away with lying to the airlines - trains are particularly beloved by our *Criminal Code*).

Aside from any concern a solicitor might harbour that he or she is unwittingly living a secret criminal lifestyle by uttering little "white lies" like the above, a greater concern is that we may unwitting parties to our client's criminality (and I do find that clients generally lack any real insight as to what might be considered criminal) by encouraging, counseling or participating in their improper conduct, or at least failing to identify for our clients their inadvertent (maybe) criminal actions.

Consider some examples:

- Your client calls to inform you that his 13 year old son has shown up having run

³ Rule 125.1(2) *Rules of the Law Society of Alberta*

⁴ Rule 118.9 and 118.10 *Rules of Professional Conduct*

away from her estranged husband's residence saying he "hates him" and needs a "time out" for the weekend. Knowing that she will get a call from dad any moment about the son's whereabouts, and knowing that he herself needed a permanent break from the guy, your client asks if it would be alright if she pleads ignorance when he calls. Realizing there is no actual custody order, just an informal custody sharing arrangement you say "what harm will it do". You have just counseled the offence of abduction under s. 283 of the *Criminal Code*.

- Your client is comptroller for a software company. He confronts an employee about an apparent misappropriation of \$10,000 by an employee. The employee admits that he "borrowed" \$10,000 for a few months but has now replaced it. He begs the comptroller to not tell anyone for fear of losing his job (or worse) and offers him an all expense trip to Vegas for he and his wife if he keeps the secret. The accountant, accustomed to a life of drudgery, would like to take advantage of the peace offering. You advise that no one has to disclose a crime so its up to him. You have just counseled the offence of compounding an indictable offence contrary to s. 141 of the *Code*.
- Your client, who had retained you previously to deal with a number of aggressive creditors that are about to file statements of claim, announces his wish to secure a loan his Aunt Betty gave him a few years ago with a 2nd mortgage on his house title. You dutifully register the mortgage for him. You may be party to the offence of disposing of property with intent to defraud creditors contrary to s. 392.
- Your client publishes comic books. Her latest project is called "Satan's Spawn" and depicts the exploits of a career criminal who commits a variety of despicable crimes while possessed by a demon. Her company has retained you to help work out the details of a financing agreement. You may be party to publication of a "crime comic" contrary to section 163.

While we're at it, your client's can't practice witchcraft without believing it (s. 365(a)), set off stink bombs (s. 178), disturb oyster beds (s. 323) or alarm Her Majesty (s. 49(a)).

Appendix A provides a more complete list of crimes that might cross your desk some day.

No. 7 Recording of Private Conversations.

The law concerning surreptitious interception and recording of conversations is not well understood. It is apparent from the case law that this technique is frequently employed within the context of contested matrimonial situations. It is equally apparent that such recordings have (with exceptions) been admitted into evidence where one of the parties has consented to the conversation, even where contrary to provincial legislation, and that the *Criminal Code* provisions against illegal wiretaps generally are not engaged. None of this means the practice is necessarily safe from legal scrutiny.

As a solicitor you may be called upon in advance for an opinion by a client who might want to record conversations with estranged spouses, disgruntled employees or union officials (quite a bit of the latter seems to go on). A few significant caveats prior to green lighting such activity are in order.

- A client should be advised that possessing a device with a design that renders it “primarily useful for surreptitious interception of private communications” is an offence under s. 191(1) of the Code.⁵
- Stuffing a tape recorder into a child’s back pocket to record an estranged spouse’s verbal interaction around the child would, I think, run afoul of the illegal wiretap provision contained in s. 184(1), unless perhaps the child was of a legal age to “consent” and knew they were “packing.”
- And should you perhaps feel it necessary to yourself record a conversation to which you are a participant, Rule 8, Chapter 1 of the Code of Professional Conduct (Alberta) states:

Except under extraordinary circumstances, a lawyer must not record a conversation with anyone, nor enable a third party to hear the conversation, without first obtaining the consent of the person to whom the lawyer is speaking.⁶

⁵ *R. v. McLelland* 1986 CarswellOnt 912: while the accused executive had his conviction overturned for this offence it was something of a close, and rather “technical” acquittal.

⁶ The commentary to the Rule gives the example of the police requesting the recording to protect a lawyer who has been threatened. Interception of conversations without judicial authorization is permitted where bodily harm is feared (s. 184.1 *Criminal Code*)

To conclude, should your client provide an apparent “one party intercept” that was not obtained using an electronic device designed primarily for surreptitious interception (eg. parabolic mike purchased off the “Spyware” website and secreted in his rain barrow) then you can probably use the “smoking gun” tape to great advantage. Advising a client in advance to record a conversation, however, warrants a careful look at the proposed means and circumstances of the intercept or you may find yourself in a compromised position.

No. 6 What to do if your client puts you into possession of criminal evidence.

Your banker client comes in and says he’s done a very bad thing. In the course of an argument he has stabbed his wife to death. It happened in a motel room where she caught him entertaining a new friend. He’s confident his new friend wants nothing to do with the police and won’t squeal. He’s also confident he cannot be traced to the room as he used a false name and cash and the desk clerk never looked up from his crime comic. He wants you to put the knife in the firm safe.

In order of priority:

1. Don’t get your fingerprints on the knife.
2. Suggest a “really good criminal lawyer” he might want to talk to.
3. If for some reason you ill advisedly are convinced to continue to provide legal assistance then advise your client that if you take possession of the knife you are ethically obligated to hand it over to the authorities as it is “real” evidence of a crime.
4. Advise your client that it is an offence for you to counsel him to destroy real evidence of a crime (do NOT wink).
5. Advise him that if he destroys or conceals the knife he could “potentially” be guilty of obstruction of justice, while perhaps pointing out that the sentence for that is quite a bit less than the one for murder.
6. Advise that if you do take possession of the knife you will retain an independent law firm to hand the knife over to the police without explanation and without disclosing your firm as the client (hence providing no direct connection between

the knife and him).

7. Advise that the police might well secure forensic evidence such as DNA, blood or fingerprint evidence off the knife which could provide evidence against him.
8. By this time you should be able to convince him to go to that criminal lawyer you mentioned earlier (or cause him to at least muse, “knife, what knife?”).

While the above suggestions have proven to withstand the scrutiny of both the criminal courts and professional disciplinary proceedings, you chose civil law for a reason - refer this guy out of your office just as quickly as you can. Criminal lawyers get paid to get down and dirty in the muddy legal and moral issues the above and like dilemmas present - let them.

An object lesson about over-zealousness in this area is provided by one Kenneth Murray, a certain Mr. Bernado’s first lawyer.

Mr. Murray mysteriously accepted instructions from his client to enter the matrimonial home once shared with one Karla Homolka and retrieve hidden video tapes (which somehow had eluded an apparently otherwise exhaustive forensic search by police). These depicted very disturbing evidence of the couples’ crimes, but Murray apparently thought he could make good use of the contents to challenge Homolka’s credibility on the stand, pressure the Crown for a deal or “something”. Mr. Murray unsurprisingly was charged with attempting to obstruct justice after the whole mess emerged upon transferring the file to new counsel.

The court acquitted Murray on the basis that the Crown had not proven beyond a reasonable doubt that obstructing justice was the lawyer’s “primary” intent, versus a robust demonstration of defence’ advocacy. It was, however, a very close call by the court. The decision bears a read if only to shower light upon the sometimes tortured ethical debates faced by criminal defence lawyers (and arguably the really bad professional decisions they sometimes make when faced with same).⁷

The above advice handles “real” evidence such as knives and guns. What about the situation where your corporate client comes in and throws a ledger on the desk saying, “If the feds ever get their hands on this I’m cooked!” You know your client’s firm has

⁷ R. v. Murray 2000 CarswellOnt 1953 (Ont. S.C.)

undertaken a forensic audit to determine suspected fraud and your client is now confirming it's his sticky fingers in play.

If your client was the sole author and owner of the ledger, used only by him to tally his unauthorized withdrawals, then he is under no obligation to hand it over, or even preserve it. It is essentially a "confession" and his rights against self-incrimination and to silence protects him. If however the ledger is a business document of his employer's then it falls back into the "real" evidence category captured by my earlier comments.

No. 5 Breaching solicitor/client privilege to prevent harm.

Take the banker client from No. 6 and assume that, instead of a knife, a gun was used. Your client confides that he has already deposited the loaded gun in the dumpster outside the seedy motel. What do you do?

You are positively obligated to disclose confidential information "...when necessary to prevent a crime likely to result in death or bodily harm, and may disclose confidential information when necessary to prevent any other crime."⁸ The "crime" here could quite easily be defined as criminal negligence causing death or bodily harm, as leaving a loaded gun in a public place is unlikely to be viewed as a prudent idea. While the crime being guarded against might be prospective only, one can easily see the probable risk of an innocent bottle picker accidentally shooting himself as he retrieves his treasures. If you disagreed with this assessment and advised your client he need do nothing then you would be exposed to a charge of counseling an indictable offence or, in the event of actual harm, be liable as a party to the criminal negligence of your client.

Again, however, the rules do not require you to directly identify your client as the source of the information and an intermediary can be used to shield him as much as possible.

While it would be nice to get written instructions from your client authorizing the above disclosure this might not be forthcoming and you must be prepared to act without that authorization. Confronted with any such situation you will wish to consult with a senior criminal lawyer.

No. 4 The abbreviated law of impaired driving for that 2 a.m. call from the corporate V.P..

⁸ Chapter 7, Para. 8(c) Code of Professional Conduct, Law Society of Alberta

Undoubtedly, many solicitors are familiar with the stock advice for such a situation, being “shut up and blow.” However, it bears mentioning that you are, by definition, dealing with someone who probably has an impaired understanding of events. Many clients intuitively interpret the advice to “shut up” as pertaining to the provision of a formal written or taped statement. It should be emphasized to the young man that your advice also includes any verbal statements to police, including the inevitable claim, “I only had two beers!.”

The advice to blow can potentially be overwritten by particular circumstances such as the client’s need for medical attention, abusive treatment by the police etc.. The problem with making exceptions to the general rule is that you are receiving these circumstances from the client, and they may either be proven to be untrue, or unprovable at trial. Generally, any defence that might be available for refusing an a breath demand would also be available to a blowing over charge, for which the spectrum of potential defences is substantially broader.

Your client does not have to right for you to personally attend the police station prior to blowing, only a right to your learned advice. This is good to know so as to avoid his demands that you “get down here right now!”

The right to counsel is not restricted to one call. A detainee has the right to a “reasonable opportunity to retain and instruct counsel.” If you are uncertain in your advice, it is perfectly appropriate for you to instruct the client to try and contact criminal counsel for specialized advice. Emphasize that they should tell the police that they need to make further calls for this purpose. This, by the way, normally precipitates a comment from the officer such as, “you’ve had your call, let’s go!”. Voila, a defence is born!

No. 3 The Rule against self-incrimination and civil proceedings.

Section 13 of the *Charter of Rights* states:

A witness who testifies in any proceedings has the right not to have any incriminating evidence so given used to incriminate that witness in any other proceedings, except in a prosecution for perjury or for the giving of contradictory evidence.

While evidence given in civil proceedings is generally available against an accused in a

criminal trial to challenge their contradictory evidence, it cannot be introduced as part of the Crown's case. The more interesting issue relates to how evidence from the civil realm comes to be within the knowledge and possession of prosecuting authorities.

There exists at common law (and codified by some Rules of Court or provincial legislation) the implied undertaking rule which provides that documents and answers provided in civil proceedings cannot be used for a purpose collateral or ulterior to the proceedings within which they were demanded. The undertaking helps justify the statutory compulsion of full participation in pre-trial oral and documentary discovery necessary to the truth seeking function of a civil action. A number of exceptions to this rule exist. Within the scope of this paper the following are relevant:

- public safety concern - eg.) during the course of discovery the witness disclosed an interest in child pornography and made reference to his collection of same; a litigant or his counsel can and should make application to the court to lift the undertaking for the purpose of reporting this information to the police, or in the case of "immediate and serious danger" are justified in going straight to the police⁹
- impeaching inconsistent testimony¹⁰
- the suggested "crimes" exception - the obligation of confidentiality does not extend to bona fide disclosure of criminal conduct.

The suggested "crimes" exception is an interesting one. As noted by the Supreme Court of Canada, there is a danger of too liberally determining when such a suggestion has been made,

This difficulty is compounded by the fact that parties to civil litigation are often quick to see the supposed criminality in what their opponents are up to, or at least to appreciate the tactical advantage that threats to go to the police might achieve,

⁹ *Smith v. Jones* 1999 CarswellBC 590

¹⁰ *R. v. Nedelcu* 2007 CarswellOnt 1851: "Any other outcome would allow a person accused of an offence "[w]ith impunity [to] tailor his evidence to suit his needs in each particular proceeding.

and to pose questions to the examinee to lay the basis for such an approach.¹¹

Exuberant disclosure of a “suggested crime” on a perceived, versus a solid foundation basis can attract serious civil sanctions for contempt. Further, absent exigent circumstances the party seeking an exception to the implied undertaking would be expected to make application to the court (ex parte) for leave.

No. 2 Threatening criminal prosecution as a means to achieve civil settlement.

Civil practitioners should take note that it is a criminal offence to “compound or conceal” an indictable offence in return for valuable consideration for themselves or “any other person.” s. 141 *Criminal Code*

Assume someone purchased a vehicle from your client using a cheque on an apparently defunct banking account. You believe this involved fraudulent intent. On behalf of your client you contact the low life and indicate that if he does not pay up in full by the end of the week, including the cost of your additional services in this matter, you will advise your client to make a criminal complaint. Payment of the required amount will result in “no further steps being taken and your file being “sealed.” This fact situation would appear to fall squarely within the definition of section 141.

Consider the case of *R. v. Malenfant*.¹² In *Malenfant* a lawyer’s client was the victim of a fraudulent misrepresentation. Two days after obtaining judgment against the defendant the plaintiff’s lawyer delivered a letter which, *inter alia*, stated:

We have attempted to contact you by telephone without success. Our purpose in contacting you was to tell you that our client is losing patience with this matter and has made an appointment to review the evidence that we have uncovered to date with the Moncton Police Department. He has informed me that he has apparently scheduled to meet with the Moncton Police Department at 10:00 a.m. Friday, June 10th, 1988. We would like to stress that our client is taking this action against our advice but he is totally frustrated with the slowness of the legal system and feels that he may get more immediate results by persuing (sic) non-

¹¹ *Doucette (Litigation Guardian of) v. Wee Watch Day Care Systems Inc.*
2008 CarswellBC 411

¹² 1992 CarswellNB 166 (New Brunswick Q.B.)

civil remedies.

...We have had some discussions as to possible avenues of settlement of this case and our purpose in writing is to determine if we can salvage a settlement out of this matter before it gets further complicated by third parties such as the Police and Revenue Canada becoming involved. We have had an opportunity to further discuss matters with our client and we can formalize our offer of settlement as follows:

...The entire contents of the within letter are given to you on a completely without prejudice basis as we are simply exploring avenues for settlement. The contents of this letter are to be kept entirely confidential between yourself and myself other than the fact that you are authorized to discuss the aspects of the letter that relate to the proposed settlement with your client. I again stress that my client has chosen not to adhere to my advice by keeping this matter a strictly civil one and I trust that you will see the merits of responding to me quickly so that we can avoid any further complications in this matter. (at paras. 4 - 6)

A charge was in fact laid but the accused (defendant in the civil action) had the charge stayed for abuse of process based on this letter, which court described as “shocking” confirmation that the criminal courts were being used to collect a civil debt.

Malenfant, however, also warns that the actions of the complainant could invite further consequences, citing with approval the decision of *R. v. Leroux*¹³,

Assuming that the accused was guilty of a criminal offence, if he had made some settlement with the complainant in consequence of which no charge had been laid, the complainant would have been guilty of compounding a felony. The criminal law was not enacted for the assistance of persons seeking to collect civil debts.

Indeed, some authority exists that the Crown need not prove that an indictable offence was actually committed for compounding to be made out, only that the accused believed that an indictable offence had been made out.¹⁴ I would further suggest that an easier charge to make out in similar situations would be attempt to obstruct justice. I see no rational basis why a lawyer, whether acting on instructions or not, would not be deserving

¹³ (1928), 50 C.C.C. 52 (Ont. C.A.)

¹⁴ *R. v. H.L.* (1987), 57 C.R. (3d) (Que. Ct. Sess.)

of professional sanction or criminal charge for this type of conduct.

No. 1: Short snappers.

- the preponderance of authority suggests that a citizen is not obligated to provide identification to a police officer in a random stop situation, subject to certain statutory exceptions such as vehicle stops (driver only);
- if one does choose to speak to the police any false statements will constitute obstruction of a peace officer;
- a witness does not have to provide the Crown with a statement outside of the witness box;
- a motorist involved in an accident is statutorily obligated to provide a witness statement, but so long as this statement is pursuant to this legal requirement it will be deemed involuntary and inadmissible in criminal proceedings;
- the police may employ trickery and engage in extensive and intensive interrogation of suspects who have consistently maintained their right to silence until such time as they finally confess so long as their “will” has not been overwhelmed by threats or inducements - such statements will not be considered involuntary;
- a suspect has the right to consult with a lawyer, the lawyer does not necessarily have to be sober at the time (real case, honest).

Cheers!

October 20, 2008

Kelly Dawson

Appendix A

Criminal Offences for Solicitors¹⁵

These are the offences as they are currently given in the 2009 *Criminal Code*

Bribery Crimes

S. 119 Bribery of Judicial Officers, etc.

S. 121 Frauds on the government

S. 122 Breach of Trust by Public Officer

S. 123 Municipal Corruption

S. 124 Selling or Purchasing Office

S. 125 Influencing or Negotiating Appointments or Dealing in Offices

Perjury, Obstruction, False Affidavits, etc.

S. 126 Disobeying a Statute

S. 127 Disobeying Order of Court

S. 129 Offences Relating to Public or Peace Officer

S. 131 Perjury

S. 136 Witness Giving Contradictory Evidence

S. 137 Fabricating Evidence

¹⁵ Courtesy of The Honourable Jack Watson, as updated by Derek Anderson, Student at Law

S. 138 Offences Relating to Affidavits

S. 139 Obstructing Justice

S. 141 Compounding Indictable Offence

Electronic Interception/Recording

S. 184 Interception

S. 184.5 Interception of Radio-Based Telephone Communications

S. 191 Possession, etc.

S. 193 Disclosure of Information

Gaming/Drug Equipment

S. 206 Offence in Relation to Lotteries and Games of Chance

Child Abduction

S. 280 Abduction of Person Under Sixteen

S. 281 Abduction of Person Under Fourteen

S. 282 Abduction in Contravention of Custody Order

S. 283 Abduction

Libel

S. 296 Blasphemous Libel

S. 297 Defamatory Libel

S. 300 Punishment of Libel Known to be False

S. 301 Punishment for Defamatory Libel.

S. 302 Extortion by Libel

S. 304 Selling Book Containing Defamatory Libel

Hate Propaganda

S. 318 Advocating Genocide

S. 319 Public Incitement of Hatred

Arson, Mischief, and Criminal Breach of Contract

S. 422 Criminal Breach of Contract

S. 423 Intimidation

S. 423.1 Intimidation of a Justice System Participant of a Journalist

S. 425 Offence by Employers

S. 425.1 Threats and Retaliation Against Employees

S. 430 Mischief

S. 433 Arson–Disregard for Human Life

S. 434 Arson–Damage to Property

S. 434.1 Arson–Own Property

S. 435 Arson for Fraudulent Purpose

S. 436 Arson by Negligence

Proceeds of Crime

- S. 462.31 Laundering Proceeds of Crime
- S. 462.32 Special Search Warrant
- S. 462.33 Application for Restraint Order
- S. 462.331 Management Order
- S. 462.34 Application for Review of Special Warrants and Restraint Orders
- S. 462.341 Application of Property Restitution Provisions
- S. 462.35 Expiration of Special Warrants and Restraint Orders
- S. 462.37 Order of Forfeiture of Property on Conviction
- S. 462.38 Application for Forfeiture
- S. 462.4 Voidable Transfers
- S. 462.42 Application by Person Claiming Interest in Relief from Forfeiture
- S. 462.43 Residual Disposal of Property Seized or Dealt With Pursuant to Special Warrants or Restraint Orders
- S. 462.45 Suspension of Forfeiture Pending Appeal
- S. 462.47 No Civil or Criminal Liability Incurred by Informants

Attempts–Conspiracies–Accessories

- S. 463 Attempts, Accessories
- S. 464 Counselling Offence that is Not Committed

S. 465 Conspiracy

S. 466 Conspiracy in Restraint of Trade

S. 467.11 Participation in Activities of Criminal Organization

S. 467.12 Commission of Offence for Criminal Organization

S. 467.13 Instructing Commission of Offence for Criminal Organization

Offences Against Rights of Property

S. 322 Theft

S. 324 Theft by Bailee of Things Under Seizure

S. 325 Agent Pledging Goods, When Not Theft

S. 326 Theft of Telecommunication Service

S. 327 Possession of Device to Obtain Telecommunication Facility or Service

S. 328 Theft By or From Person Having Special Property or Interest

S. 330 Theft by Person Required to Account

S. 331 Theft by Person holding Power of Attorney

S. 332 Misappropriation of Money Held Under Direction

Offences Resembling Theft

S. 336 Criminal Breach of Trust

S. 337 Public Servant Refusing to Deliver Property

- S. 338 Fraudulently taking Cattle or Defacing Brand
- S. 339 Taking Possession, etc. of Drift Timber
- S. 340 Destroying Documents of Title
- S. 341 Fraudulent Concealment
- S. 342 Theft, Forgery, etc., or Credit Card
 - S. 342.01 Making Having or Dealing in Instruments for Forging or Falsifying Credit Cards
 - S. 342.1 Unauthorized Use of Computer
 - S. 342.2 Possession of Device to Obtain Computer Service

Criminal Interest Rate

- S. 347 Criminal Interest Rate

Having in Possession

- S. 354 Possession of Property Obtained by Crime
- S. 356 Theft from Mail
- S. 357 Bringing into Canada Property Obtained by Crime

False Pretenses

- S. 361 False Pretences
- S. 362 False Pretense or False Statement
- S. 363 Obtaining Execution of Valuable Security by Fraud

S. 364 Fraudulently Obtaining Food, Beverage or Accommodation

Forgery and Offences Resembling Forgery

S. 366 Forgery

S. 368 Uttering Forged Document

S. 374 Drawing Document Without Authority, etc.

S. 375 Obtaining, etc., by Instrument Based on Forged Document

Fraudulent Transactions Relating to Contracts and Trade

S. 380(1) Fraud

S. 380(2) Affecting Public Market

S. 381 Using Mails to Defraud

S. 382 Fraudulent Manipulation of Stock Exchange Transactions

S. 382.1 Prohibited Insider Trading

S. 383 Gaming in Stocks or Merchandise

S. 384 Broker Reducing Stock by Selling for His Own Account

S. 385 Fraudulent Concealment of Title Documents

S. 386 Fraudulent Registration of Title

S. 387 Fraudulent Sale of Real Property

S. 388 Misleading Receipt

S. 389 Fraudulent Disposal of Goods on which Money Advanced

S. 390 Fraudulent Receipts under *Bank Act*

S. 392 Disposal of Property to Defraud Creditors

S. 393 Fraud in Relation to Fares

S. 394 Fraud in Relation to Valuable Minerals

S. 394.1 Possession of Stolen or Fraudulently Obtained Valuable Minerals

S. 396 Offences in Relation to Mines

Falsification of Books and Documents

S. 397 Books and Documents

S. 398 Falsifying Employment Record

S. 399 False Return by Public Officer

S. 400 False Prospectus, etc.

S. 401 Obtaining Carriage by False Billing

S. 402 Trader Failing to Keep Accounts

Forgery of Trade-Marks and Trade Descriptions

S. 406 Forging Trade-Mark

S. 408 Passing Off

S. 409 Instruments for Forging Trade-Mark

S. 410 Other Offences in Relation to Trade Marks

S. 411 Used Goods Sold Without Disclosure

Willful and Forbidden Acts in Respect of Certain Property

S. 441 Occupant Injuring Building

S. 442 Interfering with Boundary Lines

S. 443 Interfering with International Boundary Marks, etc.