**Tory crime agenda dealt a blow as mandatory minimums for gun crimes struck down**

By Mike Blanchfield, The Canadian Press | The Canadian Press – 1 hour 48 minutes ago

OTTAWA - The Supreme Court of Canada dealt the Harper government's tough-on-crime agenda a serious blow Tuesday by striking down a law requiring mandatory minimum sentences for gun crimes.

The 6-3 ruling, penned by Chief Justice Beverley McLachlin, said the statute was unconstitutional as it upheld a 2013 Ontario Court of Appeal ruling that labelled the law cruel and unusual.

The court said the mandatory minimum sentence could ensnare people with "little or no moral fault" and who pose "little or no danger to the public." It cited as, an example, a person who inherits a firearm and does not immediately get a license for the weapon.

"As the Court of Appeal concluded, there exists a 'cavernous disconnect' between the severity of the licensing-type offence and the mandatory minimum three-year term of imprisonment," McLachlin wrote for the majority.

Justice Minister Peter MacKay said in a statement that the government will review the decision to determine "next steps towards protecting Canadians from gun crime and ensuring that our laws remain responsive."

"Our government will continue to be tough on those who commit serious crimes and endanger our communities," the minister added.

McLachlin also took aim at the government's core justification for tough sentencing laws, which it says is to keep Canadians safer.

"The government has not established that mandatory minimum terms of imprisonment act as a deterrent against gun-related crimes," she wrote. "Empirical evidence suggests that mandatory minimum sentences do not, in fact, deter crimes."

The court was deciding two gun crime appeals brought by provincial and federal attorneys general. The ruling does not apply to other mandatory minimum sentencing laws.

The ruling struck down both the three-year mandatory minimum for a first offence of possessing a loaded prohibited gun, as well as the five-year minimum for a second offence.

The new gun sentencing rules were enacted in 2008 as part of a sweeping omnibus bill introduced by the federal Conservatives.

The Ontario and federal governments argued the move was an effort to combat a serious danger posed by the proliferation of handgun possession cases.

In one of the appeals at issue, a young Toronto man with no criminal record was sentenced to three years after pleading guilty to possession of a loaded firearm.

The judge said that without the mandatory minimum, he would have sentenced Hussein Nur to two-and-a-half years.

In the second case, Sidney Charles pleaded guilty to firearms offences after he was found in his rooming house bedroom with a loaded and unlicensed semi-automatic handgun. He was sentenced to five years because he had two previous convictions.

While the justices said the law is too broad in a general sense, they said the sentences were fitting in the two cases at issue.

"In most cases, including those of Nur and Charles, the mandatory minimum sentences of three and five years respectively do not constitute cruel and unusual punishment. But in some reasonably foreseeable cases that are caught by (the law) they may do so."

The Supreme Court has clashed with the Conservative government on several key policies, although it recently sided with Ottawa over the destruction of gun registry data, which Quebec sought to preserve.

That win for the Conservatives came after several losses at the Supreme Court.

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C - Goal:

 Importance:

D - Goal:

 Importance:

E - Goal:

 Importance:

