

Ministry of the  
Attorney General  
Crown Law Office  
– Criminal

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September 15, 2017

Roger Bilodeau, Q.C.  
Registrar of the Supreme Court of Canada  
301 Wellington Street  
Ottawa, Ontario  
K1A 0J1

Dear Mr. Bilodeau:

**RE: *R. v. Douglas Morrison***  
**Application for Leave to Cross-Appeal and to Appoint *Amicus Curiae***  
**S.C.C. File No. 37687**

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I am writing in response to the application for leave to cross-appeal filed on behalf of the respondent, Douglas Morrison, and to the application to appoint *amicus curiae*, filed on September 11, 2017.

The Crown's position is that the Ontario Court of Appeal correctly decided that the reasonable steps requirement in s. 172.1(4) of the *Criminal Code* does not infringe s. 7 of the *Charter*, and that this statutory provision should be upheld as constitutional. Nonetheless, the Crown does not oppose the application for leave to cross-appeal in relation to the constitutionality of s. 172.1(4) of the *Criminal Code*. The Crown acknowledges that this raises an issue of public and national importance. If the Court grants the Crown's application for leave to appeal in relation to the constitutionality of the presumption of belief in age in s. 172.1(3), and that of the mandatory minimum sentence in s. 172.1(2)(a), it would be appropriate to also provide guidance regarding the constitutionality of s. 172.1(4) of the *Criminal Code*.

Finally, if leave is granted, the Crown consents to the appointment of Mr. Mark Halfyard and Mr. Salvatore Caramanna as *amicus curiae* in relation to the appeal and the cross-appeal.

Yours truly,



Andreea Baiasu  
Crown Counsel

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