



Case in Brief: **R. v. Wolfe**

Judgment of October 18, 2024 | On appeal from the Court of Appeal for Saskatchewan
Neutral citation: 2024 SCC 34

The Supreme Court sets aside a driving prohibition order because that sentence was not available to the sentencing judge under the Criminal Code.

This appeal deals with the interpretation of s. 320.24(4) of the *Criminal Code*, which allows a judge to impose a driving prohibition where a person has been found guilty of one of the specified driving offences.

Braydon Wolfe drove on the wrong side of a divided highway and caused a head-on collision, killing two people and seriously injuring another. He was found guilty of two counts of criminal negligence causing death and one count of criminal negligence causing bodily harm. In his reasons, the trial judge held that, if his analysis of the criminal negligence counts was wrong, then he would convict the accused of two counts of dangerous driving causing death and one count of dangerous driving causing bodily injury. In addition to sentencing the accused to terms of imprisonment, the trial judge issued a driving prohibition order imposing concurrent 10-year driving prohibitions for each criminal negligence causing death count and a concurrent 7-year prohibition for the criminal negligence causing bodily harm count. Concurrent sentences are sentences for more than one crime which are to be served at one time. Mr. Wolfe appealed against the length of the term of imprisonment imposed by the sentencing judge. On appeal, the court raised the question of whether the driving prohibitions could stand in light of recent amendments to the *Criminal Code*.

The Court of Appeal dismissed Mr. Wolfe’s sentence appeal. With respect to the availability of the driving prohibition order, the court interpreted s. 320.24(4) of the *Criminal Code*, which permits sentencing judges to impose a driving prohibition where an offender has been “found guilty” of one of the offences specified in that provision, as authorizing that order, even though the offences are not specified offences. It held that the criminal negligence convictions necessarily included a finding of guilt for the lesser offence of dangerous driving, which is one of the offences specified in s. 320.24(4) of the *Criminal Code*. Mr. Wolfe appealed to the Supreme Court of Canada, arguing that recent amendments to the *Criminal Code* did not allow the sentencing judge to impose driving prohibition orders.

The Supreme Court has allowed the appeal and set aside the driving prohibition order imposed on Mr. Wolfe.

Driving prohibitions could not be ordered because that sentence was not available as an option to the sentencing judge.

Writing for the majority, Justice Martin held that the driving prohibitions imposed on Mr. Wolfe were unlawful. Mr. Wolfe was convicted of criminal negligence causing death and criminal negligence causing bodily harm, which are not specified offences under s. 320.24(4) of the *Criminal Code*. He was not “found guilty” of a specified offence within the meaning of that provision. Accordingly, discretionary driving prohibitions were not available as a sentencing option.

Breakdown of the decision: *Majority*. Justice [Martin](#) allowed the appeal (Chief Justice [Wagner](#) and Justices [Karakatsanis](#), [Rowe](#), and [O’Bonsawin](#) agreed) | *Dissenting*. Justice [Moreau](#) would have dismissed the appeal (Justices [Côté](#), [Kasirer](#), and [Jamal](#) agreed).

More information: [Decision](#) | [Case information](#) | [Webcast of hearing](#)

Lower court rulings: [R. v. Wolfe](#) (Court of Queen’s Bench of Saskatchewan) | [R. v. Wolfe](#) (Court of Appeal for Saskatchewan)

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