

**INTRODUCTION TO CRIMINAL LAW AND PROCEDURE: MAKE-UP TAKE-HOME**

You have to answer any **THREE** questions in total. For the analysis of the cases, use the definition of the offence given in the case and not the actual Criminal Code definition of the offence. You have to break down the offence in its elements and break down the facts in the case. Do not assume facts not present in the case. You do not need to answer in essay format. **Submission:** You need to hand in this evaluation personally on November 20, 2018 at 7 pm IN CLASS.

1. Analyze the following case.

Marlon suffers from a severe mental disorder. He hates his neighbour and wants to inflict harm to her. So, he goes to her house and while she is sleeping he penetrates her. Rape is defined as “intentionally penetrating someone without his/her consent.”

2. Analyze the following case.

Fred is driving back home. He is sober, but he is speeding. He realizes that he may run over a pedestrian if one crosses the street. Suddenly, Barney crosses the street at an intersection a few blocks from Fred’s house. Fred tries to stop the car, but he runs over Barney. Barney breaks his right leg. Visibly nervous, Fred calls 911 for help. Analyze whether Fred committed the crime of assault. For this case, assume that assault is defined as follows: “a person commits an assault when without the consent of another person he or she applies force to that other person, directly or indirectly.”

3. Read the article “The Unnecessary Crime of Conspiracy” by Phillip E. Johnson, California Law Review, Vol. 61.5, Sep. 1973, which is available online and in the library databases. Identify the main thesis of the article and critically discuss it. Find examples of offences in the Canadian Criminal Code that exemplify the author’s thesis.
4. Analyze the definitional terms of the following offences, including all the elements of the crime.
  - a. Theft by deception is “purposely obtaining property through deceit.” A person deceives if he or she “creates or reinforces a false impression as to value.”

- b. Every one commits mischief who willfully (a) destroys or damages property; or (b) obstructs, interrupts or interferes with the lawful use, enjoyment or operation of property.
  - c. Every one commits bigamy who in Canada, being married, goes through a form of marriage with another person.
5. Write your own case and analyze it. Your case must be complex. It must include as many aspects of the theory of offence analyzed in class as possible. You have to provide the definition of the offence and analyze your case based on that definition. You may take the definition from the Canadian Criminal Code or you may make it up.
6. Analyze the following case

Angie, 24, wants to get rid of her wealthy, newly wed husband. Alex is 77 and has a congenital heart condition, which doesn't let him engage in sports or other activities requiring physical effort. Angie is fully aware of her husband's condition. Angie invited Alex to spend the weekend in a cabin and hinted that she wanted to have sex on multiple occasions. She also said to him, "Did you know your brother takes some blue pills? He and Anna are very happy." Alex took the hint and bought Viagra online. An hour before having sex with Angie, Alex took two Viagra pills. Right after having had sex, Alex had a heart attack and died immediately. Homicide is defined as "intentionally, knowingly, recklessly, or negligently causing the death of another human being."

7. Look up the definitional terms of five offences in the Canadian Criminal Code and analyze every element of the crime in each offence.