

CRIMINAL LAW

Class activities*

Classes 1, 2, 3 & 4, Sep. 11, 18, 25 & Oct. 2: Theory of the offence

Interpretation of criminal laws

Analyze the actus reus and mens rea of the following offences according to this example

Definitional terms of the offence

Every one who, by communicating statements in any public place, incites hatred against any identifiable group where such incitement is likely to lead to a breach of the peace is guilty of an indictable offence.

Analysis of the offence

Offence: Public incitement of hatred

Actus reus:

- **Voluntary act:** Incite hatred against any identifiable group by communicating statements in any public place. Not a clear physical element, it may raise Charter issues.
- **Causation:** The incitement is likely to cause a breach of peace, even if the incitement does not cause the breach of peace. Red flag: Charter issues.
- **Social harm:** likelihood of a breach of peace (definitional, result).

Mens rea:

No mens rea in the definitional terms. Problematic as someone may incite hatred intentionally, knowingly, recklessly, or negligently. See if the Supreme Court has determined the type of mens rea for the offence. If not, the general rule for silent mens rea applies.

1. Every one who permits a person whom he has in lawful custody to escape, by failing to perform a legal duty is guilty of an indictable offence and liable to imprisonment for a term not exceeding two years (Section 146).

2. Every one who conveys or causes to be conveyed into a prison anything, with intent to facilitate the escape of a person imprisoned therein, is guilty of an indictable offence and liable to imprisonment for a term not exceeding two years.
3. Every person who, for a sexual purpose, touches, directly or indirectly, with a part of the body or with an object, any part of the body of a person under the age of 16 years (a) is guilty of an indictable offence and is liable to imprisonment for a term of not more than 14 years and to a minimum punishment of imprisonment for a term of one year (Section 151).
4. Every person who, for a sexual purpose, invites, counsels or incites a person under the age of 16 years to touch, directly or indirectly, with a part of the body or with an object, the body of any person, including the body of the person who so invites, counsels or incites and the body of the person under the age of 16 years, is guilty of an indictable offence and is liable to imprisonment for a term of not more than 14 years and to a minimum punishment of imprisonment for a term of one year (Section 152).
5. Every one commits theft who fraudulently and without colour of right takes, or fraudulently and without colour of right converts to his use or to the use of another person, anything, whether animate or inanimate, with intent to deprive, temporarily or absolutely, the owner of it, or a person who has a special property or interest in it, of the thing or of his property or interest in it (Section 322.1).
6. Every one who (a) breaks and enters a place with intent to commit an indictable offence therein is guilty if the offence is committed in relation to a dwelling-house, of an indictable offence and liable to imprisonment for life (Section 348.1).
7. Every one commits an offence who has in his possession any property or thing or any proceeds of any property or thing knowing that all or part of the property or thing or of the proceeds was obtained by or derived directly or indirectly from the commission in Canada of an offence punishable by indictment (Section 354.1).
8. Every one who advocates or promotes genocide is guilty of an indictable offence and liable to imprisonment for a term not exceeding five years (Section 318.1).
9. Every one who, without lawful justification or excuse, the proof of which lies on him, (a) buys, receives or offers to buy or receive, (b) has in his custody or possession, or

(c) introduces into Canada, counterfeit money is guilty of an indictable offence and liable to imprisonment for a term not exceeding fourteen years (Section 450).

10. Sexual interference: Every person who, for a sexual purpose, touches, directly or indirectly, with a part of the body or with an object, any part of the body of a person under the age of 16 years is guilty of an indictable offence and is liable to imprisonment for a term of not more than 14 years and to a minimum punishment of imprisonment for a term of one year (Section 151). **
11. Possession of weapon for dangerous purpose: Every person commits an offence who carries or possesses a weapon, an imitation of a weapon, a prohibited device or any ammunition or prohibited ammunition for a purpose dangerous to the public peace or for the purpose of committing an offence. (Section 88) **
12. Fabricating evidence: Everyone who, with intent to mislead, fabricates anything with intent that it shall be used as evidence in a judicial proceeding, existing or proposed, by any means other than perjury or incitement to perjury is guilty of an indictable offence and liable to imprisonment for a term not exceeding fourteen years. (Section 137). **



Scenarios

1. Fred and his new wife, Betty, decide to go to Montreal on their honeymoon. Wilma, Fred's jealous ex-wife, finds out what train they are on and plants a bomb on the train with the intent of killing Fred and Betty. Wilma knows that there will be ninety-eight

other passengers on the train and, though she feels bad that they will die too, her hatred of Fred and Betty is so strong that she decides to proceed with her plan anyway. Sure enough, the bomb explodes before the train gets to Montreal, and all one hundred people on board are killed. Assume that homicide is defined as follows: “intentionally, knowingly, recklessly, or negligently causing death to another human being.”

2. Fred and his new wife, Betty, decide to go to Montreal on their honeymoon. Wilma, Fred’s jealous ex-wife, finds out what airline they are taking and what day they are flying and what plane they will be flying on, and she plants a bomb on that plane. Wilma has no idea what time the flight takes off, but she sets the bomb to go off at 7:00 in the morning. Sure enough, the bomb goes off at 7:00 in the morning, killing a baggage handler who is loading luggage onto the plane. Assume that homicide is defined as follows: “intentionally, knowingly, recklessly, or negligently causing death to another human being.”
3. Fred breaks into Barney’s house to steal Barney’s bowling ball, which he does. Assume that breaking and entering is defined as follows: “intentionally breaking and entering into another’s property with the specific intent of committing a crime.”
4. Fred breaks into Barney’s house to feed Barney’s pet, which has been left alone for days as Barney and his wife are on vacation. After feeding the pet, Fred notices that there is some money on the table and steals it. Assume that breaking and entering is defined as follows: “intentionally breaking and entering into another’s property with the specific intent of committing a crime.”
5. Fred is a homeless person and breaks into Barney’s house on a cold night with the intent of simply warming up. Then, he sees a bowling ball and decides to steal it. Assume that breaking and entering is defined as follows: “intentionally breaking and entering into another’s property and intentionally committing a crime.”
6. Fred and his new wife, Betty, decide to go to Hawaii for their honeymoon. Wilma, Fred’s jealous ex-wife, finds out which plane Fred and Betty will be taking and she plants a bomb on the plane with the intention of killing Fred and Betty. Before the flight takes off, Wilma has a change of heart and tries to alert the airline that there is a bomb on the plane. She fails. The plane takes off, and the bomb explodes, killing Fred, Betty and everyone

else on the plane. Assume that homicide is defined as follows: “intentionally, knowingly, recklessly, or negligently causing death to another human being.”

7. Fred and Wilma have been married for twenty years. Recently, Fred has begun to suspect that Wilma is having an affair with Barney. Enraged that his wife might be cheating on him, Fred buys a gun and shoots Wilma to death. Assume that homicide is defined as follows: “recklessly or negligently causing death to another human being.”
8. Fred and Wilma have been married for fifty years. Recently, Wilma has been sentenced to a ten-year prison for robbery. Right before being incarcerated, Wilma begs Fred to put an end to her suffering. Fred loves Wilma and will do anything for her. So, he gets a gun, says his goodbye, and shoots her. Assume that homicide is defined as follows: “intentionally or knowingly causing death to another human being.”
9. Homer is upset because Bart has skipped school the whole term. Homer wants to teach Bart a lesson and throws battery acid into Bart’s face. Bart is disfigured. Assume that assault is defined as follows: “intentionally applying force to another person without her or his consent.”
10. One evening, Don gets wasted at his local bar by drinking seven beers and then gets into his car and drives home. On the way home, Don, predictably, loses control of his car and runs down a pedestrian, killing him. Assume that homicide is defined as follows: “intentionally, knowingly or recklessly causing death to another human being.”
11. One evening, Don gets wasted at his local bar by drinking seven beers and then gets into his car and drives home. On the way home, Don, predictably, loses control of his car and runs down a pedestrian, killing him. Assume that homicide is defined as follows: “intentionally or negligently causing death to another human being.”
12. While out on parole, Don gets back into his car. Having learned his lesson about drunk driving, he is completely sober this time. However, he has not learned his lesson about driving carefully in general. While cruising at 70 kms per hour through a school zone (speed limit 40 Km/h), he kills another pedestrian. Assume that homicide is defined as follows: “intentionally or knowingly causing death to another human being.”
13. Fred and Wilma have been married for several years when they mutually decide to file for divorce. Fred hires a divorce attorney and does what he needs to do to legally divorce Wilma. Unfortunately, due to some technical mistakes, the divorce is not valid and,

although Fred doesn't know it, he is still legally married to Wilma. One year later, Fred marries Betty. Assume that bigamy is defined as follows: "every one commits bigamy when intentionally or knowingly marrying another person while being married."

14. Pedro is angry at Nomar and throws a baseball at Nomar, which hits Nomar in the head, but does not hurt him. Assume that assault is defined as follows: "intentionally applying force to another person without her or his consent."
15. Pedro is angry at Nomar and throws a baseball at him. Nomar dodges the ball, and the ball hits Paul, who happened to be standing behind Nomar, in the head. Assume that assault is defined as follows: "intentionally applying force to another person without her or his consent."
16. On his first day as a waiter at Dock's, Steve carries a tray with hot dishes and hot chocolate to a table. His cell phone rings; and he gets distracted. The tray falls on Gene's head; and the hot chocolate burns Gene's eye. Assume that assault is defined as follows: "intentionally applying force to another person without her or his consent."
17. Gaston and Marla have been married for several years. Gaston is an airline pilot who spends a lot of time all over Canada. Gaston meets Anna in Nova Scotia and marries her. He lives with Marla at home and with Anna when he flies to Halifax, NS. Assume that bigamy is defined as follows: "every one commits bigamy when intentionally or knowingly marrying another person while being married."
18. The law defines theft as "intentionally depriving another person of their property, temporarily or permanently." Jim sees Dwight's cell phone on his desk while Dwight is away in the restroom. Jim takes Dwight's phone, and uses it. He returns the phone before Dwight gets back. Is there a crime? (Is there concurrence between the law and the facts of the case?) What is the actus reus in the crime? In the scenario? What is the social harm? **
19. Anyone who, without the consent of another person, intentionally applies force directly or indirectly, commits assault. Jon is angry with Tyrion. He pushes Tyrion. Tyrion is not injured, so he stands up and throws a glass bottle at Jon, which smashes on Jon's head. Analyse the law and the facts of the case. Has a crime been committed by Jon? By Tyrion? What social harms are present in the facts of the case? **

More scenarios**

For the following scenarios, analyse the facts of the case and the law to determine whether a crime has been committed.

- A) Assault is defined as intentionally applying force, directly or indirectly, to another person without their consent. Pam overhears Jim talking to Meredith. In a fit of jealousy, she kicks the trash can, and it flies across the room, hitting Michael.
- B) Assault is defined as intentionally applying force, directly or indirectly, to another person without their consent. Phoebe and Joey are playing a game of catch. Joey dares Phoebe to throw the ball at his head. Phoebe does this, and Joey ends up with a black eye.
- C) Using or possessing property for terrorist purposes: Everyone who
(a) uses property, directly or indirectly, in whole or in part, for the purpose of facilitating or carrying out a terrorist activity, or
(b) possesses property intending that it be used or knowing that it will be used, directly or indirectly, in whole or in part, for the purpose of facilitating or carrying out a terrorist activity,
is guilty of an indictable offence and is liable to imprisonment for a term of not more than 10 years. (83.04)
Sheldon and Leonard invite their friend, Penny, to their apartment. While there, Penny uses Sheldon's laptop to e-mail instructions to Amy so that they may carry out a terrorist attack against Canada. Sheldon was aware that Penny was involved in terrorist activity but didn't think she would engage in those activities while at his apartment.
- D) The town of Bedrock defines theft as "depriving a person of their property, permanently or temporarily." Fred is envious of Barney's new bike, which he now rides to work. Fred, who wants the bike for himself, takes it and hides it in his garage.

Criminal defences



Scenarios**

1. Rachel is taking an evening walk outside when an earthquake strikes New York City. She quickly breaks into Central Perk Cafe in order to protect herself.
2. After breaking up with Angela, Dwight goes to a bar to drink. He becomes very intoxicated and the bartender will no longer serve him alcohol. He throws a chair across the bar, smashing a window. He then punches the bartender in the face.
3. After being punched in the face by Dwight, the bartender grabs a knife and stabs him, fearing Dwight may punch him again.
4. Harry suffers from hallucinations and blackout episodes, where he cannot recall what he has done. During one such blackout episode, Harry steals Ron's Nimbus 2000 broomstick and breaks it.
5. An undercover police officer asks a suspect, Jimmy, to sell him cocaine. Jimmy says no. The police officer asks several more times until Jimmy finally agrees to sell him cocaine. The police officer immediately arrests Jimmy.
6. Jimmy is under investigation for being suspected of selling narcotics. An undercover police officer asks Jimmy if he can purchase drugs from him. Jimmy agrees to sell him drugs. The police officer immediately arrests Jimmy.
7. Peach was walking home one day, when Luigi spotted her and decided to kidnap her, knowing Mario would come to her rescue and pay a ransom to release her. Mario arrives at Luigi's home where Peach is being held captive. He does not have any money with him. Luigi is angry at Mario for not having the ransom money, and holds a gun to Peach's head. Luigi tells Mario he has to steal the money within 24 hours or he will kill her. Mario robs a bank to pay Peach's ransom the next day.
8. Marlon suffers from a severe mental disorder. He hates his neighbor 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.”
9. Monica is envious of Rachel's new designer bag. While Rachel is in the bathroom, Monica tries to shove the bag in a cupboard to keep it for herself, but Rachel sees her and pushes Monica to the floor in order to retrieve her bag.
10. Esther has suffered from night terrors and sleep walking since she was a child. During one episode of sleep walking, Esther, who claimed to have believed that the house was on fire, threw her newborn child out the window. The child died as a result of the fall.

Nancy Eaton trial

- Do you think that the insanity defence was correctly applied?
- In your opinion does Andrew's pattern of behaviour before and after the murder of Nancy Eaton indicate that he is insane?
- If not, what do you think was Andrew's motivation to kill Nancy?
- In Dr. Lee Coleman's book *Reign of Error*, he says that psychiatrists should stay out of the courtroom. Do you agree with this assertion?
- During the trial what theories were offered by the defence expert witness, Dr. Irwin, for Andrew's murder?
- What are the flaws of these theories? How does Andrew's general behaviour affect your opinion of the verdict of not guilty by reason of insanity?
- What do you think of the insanity defence?

Canadian case files: RCMP

- What are the requirements for self-defence? Do you agree with these requirements? Is the defence too broad? Is it too narrow?
- Does self-defence encourage violence? Does it encourage killing by permitting to cause death as a result of the defence?
- Did the police officer commit homicide?
- Did he act in self-defence? Why? Why not? If not, what should he have done or refrained from doing in order to comply with the self-defence requirements?

Canadian case files: Prison

- Is it self-defence?

Domestic violence

- Identify and discuss instances of domestic violence?
- Why does this happen?
- What are the best possible ways to deal with this abuse?
- What, if any, is the role of Criminal Law in these instances of domestic violence?
- If the wife killed his husband while he was sleeping, would that be a crime? Could she raise the battered women syndrome defence?

Written Scenarios

1. Last Saturday, Ted drank 10 beers at a local bar. He asked for one more, but the bartender refused. Visibly intoxicated, Ted broke one of the bar's windows and punched the bartender in the face.
2. The bartender defended himself by hitting Ted with a hammer. As a result, he broke Ted's ribs.
3. A police officer went undercover to a grocery store, because he had received several complaints from customers, particularly the elderly and recent immigrants, that a cashier overcharged them. The police officer pretended to be a recent immigrant who spoke English poorly. She bought a cheesecake; and the cashier charged her \$150 instead of \$15. The undercover police officer paid in cash and noticed that the cashier pocketed \$135. The police officer immediately arrested the cashier for fraud.
4. A police officer went undercover to Sault College because she heard that two students sell drugs. She noticed Professor Bryan was acting in a strange way. She approached him and asked him if he could sell her drugs, which he did.
5. During an unexpected earthquake on a Sunday evening in the Sault, Mike broke into the Station Mall to protect himself.
6. Edward wanted to kill his brother. In order to do so, he drank 6 glasses of vodka and killed him.
7. Herman stole Reuben's laptop. Reuben saw Herman stealing and chased him. Reuben caught Herman and shot him with a rifle. Herman died.
8. Jordan insulted Alex. Alex punched Jordan in the face. In order to defend himself, Jordan pulled out a knife and stabbed Alex. Alex died instantly.
9. Josh threatened to steal Mark's cell phone if Mark did not burn the MP's office, which he did.
10. Ted pulled out a gun and told Andrew to steal a laptop computer from Megan. Ted did not say anything else. Andrew stole the laptop.
11. Mary saw Peter break into her neighbour's house. Mary got a gun and killed Peter.
12. On the street John threatened to rape Mary if Mary did not steal a car for him. Mary saw a Lexus parked on the street and stole it for John.

13. On the street John told Mary that he would rape her if she did not go to her father's house and bring him her father's car. Terrified, Mary did as she was told.
14. Upset that his favourite Japanese restaurant closed, Ted broke in and stole some sushi that was left in the kitchen.
15. Rob broke into William's house at night. William took a baseball bat and hit Rob on the head. Rob left William's house immediately afterwards.
16. Ron broke into Norman's house and stole his \$ 500- multi-region DVD player. A week later, Norman saw an ad from Ron for the sale of a multi-region DVD. Norman went to Ron's house and, to his surprise, he realized that Ron had stolen his DVD player. So, Norman punched Ron in the face, grabbed his DVD player, and left.
17. Ruth has just moved to the Sault. She suffers from bipolar disorder. She could not make an appointment with a psychiatrist as there was a 3-month wait time. She stole an antidepressant from a local pharmacy. The store clerk called the police. When arrested, Ruth told the police that she thought she was doing the right thing, as the hospital denied her mental health attention in a timely manner.
18. Ted was violently hitting his wife. She shouted; and a neighbour came in. The neighbour got a knife and stabbed Ted in the heart. Ted died.
19. Ted was violently hitting his wife. She shouted; and a neighbour came in. The neighbour got a knife and stabbed Ted in his right leg. Ted had a heart attack and died.
20. The temperature was minus 15. Tracy was walking from Pine St to Algoma University. Suddenly, a snow storm broke out. Tracy broke into Sally's house to protect herself from a cold.

Class 5, Oct. 16

Criminal Justice Process

Describe and explain the court organization for criminal matters in Ontario and the main steps in Ontario criminal procedure.



Discussion questions. Read the article and discuss the following questions**

- What is this case about?
- Do you think the sentence for Elizabeth Wettlaufer is appropriate for the crimes she was found guilty of? Why or why not?

Elizabeth Wettlaufer sentenced to life in prison

CTV National News: Wettlaufer sentenced to life

"You simply cannot blame yourselves," Thomas told them. "She was far from the angel of mercy, more the shadow of death who passed over them," he said of Wettlaufer's treatment of her victims.

The sentence comes after the Crown and the defence jointly recommend that all sentences run concurrently. They suggested a life sentence with no eligibility for parole for 25 years on all eight counts of first-degree murder, a sentence of 10 years for the attempted murders and seven years for both aggravated assaults.

The judge agreed with their recommendation.

Wettlaufer, 50, briefly addressed the court to apologize for her actions.

"I am truly sorry for the people I injured and murdered," she said. "Sorry is much too small a word."

Wettlaufer killed James Silcox, 84, Maurice Granat, 84, Gladys Millard, 87, Helen Matheson, 95, Mary Zurawinski, 96, Helen Young, 90, Maureen Pickering, 79, and Arpad Horvath, 75.

She attempted to murder Wayne Hedges, 57, Michael Priddle, 63, Sandra Towler, 77, and Beverly Bertram, 68.

She also pleaded guilty to aggravated assault against Clotilde Adriano, 87, and Albina

Demedeiros, 90.

Arpad Horvath Jr., whose father was among the victims, said the apology was "a waste of time, paper and air."

"Hopefully her conscience becomes her prison, and hopefully she rots in it," he told reporters after the sentence was handed down.

His sister, Susan Horvath, said she decided not to read her victim impact statement in court, because she was too overcome with anger. "I had to control myself," she said.

Susan Horvath was among a number of those calling for official legislation in response to the case, which came to light after Wettlaufer confessed to the killings. Horvath said more must be done to protect the elderly and vulnerable who are under long-term care.

"This is not the first time. This is the first time it came forward," she said.

The hearing

Feelings of hatred, rage, guilt and betrayal ran high at Wettlaufer's sentencing hearing, where the court heard from family and friends of the victims.

Wettlaufer had pleaded guilty to eight counts of first-degree murder, four counts of attempted murder and two counts of aggravated assault in connection with a series of incidents that occurred at nursing homes in Woodstock and London, Ont. Wettlaufer has said she believed she was acting as an instrument of God by injecting her elderly victims with insulin.

The offences were committed between 2007 and 2016, at three long-term care facilities and a private home in southern Ontario.

The court heard a number of victim impact statements on Monday, including some read by family members of the deceased.

The sentence

CTV News legal analyst Edward Prutschi called the sentencing a "fantastically fast conclusion" to a quick justice process for Wettlaufer.

"The wheels of justice moved pretty quickly," Prutschi told CTV News Channel. He said the process was accelerated by a number of factors, such as the lack of a trial and the joint sentencing recommendation by the Crown and the defence.

He added that relatives of the victims appear to have been well-informed about the nature of Wettlaufer's punishment, which makes her ineligible for parole for 25 years. "There seems to be a pretty broad consensus that they're comfortable with the sentence," he said. "None of them seem to be expecting her to get out of custody, and they're absolutely right on that front."

But Prutschi says this is likely not the end of the fallout from Wettlaufer's actions. "There's no

doubt there's civil litigation coming," he said.

Prutschi said future lawsuits will likely focus on Wettlaufer's employers and any possible liability they may have for her actions.

The victim impact statements appeared to lay the groundwork for future action, with many citing lost wages, medical bills and other financial hardships as part of the fallout of Wettlaufer's murders.

Prutschi said he's unsure whether there will be a formal government inquiry into the case, but future civil suits will likely serve a similar function.

Prutschi said the most "bone-chilling" element of the case is that many people will eventually end up in a long-term care facility at the end of their lives, and cases like this cast doubt on how much staff at those facilities can be trusted.

The victims:

Beverly Bertram, 68

Beverly Bertram, whom Wettlaufer attempted to murder, told the court through a statement that she is still too afraid to go to sleep at night. She said she's "really changed" since the attack.

"I have never been so ill without knowing what was wrong," she said. "I was worried she would get out and come to finish the job."

She added: "I'm afraid of my own shadow."

Arpad Horvath, 75

Speaking through tears, Arpad Horvath Jr. told the court that his father's death is "a nightmare that I cannot wake up from."

He said his father was his teacher, hero and best friend, and that the two shared a bond of mutual respect.

"I miss you, buddy," Horvath said.

James Silcox, 84

The first victim impact statements came from the relatives of James Silcox, who was among the seven individuals Wettlaufer killed at Caressant Care in Woodstock.

James Silcox's family told the court he was a man of faith, and that he had been waiting for God to choose the time of his passing. "Instead, he passed at the time of Ms. Wettlaufer's choosing and the family is heartbroken by this," said a prepared statement released by several members of the Silcox family. Adam Silcox, James' grandson, read the statement in court.

"Our trust has been irreparably damaged and we are now uncertain as to the level of care that we will receive when our time comes, due to the actions of Ms. Wettlaufer," the statement said.

Other members of the Silcox family said they felt guilty for not protecting James. They explained that one sibling had been against sending him to Caressant Care, because it seemed like a "substandard" facility.

"This murder, this break in trust, has turned siblings against each other," Silcox's daughter, Jane, said in court.

The Silcoxes added that the death of James Silcox may have hastened the death of his wife, as she passed three weeks after she was informed of his murder.

Maurice Granat, 84

Maurice Granat's friend, Laura Jackson, called him one of the "best people I knew" in her statement to the court. She said she became depressed and lost her job after his death, and that his absence has left a "void" in her life.

"I will miss him always," she said.

Jackson told reporters after the sentencing that she plans to advocate for more legislation to protect the elderly under long-term care.

"I want to make change so this never happens again," she said. Jackson added that Wettlaufer has "irrevocably destroyed" her family's trust, "because we'll question everything when it comes to long-term care."

Gladys Millard, 87

Heather Smith described her aunt, Gladys Millard, as well-known and much-appreciated seamstress in the Woodstock community. Smith said her multiple sclerosis started acting up upon learning of her aunt's death, and that it has continued to cause her problems throughout the court case.

She added that she was terrified when her mother was hospitalized recently, because she was afraid of the nurses.

Gladys Millard's daughter, Sandy, told the court that she has had a lot of trouble dealing with the fallout of her mother's death. She said she believes she is depressed, and she is trying to "fight my way back to sanity."

Sandy Millard said it broke her heart to learn that her mother physically fought with Wettlaufer at the time of her death. "It kills me to know that she cried when she was attacked," Sandy Millard said. "She fought the predator and cried out for over an hour and no one answered her."

Wayne Hedges, 57

Wayne Hedges' brother said he's still trying to let go of the anger he's been dealing with since Wayne's death. He said he's taking solace in the knowledge that Wettlaufer will have to answer to a "higher power."

Wettlaufer pleaded guilty to attempted murder. However, she was not charged in connection with his actual death.

Helen Matheson, 95

Helen Matheson's longtime friend, Edith Thomas, said the woman was like a "substitute mother" to her, even after she started exhibiting signs of Alzheimer's disease. Thomas said she met Matheson in 1969, and that the two maintained their friendship right up until Matheson's death.

"I admired Helen, as she was a very strong lady," Thomas said.

Thomas said she had a "medical episode" upon learning of the circumstances of her friend's death. "Her passing was hard enough, but to find out what actually took place will be on my heart and mind forever," she told the court.

Matheson's son, Jon, said he often looks back on her last days and wonders if he missed anything that might have revealed Wettlaufer's ill intentions. He said he's dealt with depression, high blood pressure and a range of health issues that have put him in the hospital six times since his mother's death.

Jon Matheson's wife read his statement in court.

"Peace of mind is not something I enjoy any longer," the court heard.

Helen Young, 90

Sharon Young shared warm memories of her aunt Helen, in a statement read by the Crown in court. Sharon described how her aunt, who was from Scotland, fell in love with a man from Calgary and ultimately moved to Canada. She said Helen Young did not have children, but she loved her dogs and her husband, who died in 1988.

Sharon also shared memories of her personal encounters with Wettlaufer, whom she said was "not very empathetic." She said it "haunts" her to know that she hugged and thanked Wettlaufer after Helen Young's death, not knowing that she was thanking the woman who killed her aunt.

Mary Zurawinski, 96

In a statement read by granddaughter Deborah Rivers, Mary Zurawinski's relatives said they are filled with "hatred and rage" over her death.

They said Mary Zurawinski was "adamant" that she would live to see her 100th birthday, and that Wettlaufer has robbed her of that opportunity.

They said they have been struggling with depression, anxiety and employment difficulties as a result of her murder.

Rivers told reporters after the sentencing that forgiveness will be "the hardest part of it all." However, she also tried to highlight the positive elements of her grandmother's life.

"She always said there's so many positive things in life," Rivers said.

Maureen Pickering, 79

Maureen Pickering's friends, Deanna and Donald Tuck, told the court in a statement that they feel "terrible guilt" over the situation. The two had been caring for her, and sent her to Caressant Care when her Alzheimer's became too difficult for them to manage. "We put our friend in the place where her life was taken," they said. "We should not be living our final days filled with guilt for doing what we thought was the best thing for our friend."

Class 6 October 23

Attempted crimes



Scenarios

Attempted crimes Scenarios

1. Daniel wanted to attack his former supervisor, Sam. The defendant drove into his former supervisor's neighborhood subdivision and brought with him a gun and some fire bombs. Before Daniel got to the former supervisor's house, he decided to abandon the effort by throwing the bombs and gun into some weeds on a nearby lot. The crimes of assault and homicide are defined as: "intentionally touching someone without their consent" and "intentionally, knowingly, or recklessly killing another human being", respectively.
2. Fred wants to kill his friend Barney. He came up with what he thinks is a perfect murder. Barney has a deadly allergy to peanuts. Fred plans to put some peanut butter into

Barney's sandwich when he is distracted. Fred tells his plan to Pablo, a mutual friend. Pablo, in turn, tells the police; and Fred is arrested for attempted murder. Murder is defined as "intentionally killing another human being."

3. Ian has been obsessed with Jane for a long time. He once decided to have sex with her, whether she wanted or not. On Saturday, they went to a party at a mutual friend's house. Ian took Jane to a bedroom, he threw her on the bed and began to undress her. Jane fought him off and managed to escape. Sexual assault is defined as "intentionally touching another person for sexual purposes without his/her consent".
4. Paul decided to rob a bank. He walked into the Canada Trust bank on Bay St. while armed. A security officer apprehended Paul before he demanded the teller's money. Robbery is defined as: "intentionally stealing and (a) intentionally using violence or (b) intentionally being armed with an offensive weapon."
5. At a coffee house, Fred tells his friend Barney that he wants to kill his wife. He tells him that he will buy a gun from a friend and kill her that night. A police officer hears Fred and arrests him for attempted murder. Murder is defined as "intentionally killing another human being."
6. Josh was fired from his job. As a consequence, he had no money and his car was repossessed. Josh was walking along Queen street, when he saw a car stopping at the traffic lights. Josh put a gun through the window of the car and demanded that the driver exit the vehicle. But he drove away before Josh could get in. Robbery is defined as: "intentionally stealing and (a) intentionally using violence or (b) intentionally being armed with an offensive weapon."
7. Yogi is a homeless man who lives on the streets of Jellystone. During one particularly cold winter night, Yogi decides to break into the basement of Mr. Ranger's house and spend the night there. Yogi approaches Mr. Ranger's house and begins to pry open a basement window but is arrested for breaking and entering as he is doing so. Breaking and entering is defined as "intentionally breaking and entering with intent to commit a crime therein."
8. Luckless, upset over the fact that he has just been laid off, closes his eyes and throws a knife onto a crowded sidewalk. Luckily, the knife misses all the people on the sidewalk and lands harmlessly on the pavement. A police officer arrests Luckless for attempted murder and attempted assault. The crimes of murder and assault are defined as:

“intentionally killing another human being” and “intentionally touching someone without their consent”, respectively.

9. Fred wants to surprise his friend, Barney and give him a gun for his birthday. Fred buys the gun from a mutual friend, Pablo. Because Fred does not want Pablo to tell Barney of the surprise birthday present, Fred tells Pablo that he will use the gun to kill his wife, Vilma. Pablo tells the police that Fred is planning to kill his own wife. A police officer arrests Fred for attempted murder. Murder is defined as “intentionally killing another human being.”
10. After helping the Boston Red Sox win their first World Series championship in eighty five years Ramon Garcia climbs to the top of the green monster in left field and in a fit of celebration begins to fling baseball bats down onto the crowd below. One of the bats hits a fan on the head fracturing his skull and severely injuring him. The fan is rushed to the hospital and remains in a near death state for the next two weeks. However, the fan eventually recovers. Garcia is arrested for attempted murder. Murder is defined as “intentionally killing another human being.” What if the fan dies?
11. Mitch decides to rob the Scotia Bank at the Station Mall. He then proceeds to case out the bank and gather special drilling tools that he will use in breaking into the bank’s vault. However, Mitch eventually realizes that the security at the bank is better than he initially thought it would be and so he abandons his plan to rob the bank. Robbery is defined as: “intentionally stealing and (a) intentionally using violence or (b) intentionally being armed with an offensive weapon.”
12. Fred wants to steal money from his boss’s safety box. Fred buys dynamite to blow the safety box. He hides the dynamite in his garage. He plans to use it when his boss goes on vacation the following week. A police officer finds out the dynamite in Fred’s garage and arrests him for attempted robbery. Robbery is defined as: “intentionally stealing and (a) intentionally using violence or (b) intentionally being armed with an offensive weapon.”
13. Tony decides to rob the First National Bank of Grand Cayman. He then proceeds to case out the bank and gather special drilling tools that he will use in breaking into the bank’s vault. However, on the morning of the robbery, Tony decided not to rob the bank because he realizes that stealing is not the right thing to do. Robbery is defined as: “intentionally

stealing and (a) intentionally using violence or (b) intentionally being armed with an offensive weapon.”

14. Alex thought of killing his wife. He decided to do so by poisoning her food. He bought rat poison. Right after paying for the poison, he changed his mind and threw the poison to a garbage can. Murder is defined as “intentionally killing another human being.”
15. Fred wants to make some extra cash to go to the Caribbean on holidays. He noticed that his boss always leaves his coat on the chair while he has lunch in the cafeteria. He also noticed that his boss leaves his coat unattended while he goes to get food from the salad bar. He decides to steal money from his boss’s wallet that is in the coat’s pocket. When the boss goes to the salad bar to get some more food, Fred puts his hand in his boss’s coat but there is no money. The boss sees Fred and calls the police. Fred is arrested for attempted theft. Theft is defined as: “intentionally taking anything, whether animate or inanimate, from its owner.”

Class 7, Oct. 30

Criminal Participation



Criminal Participation Scenarios

1. Mike is about to jump off his house roof. His friends cheer him on and shout “jump, jump, jump”. Mike jumps and breaks his leg.
2. Homer Simpson has an agreement with the Nuclear Plant Facility that he will get a Christmas bonus of 5% of the net profits of the company. Homer deliberately gives false information to the book-keeper of the company for which he works, knowing that it would be entered into the accounts. As the book-keeper had innocently entered the wrong

information, Homer gets the Christmas bonus. Mr. Burns launches an internal investigation and finds out what happens. He accuses both Homer and the book-keeper of fraud.

3. After work, Fred and Barney went to party where they knew there would be illegal drugs and prostitution. They drink a few beers and watch the prostitutes work with clients. The police raid the place and they arrest the prostitutes, their clients, and all those who were doing drugs. The police also arrest Fred and Barney for being accessories during the fact to the crime of procuring prostitution.
4. Fred and Barney are roommates at Bedrock University's first year residence. Barney does drugs. Fred is fully aware of Barney's addiction. On several occasions, Fred and Barney discuss Barney's problem. Barney is arrested for possession of drugs. Fred is also charged with possession of a controlled drug because he was living with Barney.
5. Fred and Barney are roommates at Bedrock University's first year residence. Barney does drugs. Fred is fully aware of Barney's addiction. On several occasions, Fred and Barney discuss Barney's problem. Last night, Barney had an overdose. Fred performed CPR on Barney. Seeing that his friend did not react, Fred took Barney to the hospital. Barney received medical treatment and got better. However, before being discharged from the hospital, Barney is arrested for possession of drugs. Fred is also charged with aiding and abetting Barney.
6. Homer asks his son Bart, aged 11, to take goods from the grocery store while Homer talks to the store clerk. Bart does not like his father to use him to steal, but he does not want to contradict him, so he reluctantly steals. When Homer and Bart come home with the stolen goods, Marge, Bart's mother, is upset. But she does not call the police.
7. Fred stole money from the bank. He knows the police will look for him at his house. So, he asks his friend Barney if he can stay at his place for a few days. He tells Barney that some contractors are changing the plumbing and he can't come back home for a few days. Barney agrees to let Fred stay.
8. Marge is driving along Queen Street when she sees an ex-boyfriend standing by the curb. She stops; and her ex tells her that he has just burgled IDS mart and wants to get away quickly. Marge gives him a ride.

9. Two construction workers had entered a room following the noise from a disturbance. They found some other guys raping a woman and remain on the scene to watch what is happening.
10. Two construction workers had entered a room following the noise from a disturbance. They found some other guys raping a woman and remain on the scene to watch what is happening. They hate the woman, so they smile while she is being raped.
11. Two defendants stole a car to go joyriding. The car was driven recklessly, the brakes were violently applied and the head-lights were not lighted. The driver killed another road user and was convicted of his manslaughter. The passenger was convicted as an accomplice to the manslaughter.
12. The Warriors, a gang of 5 young men, agree to have a fight with and literally kick any gang out that comes to its territory. Last Saturday, the Wolves get into The Warriors' territory. And a fight breaks out. During the fight, Fred, the gang leader, takes out a knife from his pocket kills a member of the Wolves' gang with the knife. Fred is convicted of murder. What about the other members of The Warriors? What if the victim had died from blows to the head from Fred's fist or boot.
13. Fred and Barney agree to burgle a house. Fred gave Barney a knife to use in case there is any trouble. When they are disturbed by one of the tenants, Fred jumps out of the window and ran off, shouting "There's a cop coming. Let's go." Barney remains behind and murders the tenant.
14. Fred and Wilma have been married for 15 years. They are at a point in their relationship, when they want variety in their sex life. Without consulting with Wilma, Fred persuades Barney to have sexual intercourse with Wilma, telling him that she likes being forced to have sex against her will, and that if she struggled it was merely evidence of her enjoyment. Barney was convicted of rape but appealed successfully against his conviction on the basis that he had honestly thought she was consenting to sexual intercourse. L appealed against his conviction for aiding and abetting the rape, on the basis that if the principal had been acquitted, there was no offence to which he could have been an accomplice.
15. Julian finds out that his best friend, Alex, is fooling around with his girlfriend. He tells Alex that the corner store will be empty at around 10 pm and that the cash will be open.

Julian does not want Alex to rob the store. He just wants to get even. At 10 pm, Julian calls 911 and reports that someone is robbing the store. The police go to the store and arrest Alex.

16. Fred told Barney that his next-door neighbour would be away for a long week-end. Fred and Barney agree to rob Barney's neighbour house. Barney then changes his mind. Fred robs the house alone. Barney heard Fred rob the house. He called the police.
17. Fred and Barney work together in a factory. Their boss refuses to give them a raise. While having a beer at a pub, they see their boss get into the pub. Fred beats up his boss. Barney watches Fred and shouts "fight, fight, fight".
18. Fred and Barney work together in a factory. Their boss refuses to give them a raise. While having a beer at a pub, they see their boss get into the pub. Fred beats up his boss. Barney watches Fred and smiles. When Fred is done, and the boss leaves, Barney tells Fred that he is glad Fred has taught their boss a lesson.
19. Homer pays Fat Tony \$ 10,000 to kill Mr. Burns. Fat Tony pockets the money and does not kill anyone.
20. On December 7, Woody Woodpecker robs The First National Bank. He escapes in the getaway car driven by his friend Wally Walrus.

Class 8, Nov. 6

Test

Class 9, Nov. 13

Homicides

Analyze the following scenes. Discuss whether there is homicide or not. Analyze every element of the crime.

Class 10, Nov. 20

Criminal Corporate Liability



Discussion questions

- Who is Marc Drier? What is his personality like?
- What did he do? What is a Ponzi scheme?
- Would his corporation be criminally liable according to the identification theory? Why or why not? Would it be liable under vicarious liability doctrine? Why or why not?
- What led him to commit crimes? What did he want to achieve?
- How do you think he felt while committed the crimes?
- How did the victims (all sophisticated investors) let Marc Drier deceive them?
- Why didn't he get away with the crimes?
- Do a web search of Bernard Madoff. Who is he? What crimes did he commit? What are the differences between his case and Marc Drier's case?

Class 11 Nov. 27

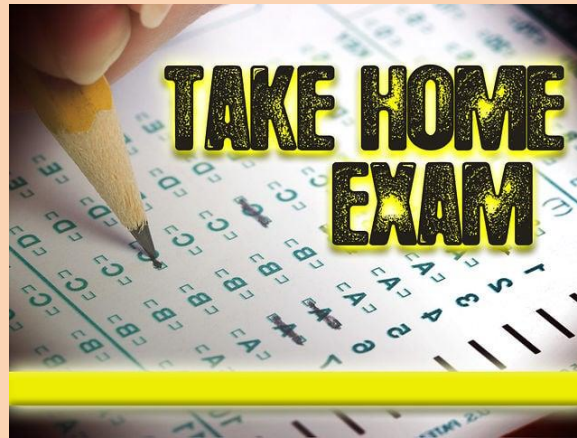
Homicides

Choose one of the following activities. You will need to present your treatment in class.

Write the treatment (script outline) for a Hollywood movie on a serial killers or mass murderers.

Write the treatment (script outline) for a Hollywood movie on the perfect murder.

Distribution of final take-home



Class 12 Dec. 4

Submission of final take-home



*** TRIGGER WARNINGS**

Some materials in this course may be sensitive. Course materials, including lectures, class activities, hypotheticals, scenarios, examples, court cases, and films shown in class, may have mature content, including violent, sexual, and strong language content. Except for newspaper articles and court cases, all class activities are hypothetical and fictitious. Any resemblance to actual persons, institutions, or events is purely coincidental. The views and opinions expressed in the articles assigned for reading in this course are those of the authors and do not necessarily reflect the position of the course professor. Questions, follow-up questions, examples, and comments made within the context of class activities do not purport to reflect the opinions or views of the course professor. All such articles, comments, questions, examples, and activities are meant solely to facilitate the discussion and study of Law. They are not meant to advocate or

promote any crime or unlawful action. Neither are they meant to advance any ideological perspective. Discretion advised before signing up for this course.

** Activities prepared by Jocelyn Moreau