

Class activities*

Class 1, September 6

Introduction

Analyze the song Crime to Be Broke in America:

1. Is there a connection between poverty (“being broke in [North] America”) and crime?
2. Is there a connection between racial minorities and crime (is it a “crime” to be a minority in North America)?
3. Do we have a two-tiered justice system (whorehouse justice for the poor and the excluded)? Is our criminal justice system fair? Does it treat all individuals equally?
4. Does music, e.g. rap and hip-hop, influence crimes? Are listeners influenced to do violence as a result of listening to music?
5. In your opinion, what are the most pressing crime problems in Canada?

Crime to Be Broke in America Lyrics

By Michael Franti and Spearhead

I take the needle off the record
and shove it in my arm
whenever I feel life is
comin' on too strong
they left me in a clinic fulla
cynical motha fuckin' bureaucrats
and other kinda ding bats

Livin on the tracks
the tracks in my arm said
it all depends which side the tracks your on.
tellin' me what to wear
tellin me cut my hair
and tryin to convince me that they
really really care
all about my health and about my wealth
but still they built the Stealth
'cause everybody's
just lookin out for they self

So then I ask 'em
can I have a clean needle

Hell no that's illegal!

(chorus)

'Cause it's a crime to be broke in America!
and it's a crime to smoke dank in America!

(repeat)

Yeah hit those drums now;
they lockin' brother's in the poorhouse
who can't afford Moorhouse
politicians nervous
it's the only free service they provide
you wanna go inside
there's a hot meal waitin' for ya
a deal we can score ya
on a bed for a night or two
or three or four months.

They say they lockin' us up in cells
to protect us from ourselves
it smells like they got anotha
plan in store house
or should I say warehouse
fulla niggas and other misfits
that couldn't turn tricks in the courthouse
it's a justice whorehouse

(chorus)

It's a crime to be broke in America!
and it's a crime to be Black in America!

But there's a mutiny on the bounty
in ever single county
we remember Attica
but don't forget to pat a few
other on the back as a matter of fact
sister Assatta Shakur and Geronimo Pratt
'cause Amnesty international
is fightin' for political
but if your analytical
you know it's much more critical than that
percentages black is really, really whack
can I kick a few facts yes?

Sx percent in college
from livin on the block

twenty five percent in prison
the school of hard knocks
fifty percent in poverty
is livin on the rocks
five hundred brothas on a death row box

The punishment is capital
for those who lack in capital
because a public defender
can't remember the last time
that a brother wasn't treated like an animal.

They say they blame it on a song
when someone kills a cop
what music did they listen to
when they bombed Iraq?
give me one example so I can take a sample
no need to play it backwards
if you wanna hear the devil
cause music's not the problem
it didn't cause the bombin'
but maybe they should listen
to the songs of people starving..

(chorus)

'Cause it's a Crime to be broke in America!
it's a crime to smoke dank in America!
it's a crime to be black in America!
it's a crime to be black in America!
it's a crime to be Puerto Rican
African
Native American
Asian Hatian
a Woman

Class 2 September 8

Criminal responsibility

Read the following article and discuss the questions:

Ontario court upholds 'sexsomnia' acquittal

The Ontario Court of Appeal upheld the sexual assault acquittal Thursday of a Toronto landscaper who was in a state of “sexsomnia” when he tried to have intercourse with a woman at a party after he had been drinking heavily that evening. The court hinted though that it may require Jan Luedecke to appear before a provincial mental health review board to determine

appropriate treatment for his condition.

The decision in the high-profile appeal was a disappointment for the woman (who cannot be named because of a publication ban). “I know what happened and he knows what happened,” she said outside court. “I am not out for revenge. I believe in accountability and consequences for actions and he has not faced any of them,” she said. Mr. Luedecke, 35, was acquitted in November 2005 by a provincial court judge on the basis of what is known as “non-insane automatism,” or that he could not form the criminal intent to be convicted of sexual assault. The Crown appealed the acquittal and was asking the Court of Appeal to order a new trial. Sexsomnia is a form of parasomnia, where people engage in activity when they are asleep and do not have control over their actions.

Sleep-walking defences have been accepted by the Supreme Court of Canada, although this is the first time a provincial appellate court has been asked to consider sexsomnia.

The three-judge panel of the appeal court heard that Mr. Luedecke and the woman were both at a summer croquet party in July 2003 in the Beaches neighbourhood in Toronto. Mr. Luedecke was suffering from stress and sleep deprivation, in part because he was at a friend’s cottage the night before where he had some “magic mushrooms” and drank beer. He consumed as many as 12 beers and four mixed drinks at the party, before lying down on a couch to fall asleep. The woman was asleep at the other end of the l-shaped sofa. She woke up to find Mr. Luedecke on top of her, trying to have intercourse, with her underwear removed and skirt pulled up. The woman testified at the 2005 trial that she pushed him off and Mr. Luedecke appeared to be in a confused state when he stood up. He later discovered he had been wearing a condom. His memories of the incident were as if he “were looking at it from outside, like a vision almost,” said Mr. Luedecke when he testified at his trial.

Discussion questions

- 1) What is the sexsomnia defence?
- 2) What do you think of this decision? Do you agree? Do you disagree? Why or why not?
- 3) Why do we criminalize conduct?
- 4) Is it good policy to give the state a virtual monopoly on the use of force?
- 5) Do we rely too much on criminal law to solve societal conflicts?
- 6) Can you think of alternative systems to deal with deviance in society?



Russian cannibal made meatballs and sausage out of victim and posted videos online: Cops

A 21-year-old chef stabbed and killed a victim in his home before eating the man's remains, police said. A young Russian man who was curious about the taste of human flesh stabbed a man to death and then made meatballs and sausage out of his corpse, the Ria Novosti news agency reported. "The accused stabbed the man a few times, and after having assured himself that the man was dead, he cut up his body and ate him," [an official told Ria Novosti](#). If that weren't wicked enough, the 21-year-old cannibal, a chef in the Arctic city of Murmansk, made sick videos of himself turning his victim's flesh into meals and then posted them online, the Daily Mail reported. But cops quickly took them down from the Internet. The killer, who was not named in news reports, confessed after cops tracked him down earlier this month. He told police that he had plans to kill and eat at least 10 more people. He also told investigators he found his victim on a gay website. He said he chose to target a gay man because he believed gay men are more discreet about online relationships. Authorities were led to the killer by the victim's mother, who reported her son missing and instructed police to look into his circle of online partners. If convicted of murder, the man faces 15 years in prison.

Discussion questions

- 1) Is this a crime? Why? Why not?
- 2) What is the role of social media in this crime?
- 3) What measures can be taken to deter this type of crime?
- 4) What is, if any, the role of the victim in this crime?



Cops ripped for handcuffing autistic boy

Surely there's a better way for police to deal with an unruly child with special needs than slapping him with handcuffs and treating him like a criminal. "That wouldn't be appropriate for any child," insisted Dr. Glenn Rampton, the CEO of Kerry's Place Autism Services, which serves 5,000 clients with autism disorders across Southern Ontario. "I can't imagine anyone would think that would be an appropriate way to deal with a nine-year-old kid."

Yet Toronto Police are actually defending their treatment of a young boy with Asperger's syndrome after they were called to Fairbank Memorial Day Care Centre on July 28 by staff who had locked the nine-year-old in a classroom. "We got a call that this boy was out of control and he was a danger to himself," explained Const. Victor Kwong. "One officer had to wait for backup because this kid was being aggressive — he barricaded himself with tables and chairs, he had thrown paint all over the room. The police pushed open the door and told him to lie down and they cuffed him."

Kwong said the handcuffs were removed about five minutes later once the mobile crisis intervention team arrived and calmed him down. "We don't like to handcuff children but safety is the No. 1 issue here and if it's called for, we will do it," he said. "The police officers did everything right."

But why didn't they wait for the crisis team — with an officer trained in mental-health issues and a registered nurse with more than 30 years experience — instead of terrifying a developmentally disabled child? "There was no telling how long it would have been," Kwong maintained. The boy's mother is understandably outraged. Instead of waiting for her to arrive to defuse the situation, the daycare called 911.

"Our staff are not able to restrain a child nor should they," explained Peter Frampton, director of the centre's parent organization, the Learning Enrichment Foundation. Once she arrived, she

couldn't believe her son had been handcuffed by police. "My son is traumatized, I'm traumatized, My son is devastated," Linda Dastous told a reporter. "It's something my son is never ever going to forget."

The boy blamed his tantrum on being bullied during the lunch hour. Children with autistic spectrum disorder can often have outbursts when they become frustrated, Dr. Rampton said. But there are far better ways of dealing with the situation — such as avoiding the triggers and defusing their anger — than mechanically restraining them. "Why would two great big policemen need to put handcuffs on a nine-year-old when they should be fully capable of calming that child down?" the psychologist demanded. "Maybe they shouldn't go out on a call like that unless they're trained to deal with it."

Autism Ontario spent Tuesday fielding calls from distraught parents. "It's very distressing," said executive director Margaret Spoelstra. "I had a mother in tears saying, 'How is it possible that this could happen in our city that we don't have enough information out there that you can't treat people with autism spectrum disorder — and a nine-year-old — in this way?'" Her organization has offered training to Toronto Police but unlike their colleagues in Ottawa, few have taken advantage of it. "To me, the most important thing is training and public awareness. There is a way to respond and a way to de-escalate," Spoelstra said. "I'd be very concerned about the impact on this boy." Just imagine his fear.

"They busted through the door with their shoulders," he told a reporter. "And then they said, 'Get on the ground,' so I got on the ground. Two cops grabbed my arms and then he took the cuffs and put them on me." Toronto Police say they later reassured him that he wasn't in trouble and gave him and his mom a ride home. "The boy left with a handshake and a hug. He seemed to understand the situation," Kwong insisted. Not quite so, it seems. "I still feel scared of the police," the poor child said. "And whenever I see a cop car, I hold my mom's hand."

Discussion questions

- 1) Is this a crime? Why? Why not?
- 2) If you were the teacher, would you have called the police? If not, what would you have done instead?
- 3) If you were the police officer, would you have handcuffed the child? If not, what would you have done instead?
- 4) Do we rely too much on criminal law to solve societal conflicts?
- 5) Can you think of alternative systems to deal with deviance in society?



Low-hanging pants now a crime in Ocala, punishable by jail time, \$500 fine

Don't get caught with your pants down below your waist on city of Ocala property. You could face up to a \$500 fine and six months in jail. The Ocala City Council voted 4-0 Tuesday to pass an ordinance that prohibits anyone on city property from wearing their pants two inches below their natural waist in a way that exposes underwear or bare buttocks.

Guinn, who heads the Ocala Police Department, asked how an officer can measure if the pants were two inches below the waist if the person sees an officer and pulls up the pants. He said it is not like seat belts, which are either being worn or not.

"We are not looking to charge people," City Attorney Patrick Gilligan said. "If they don't comply, I think the chief will tell police officers to take your phone out and take a picture." He said the judge can look at the picture and make a decision. The offense would be a second-degree misdemeanor.

After the meeting Gilligan said the city has the right to make sure people are not naked and feels the same can be said about the sagging pants.

"We have the right to say you have to be clothed in public, fashion statement or not," Gilligan said.

He said the issue may be: Is it constitutionally vague?

"I don't think it is," Gilligan said.

He said if a judge is shown a photo with someone with their pants down around their knees, it would not be vague since the ordinance has the 2-inch rule.

Discussion questions

- 1) Should this be a crime? Why or why not?
- 2) Is this measure discriminatory?

- 3) If you were the police officer, would you police this behaviour?
- 4) Do we rely too much on criminal law to solve societal conflicts?



Hospital security guards threatened to have patient arrested for THEFT... because she plugged her phone in to charge

- Tracey Murfitt, 47, was threatened with arrest at Southend Hospital
- Grandmother charged her phone so she could tell a friend she was in A&E
- She said: 'I couldn't believe it - it was absolutely diabolical'
- Hospital spokeswoman apologised urging Ms Murfitt to get in contact

Diabolical: Tracey Murfitt, 47, was shocked when hospital security guards threatened to call the police, accusing her of stealing hospital electricity when she plugged her phone in to charge. A patient was threatened with arrest while sitting in a hospital waiting room after security guards claimed charging her phone was tantamount to theft. Tracey Murfitt, 47, plugged her Samsung Galaxy S4 in to charge at Southend Hospital's A&E department, so she could call a friend to warn them she had been admitted. But security staff who witnessed Ms Murfitt connecting up her charger threatened to call the police about the matter. Ms Murfitt, from Leigh in Essex, was left stunned by the heavy-handed threats used by hospital staff. She said: 'All of a sudden I was approached by security staff telling me they were going to call the police for stealing hospital electricity. 'I couldn't believe it - it was absolutely diabolical. 'They said I could use a hospital phone, but I had to charge my mobile phone to get the number.' Ms Murfitt was rushed to hospital by ambulance at around 2pm on April 10. She suffers from diabetic gastroparesis and anemia often leading to extended spells in hospital at short notice.

The ambulance she arrived in was forced to queue at the hospital before she was placed in a wheelchair in a busy waiting room with nurses warning her she could face up to a five-hour wait. During the wait she was violently sick due to her anaemia and became concerned no one knew she had been admitted to hospital. The grandmother-of-two explained: 'I asked the nurse if there was somewhere I could plug my phone in to quickly to make a quick call but they said I wasn't allowed. 'It was emergency as I needed to let someone know I was at hospital and my daughter

was on holiday so I did it anyway. 'The security guard came over and said: "Miss, if you don't unplug the phone and turn it off you could be arrested for stealing NHS electricity". 'I thought he was joking as it soundd so ridiculous.' He carried on though, but I ignored him and eventually managed to ring my daughter's mother-in-law. 'She came and picked me up as I just thought I'm not going to sit here after all of that.'

Discussion questions

- 1) Was this a crime? Why or why not?
- 2) Should this be a crime? Why or why not?
- 3) What do you think of the security guard's action?
- 4) If you were the security guard, what would you have done?
- 5) Do we rely too much on criminal law to solve societal conflicts?

Classes 3 and 4, Sep. 13 and 15

Theory of offence: Actus Reus



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

Classes 5 and 6, Sep. 20 and 22

Mens rea



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.
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.
3. Fred breaks into Barney's house to steal Barney's bowling ball, which he does.
4. 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.
5. 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.
6. 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.
7. 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.

8. 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.
9. 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.
10. 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.
11. 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. Bigamy is illegal in Canada.
12. Pedro is angry at Nomar and throws a baseball at Nomar, which hits Nomar in the head, but does not hurt him.
13. 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.
14. 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.
15. 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.

Class 7 Sep. 27

Interpretation of criminal laws

Analyze the actus reus and mens rea of the following offences

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).

Classes 8, 9, and 10 Sep. 29 Oct. 4 and Oct 6

Criminal defences



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 11, October 18

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 12 October 20

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 13 October 25

Review for test

Class 14 Oct 27

Test

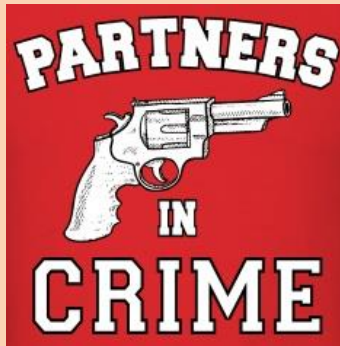
Class 15 and 16 Nov 1 & Nov. 3

Homicides

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

Class 17 and 18 Nov. 8 & 10

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.

Classes 19, 20, and 21 November 15, 17 & 22

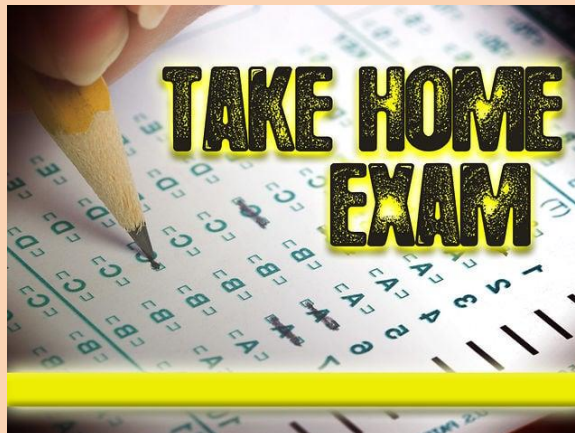
Criminal Justice Process

Describe and explain the court organization for criminal matters in Ontario, the main steps in Ontario criminal procedure, and the role of the professionals and officers involved in the criminal justice process.



Class 22 Nov. 24

Distribution of final take-home



Class 23 Nov 29

Review



Class 24 Dec. 1

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.