

INTRODUCTION TO CRIMINAL LAW AND PROCEDURE: FINAL TAKE-HOME

You have to answer the question from section A and then any four questions from section B, i.e., a total of FIVE questions. For the scenarios, you will have to analyze the facts of the case in light of the definitional terms of the offence provided in the case. Both the facts and the law are hypothetical, but the cases take place in Canada where Canadian Criminal Law theory applies. Make sure that you don't make up or infer facts from the case. If there is not enough information about a fact in the case, say so. Draw **a chart to analyze the scenarios** as discussed in class (and the class notes and slides). This final take-home exam evaluates your ability to apply the theories, methods, and principles that we discussed. Thus, **you have to apply the law as we discussed in class**, even if that is a simplification of the existing Canadian law. For example, if we discussed a certain rule with no exceptions, then you have to apply that rule as seen in class, even if there is an exception to that rule in Canada. Please note that everything we discussed during the live sessions is included in the notes and slides posted on the course website. So, if you missed a live session you still have the information on the course website. For the other questions, you do not need to answer in essay format. Bullet points, charts, and conceptual maps are accepted. Clarity and precision are essential. If you answer in essay format, please make sure that you **precede every argument or idea by its corresponding heading**. In all your answers, you must refer only to sources (topics, theories, elements, examples, readings, cases, etc.) that we discussed in class. **No outside sources may be referred to or included in your answers.** You are not permitted to consult with anyone about this test. I will be glad to answer any questions you may have about the test during class on Monday, November 23. After that, please do not ask me questions about the test. As a matter of fairness, I do not want to give answers to some students that others do not have the benefit (or detriment) of hearing. You will simply have to use your own judgment about how to handle any possible difficulties, including the interpretation of the questions and tasks. Please note that everything we discussed during the live sessions is included in the notes and slides posted on the course website. So, if you missed a live session you still have the information on the course website. **Submission:** You need **to submit this evaluation to the Algoma University Moodle platform for this course by the deadline, i.e., November 30, 2020 by 5.30 pm EST.** If you have technical difficulties, you can send this this evaluation to me by email in an MS Word attachment. Please write "CRIMINAL LAW FINAL TAKE-HOME" as the subject of the email.

Section A: Required (20%)

1. Analyze each element of the definitional terms of the following offences. In your analysis, include, where appropriate, all the relevant issues discussed and practiced in class (or slides and notes). Please organize your answer in a chart format.

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| If a parent of a minor child willfully omits, without lawful excuse, to furnish necessary clothing, food, shelter or medical attendance, or other remedial care for his or her child, he or she is guilty of an offence. |
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| Every one commits an offence who gives or offers to give a bribe to any judicial officer, juror, referee, arbitrator, or umpire, or to any person who may be authorized by law to hear or determine any question or controversy, with intent to influence his/her vote, opinion, or decision upon any matter or question which is or may be brought before him/her for decision. |
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| Every one commits an offence who intentionally mingles any harmful substance or matter with any food, drink or medicine with intent that the same shall be taken by any human being to his/her injury. |
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Section B: Choose FOUR questions (20% each)

2. Make-up an offence, i.e., one that does not exist in the Canadian Criminal Code or any other penal code. Write the definitional terms of the offence, which must fulfill all of the following conditions:

- The offence respects the principles of Criminal Law, i.e., it is a valid offence.
- There is a single voluntary act.
- The actus reus may not be committed by omission.
- Social harm is definitional.
- Social harm is expressed as a wrongful result and as wrongful conduct. It also contains, at least, two attendant circumstances.
- Mens rea is subjective.
- Mens rea is not general intent.
- Mens rea is dual.
- There is perfect symmetry between mens rea and every material element of the offence.

3. Analyze the following scenario to determine if Fred committed the crime of attempted robbery.

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 together with a blueprint of his boss' office. He plans to use it when his boss goes on vacation the following week. A police officer finds out the dynamite and the blueprint 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."

4. Make-up the definitional terms of an absolute liability regulatory offence and the definitional terms of a strict liability regulatory offence.
5. Make up a scenario of a crime, including the facts of the case and the definitional terms of the offence. There must be 100% concurrence between the facts of the case and the elements of the definitional terms of the offence. The social harm must be definitional. The mens rea of your crime has to be objective and dual.
6. Explain the following quote. Give specific examples to illustrate your explanation. If you disagree with some aspects, please say so.

Typically, individuals are responsible for their own acts, including the crimes they commit and the harms they cause. Under an extended liability theory, individuals who do not actually commit the crime may be held equally responsible for the crimes committed by another.

7. Analyze the following scenario.

Fred tells Barney that their neighbour, Dino, will be away for a long week-end. Fred and Barney agree to rob Dino's house. Barney then changes his mind. Fred goes to Dino's house alone. Fred takes \$10000, a laptop computer, and a smartphone from Dino's house. Barney hears Fred coming out their neighbour's house and calls the police, who arrest Fred before he gets back home. Robbery is defined as: "intentionally stealing and (a) intentionally using violence or (b) intentionally being armed with an offensive weapon."

8. Analyze if Fred committed attempted assault as defined in the scenario.

Fred decides to beat up his next-door neighbour, Barney. So, he decides to buy a baseball bat to hit Barney. He gets the baseball bat and goes out toward Barney's house, determined to beat him up. Fred sees a police car and decides not to go ahead with his plan. Assault is defined as "recklessly or negligently applying force against another person without that person's consent."

9. Explain the following quote. Give, at least, two examples to illustrate your explanation.

Criminal law serves a vital purpose when it can clearly define criminal conduct and separate it from lawful activity. To effectively draw this line, criminal laws must evolve with social norms and capture the underlying social harm of the conduct.

10. Explain the following quote. Give, at least, two examples to illustrate your explanation.

In order for legal causation to be established, the accused's actions must have contributed significantly to the victim's death. Where the cause of death is clearly the accused's action, legal causation is not an issue. However, examining legal causation becomes paramount in situations where there is an intervening act between the accused's initial unlawful actions against the victim and the latter's death. There are two analytical tools to assess whether the accused significantly contributed to the victim's death in the presence of an intervening act, or rather, whether the chain of causation had been severed. The two tools are: (1) whether an intervening act was reasonably foreseeable, or (2) when the intervening act was independent.