

INTRODUCTION TO CRIMINAL LAW AND PROCEDURE: TAKE-HOME TEST

You have to answer **ALL** 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. Use the suggested **chart to analyze the scenarios** as discussed in class (and the class notes and slides). This 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. For the other questions, you are also strongly encouraged to use the suggested format included on the course website. If you do not follow the suggested format and 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 (or that are in the class notes and slides if you missed class). **No outside sources may be referred to or included in your answers.** You are not permitted to consult with anyone about this test. 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.

Please do not ask me questions about the test once this test is posted online. 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. **Submission:** You need to **submit this evaluation to the Algoma University Moodle platform for this course by the deadline, i.e., October 26, 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 TEST" as the subject of the email. We will not have live sessions on Oct. 19, 21 or 26 so that you can work on this test. Our next live session will be on Oct. 28.

Suggested format for the analysis of the definitional terms of the offence (question 1)

Definitional terms	Analysis
Write the definitional terms of the offence in the next column.	
Voluntary act In the next column, identify the voluntary act as included in the definitional terms.	
Causation In the next column, identify causation as included in the definitional terms.	
Social Harm In the next column, identify the social harm as included in the definitional terms.	
Mens rea In the next column, identify the mens rea as included in the definitional terms.	

Other comments	
In the next column, write other comments, if any, that you want to add.	

Suggested format for question 2

Write the offence here. You don't need to explain anything. Simply, write an offence that complies with the stated conditions.

Suggested format for the analysis of the scenarios (questions 3 and 5)

Definitional terms	Conduct	Analysis (concurrency between facts and definitional terms)
Transcribe the definitional terms of the offence.	Transcribe the conduct.	
Voluntary act Identify the voluntary act as included in the definitional terms.	Voluntary act Identify the voluntary act as appears in the conduct.	
Causation	Causation	

<p>Identify causation as included in the definitional terms.</p>	<p>Identify causation both factual and legal as appear in the conduct.</p> <p>Factual causation:</p> <p>Legal causation:</p>	
<p>Social Harm</p> <p>Identify the social harm as included in the definitional terms.</p>	<p>Social harm</p> <p>Identify the social harm as appears in the conduct.</p>	
<p>Mens rea</p> <p>Identify the mens rea as included in the definitional terms.</p>	<p>Mens rea</p> <p>Identify the mental state of the perpetrator as appears in the conduct.</p>	
		<p>Conclusion</p> <p>Determine whether there is a crime or not</p>
<p>Other comments</p> <p>Include other comments if needed or as required by the question, e.g., evidentiary approach for question 5.</p>		

Suggested format for question 4

Write the offence here. You don't need to explain anything. Simply, write an offence that complies with the stated conditions.	
Identify each step of the legislative process of your crime (civil law tradition). Use one row for each step	Briefly comment and analyze the identified step. Use one row for each step.

Suggested format for question 6

Write the offence here as required.	Explain the rationale of your choice for the offence that you created.