LEGAL RIGHTS IN CRIMINAL PROCEEDINGS

Class activities

Class 1

Introduction

Class 2 Criminal Justice Overview

Discussion questions

1) Do you agree with the issues discussed in the following text? Why or why not?

> [Most Canadians think] that most people who come in contact with the criminal justice system are vulnerable or marginalized individuals. They are struggling with mental health and addiction issues, poverty, homelessness, and prior victimization. Most felt the criminal justice system is not equipped to address the issues that cause criminal behaviour in these groups, nor should it be. Participants felt these issues are worsened by an over-reliance on incarceration.
>
> They felt the system should promote public safety and respect for the law, and deal with crime in a just, fair, efficient, and compassionate manner. While Canada's criminal justice system works well in some areas, it isn't meeting its intended objectives for most people who come in contact with it. Many participants said that changes in legislation over the past decade have not contributed to these goals. In fact, they thought these changes had further stressed the system and worsened existing issues.

2) What can be done to avoid criminalizing individuals with mental health and addiction problems? What about those who are homeless, poor, and marginalized?
3) What do you think of prosecutors' discretion? Do you agree? Why or why not?
4) If you could make changes to the criminal justice process, what changes would you make? Why?

Classes 3 & 4 Criminal Justice Models: Crime Control

1. **Dirty Harry**
    - Which Criminal Justice model predominates in the prosecutors (D.A.) and in the judge's arguments?
    - Which Criminal Justice model predominates in the police officer's arguments and actions?
    - What due process rights has the police officer violated?
    - Do you agree with the use of the exclusion of evidence here?
2. **Curb Your Enthusiasm**
    - a. Which Criminal Justice model predominates in the judge's sentence?
    - b. Which Criminal Justice model predominates in the accused's arguments?
3. Find a short clip online dealing with an aspect of the criminal justice process.
    - a. Show or describe the clip.
    - b. Analyze the predominant criminal justice models.

5. Read the following article and identify the criminal justice model/s. Who is John Roberts? What do you think of the resolution of this case? What would you have done if you were the judge hearing this case? What is the de minimis defence? Look for similar cases in Canada.

John Roberts v. One French Fry

by NAT HENTOFF

SEPTEMBER 6, 2005

An evening I spent in 1987 at the Association of the Bar of the City of New York taught me a lot about judging judges—very much including the new prospective chief justice of the United States. The speaker was Supreme Court Justice William Brennan, paying tribute to an earlier high-court Justice, Benjamin Cardozo, one of the wisest jurists ever to sit on any bench.

Cardozo, in a lecture, "The Nature of the Judicial Process," had cited a tradition of judging, said Brennan, in which "the judge was thought to be no more than a legal pharmacist, dispensing the correct rule prescribed for the legal problem presented. . . . Into this formalist conception of law, Cardozo breathed the wisdom of human experience. . . . He rejected the prevailing myth that a judge's personal values were irrelevant to the decision process."

Since then, I have taken particular notice of judges who, beneath their black robes, remember they are human beings, like the defendants before them. At the top of that list is U.S. District Court judge Jack Weinstein of Brooklyn, who has been on the bench for 38 years and should have been on the Supreme Court long ago.

For one of many examples of how Weinstein rules "in the interest of justice"—realizing that even if the crime in the case before him is the same, each defendant can be different—see "Judge Finds Woman's Rehabilitation Grounds to Avoid Prison Term," on the front page of the August 11 *New York Law Journal*. Also see Judge Weinstein's own *New York Law Journal* article "When Judges Are Asked to Do Evil" (October 28, 2004).

In chilling contrast, let us look at Bush nominee for chief justice John Roberts. When he was a judge, on the District of Columbia Circuit Court of Appeals, he ruled significantly in a 2004 case, *Hedgepeth ex rel. Hedgepeth* v. *Washington Metropolitan Area Transit Authority*. As you consider *his* conception of justice, would you confirm

John Roberts as chief justice of the United States, now that he has been nominated by Bush?

The facts of the case are detailed by constitutionalist John Whitehead, president of the Rutherford Institute, which helped provide a lawyer to the mother of the plaintiff: "On October 23, 2000, 12-year-old Ansche Hedgepeth . . . arrived at a Washington, D.C., Metro station to catch the train home." She put one of the french fries she'd bought in her mouth.

"Immediately, a police officer demanded she put down her french fries and remove her backpack. Although Ansche never resisted or failed to cooperate with the officer, she was told to place her hands behind her back and she was handcuffed." Ansche was informed she had broken the law against eating in a subway station, and her shoestrings were removed by a policeman, who searched her.

"Led to a police car," she was "taken to the police station, where she was interrogated, booked, fingerprinted and finally released into her mother's custody after being detained for several hours."

The likely future chief justice John Roberts ruled for a unanimous three-judge panel that Ansche's Fourth Amendment and equal-protection rights had not been violated. Ansche's mother has pointed out that if an adult had committed the same crime, he or she would have been issued an appearance ticket—not treated like a dangerous felon.

Here is what Judge Roberts said in his decision: "No one is very happy about the events that led to this litigation." Indeed, he added, this 12-year-old girl "was transported in the windowless rear compartment of a police vehicle to a juvenile processing center. . . . The child was frightened, embarrassed and crying throughout the ordeal."

However, righteously said John Roberts, revealing the core of his humanity under his black robe: "[The arrest advanced] the legitimate goal of promoting parental awareness and involvement with children who commit delinquent acts."

On Fox News Channel's July 20
Special Report With Brit Hume, Harvard law professor Laurence Tribe—whose books on constitutional law have often been quoted in Supreme Court decisions—addressed John Roberts's disposition of this flagrant criminal act by 12-year-old Ansche Hedgepeth:

"Saying that the Constitution afforded no protection against a flat rule that allowed no tolerance whatsoever when someone, like a little kid, eats a piece of food in the subway, why didn't that [decision by John Roberts] violate [the child's] liberty?"

He was referring to the essential constitutional interest in personal liberty that is particularly embedded in the Bill of Rights. Without those 10 amendments, the Constitution would not have been ratified.

Tribe went on to say, "The country needs to know, not how he will rule in particular cases—God knows, in the next 30 years, cases we can't even dream of will come before him— *but what will be his starting premises about the Constitution*?" (Emphasis added.)

As Tribe put it, "If you're a minor, one french fry and you're busted, [for the judge to show no discretion] needs some explanation."

Roberts gave his explanation in his decision. Ansche Hedgepeth was a delinquent! She and her parents must be taught a lesson about our immutable rule of law. "The question before us," Roberts wrote for the D.C. Circuit Court of Appeals, "is not whether these [Metro system] policies were a bad idea but whether they violated" the Constitution. "We conclude they did not."

When Justice William Brennan came to the end of his 1987 speech to the Association of the Bar of the City of New York, he had no idea that one day the specter of John Roberts would loom over it. But consider John Roberts as you read this:

"The Framers bequeathed to us a vision of rulers and the ruled united by a sense of their common humanity. . . . We cannot console ourselves with the belief that reliance on formal rules alone is ever sufficient to be faithful to the vision of the Framers."

And Judge Jack Weinstein, writing of the responsibility of jurists in "When Judges Are Asked to Do Evil," reminds his colleagues on all our courts: "One path is unacceptable: silent acquiescence. The duty to speak up in protest is required of us, the judges, as of every person in this great country who is called on to do evil." How many such protests—in the interest of justice—are likely from a Chief Justice John Roberts on the Supreme Court during the next 30 years or more?

Classes 5 & 6: Due Process

1) Read the following article and discuss it. Do you agree with the idea of defunding police in Canada? Why or why not?

Defund the Police – Demands

***Defund** the Police.*
***Demilitarize** the Police.*
***Disarm** the Police.*
***Dismantle** the Police.*
—
Taxpayers spend over $41 million per day collectively on police services across the country. This does not include spending on the Canadian Security Intelligence Service, railway and military police, and government departments enforcing specific statutes in the areas of income tax, customs and excise, immigration, fisheries and wildlife. In engaging in these policing practices, police forces across the country routinely engage in surveillance against Black and Indigenous People, constrain our movements, harm and kill us. We believe that Black communities, and all communities, deserve better.

The $41 million per day that is being spent on policing is not creating safer, more secure communities. This funding can be reallocated to create safer and more secure societies for all of us, and to rid Black and Indigenous communities of a serious threat to our safety.

We can and should have an emergency service that people can call if they are experiencing mental distress. We can and should disarm police, like the United Kingdom does, and like Oakland has just committed to do. We can and should invest in shelters for

people who are experiencing gender-based violence, so that the 300 women who are turned away from shelters each night in Canada have a place to go. We can and should create an emergency service for survivors and victims of sexual assault that will actually support them, instead of relying on the police forces in this country who have been routinely accused of sexual misconduct. We can and should provide nurturing educational environments, free of police interacting with our children without parental supervision. We can and should decriminalize drug use, and take a public health approach to providing support for those who need it. We can and should stop policing poverty, and reinvest funding into social housing, free transit, and food security. We can and should create a world where we all feel safe, and we all get what we need to live a life of dignity. And we can start that process by taking the funding that we currently waste on policing, and reinvest it in creating the safety and security we all need.

We are working toward the abolition of the police and toward a society where we can all be safe. While this is focused on law enforcement, we are also calling to defund jails, prisons, immigration detention centres, the Canadian Security Intelligence Service (CSIS), and the Canada Border Service Agency (CBSA).

We are calling for a reinvestment into Black, Indigenous, racialized, impoverished, & other targeted communities.

WE CAN DEFUND THE POLICE, DEMILITARIZE THE POLICE, REMOVE POLICE FROM OUR SCHOOLS, AND INVEST IN ALTERNATIVE APPROACHES TO CREATING SAFETY AND SECURITY FOR ALL OF US.

2) Discuss the defund-the-police movement in the US. What is its origin?
3) What does Defund the Police propose? Do you agree with this movement? Why or why not?
4) What, if any, has this movement achieved?
5) During the 2020 US presidential campaign, Joe Biden put forward the idea of reimagining police. What does this mean?
6) Find a news article or video about the defund-the-police movement in the US and discuss it.
7) Donald Trump argued that defunding the police in the US may increase criminality, which will negatively affect poor and vulnerable communities. Do you agree with this assertion? Why or why not?

Class 7 Legal rights

Choose one legal right and explain it in detail. Find a Supreme Court case discussing it and comment it. Find a news article or video about the selected legal right and discuss it.

Class 8 Classification of offences and Statute of limitations

Read the following articles and focus on the lack of statute of limitations in Canada for indictable offences.

Regan Acquitted

Gerald Regan waited silently for his moment of truth in a Halifax courtroom late last week. He licked his thin lips nervously, an eyelid twitched and his chest rose and fell with shallow breaths as he sat staring at the jury while the clerk read out the eight sex-related charges against the former Nova Scotia premier and ex-federal cabinet minister. Regan hardly reacted when the jury foreman said "not guilty" to the first charge. But the third time he heard those words, the lanky 70-year-old leaned forward expectantly in his chair. He started to stand, after learning he was cleared of the seventh count. And, after the foreman said "not guilty" for the eighth and last time, Regan was upright, fiercely hugging his wife, Carole, perhaps confident, for the first time in five years, that he will remain a free man for the rest of his days. "We are," he told reporters after emerging from the courtroom clutching his wife's hand, "tremendously relieved by the verdict."

It took the jury just eight hours to clear him of the charges - a surprisingly short time for a case that began so publicly in 1993 when the RCMP acknowledged they were investigating allegations of "sexual misconduct" by Regan. His new life cannot begin just yet: he has to be back in court on Feb. 19 to face another charge of indecent assault. And, of course, the Crown could also try to appeal last week's acquittal. But Regan's lawyer, Edward Greenspan - who has always contended that his client was the victim of an unfounded witch-hunt - said the Crown should take its lead from the jury's "loud, clear verdict" and say: "Let's forget about it." He may have a point: clearing Regan on all eight counts of rape, attempted rape, indecent assault and unlawful confinement, involving three women, seemed a stinging indictment of the police investigation that led to the charges. And the verdict was another huge setback for the provincial Public Prosecutions Service, already under fire for its controversial handling of a number of recent high-profile cases.

None of them, though, had the drama of the Regan trial. Greenspan, during his summation, told the jury that the case they had just witnessed "was not a Hollywood story." But he, more than anyone, knew this was a tale that had everything: the tawdry spectacle of a once-powerful man now humbled; the anguish and humiliation of his long-suffering spouse; the public pain of his three middle-aged accusers, repeatedly driven to tears by Greenspan's incessant grilling; and the open animosity between the flamboyant defence lawyer and Adrian Reid, the brooding Crown prosecutor.

There was also drama outside of the courtroom. After the 10 jurors - two were excused during the course of the trial - began their deliberations at precisely 2:25 p.m. last Thursday, a new flood of allegations against Regan appeared in the media. The RCMP's five-year investigation originally turned up 22 women who claimed the ex-premier had assaulted them. Ultimately, the police only felt confident enough to lay 18 charges involving 13 complainants. And last April, when Associate Chief Justice Michael MacDonald threw out charges relating to nine of the women, he slapped a publication ban on their evidence. But it expired once the jurors were sequestered in their Halifax hotel room. Among the previously banned evidence: a legislative page who said Regan assaulted her in his office in 1977, family babysitters who said he indecently assaulted them decades ago, and a reporter who claims he attacked her in his hotel room when she arrived to conduct an interview.

Greenspan, worried that the news would somehow be leaked to the jurors, was already talking mistrial as everyone awaited the verdict. Instead, the case stayed exactly where he wanted it - focused on hard-to-prove, decades-old allegations brought by accusers of varying credibility. The ringing question for the jury was: did the Crown prove its case beyond a reasonable doubt? As the hours passed and the jurors periodically asked the judge for guidance on points of law, it was clear they had their reservations.

The first complainant to take the stand during the trial was a white-haired, primly dressed, 56-year-old grandmother. Speaking quietly, she told of being a 14-year-old virgin who knew nothing about sex when Regan gave her a lift from Halifax to Windsor, where they both lived, one summer day in 1956. As she told it, the strapping 28-year-old lawyer and sports broadcaster pulled off the highway into a deserted gravel pit, locked the car doors and brutally raped her. "He told me that it wouldn't always be like this," she said, in barely audible words, "that some day I would enjoy it."

During cross-examination, Greenspan expounded *his* theory - that her story existed only in the imagination of a desperate woman, from a family that has long been obsessed with Regan. She has never been able to find the gravel pit again, he stressed. The reason, said Greenspan: the woman had trumped up the rape allegation to explain an out-of-wedlock child she had in 1960 - at the age of 18 - by a local hockey player. Greenspan had intriguing ammunition to bolster his case: after Regan became premier of Nova Scotia in 1970, the woman's mother spread rumors that Regan had actually fathered the child. And the complainant's sister later publicly confronted the politician, claiming that she was actually the progeny of Regan and the woman she always believed to be her sister.

Regan's second accuser was also 56 and a grandmother. She told of being a 14-year-old who accepted a lift from Regan at a Windsor skating rink in 1956. According to her story, Regan pulled the car into a wooded area, then tried unsuccessfully to rape her in the backseat. But the defence forcefully attacked her testimony: given the parallels between her testimony and the first complainant's, Greenspan suggested to the jury that the two - who were friends - had simply made the stories up. And he seemed to destroy her credibility by demonstrating to the jury how her allegations had evolved and grown more serious in the years after the police first questioned her in 1993.

The third complainant, who said Regan assaulted her in August, 1969, was much harder to discredit. By then, Regan was leader of the provincial Liberal party and the official opposition, and the accuser was an 18-year-old girl Friday working at party headquarters. One lunch hour, she claimed, Regan asked her to bring a steno pad into his office. She walked in, eyes lowered. When she looked up, she testified, Regan was standing before her with a grin on his face and his erect penis protruding from his unzipped fly. Her next memory was of suddenly being on the floor as Regan tried to pull off her panties. He ejaculated on the carpet, she said, then tossed her $20 for her dress, which he had ripped. The next morning, she testified, she was fired.

A gripping story - even if Greenspan made much of the fact that the woman had previously lied under oath by not admitting that she had falsified school documents some 30 years ago so she could enter Grade 10. Her credibility seemed bolstered by the testimony of now-retired Halifax

policeman David Rent and his wife, Linda, who had lived next door to the complainant's family and told the court of hearing the same story of assault from her that she would, many years later, repeat to the RCMP.

But it was a short-lived victory. Later, in answer to a question from the jurors, MacDonald told them that the policeman's testimony did not, in fact, confirm the assault had taken place. And, by that point, the jury had already witnessed the trial's defining moment - Regan's own appearance on the witness stand. He testified that he did not know two of the complainants and barely remembered the third, and that he and his wife, Carole - they married on Nov. 17, 1956, in Ottawa - had been on their honeymoon when one of the assaults was supposed to have occurred. (Greenspan also introduced old newspaper clippings and memorabilia to back up the claim.)

Later, basking in the not-guilty verdict, Greenspan speculated that humanizing his client by putting him on the witness stand - while his wife and four of his six children sat together in the courtroom - likely helped sway the jury. So, perhaps, did his emotional final speech, in which the attorney asked the jurors to acquit his client and "set him free with his wife and children." When Greenspan finished, Regan and his entire family were in tears - just as they were at the end of the trial after the string of not-guilty verdicts. "We just want to go home and maybe have a drink and something to eat," an elated Regan said. Then, he left the courthouse, his remaining legal problems - for the moment, at least - put aside.

Flamboyance and Victory

Everybody - even those who don't personally know Edward Greenspan - seems to call him simply "Eddie." And, to the eye, there is a warm, cuddly quality to the short, plump, cigar-chomping Toronto lawyer who, during lunch breaks from the Gerald Regan trial, could be glimpsed getting his fix of takeout at the nearby A&W outlet. But the cuddliness disappears when he steps into the courtroom. There, Greenspan shows the toughness that has made him the dean of Canadian criminal defence lawyers. Since taking Regan's case, Greenspan, 54, has threatened to ask Crown prosecutor Adrian Reid to "step outside" over remarks he made during a preliminary hearing. His in-your-face style of questioning reduced middle-aged sexual abuse complainants to tears on the witness stand - and his heartrending call to acquit his client did the same to one female juror. In the end, Greenspan turned the Regan case into a convincing courtroom victory - showing the talents that he has demonstrated with stunning regularity since graduating from Toronto's Osgoode Hall Law School (now part of York University) 30 years ago.

His cases have been varied. Once, he represented Kellie Everts, a 28-year-old burlesque queen charged with presenting an indecent performance. But Everts, who claimed to be a stripper for God, said God had told her that sex was beautiful and urged her to do her act as a method of preaching. "What if God really does talk to her?" Greenspan asked the judge. "Do you want to gamble that she's not telling the truth?" Everts was subsequently acquitted.

Along with the wins, there have been high-profile losses. Greenspan was reportedly paid $1.3 million for his unsuccessful defence of Ontario millionaire Helmuth Buxbaum, convicted in 1986 for hiring a hit man to kill his wife. More often than not, though, the workaholic lawyer

with the encyclopedic memory of legal cases leaves the courtroom victorious. His last big case in Atlantic Canada was his defence of former provincial tourism minister Roland Thornhill, who faced 17 fraud-related charges. After the judge dismissed 14 of the charges, the rest were withdrawn by Nova Scotia's Public Prosecutions Service - the same opponents Greenspan faced in the Regan trial. "I'm feeling pretty damn good," he said after his most recent victory. And, as usual, he had every right to.

Maclean's December 28, 1998.

Regan a victim of matriarchal justice

GEORGE JONAS
National Post

Now that political show trials have gone out of fashion in Moscow, Ottawa has stepped into the breach. In a 5-4 split decision, the Supreme Court of Canada ruled last Thursday that the Crown may proceed against former Nova Scotia premier Gerald Regan on seven counts of alleged sexual offences.

The case against the former premier has a convoluted and troubling history. No woman ever came forward to accuse him. In July, 1993, a political opponent, relying on some information obtained from a CBC-TV show that never aired, filed a complaint with the RCMP. In October the same year, before any charges were laid, the RCMP publicly revealed that Mr. Regan was being investigated for sexual assault.

Revealing such information before laying a charge is against RCMP policy and practice. This became the first of many irregularities in the subsequent investigation and prosecution of the ex-premier. They included a Crown attorney named Susan Potts contemplating "judge shopping" a practice the Supreme Court later called "offensive" and "unacceptable." It also included the prosecution team "homogenizing" its functions with the police and conducting a series of pre-charge interviews with complainants. A Nova Scotia Supreme Court trial judge, Mr. Justice Michael Macdonald, eventually found that at least some of these interviews were designed "to have reluctant complainants change their minds and come forward to lay charges." Even though Ms. Potts was no longer on the Crown's team by the time the Crown preferred an indictment against Mr. Regan, the trial judge felt the prosecution had become tainted. In April, 1998, he employed a Charter remedy for abuse of process to stay nine of 18 charges against the ex-premier. Mr. Regan went on trial on the remaining nine counts. Defended by the criminal lawyer Eddie Greenspan and his associate Marie Henein, he was acquitted of all charges by a jury on Dec 18.

The Crown appealed Mr. Justice Macdonald's decision to stay nine charges against Mr. Regan. The judge called the charges minor, which they no doubt were, not just compared to charges of rape, attempted rape, and forcible confinement of which the jury had acquitted the ex-premier, but in absolute terms They consisted of allegations of Dr. Regan -- a 60s-style Liberal politician -

- stealing a kiss or "copping a feel" some 24 to 34 years earlier. At the time they occurred (assuming they did) people would have viewed them as churlish rather than criminal.

Societal attitudes change. The same strong-arm tactics on ice that in the days of a Gordie Howe or Bobby Hull were unremarkable, might draw a criminal charge of assault today. One may regard this as progress (as Greenspan pointed out in court), but it would still be nonsensical to charge Gordie Howe with assault today on the evidence of a 20-year-old hockey video.

The quality of the Crown's evidence was illustrated by one complainant, who first recollected only a stolen kiss in 1969. Later she became "99.9%" sure that Mr. Regan also touched her breast over her clothes. It was such 99.9% certainties that the prosecution was proposing to turn into 100% criminal convictions.

In spite of this, in a split (2 to 1) decision, the Nova Scotia Court of Appeal had reinstated the nine charges. Two of them were subsequently dismissed by the prosecution. What the Supreme Court's majority dismissed last Thursday was Mr. Regan's appeal from the Nova Scotia Court of Appeal's judgment.

There was no disagreement between the majority and the minority of the court that the police and the prosecution had abused the process to a "troubling" extent. The dispute was over how much abuse should the process take in a good cause.

"[S]ociety has a strong interest in having the matter adjudicated," wrote Mr. Justice LeBel for the majority, "in order to convey the message that if such assaults are committed they will not be tolerated, and that young women must be protected from such abuse.

"I conclude that, based on the evidence of judge shopping, pre-charge Crown interviews, the improper police announcement the cumulative effect of these actions, while troubling in some respects, does not rise to the level of abuse of process which would offend the community's sense of decency and fair play."

But the abuse clearly offended the sense of decency and fair play of six Canadian judges. It caused the trial judge to throw out nine charges, and five justices (in two appeal courts) sided with him. For the dissenters, Mr. Justice Binnie wrote: "It was [the trial judge's] view, after an 18-day hearing, that Crown prosecutors had manifested such a lack of objectivity in seeking the conviction of a prominent politician 'at all costs' as to taint the integrity of the administration of justice in Nova Scotia. We ought to defer to his actual conclusions, in my opinion."

The majority insisted that the removal of Ms. Potts from the prosecutions team cured all possible defects. This was puzzling in the face of a well-established legal precept, annunciated (among others) by former Ontario Chief Justice Charles Dubbin, that the "executive is indivisible" -- e.g., removing a cop from a police investigation for tampering with evidence won't cleanse the evidence.

Torn between its distaste for some of Ms. Potts' tactics, and admiration for the same tactics bolstering feminist policy objectives -- the prosecution team under Crown Potts parleyed four

charges of sexual misdeeds, as recommended by the initial director of public prosecutions, into 18 charges against a prominent male defendant -- the majority seemed to waver between wanting to see Ms. Potts disbarred and receiving an Order of Canada. This gave the court's reasons for judgment a somewhat split personality.

A SEXUAL ALLEGATION REDUCES ANY MAN TO A TERRORIST SUSPECT

Ultimately there were two differences between the court's majority and minority. The first was that the majority (Chief Justice McLachlin and Justices L'Heureux-Dubé, Gonthier, Bastarache and LeBel) preferred policy to fairness, while the dissenters (Justices Iacobucci, Major, Binnie and Arbour) favoured fairness over policy. Wrote Mr. Justice LeBel: "Victims of sexual assault must be encouraged to trust the system and bring allegations to light." Responded Mr. Justice Binnie: "The appellant [Mr. Regan] was deprived of the institutional protection to which he was, and is, entitled."

The second difference lay in the two factions' understanding of "societal interest." The dissenters felt society itself had an interest in fairness; the majority saw fairness as being of interest only to the accused.

Between the lines of the majority's reasons was the unmistakable message that the matriarchy means business; that a feminist justice system cares mainly about empowering women, and that in Canada's gender wars an allegation of a sexual nature by any woman, no matter how minor, unsupported, or distant in time, reduces any man to a terrorist suspect, an unlawful combatant, to whom the Geneva conventions no longer apply.

The political nature of the judgment has been celebrated by those who support the politics. "The Supreme Court has shown a willingness," crowed a Globe and Mail editorial last week, "to make the legal system more responsive to the victims of sexual assault."

I think the willingness the majority of the court has shown is to achieve a policy objective at the expense of procedural fairness. This also seems to be the view of six out of 13 Canadian judges. But, as the old judicial maxim warns, "policy is an unruly horse." Putting policy ahead of procedure can turn a system of justice into a reign of terror.

We're not quite there, but getting close. The chances of a male accused of a sexual offence receiving a fair trial in Canada's matriarchal justice system is better than the chances of a Jew receiving a fair trial in Nazi Germany, but only just. One crucial difference is that, unlike the Third Reich, Canada is not yet monolithic. We still have some common-sense jurors, spirited defence teams and a few dissenting judges.

Discussion questions

1) Why isn’t there a statute of limitations for indictable offences? Do you think there should be one?

2) What are the problems of prosecuting cases that took place decades ago?
3) What are the problems of not prosecuting cases that took place decades ago?
4) Discuss the Gerald Regan case.
5) Do an online search of another Canadian case where a defendant was prosecuted for crimes committed years before the criminal trial. What happened? What were the challenges of the case?
6) What does George Jonas' mean by matriarchal justice? Discuss his thesis. Do you agree or disagree with his thesis?

Class 9 & 10: Midterm test

Class 11 Right to an (open) public trial

1) Do members of the public have a right to attend criminal trials in Canada? Is this right absolute? If not, what are the limitations?
2) What is exclusion? How does it work?
3) Do members of the media have a right to attend criminal trials in Canada? Do they have the right to publish everything they hear in the trial?

4) Should criminal trials be televised? Why or why not? What are the pros and cons of televising criminal trials?
5) What about criminal trials and the rights of media outlets in the United States?
6) What are the negative consequences, if any, of public criminal trials?
7) What are publication bans?

Classes 12 & 13 Double Jeopardy

Scenarios

1. John robbed a bank and killed a security guard. John was tried for robbery. He was convicted and sentenced. Then he was tried for murder for the killing of the security guard.
2. John went to a bank with a gun. He demanded the teller for all the cash. The teller was scared and handed John $ 6000. He was tried for theft and was acquitted. Then he was tried for possession of a weapon in the bank.
3. John joined a terrorist group in the United States and killed a Canadian citizen on US soil. He was tried and convicted in the United States for murder. He was tried for joining a criminal organization in Canada.
4. John and Paul robbed a bank. They brought only one gun to use. It is not clear whether John or Paul brought the gun. A security guard was killed and a bank teller was injured with the gun. In a first criminal trial for the guard's murder, it was decided that John did not use a weapon at all in the bank. There is a second criminal trial for assault against the bank teller. The Crown wants to introduce circumstantial evidence that John injured the teller with the gun.
5. The defendant has been charged with murder. His situation looks dire, there is circumstantial evidence that places him at the scene of the crime, even though there is no eye witness to the murder. The victim's widow has provided the police with information that the defendant had a fight with the deceased on the night of the murder and threatened him. She heard this as she passed the open door of his study, and got a good look at the defendant. A few minutes later she heard a gunshot. She immediately rang the police, who arrived five minutes later and questioned the defendant who was found walking

nearby. There is no forensic evidence to point to the perpetrator, but the circumstantial evidence is pretty strong. At the trial, under cross examination, the widow is confronted with information that she never revealed to the prosecution - although she previously stated that she arrived home at 8p.m, a few minutes before the gunshot (also heard by a neighbour), in fact she arrived home twenty minutes later. This was confirmed by the automatic toll charged to her account on the freeway near her home. At the end of the day there is reasonable doubt and the defendant is found not guilty. A week later, an informant tells a member of the homicide squad that the former defendant and the widow have been seen in the back row of a movie, kissing and cuddling. The police realize that they have been duped - clearly the widow had a prior relationship with the defendant, and most probably the defendant knew her car had been date stamped on the freeway. The Crown wants to prosecute the defendant again.

6. Robin has been convicted of armed robbery and is now charged, in a second prosecution, with robbery for the same transaction. Suppose that armed robbery carries an eight-year sentence and robbery a five-year sentence.
7. John was prosecuted for the murder of his lover Mary. He was acquitted. Mary's parents filed a torts lawsuit for wrongful death claiming $1,000,000.
8. John, a real estate lawyer, was prosecuted and convicted for fraud. He served three months in prison. After he was released from prison, the Law Society disbarred him for committing fraud in the same transaction for which he was convicted and served time in prison.
9. John, a real estate lawyer, was prosecuted and convicted for fraud. He served three months in prison. After he was released from prison, he applied for a teaching position at a community college. His application was turned down because he had a criminal record.
10. John had an obsessive fixation with his co-worker Betty. He asked her out repeatedly, and she always turned him down. John was furious and threated to kill her if she did not agree to go out with her. Betty called the police. John was charged with criminal harassment, which is defined as intentionally, knowingly, or recklessly harassing another person through prohibited conduct, which consists of (i) repeatedly following, (ii) repeatedly communicating, or (iii) threatening the victim or any member of their family. At trial John was tried convicted and sentenced for criminal harassment. He is serving

two months in prison plus a 6-month probation sentence. John is now prosecuted for uttering threats against Betty, which is punished in section.

11. John hit Paul in the face. Paul had a cardiac condition and died immediately. John was prosecuted for murder. John was acquitted. At a second trial, John was prosecuted for assaulting Paul.
12. John hit Paul in the face. Paul had a cardiac condition and died immediately. John was prosecuted for murder. John was acquitted. At a second trial, John was prosecuted for manslaughter.
13. John hit Paul in the face. Paul had a cardiac condition and died immediately. John was prosecuted for murder. John was acquitted of murder, but the jury found John guilty of manslaughter.
14. John raped Mary. John was prosecuted for sexual assault. John was acquitted. The Crown appealed the acquittal. The Court of Appeals ruled there was a legal error and ordered a new trial.
15. John raped Mary. John was prosecuted for sexual assault. The jurors did not reach a unanimous verdict. The Crown decided to prosecute John again before a new jury.

Class 14 Arrest and detention scenarios

Scenarios

1. A police officer is investigating the theft of some laptop computers from Northern Ontario College. She believes that Katie, a part-time student may know the identity of the offender. Katie does not seem to want to cooperate with the investigation. So, the police officer arrests her.
2. A police officer arrests Fred because he is about to kill Barney. The police officer does a frisk search, and finds a gun. He takes the gun as evidence.
3. A police officer arrests Bob because he has a hunch that Bob has killed Tom. The police officer does a frisk search, and finds a gun. He takes the gun as evidence.
4. Vanessa is accused of committing fraud in her mortgage loan application. She received a summons to appear in court on March 2. On March 2 she has a test at school; and she

completely forgot about her court trial. The police showed up in school and arrested Vanessa.

5. Melissa has just committed trespassing, which is a crime punished only summarily. A police officer arrests Melissa.
6. A police officer believes that Peter has raped Mary. He arrests Peter.
7. Kevin told a police officer that he saw Peter rape Mary. The police officer arrests Peter.
8. Kevin told a police officer that his dad had told him that Peter raped Mary. The police officer arrests Peter.
9. Kevin told a police officer that Peter had raped Mary. The police officer is sure Kevin is lying because he knows that Kevin hates Peter. The police officer arrests Kevin.
10. A police officer received a complaint that Barney and Fred are arguing about a soccer match very loudly in a park near a school. Both appear to be inebriated. The police officer arrests both Barney and Fred.

Classes 15, 16, 17 & 18: Anatomy of the criminal trial and evidence

Evidence

Create the plot for a film where police officers investigate a crime. Include different types of evidence, including evidence which may be subject to exclusion under section 24 of the Charter of Rights and Freedoms.

Trial outline

Prepare a trial outline for the following case (John & Julia)

- The trial outline is a roadmap that covers each element of a claim or defense.
- It includes the fundamental elements of the trial: the opening statement; the prosecutor's case in chief; the defendant's case in chief; and the closing statement.
- The outline of your case in chief (regardless of which side you are on) should include all elements of the claims or defenses you are asserting. For each element, list every exhibit

required to prove the point; list every witness, including a summary of his or her testimony.

- Include cross-examination points your opponent may try to elicit from the witness or ways your opponent may utilize the document and plan any response or pre-emptive action you may want to take.
- While the trial outline cannot and should not be a script of the trial, the more information it contains, the smoother your case will go and the more easily you can react to the unexpected events that unfold in the courtroom.

John went to a party in New York, where he lived. Yes, before the pandemic restrictions. He saw Julia there and thought that she was very attractive. So, he came up to her and started to talk to her about movies and TV shows. He told her that he had done some research on stalking –the topic of a movie he had seen on Netflix; and they engaged in a very lively conversation. She seemed very friendly, so John offered her a drink, which she accepted. Then, they danced. Then, Julia asked John to go to her apartment. They had a few drinks and made out. John and Julia took some pictures of themselves. John came back home. He lived with his girlfriend who was very upset. John made up an excuse which she probably didn't believe. Then, John remembered the pictures and panicked. So, John went back to Julia's apartment to delete the pictures. Julia was not at home. But the doorman contacted her. Julia asked the doorman to let John in and to tell him to wait for her. John found Julia's camera on her dining table and turned it on to delete the pictures. Julia soon came back from work. Upset that John was messing with her camera, she called the police. John left the apartment immediately after managing to delete most

pictures they had taken the night before.

John received a summons to appear before a New York court for attempted larceny (theft) of Julia's pictures.

Larceny is defined in the New York Penal Code as follows "A person […] commits larceny when, with intent to deprive another of property or to appropriate the same to himself or to a third person, he wrongfully takes, obtains or withholds such property from an owner thereof." Property "means any money, personal property, real property, computer data, computer program, thing in action, evidence of debt or contract, or any article, substance or thing of value, including any gas, steam, water or electricity, which is provided for a charge or compensation."

Foucault

- What is Foucault's notion of the surveillance society?
- Explanation hierarchical observation (surveillance), normalizing judgment, and examination. Give examples.

- What is Giles Deleuze’s notion of the society of control? Give examples.
- Read the following article and discuss it

The case of Chair Girl: Examining a new morality of punishment

Modern penal systems do not just judge crimes. That was philosopher Michel Foucault's key insight. They also judge the criminal

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Marcella Zoia aka Chair Girl leaves the Old City Hall courthouse with her lawyer Greg Leslie, after pleading guilty to mischief endangering life. PHOTO BY JACK BOLAND/TORONTO SUN/POSTMEDIA NETWORK

All the best news stories in Toronto are ultimately about real estate, so the first thing everyone wanted to know about Chair Girl is where it happened.

The answer is a south-facing 45th floor condo at York and Lakeshore, looking down on the Gardiner Expressway. Fancy place, next to where the Leafs play.

That is where, at about 10 am on a Saturday last February, Marcella Zoia, then 19, threw a patio chair and other items off the balcony of an Airbnb unit, a crime that was recorded in a brief video captioned “Good morning,” and for which she later pleaded guilty to mischief

endangering life.

On Friday, a judge held over sentencing until March 12 on the Instagram model and bottle server who got kicked out of dental hygienist school in the ensuing uproar, according to her lawyer. The Crown is seeking six months in jail, in part because of its claim that Zoia herself posted the video, presumably to boost her own influence, which she denies.

Before police identified her, Zoia was tagged with the superhero-styled nickname Chair Girl, which stuck, placing her forever in an extended universe of randos who got famous online: Dart Guy, Fiji Water Girl, Crane Girl.

Even more than her runaway notoriety, it is Zoia's punishment that sets her apart, into a rare league of criminals whose cases are so extreme, and so spectacular, that they illustrate a new morality of punishment.

An earlier example — more extreme, but similarly spectacular — is recounted by the late French philosopher Michel Foucault, in the opening passage of his 1975 book Discipline and Punish: The Birth of the Prison.

He tells the true story of Robert-Francois Damiens, a servant who in 1757 stabbed and slightly injured King Louis XV, and was the last person in France to endure a rare punishment. His flesh was torn off with hot pincers. Burning sulphur, molten lead and boiling oil were poured on his wounds. His limbs were tied to workhorses who could not rip them off, so the sinews had to be hacked at, then the remains burned to ash.

It was nasty. Though efforts were made to bureaucratize and anonymize the executioner's work, it was also shameful. A "confused horror spread from the scaffold," Foucault wrote. Legal torture declined sharply in the late 18th century in western Europe and America, as publicity "shifted to the trial, and to the sentence."

A new style of justice arose in which punishment became "the most hidden part of the penal process," no longer a public square event. Punishment's effectiveness came to be "seen as resulting from its inevitability, not from its visible intensity."

Watching the Chair Girl video, punishment seems inevitable the instant she picks up that chair, as sure as the gravity that hurtles it toward the street, where it lands off camera, near a woman with a child in a stroller, according to an agreed statement of facts. It was written into the actions of the performer, the unidentified video taker, and their audience.

The question, then as now, for judge and public, is what to do about it. What should the inevitable punishment be?

The decline of punitive spectacles like public executions and pillories marked "a slackening of the hold on the body," as Foucault put it. The punishing authority started aiming at something other than the physical body, such as denial of liberty, or forced labour. It was through these examples of the "technology of power" that Foucault laid out his revolutionary

theory that power and knowledge imply each other. Power is “exercised rather than possessed,” he wrote. Power is not the privilege of a dominant class, “but the overall effect of its strategic positions.”

This is how judgment came to be passed not only on crimes, but on “passions, instincts, anomalies, infirmities, maladjustments, effects of environment or heredity.”

“For it is these shadows lurking behind the case itself that are judged and punished,” he wrote. “They are judged indirectly as ‘attenuating circumstances’ that introduce into the verdict not only ‘circumstantial’ evidence, but something quite different, which is not juridically codifiable: the knowledge of the criminal, one’s estimation of him, what is known about the relations between him, his past and his crime, and what might be expected of him in the future.”

For a modern take, just make the male pronoun female. Imagine her in a short sequined dress at her 20th birthday party at a cool King Street spot, blowing out candles, as she posted on Instagram, while out on bail. Consider her punishment.

Everyone who knows about her has an estimation of Chair Girl. She invited it, even to the point of being verified on Instagram with nearly 50,000 followers, ten times what she had when she tossed the chair.

She really leaned into the fame, posting images of Caribbean trips, parties and model shots. As she waited to learn her punishment, a video also emerged in which she is on camera, dressed to party, when a man off screen announces the coke has arrived, then clarifies he means “cocaine,” but she blurts out “Coca-Cola,” then a swear word, obviously realizing this all looks bad. She later took a drug test with a private clinic, and released results through her lawyer. For whatever that is worth, it allegedly came back negative.

There is no law against having fun on bail. Remorse can be a mitigating factor in sentencing that can reduce the punishment, and Zoia posted an apology for the chair. But lack of remorse, no matter how flagrant, is not an aggravating factor that would increase it.

She also recently got invited to a hotel opening in Miami, the true mark of an influencer on the rise.

Her lawyer Greg Leslie said she was invited “because of who she is.”

Modern penal systems do not just judge crimes. That was Foucault’s key insight. They also judge the criminal. They judge “who she is.” As they do, a whole new system of knowledge “becomes entangled with the practice of the power to punish.”

As the crowd shames her, or cheers, and the court announces her punishment, a new knowledge of Chair Girl emerges. Her sentencing is not only for her. It is for us who watch.

It is these shadows lurking behind the case itself that are judged and punished

Foucault's study of prisons, power and knowledge revived an earlier idea of the English philosopher Jeremy Bentham, for a special kind of prison with cells that face inwards to a central guard tower. This was the panopticon, Greek for all-seeing. There was one built in Goderich, Ont., the Huron County Gaol.

Bentham imagined the structure would allow jailers to scientifically study prisoner rehabilitation. For the inmate, being jailed like that would induce a sense of always being watched, even when the guard was not looking, to assure what Foucault called the "automatic functioning of power."

The key, as Bentham described it, was that this power ought to be both visible (the prisoner can see the guard tower) and unverifiable (he should not know if he is being watched at any given moment).

The internet adds an important wrinkle to this vision of penal authority. The major dynamic of surveillance in the modern age has been the division of the watching eye. Online, there is not one prison warden looking out, but a billion wardens looking in.

It is as if everyone is in the guard tower, rather than the cells. Watching goes both ways. We all do it now.

Viewers felt a certain shame in watching Chair Girl's viral debut, just as the executioner felt shame in executing. People felt shame in reading such tawdry nonsense. Even editors must have felt a twinge of disgrace in splashing Zoia all over the front pages.

Yet here we are. How could you not? What is in the public interest if not the criminal fate of a woman whom everyone in Toronto wants to either throw in jail or invite to their video dance party at Blue Mountain.

That was Drake's people, by the way, who put her in a video, then removed her when people noticed, prompting Drake himself to describe Zoia as "certain people we don't condone." He added a chair emoji to drive the point home. You cannot buy that kind of publicity.

The thing had blown up. Chair Girl went viral. The entire world was watching. Daily Mail noted in all caps that she SMILED while leaving court. News reports got translated to Portuguese and Arabic and back again. Al Arabiya called her a "felon" and noted there were no "wounds." CE NoticiasFinancieras noted that she threw the chair toward the highway "where several cars circulate," and that she "is now awaiting trial for freedom, after having paid a bail of about 1800 euros."

Bail was actually 2000 Canadian dollars, and Zoia was ordered not to have contact with four people who were with her at the time.

The Crown went so far as to ask for a condition that she not go onto balconies, but the judge

refused. You might as well try to ban her from possessing chairs.

It was all so stupid, and as they watched, everyone knew they were also being watched, and judged. Surveillance goes both ways.

This was as true for Airbnb as it was for the average Canadian. It suspended an account associated with Zoia's stay at the condo, and it was reported that the next guests had to check in late because the place was a "disaster."

Toronto Mayor John Tory weighed in, unusually for a mischief charge, paternalistically noting that this was not a "lark gone bad" but "grossly irresponsible behaviour." Police did not fool around in their scolding. One officer told the Canadian Press this was "a very callous thing. You could kill somebody. I don't believe anyone looks at that and doesn't say that's ridiculous."

Chair Girl was ridiculously spectacular, just like Foucault's regicide. Her diminutive Kardashianesque body was a spectacle, no less than Damiens' drawing and quartering in Paris. She set the image at court with those archly fashionable and awkwardly large black square sunglasses, and the white Porsche to take her away.

This week, when a judge said she was "astonished" Zoia arrived late to a hearing, one wondered if Her Honour had been paying close enough attention. No good spectacle starts exactly on time, so as not to inconvenience the fashionably late, the smoothly criminal, the tragically hip.

Zoia was all that and more.

Superheroes come from things that intrigue, inspire and terrify their audience: Spider-Man from nuclear power, Superman from space, Batman from the city.

Chair Girl comes from the internet, just as much as she comes from St Elizabeth Catholic High School in Thornhill, north of Toronto, having moved in Grade Nine from Brazil.

Today, one year after an IKEA folding chair fell through the cold air of a weekend morning in downtown Toronto, like a radioactive spider descending its silk, Marcella Zoia is transformed. Chair Girl's origin story is what the rest of us now share, an online context for our fears, and a brand new model for our punishment.

A 20-year-old woman who tossed a chair off a downtown Toronto balcony over a busy highway last year has finally learned her legal fate.

Marcella Zoia, dubbed chair girl, was sentenced to two years of probation, a $2,000 fine and 150 hours of community service during a hearing held via teleconference on Tuesday afternoon.

"Zoia committed a very dangerous act," Justice Mara Greene said in her decision. "She did so for

her own pleasure and vanity in the moment. It was a selfish act that could have led to disastrous results. It is only by sheer luck that someone was not hurt or killed."

Greene noted that her decision on sentencing should "reflect this reality."

The judge went on to state that Zoia being a first-time offender was also a factor in her decision.

"In light of Zoia's very young age, the collateral consequences outlined and her great process through rehabilitation, I find that a sentence should fall in the lower range," she said. "While incarceration is extremely more punitive than a fine, it is my view that in this particular case, a meaningful fine, coupled with community service, is sufficiently punitive."

Greene added that the amount of the fine is "significant" in regards to Zoia's personal finances. Zoia has one year to pay the sum.

"This will drive home to Zoia and the public that there are significant consequences for her actions," the judge said.
The decision was rendered after the case had been put over multiple times. Most recently, a decision was supposed to be handed down on March 30 after the matter was put over on March 12 due to the judge falling ill. But, the Ontario courts shutting down due to the COVID-19 pandemic placed the case on hold once again.

Earlier this year, Zoia told a courtroom she was "very sorry for her actions" after Greene listened to three hours of sentencing submissions from defence lawyer Gregory Leslie and Crown prosecutor Heather Keating.

"I take this as a lesson," Zoia's prepared statement said in part.

Back on Nov. 15, 2019, Zoia pleaded guilty to mischief endangering life in connection with a February incident that was caught on camera and shared widely online.

The video showed Zoia launch a chair off a balcony on the 45th floor of a condo building over the Gardiner Expressway and Lake Shore Boulevard. No injuries were reported in the incident and the video, which was played in court on Feb. 7, ends before you see where exactly the chair lands.

Classes 19 & 20 Parole

Parole

1. What was the offender convicted for?
2. What are the elements of this offense?

3. Do you agree with the line of questions?
4. Would you have asked different questions? What types of questions?
5. Would you grant parole? Why? Why not?
6. If you decided to grant parole, what conditions would you impose?
7. If you decided to deny parole, what goals would you set for the offender to achieve for the new parole hearing?
8. Do you believe that the parole process is arbitrary?
9. Do you favour the appointment of non-Criminal Justice professionals to grant or deny parole? Do you prefer Criminal Justice professionals?
10. Would you have laws or guidelines to regulate the parole hearings? If so, what kind of regulations?
11. Do you think that the government acting through the Criminal Justice system has the right to rehabilitate and change people?

Classes 21 Search and seizure

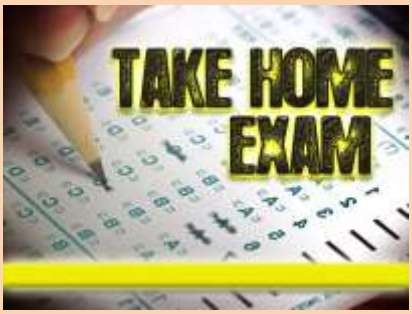
Scenarios

1. John had a fight with his wife over Selena Gomez. So, she kicks him out. John packs up some of his stuff and crashes at his friend's house. The following morning, John goes out for a walk. While he is out, the police officer asks Alex (John's friend) if they can search John's stuff. Alex says he does not mind. He adds that he does think that John would mind. The police officers search John's stuff and they find a prohibited weapon.
2. The police obtained a search warrant for a gun at Bert's house. The warrant is legal and complies with all requirements. The police do the search at Bert's house. They did not find the gun, but they found some prohibited narcotics hidden under Bert's mattress. They seized the narcotics as evidence.
3. The police obtained a search warrant for a gun at Bert's house. The warrant is legal and complies with all requirements. The police do the search at Bert's house. They did not find the gun, but they saw some prohibited narcotics on the kitchen's table. They seized the narcotics as evidence.

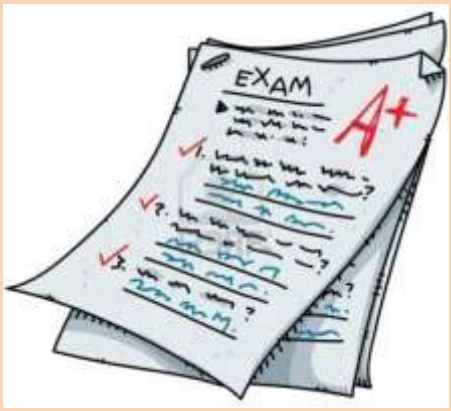
4. A police officer stops Valerie and demands a breath sample because he suspects that she has just committed an impaired driving offence.
5. The police see James standing at a bus stop on a downtown street, in an area where there is extensive drug dealing. The officers ask James if they can look in his bag and he says yes. They open the bag and find drugs.
6. After Tyler checks out of a hotel, the cops ask the manager to turn over the contents of the trash can, where they find notes planning a murder.
7. A student tells the principal that Julia, another student, is selling drugs on school grounds. The principal opens Julia's locker with a master key, finds drugs, and calls the cops.
8. The police let Sarah's ex-boyfriend into her house to search for drugs. He finds marijuana in her desk drawer, which he gives to the police.
9. Chris is stopped for going 52 in a 45 mph zone (with no other reason). The police search the backseat of his car and find a gun.
10. Ray is seen shoplifting at the mall. Police chase him home and arrest him down the street from his house. They search the house without a warrant and find a lot of stolen car stereos.
11. The cops get a tip from an informant that Juan has counterfeit money. The police get a warrant, and find the money right where the informant said it would be.
12. The police suspect Tiffany is receiving stolen goods. They go to her house and ask her roommate if they can search the house. Her roommate says yes, and the police find stolen items in Tiffany's dresser.
13. Ontario's Safe Street Act (1999) gives police the authority to arrest aggressive panhandlers and squeegee kids without a warrant. Do you think this law violates the rights of Canadians not to be arbitrarily detained or arrested?

Class 21

Distribution of final take-home exam



Class 23: 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.