

**LEGAL RIGHTS IN CRIMINAL PROCEEDINGS: MAKE-UP TAKE-HOME TEST**

This make-up test is meant to help you improve the grade you got in the first midterm. If you missed the midterm, you need to do this test. You have to answer **all** questions. This make-up test 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. 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 (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 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 in a MS Word document by the deadline, i.e., March 11, 2021 by 5.30 pm EST**. Please include your name on top of the test and don't include a title page. If you have technical difficulties, you can send this this evaluation to me by email in an MS Word attachment. Please write "LEGAL RIGHTS MAKE-UP TEST" as the subject of the email.

**Section A**

1. Draft a federal statute that accomplishes the same purpose as the federal norm below but which clearly and fully respects all Charter legal rights. The statute has to include the title, background, purpose, and power of the Minister/s. Every section has to be preceded by title.

Your statute has to reflect a due process model of criminal justice. Please note that your statute must demonstrate your knowledge of Charter legal rights discussed in class (30%)



As of February 22, 2021, all air travelers, with some exceptions, will:

- be required to take a COVID-19 molecular test when they arrive in Canada before exiting the airport, and another toward the end of their 14-day quarantine period.
- be required to reserve prior to departure to Canada, a 3-night stay in a government-authorized hotel.
- be required to stay at their reserved hotel for up to 3 nights, at their own cost calculated (upwards of \$2,000), while they await the results of their arrival test.

**2. Discuss the following in light of the Charter legal rights. Identify any possible violation of Charter legal rights. State what the screening officers may or may not do in order to respect the Charter legal rights.**

To ensure travellers' compliance with the new quarantine requirements, the Public Health Agency of Canada (PHAC) is working with security companies to help "complete compliance checks for travellers arriving in Canada." Security companies' employees are being trained by the PHAC as "screening officers". Screening Officers are hired security guards, from one of four private firms contracted by the Federal Government. Screening officers visit individuals' quarantine locations, generally their own homes, to ensure guidelines are being followed. The screening officers will confirm the traveller's identity and ensure all travellers are in their required place of quarantine.