

LEGAL RIGHTS IN CRIMINAL PROCEEDINGS: TAKE-HOME TEST

You have to answer **all** questions from Section A and one question from Section B, i.e., a total of **FOUR** questions. 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. 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 1, 2021 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 “LEGAL RIGHTS TEST” as the subject of the email.

Section A

1. Discuss which criminal justice model predominates in the following government’s measure aimed to reduce the spread of Covid-19 and identify all violations, if any, of Charter legal rights. (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. Explain the following chart and give, at least 4 examples (two for each legal branch), to illustrate your explanation. (20%)



3. Analyze the following federal norm in light of the Charter legal rights.

Covid-19 mandatory hotel stopover. Chargeable violations. Hotel's code of conduct

Individuals who don't follow a hotel's code of conduct may be subject to enforcement measures under the *Quarantine Act*. Local police will be contacted as necessary. Any traveller who is in contravention of the *Quarantine Act* may face fines of up to \$3,000.

Section B

4. Analyze the following scenario in light of the Charter legal rights. (20%)

Upon arrival from Mexico, despite having a valid COVID-19 negative test and a self-isolation plan, Vanegas, a Canadian citizen born in Mexico, was forced to stay in a federal-quarantine facility for two weeks. Vanegas believes it is because the border agent did not like his isolation plan, which was at his family home. “(So) someone takes you in a van with tinted windows and won’t tell you where you are going and once you arrive there, you’re not allowed to talk to anyone or to tell the location to family members,” Vanegas said. “It was scary, to say the least.” Vanegas was forced to stay for 14 days at the Calgary Westin Hotel, which is one of 11 government-approved quarantine facilities in Canada. His personal experiences — secrecy, limited outdoor time and no medical guidance — have been similarly shared by many other Canadians.

5. The government of Ontario mandated a province-wide lockdown in January 2021 to protect public health and slow down the spread of Covid-19. The lockdown included stay-at-home orders. Assume the lockdown is still in force. Write a memo challenging the lockdown for the violation of Charter legal rights. What arguments would you put forward to question the constitutionality of the lockdown? Include references to the Criminal Justice models.