

## THEMES IN CRIMINAL LAW

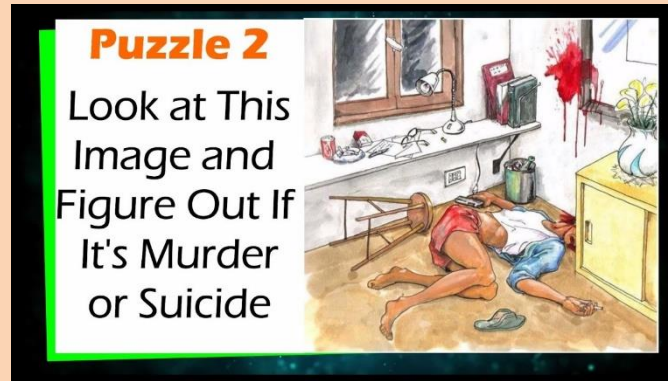
### Class activities\*

#### Class 1 Jan. 6: Introduction

#### Discussion questions



1. Describe as objectively and exhaustively as possible what happened.
2. What crimes, if any, can you identify?
3. Who committed those crimes?
4. Why do you think the crimes were committed?
5. What was the law enforcement reaction?
6. Do you agree with the law enforcement reaction? Why or why not?



## Class 2 Jan. 8 Criminal responsibility

### Socratic dialogue:

- 1) What is a crime from a legal point of view?
- 2) What is the theory of offence? What is it for?
- 3) What are the elements of a crime?
- 4) What is the actus reus? What are its elements?
- 5) What are the types of social harm?
- 6) What is the difference between definitional and underlying social harm?
- 7) What is mens rea?
- 8) What are the main types of mens rea?
- 9) What happens when mens rea is not explicitly included in the definition of the offence?
- 10) What is a subjective test? What is an objective test?

## Classes 3, 4 & 5 Jan 13, 15 & 20 Homicides



**Analyze if there was a crime, who committed the crime, and what type of crime it is.**

1. Describe the facts.
2. Was there a crime? If so, what crime/s? If not, why do you think there was no crime?
3. If there was crime, what are its elements?

### **Scenarios**

Analyze the following scenarios

1. Alex is helping his friend move into a downtown condo. While unloading a large mirror from the moving truck, the bright sunlight hits the mirror and reflects against the 40<sup>th</sup> floor of the skyscraper across the street which temporarily blinds a window washer and causes him to stumble. During this moment of temporary blindness, lasting about a second and a half, the window washer inadvertently kicks over his window washing bucket onto the street below. The water and soap from the bucket hit the sidewalk right in front of Bill the jogger. Bill was unable to stop before stepping on the slippery sidewalk, causing him to lose his balance and fall. When Bill fell, he hit his head on the sidewalk. Bill died two weeks later from his head injury. Suppose that the law provides that: “anyone who causes the death of another person shall be guilty of murder.”
2. Batman was mad at the Joker because he thought he had hooked up with Batgirl. Batman hit the Joker’s head with a baseball repeatedly and went back to the batcave. The Joker died after several hours.
3. Goofy tries to kill Pluto, but misses and kills Mickey instead.

4. Homer finds out that Flanders is sleeping with his wife. Homer sees Flanders, pulls out the gun and shoots to kill him. Flanders died instantly.
5. Homer finds out that Flanders is sleeping with his wife. Homer sees Flanders, pulls out the gun and shoots to kill him. The bullet only hit Flanders's arm. But Flanders was so scared that he died of a heart attack.
6. Homer finds out that Flanders is sleeping with his wife. Homer sees Flanders, pulls out the gun and shoots to kill him. The bullet only hit Flanders's arm. Flanders died of a heart attack. It was proved that Flanders had a congenital heart condition and that the heart attack was unrelated to the shooting.
7. Jim is driving down the freeway when he spills his bag of Skittles onto the front passenger floor. Not wanting to lose a single sugary morsel, Jim leans down to retrieve the handful of lost Skittles. In so doing, Jim takes his eyes completely off the road for 8 seconds. While reaching for the last Skittle, Jim inadvertently jerks the steering wheel which veers his car into the next lane. Jim's car strikes another car forcing it into the ditch. Upon entering the ditch, the other car flips into the air and lands on its roof. All three occupants are crushed to death.
8. John, while walking along a pier, took up a "good sized box" from a stall and threw it into the sea where it struck Alex, a swimmer, and killed him.
9. Julian showed up at a local bar where he saw Marla. Julian had a crush on her. He had asked her out on several occasions but she always turned him down. Marla was terrified of him. He thought he was capable of murder. Julian knew she was scared of him. When Marla saw Julian, she ran out of the bar, crossed the railway tracks and was electrocuted.
10. Maria wants to kill her friend Laura who lives with her roommate, Paola. Maria makes a bomb and puts it in Laura's house. Maria knows that Paola will die even though she doesn't want Paola to die. When the bomb explodes Laura, Paola, and Monica (a friend who happened to be at Laura's house) die.
11. Martin, having become involved in an argument while waiting in line in a post office, pushed an elderly man, causing him to fall accidentally on an elderly woman, who subsequently died in hospital from her injuries.

12. Mickey took a knife to Minnie's house to kill Donald Duck, as Mickey believed that Minnie was cheating on him with Donald Duck. When Mickey entered Minnie's house, he and Minnie began arguing and shoving one another. Then, Mickey stabbed her in the chest and Minnie died instantly. Donald Duck, who was in the backyard, heard some noise and ran to see what had happened. He slipped over Minnie's body and fell down. He broke his head and died.
13. Mildred comes home from work early only to discover her husband Robert in the midst of a lewd affair with their neighbor Gladys. In sudden fit of rage, Mildred grabs a flower vase and smashes it over Gladys' head knocking her unconscious. With a broken shard of ceramic from the vase, Mildred stabs Robert in the neck. Robert dies from sudden blood loss within seconds. After killing Robert, Mildred drags Gladys' unconscious, but still breathing, body into the garage where she ties Gladys to a folding chair and duct tapes her mouth shut to keep her from screaming. Mildred then returns to the house, prepares a cup of hot tea and takes a long bubble bath contemplating what she should do with Gladys. After finishing her bath, Mildred brainstorms in a note book for several hours about what she might do with Gladys. Ultimately, Mildred decides that Gladys must die for what she has done. Mildred then returns to the garage where she calmly shoots and kills Gladys with a pistol at point blank range.
14. Moe and his brother Shemp get into an argument at a crowded bar. Moe balls up his fist and swings, aiming for Shemp's face. Shemp ducks and Moe punches Larry in the face instead.
15. Nat Busichio, the owner of the Peach Pit, a popular diner in Beverly Hills, got into a fight when Luke, owner of Luke's Diner in Stars Hollow, showed up in Beverly Hills and announced his intention to take over the Peach Pit. Nat flew into a rage and hit Luke with a broken beer bottle, causing his death.
16. Oliver loses his job. He heads to a local bar to drown his sorrows. After having five drinks, Oliver jumps into his car and drives down the street at twice the posted speed limit. He accidentally hit and killed Hardy, a pedestrian.
17. Oliver loses his job. He heads to a local bar to drown his sorrows. After having five drinks, Oliver jumps into his car and drives down the street at twice the posted speed limit. He thinks that he may accidentally kill a pedestrian but hopes he will be able to

stop the car if a pedestrian happens to get in his way. When Hardy crosses the street at an intersection, Oliver tries to slow down but kills Hardy.

18. One day, George decides that he would like to see what would happen if he were to drop several pounds of high explosives from a highway overpass into busy fast-moving traffic. George purchases several pounds of high explosives over the internet and then goes to a nearby overpass overlooking the highway. He drops the explosives in front of a large semi-truck and mutters to himself, "I sure hope nobody gets hurt." When the explosives hit the pavement below they instantly detonate and blow-up the semi-truck killing its two occupants. In addition, five more motorists are killed in the ensuing pile-up.
19. Tom robs the First National Bank. During the robbery, Jerry, a bank customer, becomes frightened. Jerry falls down a flight of stairs and dies.
20. Tom robs the First National Bank. During the robbery, Jerry, a bank customer, takes out his cell phone and dials 911. Tom pulls out a gun and kills Jerry so as to prevent him to talk to the police falls down a flight of stairs and dies.

### **Group multiple choice questions**

1. Which type of mens rea is not present in intent-to-commit serious bodily harm murder?
  - a) Intention
  - b) Knowledge
  - c) Recklessness
  - d) Negligence
  
2. Which of the following constitutes murder?
  - a) X robs me and I kill him to defend myself.
  - b) X robs me and I try to defend myself and X dies.
  - c) You don't like these questions so you kill me.
  - d) All of the above.
  
3. Which of the following murders is not second degree?

- a) Intent to kill murder.
  - b) Transferred intent.
  - c) Intent to cause serious bodily harm murder.
  - d) None of the above.
4. Which of the following is not manslaughter?
- a) Killing Julian on purpose because he asked you to do this multiple choice instead of letting you go earlier.
  - b) Killing in the heat of passion.
  - c) Drinking and driving as a consequence of which you kill a pedestrian.
  - d) Killing someone right after he insulted and provoked you.
5. Which is not true about infanticide?
- a) It carries a maximum prison sentence of 5 years.
  - b) The child has to be less than 12 months old.
  - c) It is not murder.
  - d) It can only be committed by the natural mother or father of the child.
6. Which of the following is not an example of non-culpable homicide?
- a) A soldier killing another soldier in war.
  - b) Killing in self-defence.
  - c) Killing students that miss class and only show up for the midterm.
  - d) An accident.
7. Which is not a requirement for accidental non culpable homicide?
- a) Not intentional.
  - b) Lawful activity.
  - c) Lack of negligence.
  - d) Lack of death
8. Which of the following is not true?

- a) First degree murder always requires plan and deliberation.
- b) All murders which are not first degree are second degree.
- c) Criminal negligence, heat of passion, and unlawful act are examples of manslaughter.
- d) There are special causation rules for culpable homicides.
- e) Felony murder is unconstitutional in Canada.

9. Which of the following is second-degree murder?

- a) The professor kills students who don't answer these questions.
- b) The professor kills students who are late.
- c) I smuggled liquor from the US and share it with my students. But liquor turns out to be poisoned, which I didn't know. All students die.
- d) Donald wants to kill Obama but misses and kills Hillary instead.
- e) All of the above.

10. Which of the following is true?

- a) Culpable homicides do not always require factual and legal causation.
- b) If a person accelerates the death of the victim, he/she is considered to have committed a culpable homicide.
- c) Special causation rules apply only to murders and not to manslaughter.
- d) Special causation rules apply only to manslaughter and not to murders.
- e) All of the above.

**Classes 6, 7 & 8 Jan. 22, 27 & 29**

**Sexual assault in Canada and in Civil Law Jurisdictions**

# HOW TO ACE Take-Home Exams

## 1 Prepare your notes

Look over past lectures, compare notes with classmates, and visit your professor during office hours. Afterwards, try rewriting your notes in an organized and eligible fashion.

## 2 Schedule time for yourself

It's important to allot the right amount of time you need to both prepare for the exam, and to take it. Clearing your schedule to allow yourself extra time before and during the exam will give you room to make mistakes, or deal with any confusion.

## 3 Understand the rules

Can you consult with classmates? How much detail should you include in the answers? What's the time limit? Ask questions like these to your professor beforehand to clear up uncertainties.

## 4 Practice writing techniques

Before the exam, try sifting through your notes and crafting a timed essay based on a few key points from class. During the exam, a great way to organize your writing is by forming an outline (thesis statement, main arguments, and a conclusion.)

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## Abductions and kidnappings

Find 3 Canadian court cases dealing with abductions or kidnappings and critically analyze them.

Find a newspaper article dealing with abductions or kidnappings in Canada and critically analyze it.

## Scenarios

- 1) A prison inmate calls a married couple. They have a 12-year old girl, who is playing soccer in the park ten blocks away from their home. The inmate tells the couple that they need to pay \$1000 immediately (by leaving a plastic bag full of unmarked \$20 bills in a trash can)

or else they will never see their daughter again. The prison inmate has never kidnapped the girl. He just knows that she is playing soccer. The couple withdraws the money from an ATM and pays as told. Then, the girl comes home safely from the soccer game.

- 2) Julian does not like when his students come to Algoma but stay in the computer lab checking emails instead of attending class. So, one day visibly angry- he went to the computer lab, locked the door and said “Well, now we’re going to have class here. Nobody may leave the computer lab until we finish class, not even those students who are not taking my class.”
- 3) The bus driver was angry at a passenger because the passenger was eating, listening to the radio without headsets, and writing graffiti on the bus seats. When the passenger requested the bus stop, the driver retaliated by not stopping. After several minutes, and at the insistence of the passenger, the driver stopped and let the passenger out.
- 5) Members from a terrorist organization held an MP at gunpoint in his office and demanded that the Canadian government withdraw its troops from Afghanistan if they wanted to see the MP alive.
- 6) 17-year old Robert and 15-year old Monique had been chatting online for a few weeks. Robert invited Monique to finally meet at the mall on Saturday afternoon. Monique explained to him that her parents did not allow her to meet with anyone she knew online. Robert insisted and asked Monique to skip school and meet him at the mall on Friday, which she did.
- 7) Mr. and Mrs. Klein invited their granddaughters, aged 8 and 10, to Disneyworld for their March Break. Their parents agreed gladly. When it was time to return back home, they emailed their son and informed him that they changed their plans and would return 3 days later because the children did not want to miss a special parade at Disneyworld.
- 8) A man broke into a house at night, and told 14-year old Susie, that she should leave the house with him or else he would rape her little sister. Terrified, Susie left with him.

- 9) 16-year old Rose gave birth to a baby girl. Because she was single and still at school, she decided to give her baby for adoption. Rose was severely depressed and a few months after the birth she broke into the adoptive parents' home at night and took "her" baby home with her.
- 10) Alex and Leticia had 2 daughters -Luana and Nina. Alex and Leticia split up and they agreed that the girls would live with their mom during the school year and would spend their holidays with their dad. In late August, Alex decided to extend the girls' summer holiday a few more days. He sent a text message to Leticia, telling her that he would return their daughters a few days later. Leticia got angry and replied that he should bring them by the first day of school. Alex ignored her, and came back one week after classes started.
- 11) A Sault Ste. Marie couple decided to spend their Christmas break in Montreal with their 9 and 10-year old boys. On the second evening, the parents wanted to see a play with a mature subject matter. So, they left the children in their hotel room and told them not to leave the room for any reason. The hotel burst into fire, so the concierge knocked down the children's room and took them out. Then, he took them to a McDonald's near the hotel to wait for their parents in a safe place.
- 12) Julian was angry at Tom because he missed a couple of classes. So, when Tom finally came to class, Julian told him that he needed to see him in his office right after class to give him some handouts. When Tom went to his office, Julian locked the door and made a phone call. He talked for 30 minutes, ignoring Tom. Finally, Julian gave Tom the handouts and let him out. Tom asked Julian if he had done all this on purpose, and Julian replied that he had.

## **Classes 9 & 10 Feb. 3 & 5 Mass murderers and serial killers**

### **Mass Murderer: The Las Vegas Shooting**

1. What happened in Las Vegas in 2017?
2. Who was the shooter? What do you know about Stephen Paddock?

3. Was this the act of a madman? Why do you think he shot and killed so many people?  
What turned him into a killer?
4. Do an online search of what happened to survivors after the shooting. Does this change your perception of the actual killer?
5. Could the suspect have brought weapons into his hotel room?
6. Did the police kill Stephen Paddock? Or did he commit suicide?
7. Are flexible gun laws in the US a contributing factor in the shooting? Is the National Rifle Association (NRA) –indirectly- responsible for the shooting?
8. What can be done to prevent future mass shootings like this one?
9. What was the media coverage of the shooting like?
10. Do an online search of the reasons why mass murderers kill, their modus operandi, and classifications of mass murderers. Are these compatible with the Las Vegas shooting?

### **Movie Treatment**

- Write the treatment (script summary) of a movie featuring a serial killer. The following articles are meant to help you prepare for the treatment. You are also encouraged to do research online about the mind of serial killers, the reasons why they kill, and their modus operandi. In your movie, you have to include, at least, a first-degree murder, a second-degree murder, and a manslaughter.
- Write the treatment (script summary) of a movie featuring a serial killer. The following articles are meant to help you prepare for the treatment. You are also encouraged to do research online about the mind of mass murderers, the reasons why they kill, and their modus operandi. In your movie, you have to include, at least, a first-degree murder, a second-degree murder, and a manslaughter.
- Write the treatment (script summary) of a movie featuring a professional hitman. The following articles are meant to help you prepare for the treatment. You are also encouraged to do research online about the mind of professional hitmen, the reasons why they kill, and their modus operandi. In your movie, you have to include, at least, a first-degree murder, a second-degree murder, and a manslaughter.

## Serial Killers: Modus Operandi, Signature, Staging & Posing

### Understanding and classifying serial killer crime scenes.

Scott A. Bonn Ph.D.



The breakthrough idea of classifying serial homicide crime scenes according to an organized/disorganized dichotomy is credited to the former FRI agent and profiler Roy Hazelwood. This concept was based primarily on a study of thirty-six serial predators conducted by acclaimed FBI agents John Douglas and the late Robert Ressler.

Profilers use a list of factors such as whether the victim's body was positioned or posed by the killer, whether sexual acts were performed before or after death and whether cannibalism or mutilation was practiced on the body. These factors are used to predict whether an unknown offender is an organized or disorganized killer. The organized/disorganized classification of offenders is the center piece of the FBI profiling approach and it is explained below (1).

### Organized Offenders

According to the offender and crime scene dichotomy, organized crimes are premeditated and carefully planned, so little evidence is normally found at the scene. Organized criminals, according to the classification scheme, are antisocial (often psychopathic) but know right from wrong, are not insane and show no remorse.

Based on historical patterns, organized killers are likely to be above-average intelligent, attractive, married or living with a domestic partner, employed, educated, skilled, orderly, cunning and controlled. They have some degree of social grace, may even be charming, and often talk and seduce their victims into being captured.

With organized offenders, there are typically three separate crime scenes: where the victim was approached by the killer, where the victim was killed, and where the victim's body was disposed of. Organized killers are very difficult to apprehend because they go to inordinate lengths to cover their tracks and often are forensically savvy, meaning they are familiar with police investigation methods.

They are likely to follow the news media reports of their crimes and may even correspond with the news media. Ted Bundy, Joel Rifkin and Dennis Rader are prime examples of organized killers.

### **Disorganized Offenders**

Disorganized crimes, in contrast, are not planned and the criminals typically leave evidence such as fingerprints or blood at the scene of the murder. There is often no attempt to move or otherwise conceal the corpse after the murder. Disorganized criminals may be young, under the influence of alcohol or drugs, or mentally ill. They often have deficient communication and social skills and may be below average in intelligence.

The disorganized offender is likely to come from an unstable or dysfunctional family. Disorganized offenders often have been abused physically or sexually by relatives. They are often sexually inhibited, sexually uninformed and may have sexual aversions or other pathologies. They are more likely than organized criminals to be compulsive masturbators. They are often isolated from others, live alone and are frightened or confused during the commission of their murders. They often do not have reliable transportation, so they kill their victims closer to home than organized offenders.

Significantly, disorganized killers will often "blitz" their victims—that is, use sudden and overwhelming force to assault them. The victim's body is usually left where the attack took place

and the killer makes no attempt to hide it. Jack the Ripper is a classic example of the disorganized serial killer

It is also important to note that a serial murder case can also be a mix of organized and disorganized. This occasionally occurs, for example, when there are multiple offenders of different personality types involved in the killings. It can also occur when a lone offender is undergoing a psychological transformation throughout his killing career.

### **Modus Operandi and Signature**

In addition to the organized/disorganized dichotomy, a serial killer may leave traces of one or both of the following behavioral characteristics: MO (modus operandi or method of operation) and signature—the personal mark or imprint of the offender. While every crime has an MO, not all crimes have a signature.

The MO is what the offender must do in order to commit the crime. For example, the killer must have a means to control his victims at the crime scene such as tying them up. Significantly, the MO is a learned behavior that is subject to change.

A serial killer will alter and refine his MO to accommodate new circumstances or to incorporate new skills and information. For example, instead of using rope to tie up a victim, the offender may learn that it is easier and more effective to bring handcuffs to the crime scene. The MO of Jack the Ripper, for example, was that he attacked prostitutes at night on the street with a knife.

The signature, on the other hand, is not required in order to commit the crime. Rather, it serves the emotional or psychological needs of the offender. The signature comes from within the psyche of the offender and it reflects a deep fantasy need that the killer has about his victims. Fantasies develop slowly, increase over time and may begin with the torture of animals during childhood, for example, as they did with Dennis Rader (“Bind, Torture, Kill”).

The essential core of the signature, when present, is that it is always the same because it emerges out of an offender’s fantasies that evolved long before killing his first victim. The signature may

involve mutilation or dismemberment of the victim's body. The signature of Jack the Ripper was the extensive hacking and mutilation of his victims' bodies that characterized all of his murders.

### **Staging and Posing**

The FBI profiler may also encounter deliberate alterations of the crime scene or the victim's body position at the scene of the murder. If these alterations are made for the purpose of confusing or otherwise misleading criminal investigators, then they are called staging and they are considered to be part of the killer's MO.

On the other hand, if the crime scene alterations only serve the fantasy needs of the offender, then they are considered part of the signature and they are referred to as posing. Sometimes, a victim's body is posed to send a message to the police or public. For example, Jack the Ripper sometimes posed his victims' nude bodies with their legs spread apart to shock onlookers and the police in Victorian England.

### **Serial Murder Versus Mass Murder**

**Two very different types of crime.**

Scott A. Bonn, Ph.D.

Psychology Today, Posted Jan 07, 2019

Mass murder is sometimes confused with serial murder by the news media and the public in general. Such confusion is not surprising. Up until 1974, criminal justice practitioners used the term mass murder to refer to both types of multiple homicide.

Today, however, criminologists, forensic psychologists, criminal justice professionals and legislators recognize that serial murder and mass murder are two very different types of crime with very different motivations and goals on the part of the perpetrator.

Let us start by examining serial murder. There has been considerable debate among experts over the years regarding the exact criteria and definition of serial murder. During the past 40

years, various definitions of serial murder have been used by law enforcement officials, clinicians, academicians, and researchers.

While these definitions normally share common elements, they differ on specific requirements such as the number of murders required, the types of motivation and the temporal aspects of the murders. Typically, definitions of serial murder specify a certain number of murders, varying from two to ten victims, as noted by the FBI in an influential 2005 report on serial murder. This quantitative requirement distinguishes a serial murder scenario from other categories of murder, especially single homicide, which is by far the most common act of murder in the U.S.

The classic definition of serial murder required a period of time elapse between the murders. This pause or break between killings was necessary to distinguish between a mass murder, which is a one-time event, and a serial murder, which has multiple incidents. The original definition of serial murder thus required a temporal separation between killing incidents described as a cooling off period or emotional cooling off period.

Perhaps due to the debate among professionals over the exact definition of serial murder, the U.S. government actually attempted to formalize it through legislation on one occasion. In 1998, a federal law was passed by the United States Congress, titled Protection of Children from Sexual Predator Act of 1998 (Title 18, United States Code, Chapter 51, Section 1111). This law includes the following definition of serial killings:

The term ‘serial killings’ means a series of three or more killings, not less than one of which was committed within the United States, having common characteristics such as to suggest the reasonable possibility that the crimes were committed by the same actor or actors.

This federal law provides a definition of serial murder but it is limited in its usefulness because it was only designed to establish criteria for when the FBI could assist local law enforcement agencies with their investigation of serial homicide cases.

At a major symposium on serial homicide in 2005, the FBI reduced the minimum number of victims from three to two in its definition of serial murder. The FBI did this for its own purposes and to satisfy its own institutional needs—that is, to afford itself greater flexibility

and breadth in determining when and how to pursue potential serial murder cases. The FBI argued that the older criterion of three or more victims was arbitrary and unnecessary for investigative purposes.

In addition to lowering the minimum number of murder victims in 2005, the FBI also eliminated the cooling off period from its list of required serial homicide criteria. Similar to the rationale it used in lowering the number of victims, the FBI argued that the cooling off period is not a useful requirement for the purposes of criminal investigation.

It is important to note that the term serial killer is relatively new. As explained by Peter Vronsky in his 2004 book "Serial Killers: The Method and Madness of Monsters," the term was probably coined by the late FBI agent and profiler Robert Ressler, who said that he believed the term "stranger killings," frequently used during the mid-twentieth century, was inaccurate because not all victims of serial killers are strangers.

Ressler was lecturing at the British police academy at Bramshill, England, in 1974, where he heard the description of some crimes as occurring in series, including rapes, arsons, burglaries, robberies, and murders. Ressler said that the description reminded him of the movie industry term "serial adventures," which referred to short episodic films, featuring the likes of Batman and the Lone Ranger, shown in theaters on Saturday afternoons during the 1930s and 1940s. Each week, youthful matinee audiences were lured back for the next installment in the series by an inconclusive ending known as a "cliffhanger" that left them wanting more.

Ressler recalled from his youth that no episode had a satisfactory conclusion and the ending of each one increased rather than decreased the tension in the viewer. Similarly, Ressler believed that the conclusion of every murder increases the tension and desire of a serial killer to commit a more perfect murder in the future—one closer to their ideal fantasy. Rather than being satisfied when they murder, serial killers are instead agitated toward repeating their killings in an unending "serial" cycle.

Now, let us turn to mass murder. It is the act of murdering multiple people, typically simultaneously or over a relatively short period of time. Mass murder may be committed by

either individuals or organizations. Mass murder may also be defined as the intentional and indiscriminate murder of a large number of people by government agents.

Examples of mass murder by government agents are the shooting of unarmed protestors, the carpet bombing of cities during wartime, and the random execution of prisoners or civilians. The largest mass killings in history have been attempts to exterminate entire groups or communities of people, often on the basis of ethnicity or religion. Some of these mass murders have been determined to be acts of genocide and others to be crimes against humanity by the United Nations Security Council or International Criminal Court (ICC), but often such crimes have led to few or no convictions of any type.

The focus of our discussion here, however, is on mass murder committed by an individual, or occasionally, by more than one individual. Mass murderers of this variety may fall into any one of a number of categories, including but not limited to, killers of family members, co-workers, students, or random strangers.

The FBI defines mass murder of this type as killing four or more persons with no cooling-off period between the murders. Stated differently, the FBI classifies mass murder as a single incident in which a perpetrator kills four or more people, excluding herself. The FBI specifically defined mass murder as a single event in order to distinguish it from serial murder.

In a mass murder committed by an individual, the victims may be either selected randomly or specifically targeted for a reason that only makes sense to the perpetrator.

The individual motives for mass murder vary greatly. A common motivation for mass murder is retaliation or revenge, but other motivations are possible, including grandiosity and the need for attention or fame. A mass murder sometimes occurs when the perpetrator, who may be deeply troubled, suffers a psychotic break from reality and strikes out at his perceived tormentors in a blitz-like attack.

Unlike serial killers, mass murderers are frequently, but not always, killed at the scene of the crime. Sometimes they are shot by law enforcement officers called to the crime scene, which

is often referred to as “suicide by cop,” while other times mass murderers take their own lives in a final and deliberate act of suicide.

From a social-psychological perspective, mass murder is frequently an act of vengeance against society committed by a desperate and fatalistic individual who has no intention of going away quietly or returning to kill another day.

It is also important to note that serial murder is currently on the decline while mass murder, more specifically, mass public shootings, are on the rise.

## **Understanding Hitmen Versus Serial Killers**

### **Hitmen pursue profit and serial killers pursue fantasy**

Scott A. Bonn Ph.D.

Psychology Today, Jan. 27, 2020

There is some debate among criminologists, psychologists, and law enforcement authorities as to whether professional assassins or so-called hitmen should be considered serial killers. Moreover, there has been considerable debate among experts for decades over the exact criteria and definition of serial murder itself.

During the past 40 years, multiple definitions of serial murder have been used by law enforcement officials, clinicians, academicians, and researchers. While these definitions normally share common elements, they differ on specific requirements such as the number of murders required, the types of motivation and the temporal aspects of the murders.

Although it was modified by the FBI in 2005 to reduce the number of victims, the original or classic definition of a serial killer is one who has taken the life of at least three victims in separate crime scenes or events, and where there is an emotional cooling-off period that separates the three murders.

In contrast to serial killers, so-called hitmen are professional contract killers employed by organized crime groups to eliminate their rivals or other troublesome individuals. More generally, a hitman is anyone paid by someone to kill another person.

One of the most infamous of all professional hitmen was Vincent "Mad Dog" Coll who, despite the fact that he was Irish, committed dozens of contract murders for the Italian Mafia in New York City in the 1920s. He gained infamy for the accidental killing of a young child during a mob kidnapping attempt. Coll's exploits have been chronicled in numerous books and Hollywood films such as *Mobsters* in 1991.

Unlike serial killers who select their own victims, the targets of hitmen are carefully chosen for them by their employers who pay them to kill on demand. Although professional hitmen and serial killers share the common characteristics of killing multiple victims in separate and unrelated events, hitmen are not serial killers because their motivation to kill is strictly financial.

The murders committed by professional hitmen fulfill no emotional or psychological needs on their part. Serial killers such as Ted Bundy, on the other hand, are driven to murder by fantasy and powerful emotional needs such as lust or excitement.

A unique exception to the clear distinction between serial killers and contract killers is the late Richard Kuklinski who was both a serial killer and a professional hitman. When he wasn't committing contract killings for the Gambino crime family, Kuklinski was killing complete strangers who irritated or annoyed him. He claimed to derive great pleasure and exhilaration from the challenge of killing his victims. Kuklinski was given the nickname "Iceman" for his method of freezing a murder victim to confuse the time of death. There is another important distinction that separates serial killers from professional hitmen. Serial killers experience an emotional cooling-off period between their murders during which time they blend back into their seemingly normal lives. In contrast, professional hitmen do not experience or require a

cooling-off period between their murders because of the unemotional and pragmatic nature of their killings. During the cooling-off period between murders, a serial killer disappears from the public eye and resumes his or her seemingly normal routine and life. Incredibly, the life of a serial killer during the cooling-off period, particularly if he or she is a psychopathic killer like Ted Bundy—that is, pathologically devoid of emotion or empathy—may appear completely normal to the unsuspecting observer.

Serial predators reemerge from a cooling-off period to strike again when the urge to kill becomes overwhelming to them. A serial killer may not even understand his or her compulsion to kill but knows that it is both undeniable and uncontrollable when the urge arises.

The cooling-off period between murders is highly subjective, unpredictable and it varies from one serial killer to another in terms of its duration. The length of the cooling-off period can also vary between murders committed by the same serial killer. The duration can be from days or weeks to months and in rare instances, even years. For example, Dennis Rader or “Bind, Torture, Kill” (BTK) confessed to 10 murders that he committed over a span of nearly 20 years (1974-1991) after he was captured in 2005. In between his murders, Rader lived a remarkably normal-looking outward life with a wife and two children. He was perceived to be a pillar of his community in Wichita, Kansas.

Inwardly, however, Rader was secretly satisfying his sexual needs and delaying his compulsion to kill for months and even years at a time through autoerotic fantasies in which he relived his murders with the aid of trophies taken from his victims such as articles of clothing, identification cards, and jewelry.

As a result of this practice, the length of the cooling-off period between Rader’s murders was highly variable and often lasted much longer than other serial killers. His ability to control his compulsive need to kill for years at a time through autoerotic fantasy is highly unusual for serial killers. In summary, professional hitmen, unlike serial killers, do not experience such inner compulsions to kill. Their motivations lie outside of themselves and are financially driven.

## Serial killer who drove 'murder mobile' faces 360-year prison sentence

**JESSICA SCHLADEBECK**

NEW YORK DAILY NEWS

Saturday, September 9, 2017, 12:04 AM

A former drifter accused of [killing seven people](#) in Connecticut in 2003 and disposing of their bodies behind a strip mall in an area he referred to as his "garden" pleaded guilty to several murder charges Friday.

William Devin Howell, 47, pleaded guilty to six counts of murder in New Britain Superior Court and is expected to be sentenced to 360 years — or six life sentences — behind bars on Nov. 17. He'd already been serving a 15-year sentence for manslaughter in the death of his seventh victim, 33-year-old Nilsa Arizmendi. His other victims include 24-year-old Joyvaline Martinez, Diane Cusack, 53, Mary Jane Menard, 40, 29-year-old Melanie Ruth Camilini, Marilyn Gonzalez, 26, and 44-year-old Danny Lee Whistnant. All seven of the victims disappeared in 2003 and were later discovered behind a strip mall in New Britain. Three of the bodies were found in 2007 and authorities uncovered other remains in 2015 upon returning to the site. When investigators searched Howell's prison cell the same year, they found notes regarding serial killer memorabilia and a newspaper article detailing Florida's death penalty, according to court records.



MISSING AND UNIDENTIFIED PERSONS SYSTEM, SEYMOUR POLICE DEPARTMENT

He also told his cellmate "there was a monster inside him that just came out" and described himself as a "sick ripper," according to the arrest warrant affidavit. Howell

sexually assaulted three of his victims and kept one of the bodies inside his van, which he referred to as the “murder mobile,” for two weeks. He often slept next to the corpse and referred to the victim as his “baby,” according to the warrant. If Howell had not been caught, “he was going to go cross-country and kill others,” it stated. With seven murders, he’s the most prolific serial killer in Connecticut, topping Michael Ross who killed six women in Eastern Connecticut and another two in New York. Ross was executed in Connecticut in 2005, though the state no longer has the death penalty.

### **Woman who was in a relationship with a serial killer for 10 years had no clue**

‘I knew there was something that didn’t sit right with me about him, but I couldn’t really put my finger on it’

#### **Rachael Revesz**

A woman who was in a relationship with a serial killer and did not know of his double life has spoken out for the first time. Holly Eudy, who was with Todd Kohlhepp for a decade, told Inside Edition: “I knew there was something that didn’t sit right with me about him, but I couldn’t really put my finger on it.” Kohlhepp, a real estate agent from Spartanburg in South Carolina, was arrested last November after a woman he kidnapped was found chained by the neck inside a storage container on his 95-acre property. The victim, Kala Brown, told police Kohlhepp had killed her boyfriend, Charlie Carver, and that he had buried several other people on his property. He pleaded guilty to killing seven people over 13 years, avoiding the death penalty, and was sentenced to seven consecutive life sentences without parole. Ms Eudy described her former partner’s crimes as “sickening” and “disgusting”.

Asked what had attracted Ms Eudy to Kohlhepp, she said: “He gave me a lot of attention, made me feel like I was important.”

She learnt that the money she loaned him had been used to buy the storage container to lock up Ms Brown. He had told Ms Eudy that he needed the container to store supplies, and when she even went into it, hidden in the woods, she said she did not feel suspicious as it was just packed with cans and water. Ms Brown told television host Dr Phil that she was chained up for two months and was raped twice a day by Kohlhepp. The 45-year-old would reportedly brag to her about “how good” he was at killing people, and that he had murdered her boyfriend because “it was easier to control someone once you took someone they loved”. Ms Eudy met Kohlhepp in 2006, three years after he had already murdered four people.

When Ms Brown was being filmed as she was transported to hospital last year, she said: “Some girl named Holly, he’s supposedly planning to kill.” Ms Eudy said she watched the tape and realised she could have been the next victim. “My mouth fell open the first time I heard it.”

## Top Rules for Mystery Writing

By Ginny Wiehardt

1

### **In mystery writing, plot is everything.**

Because readers are playing a kind of game when they read a detective novel, plot has to come first, above everything else. Make sure each plot point is plausible, and keep the action moving. Don't get bogged down in back story or go off on tangents.

2

### **Introduce both the detective and the culprit early on.**

As the main character, your detective must obviously appear early in the book. As for the culprit, your reader will feel cheated if the antagonist, or villain, enters too late in the book to be a viable suspect in their minds.

3

### **Introduce the crime within the first 3 chapters.**

The crime and the ensuing questions are what hook your reader. As with any fiction, you want to do that as soon as possible.

4

### **The crime should be sufficiently violent -- preferably a murder.**

For many readers, only murder really justifies the effort of reading a 300-page book while suitably testing your detective's powers. However, also note that some types of violence are still taboo including rape, child molestation, and cruelty to animals.

5

### **The crime should be believable.**

While the details of the murder -- how, where, and why it's done, as well as how the crime is discovered -- are your main opportunities to introduce variety, make sure the

crime is plausible. Your reader will feel cheated if the crime is not something that could really happen.

6

**The detective should solve the case using only rational and scientific methods.**

Consider this part of the oath written by G.K. Chesterton for the British Detection Club: "Do you promise that your detectives shall well and truly detect the crimes presented to them using those wits which it may please you to bestow on them and not placing reliance on nor making use of Divine Revelation, Feminine Intuition, Mumbo Jumbo, Jiggery-Pokery, Coincidence, or Act of God?"

7

**The culprit must be capable of committing the crime.**

Your reader must believe your villain's motivation, and the villain must be capable of the crime, both physically and emotionally.

8

**In mystery writing, don't try to fool your reader.**

Again, it takes the fun out. Don't use improbable disguises, twins, accidental solutions, or supernatural solutions. The detective should not commit the crime. All clues should be revealed to the reader as the detective finds them.

9

**Do your research.**

"Readers have to feel you know what you're talking about," says author Margaret Murphy. She has a good relationship with the police in her area and has spent time with the police forensic team. Get all essential details right. Mystery readers will have read a lot of books like yours; regard them as a pretty savvy bunch.

10

**Wait as long as possible to reveal the culprit.**

They're reading to find out, or figure out, whodunit. If you answer this too early in the book, the reader will have no reason to continue reading.

**Find news articles about serial killers and mass murderers and discuss them.**

## **Serial Killers**

Prepare a presentation on serial killers and mass murderers



**Class 11 Feb. 10 Review for test**

## **THEMES IN CRIMINAL LAW TEST**

For each question, circle the best answer, i.e., the response that most accurately and completely answers the question. Please note that some answers may give a wrong reason for an otherwise correct result. Such answers are to be considered incorrect. In some cases, you will need to justify your response. If the law is provided, then you need to apply that law. In all other cases, apply Canadian Criminal Law. You have 30 minutes. **I will return all tests next class. Please don't miss it. It is a condition to do the make-up test.**

1. Which of the following statements is true about intent to cause serious bodily harm murder?
  - a. The mens rea is intention.
  - b. The mens rea is intention, knowledge, and negligence.
  - c. The mens rea is intention, knowledge or recklessness.
  - d. The mens rea is intention, knowledge, and recklessness.
  - e. The mens rea is intention and knowledge or recklessness.

Justify your response

2. Which of the following is TRUE about this case?

Laura hates Marissa because she always calls her when Laura is working. Laura decides to kill Marissa. So, she gets a knife and stabs Marissa to death. Assume the law defines culpable homicide as “intentionally causing death of another human being with a gun.”

- e) Laura committed first degree murder.
- f) Laura committed culpable homicide.
- g) Laura did not commit culpable homicide.
- h) Laura did not commit culpable homicide because she lacked the mens rea required in the offence.
- i) None of the above.

Justify your response

3. Which of the following is first degree murder?
- a. Laura hired Marlen to kill Albert.
  - b. Laura planned to kill Albert.
  - c. Laura killed Albert. Albert was a police officer.
  - d. Laura kidnapped Albert and killed him.
  - e. All of the above.

Justify your response

4. Which of the following is TRUE about this case?

Homer is part of a criminal organization. He is in charge of selling drugs for the organization. He sold drugs to Fat Tony, who died because the drugs were unusually toxic.

- a. Homer committed second degree murder.
- b. Homer committed manslaughter.
- c. Homer committed first degree murder.
- d. Homer committed a non-culpable homicide.
- e. None of the above.

Justify your response

5. Which of the following MAY NOT be true about a first-degree murder?
- a. The accused was sentenced to life in prison with a parole eligibility at 20 years.
  - b. The victim was a police officer.
  - c. The accused was sentenced to life in prison.
  - d. The murder was planned and deliberate.
  - e. The accused acted with intentional mens rea.

Justify your response

**Class 12 Feb. 12 Test**



**Class 13 Feb. 24 Return tests and feedback**



**Classes 17, 18, 19 & 20 March 9, 11, 16 & 18 Property crimes**

**Identify and discuss the crimes in the following scenarios**

1. Friends Cheesecake
2. Seinfeld The Revenge
3. Seinfeld The Limo
4. Nine Queens: Handbag
5. Nine Queens: Bill
6. Seinfeld The Statue
7. Seinfeld The Note

### **Scenarios**

1. One evening, NBA all-star LeBron James, drove to the local Safeway and parked his 2012 bright yellow Ferrari outside. He left the key in the ignition while he went in to grab some Gatorade and snacks. When he came back out 20 minutes later, he drove away in a 2011 bright yellow Ferrari that had a key in it. But this car wasn't his. James did not notice that it was a 5 different Ferrari until he was almost home.
2. Laura advertised an iPhone on eBay. She wrote it is new, but she didn't say that it was refurbished. She sold it for \$500. Marissa bought it. She used it happily and never noticed that it wasn't brand new.

3. Moe works at the IT Helpdesk of a large corporation. He has access to staff personal information. He uses another employee's name (Larry) to open a bank account. He deposits money into the account.
4. Moe works at the IT Helpdesk of a large corporation. He has access to staff personal information. He uses another employee's name (Larry) to open a bank account. He deposits \$5000 into the account with the view of applying for a loan later. Larry notices he has a new bank account. He knows he hasn't made any deposit into that account. He withdraws all the money in the account.
5. Cosmo Kramer took two items from supermarket shelves and replaced the correct labels with ones showing lower prices. He took the items to the checkout and paid the lower price.
6. Harvey Weinstein told an aspiring actress that he wanted to sleep with her. She told him that she would only do so if he was single. Harvey was married, but told her that he was single. They slept together.
7. A tourist from Lebanon took a taxi ride in Toronto for which the proper fare was about \$10. He offered the taxi driver a \$20 bill, but the driver said more money was needed and proceeded to take a further \$20 bill and a \$5 bill from the tourist's open wallet. In court, the taxi driver argued that he had not stolen the money because the victim had consented to its being taken by him.
8. Elmer owed Daffy Duck \$ 1000. Daffy Duck approached Elmer, brandishing a knife. A fight followed, during which Elmer dropped a \$100 bill. Daffy picked it up and demanded the remaining \$900 owed to him.
9. Speed Racer removed his car from outside the garage at which it had been repaired, intending to avoid having to pay for the repair.
10. Moe went to The Three Stooges' travel agency to buy airline tickets to fly to Moscow, Russia. Larry, a travel agent, took Moe's money. Larry expected Moe to pay the airline and obtain the airline tickets for him. Moe deposited the money in the agency's bank account. The following day, the travel agency's business collapsed, and the money was lost.
11. Bart Simpson took a tool-box from The Lectorium to annoy his owner, Mr. Flanders. But Bart panicked and hid it when the police were called. He claimed that he intended to replace it as soon as he could do so undetected.

12. Abbot entered into an agreement with Costello, under which Abbot bought a laptop for \$2000 from Costello. Abbot agreed to pay \$500 in cash at the signing of the contract, which he did, and the balance in monthly instalments of \$200. Costello gave Abbot the laptop. In addition to the cash payment, Abbot paid two instalments. When the third was demanded Abbot produced a receipt purporting to acknowledge the balance having been paid in full. Costello had not given such a receipt.
13. Tom sold all the scrap metal on certain disused business premises to Jerry, who removed most of it but left some as being too inaccessible to be worth the expense of removal. Jerry changed his mind and then entered Tom's premises to take some of this scrap.
14. Daffy Duck pulled on Granny Webster's handbag to wrench it from her hands.
15. Omar is an Irani citizen. He served a 1-year prison sentence for theft in Teheran. He came to Canada as a tourist, and then applied for Canadian permanent residence. He did not disclose his prior conviction because that is grounds for permanent residence denial.
16. Rachel Dolezal, a white woman whose parents are also white, pretended to be black for years. She made a name for herself as a civil rights activist and an academic who specialised in African-American studies. She was elected as the president of the National Association for the Advancement of Colored People in Spokane, Washington, a position she would not have got if electors knew she wasn't black.
17. An Algoma University student went to his teacher's office to ask him for a letter of reference for graduate school. The professor excused himself for a minute and stepped out to go to the washroom. The student noticed that there was a sheet of paper with the questions for the upcoming final exam. The student took a picture of the questions.
18. An Algoma University student went to his teacher's office to ask him for a letter of reference for graduate school. The professor excused himself for a minute and stepped out to go to the washroom. The student noticed that there was a sheet of paper with the questions for the upcoming final exam. The student took the sheet with the questions. He copied the questions and then returned the exam before the professor came back.
19. Daffy Duck nudged Bugs Bunny causing him to lose his balance so that his wallet could be more easily taken, which Daffy Duck did.
20. Julian had a Rolex watch worth over \$10,000. He was stopped by the police officer who interrogated him about the watch. Julian told the officer that he didn't remember exactly

how he got the watch. He said that probably he had got it on eBay. But he said he wasn't so sure. The police arrested Julian because the watch turned out to be stolen. It was reported stolen the week before.

## **Presentation**

Select one or more of the following types of fraud. Do some research and prepare a presentation about the selected type of fraud. Explain it and provide some examples, both real and hypothetical.

- Advance Fee Schemes
- Business Fraud
- Counterfeit Prescription Drugs
- Credit Card Fraud
- Fraud Against Seniors
- Fraudulent Cosmetics and “Anti-Aging” Products
- Funeral and Cemetery Fraud
- Health Care Fraud or Health Insurance Fraud
- Identity Theft
- Internet Auction Fraud
- Internet Fraud
- Investment Fraud
- Letter of Credit Fraud
- Market Manipulation (“Pump and Dump”) Fraud
- Nigerian Letter or “419” Fraud
- Non-Delivery of Merchandise
- Ponzi Schemes
- Prime Bank Note Fraud
- Pyramid Schemes
- Redemption / Strawman / Bond Fraud
- Reverse Mortgage Scams
- Telemarketing Fraud

## **Class 21 March 23 Psychological violence and crimes**

Prepare a presentation on the criminalization of Non-consensual Distribution of Intimate Images

## Canada's First Revenge Porn Convict Gets 90 Days in Jail

*Tamara Khandaker*

The first test of Canada's revenge porn law has sent a Winnipeg man, who posted naked photos of his ex online after she confessed to cheating on him, to prison for 90 days. The 29-year-old man, whose name hasn't been published in order to protect the identity of the victim, admitted to posting three nude photos of her on Facebook after their year-long relationship came to a bitter end. Judge Carena Roller said while she believed he was remorseful and wouldn't do it again, the sentence "must have a chilling effect" on others who might consider "revenge porn" in the future, the Winnipeg Sun reported. Roller also banned the man from using the internet for three years except for work purposes as part of his supervised probation. "It's trite to say (the accused) won't be the last person to be upset by the breakup of a relationship of infidelity and many will have access to the internet and applications such as Facebook," she said. The man's lawyer said his client was devastated after he caught his ex-girlfriend cheating on him with a co-worker, posted the photos after getting drunk and high on cocaine, and deleted them 30 minutes later, according to the Sun. He pleaded guilty to publishing and distributing intimate images of his ex without her consent last March, just weeks after the act was made a criminal offence by the formerly governing Conservatives' anti-cyberbullying law, Bill C-13 — a move privacy lawyer David Fraser calls a "progressive move by a not-so-progressive government."

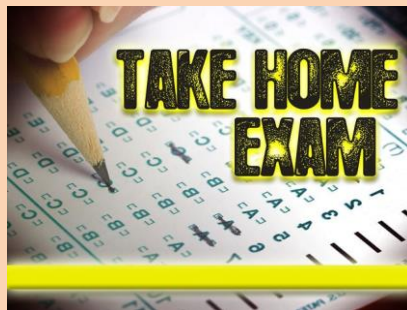
Roller rejected his request for a conditional penalty that would've kept him out of jail, but has allowed his sentence to be served on weekends, which lets him continue to work full time during the week. While it's unknown how many people saw the photos or if anyone made copies, Crown attorney Nadine Vasas pointed out to the court that "there was an understanding that these (images) were to remain within the relationship." The woman said previously in a victim impact statement that she never imagined ending up in a situation similar to relationship "horror stories" she'd read on social media, the Winnipeg Free Press reported. "I never thought someone who once loved me could do something so degrading," she said. "My life has been turned upside down. I've lost all self-respect." The man had no prior criminal record and received many letters of support in court from

family and members of the community. Posting the photos was "an extremely uncharacteristic act that he will regret for the rest of his life," his lawyer Karl Gowenlock told the court.

"The impact I created will go on forever. I'm truly sorry for this. What I did was beyond terrible," the man said in court Monday, according to the Sun. "I became somebody that night I promise you will never see again." In January, Manitoba became the first province to allow victims of revenge porn to avoid criminal proceedings and instead sue perpetrators under the Intimate Image Protection Act. Fraser said he's not surprised by the sentence, given that it's for a "relatively new offense." "I think a significant component of sentencing for judges has to do with the deterrent effect and has to do with a recognition of the harm that the offense has caused." It sends a signal that the courts will take the crime seriously, he said. Fraser, who launched a charter challenge against the Cyber-Safety Act in Nova Scotia that was ultimately deemed unconstitutional, said Bill C-13 has filled a major void in the law. Prior to it coming into effect, there was "no criminal law that could be invoked for this sort of activity," he said. "There was nothing to represent the societal condemnation of this sort of violation of trust."

### **Prepare a presentation on criminalization of free speech**

### **Class 22 March 25 Distribution of final take-home**



### **Class 23 March 30 Submission of final take-home**



**Class 24 April 1: Review and feedback**



**\* 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.

### **Disclaimers**

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, as well as those expressed in videos shown in class, are those of the authors or the individuals who made those opinions 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.