

## VIOLENT AND PROPERTY CRIMES

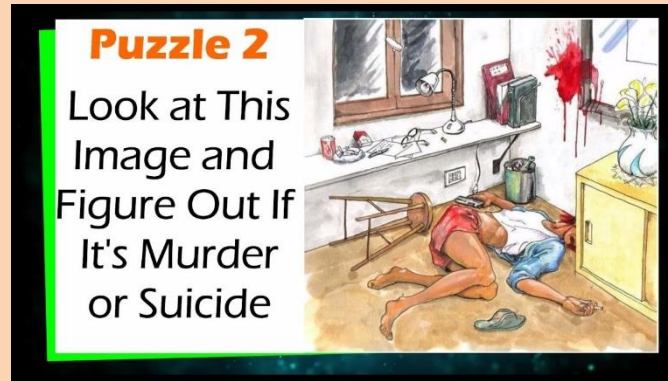
### Class activities\*

#### Class 1 Sep. 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 Sep. 11 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 & 6 Sep 13, 18, 20, 25 & 27 Homicides

### Analyze if there was a crime, who committed the crime, and what

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

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 your Criminology professor 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. What is not an example of non culpable homicide?

- a) A soldier killing another soldier in war.
- b) Killing in self defense.
- c) Killing students that only show up for the exam.
- 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

## **Classes 8 & 9 Oct. 2 & 4**

### **After the Montreal Massacre**

1. Was this the act of a madman?

2. Is this a symptom of society's attitude toward women?
3. What is the role of the media in this crime?
4. How did the media depict the mass murder?
5. Why do you think Marc Lepine killed 14 women students?
6. What was Marc Lepine's attitude toward women?
7. Is this an isolated incident in Canada?
8. Is women's situation in Canada better now than in 1989?
9. What is the message that Marc Lepine leaves? What is his suicidal note?
10. What should the government's response to a multiple murder be?
11. What can be done to avoid a similar massacre in Canada?

## **Serial Killers**

Prepare a presentation on serial killers and mass murderers



## **Classes 10 & 11 Oct. 16 & 18 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.

**Class 13 Oct. 25 Test**



**Classes 14, 15 & 16 Oct. 30, Nov. 1 & 3 Property crimes**

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

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

### **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

**Classes 17, 18, 19 & 20 Nov. 8, 13, 15 & 20 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*

March 24, 2016 | 2:45 pm

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."

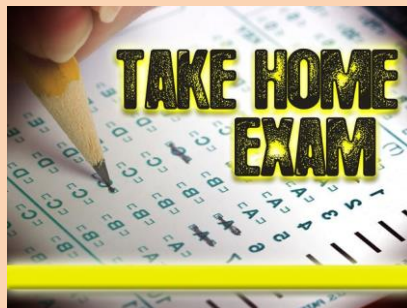
Roller rejected his request for a conditional penalty that would've kept him out of jail, but has allowed his sentence to be served on weekends, which lets him continue to work full time during the week. While it's unknown how many people saw the photos or if anyone made copies, Crown attorney Nadine 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 cyberbullying

**Class 21 Nov. 22 Distribution of final take-home**



**Class 23 Nov. 27 Consultation**

**Class 23 Nov. 29 Submission of final take-home**



**Class 12: Review and feedback**



**\* TRIGGER WARNINGS**

# TRIGGER WARNING

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.