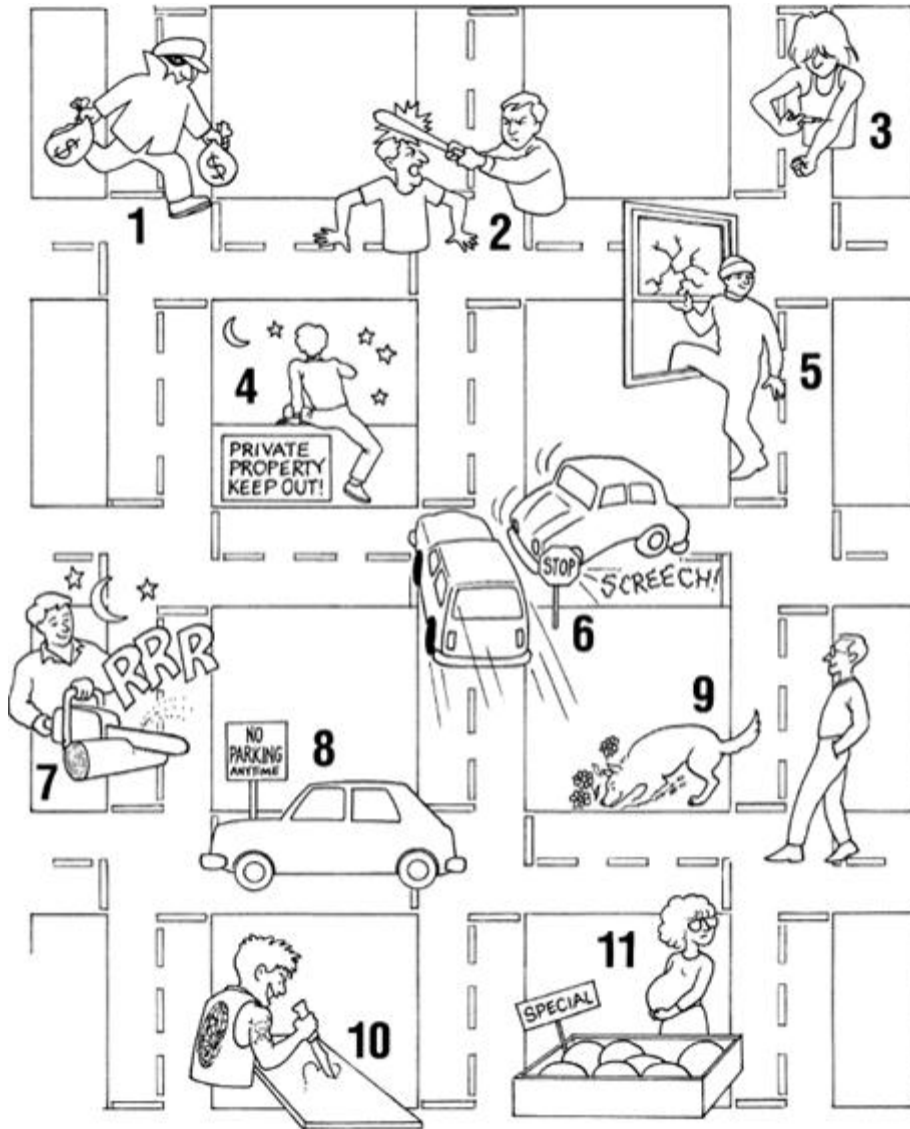


HANDOUT 5: Working with Criminal Offences and Defences

Can you name the crime?



- 1. _____
- 2. _____
- 3. _____
- 4. _____
- 5. _____
- 6. _____

- 7. _____
- 8. _____
- 9. _____
- 10. _____
- 11. _____

Match the Crime to Its Definition

Trafficking of a narcotic
First degree murder
Contempt of court
Possession of stolen property
Fraud
Arson

Armed robbery
Second degree murder
Impaired driving
Possession of a weapon
Failure to appear
Manslaughter



1. Having something in your possession or control that you knew was stolen.
Answer: _____

2. Lying to or deceiving someone to gain a personal benefit.
Answer: _____



3. Causing and intending to cause another person's death.
Answer: _____

4. Intending to and killing someone according to a plan.
Answer: _____

5. Using physical force and a weapon to take property away from someone.
Answer: _____



6. Disregarding and disobeying an order made by a judge.
Answer: _____

7. Selling illegal or prohibited substances such as cocaine or heroin.
Answer: _____

8. Causing another person's death without intent.
Answer: _____



9. Operating a vehicle while physically and mentally unable to do so.
Answer: _____

10. Failing to come to court when you have been required to do so.
Answer: _____

11. Carrying a weapon that might be dangerous to the safety of others.
Answer: _____

12. Willfully and deliberately setting a fire to damage property.
Answer: _____

Name: _____ Block: _____ Date: _____

Examining Criminal Case Scenarios

- Identify the apparent offence
 - Determine why it occurred and how it could (if possible) have been prevented
 - Determine if, and how, the person should be punished
1. David and Luis, both 13, were walking down an alley near their home. They saw a brand new mountain bike lying in the middle of the lane. They decided to take it for a ride. After riding the bike they took it to their house instead of returning it to the alley. The neighbours saw them and reported them to the police. They were charged.
 2. Neera, 24, bought a very nice car from an acquaintance whom she knew was involved in questionable dealings. The car was such a bargain that she couldn't turn it down. She didn't get a receipt or even ask for one because she thought that the car might have been stolen. It was a stolen car and the police impounded it. She was charged.
 3. Nga Yee, 17, was asked by a friend, Tom, to hold his books for a few minutes while he went to the restroom. Tom was a known drug dealer in the school. Tom did not return. When Nga Yee looked inside the books she found marijuana. Instead of turning the marijuana over to the principal she decided to put the books in her locker. A locker check was done and the marijuana was found. She was charged.
 4. Anna, 12, collected hockey cards. The corner store just received a new shipment. All her friends had money and were buying the cards. She had no money and no one would buy a set of cards for her. She slipped a package of cards into her pocket and left the store. A store clerk saw her and stopped her outside the door. He called the police and she was charged.
 5. Gabriel's next-door neighbors were on holidays. His friends told him he could sell used CD's to a second hand store for 40% of their actual value. Because he had been in his neighbour's home many times he knew they had a large collection of CD's. One day after school Gabriel decided to enter his neighbour's home. He found a window that had been left unlocked and he opened it and crawled into the house. He took 50 CD's and left the house. When he tried to sell the CD's the owner of the store became suspicious and called the police. Gabriel, 16, was charged.
 6. Joan, 15, had a crush on Adam. She decided to write their names on the gymnasium wall. The principal came around the corner and saw her. He called the police. She was charged.
 7. Azim, 30, had a terrible argument with his landlord. He ended up pushing his landlord down the stairs. His landlord was seriously injured. An ambulance and the police attended. Azim was charged.
 8. Judith, 19, drove to her friend's party. Everyone was drinking so she joined them. After midnight she decided to go home. While she was driving she got into a serious car accident. The police attended and they could smell alcohol on her breath. She was charged.

Name: _____ Block: _____ Date: _____

Types of Defences

- Automatism Mistake of fact
- Consent Mistake of law
- Duress (compulsion) Necessity
- Entrapment Provocation
- Intoxication Self-defence
- Insanity (mental disorder)

Assignment

You will choose or be assigned one of the common defences to crime from the list above. Other defences in law exist and with your teacher's consent you may select a defence not on the list. Your task is to research the elements of the defence, precedent setting case(s) and explain the function of the defence and its purpose.

You will prepare a presentation for class by creating a PowerPoint slide show or other media representation of your research as directed by the teacher. The following guiding steps will assist you with the details of the research and criteria for the presentation.

- Prepare a clear and concise description of the legal elements of your defence. How and when it is to be applied in case law
- Explain how the defence is related to the legal requirements of mens rea or actus reus. Does the defence apply to the act or to the state of mind?
- If the accused is successful in application of the defence, what will be the net effect: acquittal, retrial, placed in indefinite custody or reduction of sentence to lesser charge? Explain.
- Use the case(s) listed below and present a summary of the judgment and describe how the assigned defence was applied to the case.

Criminal Defence Cases

Automatism

R. v. Parks, [1992] S.C.J. No. 71
R. v. Stone, [1999] S.C.J. No. 27

Consent

R. v. Jobidon, [1991] S.C.J. No. 65

Duress

R. v. Carker, [1966] S.C.J. No. 65
R. v. S., [1988] B.C.J.
R. v. Ruzic, [2001] S.C.J. No. 25

Entrapment

R. v. Mack, [1988] S.C.J. No. 91
R. v. Barnes, [1991] S.C.J. No. 17

Intoxication

R. v. Daviault, [1994] S.C.J. No. 77
R. v. Leary, [1977] S.C.J. No. 39

Mental Disorder

R. v. Abbey, [1982] S.C.J. No. 59
Cooper v. The Queen, [1983] 1 S.C.R. 240

Mistake of Law

R. v. Campbell, [1972] B.C.J. No. 231
R. v. Cancoil Thermal Corp., [1986] O.J. No. 290

Mistake of Fact

R. v. Haberstock, [1970] S.J. No. 265

Necessity

Perka et al. v. R., [1984] 38 B.C.L.R. 273

Provocation

R. v. Daniels, [1983] N.W.T.J. No. 29
Battered Woman Syndrome
R. v. Malott, [1998] S.C.J. No. 12

Self-Defence

R. v. Lavallee, [1990] S.C.J. No. 36
R. v. Charlebois, [2000] S.C.J. No. 55
R. v. McIntosh, [1995] S.C.J. No. 16