

Automatism & Intoxication

1.

Automatism

Automatic functioning without conscious effort or control.

I.e. an individual has no control over his or her actions

Non- Insane Automatism

Definition	Examples (don't write!)
<ul style="list-style-type: none">• Temporary insanity, resulted from: a physical blow, stroke, low blood sugar, sleep walking, psychological trauma etc.• If judge accepts the defence, complete acquittal• There has to be significant evidence to support the defence	<p><i>R.v. Bleta:</i> Supreme court acquitted the accused, accused had suffered a serious blow to his head and while still dazed and confused stabbed a man with a knife, killing him. It was supported by expert psychiatric evidence presented in court.</p> <p><i>R.v. Stone:</i> Accused admitted to stabbing his wife 47 times. He claimed “automatic” state brought on by his wife's insulting words. Defence was rejected, not enough evidence.</p>

Insane Automatism

Definition	Examples (don't write!)
<ul style="list-style-type: none">• A mental disorder is defined in the Criminal Code states that an individual is not criminally responsible (NCR) provided:<ol style="list-style-type: none">1. At the time, they were suffering from a mental disorder2. The mental disorder made the individual incapable of knowing that the act was wrong• Once confirmed NCR, a trial judge or review board will decide the sentence. If they pose a threat they will be send to a hospital	<ul style="list-style-type: none">• A person with paranoid schizophrenia may assault someone they incorrectly thinks is a threat. The person is incapable of understanding that what they did was wrong.

2.

Intoxication

*It is all about intent! And getting a lesser charge not
acquitted*

Intoxication

Definition	Examples (don't write!)
<ul style="list-style-type: none"><li data-bbox="401 388 962 554">• The accused must show that they did not have the required intent (mens rea) at the time of the offence	<ul style="list-style-type: none"><li data-bbox="1045 388 1638 694">• Assault: Intoxicated person who was unable to form intent before striking someone cannot be found guilty of aggravated assault, a specific intent offence. BUT they can be found guilty of assault, a general intent offence.<li data-bbox="1045 705 1638 880">• Murder: intoxication defence can lower the conviction from murder (specific intent) to manslaughter (a general intent)

Jigsaw Activity

1. **Expert Groups**- read the case study given to your group and answer the corresponding questions.
2. **Presentation Groups:** Present what you talked about as a group, share the defence and the pros and cons of the defence used. (next class)



Group Discussion Questions

- ◆ Which case study do you think was the most controversial?
- ◆ Do you agree with the outcomes of the case studies?
- ◆ What is similar in all the cases, what is different?