**Law 12 2019**

**Criminal Defences**

**Insane automatism** is linked to “disease of the mind” and often leads verdicts of NCR (not criminally responsible).

**Non-insane automatism** refers to a criminal offence someone commits while in a state of impaired consciousness who is otherwise mentally sound. For example, an offence committed while sleepwalking. This is sometimes casually referred to as “temporary insanity.”

1. In the case of *R. v. Luedecke, 2008*: (p.266)

a) Identify the defence that Luedecke used. What was unique about it?

b) Explain the verdict in this case and the subsequent ruling by the Ontario Court of Appeal.

1. In the case of *R. v. Daviault, 1994: (p.271)*

a) What was the Supreme Court’s ruling and why did it anger many Canadians?

b) Explain how the Canadian government amended the *Criminal Code* in response to this

case.

1. In the case of *R v. Lavallee, 1990: (p.274)*

a) Explain what Lavallee was charged with, and why.

b) Lavallee claimed that she was defending herself. Why was this controversial?

c) What new defence became recognized in Canada as a result of her case?

**Read R. v. Graveline (2006) Questions 3/4**

4. Read p. 278. In the case of *R. v. Latimer, 2001 (details on p. 233)*, what defence did Robert Latimer attempt to use? Explain the Supreme Court’s ruling in this case and what it stated about this defence. Do you agree with the court?

1. What is the difference between ignorance of the law and mistake of fact? Provide an example of each

Which one is a legal defence?

1. Why do you think necessity, duress, and provocation are usually only used as *partial* defences?