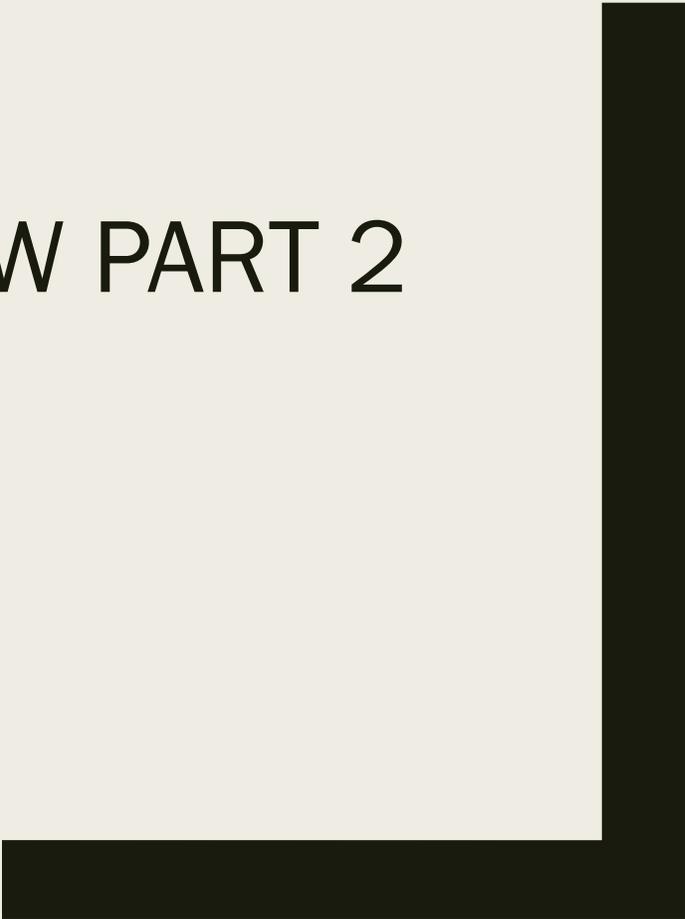


ELEMENTS OF CRIMINAL LAW PART 2

November 7, 2016- Ms. Klinck



Today's Plan

- Review from last class
- Motive and attempt activity
- Types of Offenses
- Case Study!
- Agenda 6- if there is extra time

Hypothetical Scenario #1

Greta wants to kill Peter because Peter was cheating on his wife with Greta. Greta buys a gun, purchases bullets, finds out when Peter will be home, drives to the street where Peter lives, rings the doorbell, is let into the home by Peter's wife, enters Peter's living room, pulls out the gun and aims it at Peter, and then pulls the trigger. The gun fails to fire because it has a defective firing pin.

- Is Greta guilty? Why or Why not? (remember: mens rea & actus reus)
- If Greta is guilty, what would she be charged with?

Motive

- Reason to commit the offence
- However, just because you have motive does not make you guilty, many of us have motives but never follow through on them with a criminal act



Top 5 Motives for Murder

5. Religion Arguments



4. Alcohol and Drugs

3. Revenge



2. Money

1. Domestic Reasons



Source: <http://listdose.co/top-10-reasons-why-a-person-kills-someone/>

Attempt

- A person who intends to commit a crime but fails to complete the act may still be guilty of a criminal offence
- The *actus reus* for attempt begins when the person takes the first step towards committing the crime.

Where a crime crosses over between preparation and attempt can be very difficult to determine

Drug Importation Example

- Motive: In financial difficulty and needs money
- Actus Reus: Import drugs into another country
- Preparation: bought plane ticket, balloons, milk to coat her stomach, and a laxative to help retrieve the drugs.
Swallowed balloons filled with drugs
- Attempt: When she stepped onto the plane she attempted the crime of importation

Hypothetical Scenario #2

Greta wants to kill Peter because Peter was cheating on his wife with Greta. Greta buys a gun, purchases bullets, finds out when Peter will be home, drives to the street where Peter lives, rings the doorbell, is let into the home by Peter's wife, enters Peter's living room, pulls out the gun and aims it at Peter, and then pulls the trigger. The gun fails to fire because it has a defective firing pin.

- When did the motive turn into attempt?
- At what point could Greta be charged with attempted murder?



**MOTIVE AND
ATTEMPT ACTIVITY**

Get into pairs and answer the following questions

- Compare where you drew the line.
- Were your answers the same or different? Why do you think you either agreed or disagreed?

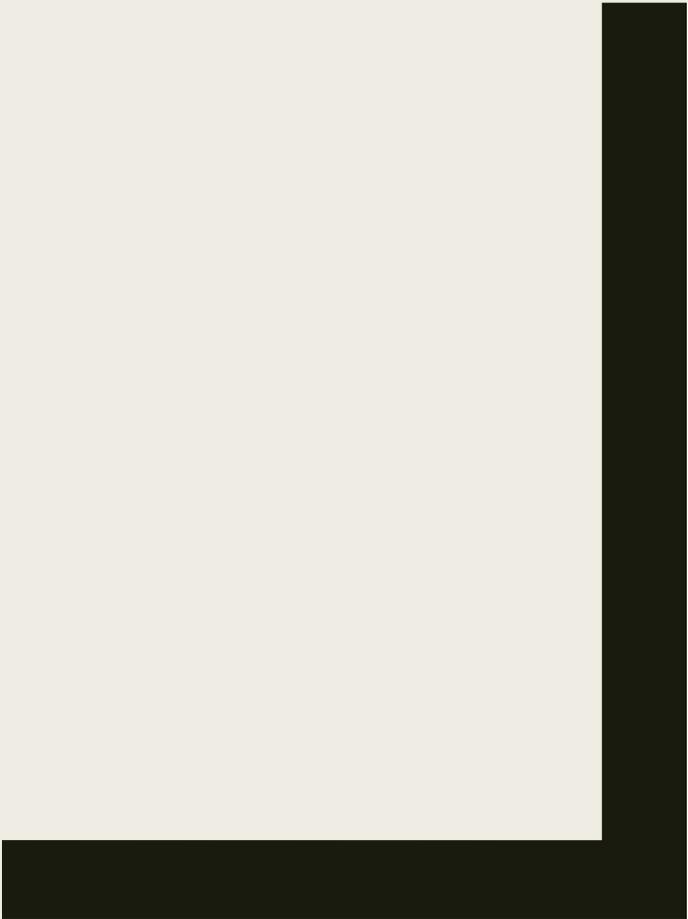
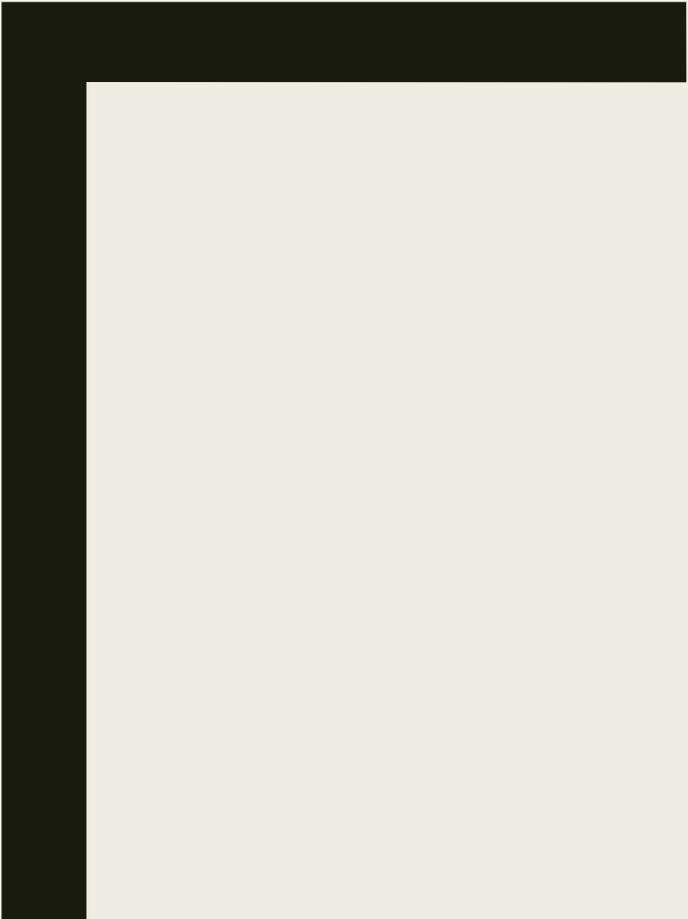
Time: 5 minutes

Join up with another pair to create a group of 4

- Compare where you drew the line.
- Were your answers the same or different? Why do you think you either agreed or disagreed?
- Why do you think it is sometimes very difficult to determine where preparation crosses the line into attempt?

Time: 8 minutes

Please have one person write down what you discussed as a group, this will be handed in at the end of the class.



OFFENCES

Summary Conviction Offences

- Minor criminal offenses
- In the criminal code there are very few pure summary offenses
- Maximum punishment: a fine of \$2000* and/or 6 months in jail
- A person must be charged within six months of the offence or he or she is free and clear
- Not required to submit fingerprints
- Automatic pardon after 3 years

Examples: possession of marijuana under 30 grams, public disturbance

Indictable Offences

- The most serious of criminal offenses
- The maximum penalty depends on the crime committed
- There is no statute of limitations (time limit) for laying a charge
For example an accused can be charged 20 years after the act has been committed
- Can apply for a pardon after 5 years

Examples: murder, drug trafficking, robbery

Hybrid Offences

- Most offenses defined in the criminal code are hybrid offences
- They can end up being indictable or summary- the crown decides
- What they consider when they are making the decision
 - *Seriousness of the allegations*
 - *Prior criminal record of accused*
 - *The date of the offence (if it occurred less than six months in the past)*
 - *The complexity of the case*

Examples: impaired driving, assault, public mischief, possession of cocaine

Criminal Code

<http://laws-lois.justice.gc.ca/eng/acts/C-46/index.html>

Group Activity

Please assign a role to each group member

1. *Reader*
2. *Recorder*
3. *Researcher (criminal code sample) – assist with reading*
4. *Presenter*

Presentation (approx. 2 minutes): Summarize the article and go over some key points your group discussed.

*Some of the information may not be in the article,
decide as a group what you think it may be*

Please do not write on the article