

CHAPTER 2: CRIMINAL LAW AND CRIMINAL JUSTICE IN CANADA

MULTIPLE CHOICE

1. What is the body of legislative actions defining which actions will be punished by the state if they are violated?
- procedural criminal law
 - the Charter of Rights and Freedoms
 - substantive criminal law
 - the rule of law

ANS: C PTS: 1 REF: 37 BLM: REMEMBER

2. Which of the following is a reason for not creating a separate Criminal Code offense for honour killings?
- it would focus too much upon domestic relationships.
 - it would create an offence that would be too difficult for prosecutors to prosecute.
 - it would be in violation of the rule of law in Canada.
 - it would create a separate category for women from certain cultures.

ANS: D PTS: 1 REF: 38 BLM: REMEMBER

3. What basis does Wiseman point to in order to support her argument that honour killings are a kind of violence that deserve a special name?
- the common law of Canada.
 - the International Convention on the Elimination of Discrimination Against Women
 - the majority of western nations have such laws
 - the United States has such laws and they have proven to be effective

ANS: B PTS: 1 REF: 38 BLM: UNDERSTAND

4. What type of law focuses on the importance of how the rights and duties of individuals can be enforced?
- substantive criminal law
 - the rule of law
 - statute law
 - procedural criminal law

ANS: D PTS: 1 REF: 39 BLM: REMEMBER

5. Which of the following was a new provision included in the sexual assault legislation (Bill C-127) introduced in January 1983?
- a reclassification of the right to silence
 - the right of disclosure of all relevant records pertaining to the victim
 - spouses could be charged with sexual assault
 - increased protections for the accused during cross-examination, particularly about their prior sexual history

ANS: C PTS: 1 REF: 39 BLM: REMEMBER

6. What type of law does the "principles of fundamental justice" refer to?
- procedural law
 - substantive law
 - criminal law
 - civil law

ANS: A PTS: 1 REF: 39 BLM: REMEMBER

7. What do the three levels of harm found in Bill C-127 reflect?
- the type of perpetrator
 - the seriousness of the incident
 - the relationship between the perpetrator and complainant
 - the location of the incident

ANS: B PTS: 1 REF: 39 BLM: UNDERSTAND

8. What is the maximum punishment for Level 2 Sexual Assault?
- 10 years imprisonment
 - 14 years imprisonment
 - 20 years imprisonment
 - life imprisonment

ANS: A PTS: 1 REF: 40 BLM: REMEMBER

9. Which action is involved in a Level 3 sexual assault (s.273 of the Criminal Code)?
- endangering the life of the victim
 - the use of a weapon
 - the threat to use a weapon
 - a minor physical assault

ANS: A PTS: 1 REF: 40 BLM: REMEMBER

10. If a sexual assault case proceeds by way of summary conviction, what is the maximum punishment upon conviction?
- 6 months of incarceration
 - 12 months of incarceration
 - 18 months of incarceration
 - 24 months of incarceration

ANS: C PTS: 1 REF: 40 BLM: REMEMBER

11. According to the text, what is the most controversial aspect of the sexual assault law introduced in 1983?
- the fact that the maximum punishment for Level 3 sexual assault was life imprisonment
 - the provisions restricting the ability of the accused to introduce evidence concerning the victim's past sexual conduct
 - the fact that the victim could only be female
 - the marital relationship between the complainant and accused

ANS: B PTS: 1 REF: 40 BLM: REMEMBER

12. The Supreme Court of Canada ruled that the counseling records of the defendant had to be given to the judge if the defence could persuade the judge that the records may contain information useful in the defence of the accused. In what case was this ruling made?
- R. v. Daviault
 - R. v. Gayme
 - R. v. Darrach
 - R. v. O'Connor

ANS: D PTS: 1 REF: 41 BLM: REMEMBER

13. In which case did the Supreme Court of Canada reject the defence of implied consent?
- R. v. Mills
 - R. v. Seaboyer
 - R. v. O'Connor
 - R. v. Ewanchuk

ANS: D PTS: 1 REF: 40 BLM: REMEMBER

14. Based on the Supreme Court of Canada ruling in *O'Connor*, what is the first element a judge has to consider when determining if a victim's counseling records can be accessed by the defence?
- whether or not the counseling records are likely to be of sufficient relevance to the defence
 - if access is necessary to achieve the goal of justice
 - whether or not the counseling records balance the interests of the defence with the impact such information might have upon the complainant's right to privacy, dignity, and security
 - if access is necessary to resolve a substantive criminal law issue

ANS: A PTS: 1 REF: 41 BLM: REMEMBER

15. What did McDonald and Wobick discover to be the most common reason given by judges in sexual assault cases for ordering the production of a complainant's records?
- the reasonable expectation of privacy
 - the probative value of the records
 - society's interest in reporting offences
 - the defendant's right to a full answer and defence

ANS: D PTS: 1 REF: 41-42 BLM: UNDERSTAND

16. McDonald and Wobick discovered that the least common reason given by judges for ordering the production of complainant's records in a sexual assault trial was
- the probative value of the record
 - society's interest in reporting offences
 - the integrity of the trial process
 - the potential prejudice to personal dignity

ANS: C PTS: 1 REF: 42 BLM: UNDERSTAND

17. According to McDonald and Wobick, what is the key factor in judges' interpretation of the law regarding the production of records in sexual assault cases?
- equality
 - privacy
 - the relationship between the victim and the alleged offender
 - the probative value of the record

ANS: B PTS: 1 REF: 42 BLM: UNDERSTAND

18. What did Gotell's study of 16 sexual assault cases where judges had been asked by the defence for records about the complainants demonstrate?
- that records are disclosed to the accused on the basis of discriminatory rationales
 - that judges varied in their emphases about the relevant factors found in the Criminal Code
 - that judges interpret the law consistently
 - that judges are most concerned about equality when they make their decisions

ANS: A PTS: 1 REF: 42 BLM: UNDERSTAND

19. Which of the following is an important source of the Canadian criminal law and an important component of the substantive law in Canada?
- the common law
 - the constitution
 - statute law
 - case laws

ANS: A PTS: 1 REF: 42-43 BLM: REMEMBER

20. What term is used when a judge follows previous decisions (i.e., precedent) in similar cases.
- case law
 - administrative law
 - stare decisis
 - corpus delecti

ANS: C PTS: 1 REF: 42 BLM: REMEMBER

21. What is one of the main written sources of contemporary Canadian criminal law?
- corpus delecti
 - nolo contendere
 - the Constitution
 - stare decisis

ANS: C PTS: 1 REF: 43 BLM: REMEMBER

22. Which of the following contains the fundamental principles guiding the enactment of laws and the application of those laws by the courts in Canada?
- a. statute law
 - b. case law
 - c. the Constitution
 - d. administrative law

ANS: C PTS: 1 REF: 43 BLM: REMEMBER

23. What type of laws prohibit or mandate certain acts?
- a. administrative laws
 - b. the rule of law
 - c. case laws
 - d. statute laws

ANS: D PTS: 1 REF: 43 BLM: REMEMBER

24. What always overrules case law, except in conflicts over the Canadian Charter of Rights and Freedoms?
- a. the scope of the law
 - b. administrative law
 - c. the Constitution
 - d. statute law

ANS: D PTS: 1 REF: 43 BLM: REMEMBER

25. What is the most important source of laws in Canada today?
- a. the constitution
 - b. statute law
 - c. case law
 - d. the common law

ANS: B PTS: 1 REF: 43 BLM: REMEMBER

26. What type of offence is a violation of an administrative law?
- a. Regulatory
 - b. actus reus
 - c. procedures
 - d. criminal liability

ANS: A PTS: 1 REF: 43 BLM: REMEMBER

27. Which of the following involves the judicial application and interpretation of laws as they apply in any particular case?
- a. the Charter of Rights and Freedoms
 - b. substantive criminal law
 - c. statute law
 - d. case law

ANS: D PTS: 1 REF: 43 BLM: REMEMBER

28. What type of law is environmental law?
- a. administrative
 - b. case
 - c. statute
 - d. civil

ANS: A PTS: 1 REF: 43 BLM: REMEMBER

29. A citizen discovers that a company has been illegal dumping toxic chemicals in the area in which she lives. She then approaches her municipal government, informs of them of what she has found and demands action. What type of laws is applicable to this case?
- a. case law
 - b. the constitution
 - c. administrative law
 - d. statute law

ANS: C PTS: 1 REF: 43 BLM: APPLY

30. Joseph persuades the other members of his powerful social group to pass a law that exempts his actions from violating the criminal law, which of the following have they violated?
- a. the rule of law
 - b. the constitution
 - c. access to justice
 - d. statute law

ANS: A PTS: 1 REF: 43 BLM: APPLY

31. Which of the following is one of the elements of the rule of law?
- a. general intent
 - b. nature of the law
 - c. actus reus
 - d. scope of the law

ANS: D PTS: 1 REF: 44 BLM: REMEMBER

32. Which of the following elements of the rule of law states that laws should be relatively clear and determinate in their requirements?
- a. scope of the law
 - b. character of the law
 - c. access to the law
 - d. institution of the law

ANS: A PTS: 1 REF: 44 BLM: REMEMBER

33. What term refers to the idea that no one should have a privileged exemption from the law?
- a. character of the law
 - b. procedural criminal law
 - c. administrative law
 - d. scope of the law

ANS: D PTS: 1 REF: 44 BLM: REMEMBER

34. Which of the following is an example of the institution of the law, as found under the rule of law?
- government law-making powers
 - that law should be accessible to the public
 - that everyone is subject to the existing law
 - an independent judiciary

ANS: D PTS: 1 REF: 44 BLM: REMEMBER

35. Joanne wants to increase the access to legal services for members of her community. Which of the following will she direct her attention upon?
- reorganizing the scope of the law
 - reorganizing the delivery of legal services
 - reorganizing the institution of the law
 - reorganizing the way the laws are written to make them more clear

ANS: B PTS: 1 REF: 44 BLM: APPLY

36. Bill is writing a history of the access to justice movement. In order to make sure that his history is chronologically correct, the first topic area that he will focus upon is which of the following?
- legal aid
 - public interest law
 - informal justice
 - the scope of the law

ANS: A PTS: 1 REF: 44 BLM: APPLY

37. When individuals from traditionally underrepresented groups are placed into groups in order to improve their access to justice, what type of law is being used?
- informal justice
 - public interest law
 - representative law
 - administrative law

ANS: B PTS: 1 REF: 44 BLM: UNDERSTAND

38. Individuals supported restorative justice to improve the access to justice for people since they felt it created a successful alternative for people. This approach is found in which of the following approaches within the access to justice movement?
- public interest law
 - legal aid
 - informal justice
 - substantive justice

ANS: C PTS: 1 REF: 44 BLM: UNDERSTAND

39. What is the section of the *Charter of Rights and Freedoms* considered to be the most general in its orientation?
- Section 7
 - Section 8
 - Section 11
 - Section 24

ANS: A PTS: 1 REF: 45 BLM: UNDERSTAND

40. Which case led to the Supreme Court of Canada determining the basic framework for search and seizures by the police?
- R. v. Wong
 - Hunter v. Southam, Inc
 - R. v. O'Connor
 - R. v. Hufsky

ANS: B PTS: 1 REF: 46 BLM: REMEMBER

41. What is the intention of Section 8 of the *Charter of Rights and Freedoms*?
- to protect people from arbitrary detention
 - to protect peoples reasonable expectations of privacy
 - to give people specific rights after they are detained by the police
 - to provide people with procedural rights as they proceed through the criminal courts.

ANS: B PTS: 1 REF: 46-48 BLM: REMEMBER

42. What is the common law remedy against the unlawful detention of a suspect?
- corpus delecti
 - habeas corpus
 - stare decisis
 - nolo contendere

ANS: B PTS: 1 REF: 48 BLM: REMEMBER

43. What is the main concern of Section 10 of the *Charter of Rights and Freedoms*?
- controlling police conduct after initial charges have been laid against a suspect
 - the right of the crown prosecutor to be informed as soon as possible for the reasons of the arrest
 - the lawful detention of the accused
 - the right to life, liberty, and security

ANS: C PTS: 1 REF: 47-48 BLM: REMEMBER

44. What is the main focus of Section 11 of the *Charter of Rights and Freedoms*?
- It outlines the rights of individuals charged with a criminal offence as they are processed through the criminal courts.
 - It guarantees that everyone has the right to be free from arbitrary detention or imprisonment.
 - It insures that people have to testify during their trial.
 - It guarantees that there will be no successful challenges concerning unreasonable delays in the defendant's trial.

ANS: A PTS: 1 REF: 48-49 BLM: REMEMBER

45. What is the purpose of Section 24(2) of the Charter of Rights and Freedoms?
- to allow for a stay of proceedings
 - to protect the integrity of the judicial system
 - to control the conduct of the police
 - to insure the accused has a speedy trial

ANS: B PTS: 1 REF: 49 BLM: REMEMBER

46. Rebecca claims that the evidence used to convict her was collected illegally by the police. She claims that her Charter rights have been violated. What section of the Charter will she be using in her appeal?
- Section 7
 - Section 8
 - Section 11(b)
 - Section 24(2)

ANS: D PTS: 1 REF: 49 BLM: APPLY

47. Which of the following is a procedural right NOT specifically guaranteed by Section 8 through 14 of the Charter of Rights and Freedoms?
- the right not to be subjected to cruel and unusual punishment or treatment
 - the right to be free from arbitrary detention or imprisonment
 - the right to silence
 - the right to a lawyer

ANS: C PTS: 1 REF: 50 BLM: REMEMBER

48. What did the Supreme Court of Canada decide about the right to silence in *R. v. Singh* (2007)?
- the police have to stop questioning suspects when they ask the officers to stop.
 - the police can use legitimate means of persuasion in order to get a suspect to talk
 - the right to silence occurs at both the pre-trial and post-trial stages of a criminal case
 - the suspect has the right not to give full answers to the police

ANS: B PTS: 1 REF: 50-51 BLM: REMEMBER

49. Which of the following refers to the duty imposed upon the prosecution to give all evidence it will use in the trial to the defence?
- a. disclosure
 - b. detention
 - c. equality
 - d. the right to make full answer and defence

ANS: A PTS: 1 REF: 51 BLM: REMEMBER

50. In which case were the guidelines concerning disclosure originally introduced by the Supreme Court of Canada?
- a. R. v. Askov
 - b. R. v. Marshall
 - c. R. v. Murray
 - d. R. v. Stinchcombe

ANS: D PTS: 1 REF: 52 BLM: REMEMBER

51. In cases involving disclosure, what type of records aren't typically in the control of the Crown?
- a. first-party production
 - b. second-party production
 - c. third-party production
 - d. extra-party production

ANS: C PTS: 1 REF: 52 BLM: REMEMBER

52. In which case did the Supreme Court rule that police have to hand over the records relating to the discipline of its' members?
- a. R. v. O'Connor
 - b. R. v. Stinchcombe
 - c. R. v. Murray
 - d. R. v. McNeil

ANS: D PTS: 1 REF: 53 BLM: REMEMBER

53. Which of the following is a component of the general level of explanation of crime?
- a. an action that is harmful
 - b. any behaviour prohibited by the civil law
 - c. no crime without law
 - d. an action that is dealt with by the justice of the peace

ANS: A PTS: 1 REF: 53 BLM: REMEMBER

54. Which of the following is a part of the legal definition of crime?
- a. police charges
 - b. attendant circumstances
 - c. bail hearings
 - d. social norms

ANS: B PTS: 1 REF: 53-55 BLM: REMEMBER

55. What does the term ‘attendant circumstances’ refer to within the legal definition of a crime?
- a. an act for which a punishment can be imposed
 - b. the formal court environment
 - c. a crime that can be prosecuted by the state
 - d. a causal link between the act and the harm that results

ANS: D PTS: 1 REF: 54 BLM: REMEMBER

56. What requires that the prosecution prove beyond a reasonable doubt the intent specified in the statute’s definition of the elements of a crime?
- a. general intent
 - b. procedural criminal law
 - c. substantive criminal law
 - d. specific intent

ANS: D PTS: 1 REF: 54-55 BLM: REMEMBER

57. What type of criminal offences do not require the prosecution to prove through an independent investigation the state of the defendant’s mind at the time of the offence?
- a. specific intent
 - b. Administrative
 - c. general intent
 - d. habeas corpus

ANS: C PTS: 1 REF: 54 BLM: REMEMBER

58. What type of culpability is being displayed when an individual violates the law by not taking the appropriate care and attention?
- a. Knowledge
 - b. procedural justice
 - c. Intent
 - d. Recklessness

ANS: D PTS: 1 REF: 55 BLM: REMEMBER

59. What requires that intent both precede and be related to the specific prohibited action or inaction that was or was not taken?
- a. Causation
 - b. Harm
 - c. Concurrence
 - d. corpus delecti

ANS: C PTS: 1 REF: 56 BLM: REMEMBER

60. Which term refers to those crimes requiring that the conduct of the accused produce a specific result?
- a. Concurrence
 - b. Harm
 - c. Causation
 - d. mens rea

ANS: C PTS: 1 REF: 56 BLM: REMEMBER

61. Which of the following is an example of an excuse defence?
- a. self-defence
 - b. Age
 - c. Duress
 - d. Necessity

ANS: B PTS: 1 REF: 56 BLM: REMEMBER

62. John committed a crime two days prior to his 18th birthday. One month later, he was charged with committing the offence and was charged in adult criminal court. What type of excuse defence will he be able to use?
- a. age
 - b. mistake of fact
 - c. mistake of law
 - d. necessity

ANS: A PTS: 1 REF: 57 BLM: APPLY

63. Which term refers to unconscious or involuntary behaviour?
- a. Automatism
 - b. Duress
 - c. Necessity
 - d. mistake of fact

ANS: A PTS: 1 REF: 57-58 BLM: REMEMBER

64. What defence could be used by someone who commits an illegal act while believing that certain circumstances exist?
- a. Justification
 - b. mistake of fact
 - c. Duress
 - d. mistake of law

ANS: B PTS: 1 REF: 58 BLM: REMEMBER

65. Which of the following justification defences, if accepted by the court, results in an acquittal?
- a. mistake of law
 - b. mistake of fact
 - c. Duress
 - d. Provocation

ANS: C PTS: 1 REF: 58-59 BLM: REMEMBER

66. When a criminal act is caused by forces of nature or human conduct other than the intentional threats of bodily harm, what legal defence can be used?
- mistake of law
 - necessity
 - duress
 - mistake of fact

ANS: B PTS: 1 REF: 59 BLM: APPLY

67. What occurs when an agent of the state (e.g., a police officer) induces an individual to commit a crime?
- mistake of law
 - self-defence
 - Entrapment
 - Provocation

ANS: C PTS: 1 REF: 60 BLM: REMEMBER

68. What is the legal defence that can be applied when there is a wrongful act or insult that deprives an ordinary person of the power of self-control?
- provocation
 - entrapment
 - duress
 - necessity

ANS: A PTS: 1 REF: 60 BLM: REMEMBER

69. What type of offence gives prosecutors the discretion to decide if they wish to proceed with a case as either a summary conviction offence or an indictable offence?
- Provincial
 - less serious indictable
 - Municipal
 - Hybrid

ANS: D PTS: 1 REF: 61 BLM: REMEMBER

70. What term is used to describe the least serious indictable offences (e.g., theft under \$5,000)?
- hybrid
 - general intent
 - absolute jurisdiction indictable
 - election indictable

ANS: C PTS: 1 REF: 61-56 BLM: REMEMBER

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71. What are the most serious crimes (e.g., 1st and 2nd degree murder) called?
- hybrid offences
 - Supreme Court exclusive indictable offences
 - absolute jurisdiction indictable offences
 - summary conviction offences

ANS: B PTS: 1 REF: 61 BLM: REMEMBER

72. Which of the following is potentially determined by the prosecutor's decision on how to proceed with a case?
- the minimum length of the sentence
 - the length of the trial
 - whether probation may be imposed in addition to incarceration in a federal institution
 - possible appeals

ANS: D PTS: 1 REF: 61 BLM: REMEMBER

73. Which type of classifications are used by the police when they are organizing criminal offences?
- legal
 - civil
 - regulatory
 - General

ANS: D PTS: 1 REF: 60-61 BLM: REMEMBER

74. Don was a member of a gang and was caught participating in the activities of his criminal organization. Upon conviction, what would his maximum sentence be?
- 5 years
 - 10 years
 - 14 years
 - 25 years

ANS: C PTS: 1 REF: 62 BLM: APPLY

75. Under the current provisions of Canada's anti-gang legislation, how many people have to belong to a gang and who commit a crime for financial gain for them to be legally classified as members of a criminal organization?
- 3
 - 5
 - 8
 - 12

ANS: A PTS: 1 REF: 63 BLM: REMEMBER

76. According to the proposed legislation for self-defence, what is required for an action to be classified as self-defence?
- a. an assault has to be in progress
 - b. the action has to be reasonable in the circumstances
 - c. a threat of force against the victim existed
 - d. an objective standard of threat existed

ANS: B PTS: 1 REF: 65 BLM: REMEMBER

77. What is it called when governments decide to remove a crime from the Criminal Code to the civil law?
- a. deinstitutionalization
 - b. decriminalization
 - c. due process
 - d. decarceration

ANS: B PTS: 1 REF: 66 BLM: REMEMBER

78. Which of the following cases involved the first time someone in Canada was convicted for spreading the virus that cause HIV/AIDS?
- a. R. v. Aziga
 - b. R. v. Currier
 - c. R. v. Sumner
 - d. R. v. Leone

ANS: A PTS: 1 REF: 66 BLM: REMEMBER

79. According to the HIV/AIDS Legal Network, what is the approach to disclosure that trivializes the criminal process through a proliferation of prosecutions where the risk of harm is negligible.
- a. a stigmatization approach
 - b. a reductionist approach
 - c. a nondisclosure approach
 - d. an absolutist approach

ANS: D PTS: 1 REF: 67 BLM: REMEMBER

80. What is a purpose of the criminalizing HIV-nondisclosure according to those who support such measures?
- a. retribution
 - b. rehabilitation
 - c. harm
 - d. stigmatization

ANS: A PTS: 1 REF: 67 BLM: REMEMBER

TRUE/FALSE

1. In essence, substantive criminal law is what legally defines crime in our society.
ANS: T PTS: 1 REF: 37
2. Procedural criminal law is defined as the way in which the rights and duties of individuals may be enforced.
ANS: T PTS: 1 REF: 39
3. The rules of evidence and the laws covering search and seizure are examples of substantive criminal law in our society.
ANS: F PTS: 1 REF: 39
4. Level 2 sexual assault is the most common charge for sexual assault in Canada.
ANS: F PTS: 1 REF: 39-40
5. Bill C-49 outlined the legal parameters for determining the admissibility of a victim's past sexual history as evidence in sexual assault trials.
ANS: T PTS: 1 REF: 40
6. The Supreme Court of Canada upheld Bill C-46 (which restricts the full disclosure of the complainant's counseling records) in *R. v. Darrach*.
ANS: F PTS: 1 REF: 40-41
7. *R. v. Seaboyer* and *R. v. Gayme* were cases involving a legal defence based largely on their extreme drunkenness.
ANS: F PTS: 1 REF: 40-41
8. McDonald and Wobick, in their study of sexual assault cases, found that judges have interpreted the law consistently when deciding to order the production of records pertaining to the complainant.
ANS: F PTS: 1 REF: 41-42
9. Today, case law is considered to be the most important source of criminal law in Canada.
ANS: F PTS: 1 REF: 43

10. Statute law involves the judicial application and interpretation of laws as they apply in any particular case.
- ANS: F PTS: 1 REF: 43
11. To protect our society from individual or group self-interests, the rule of law ensures that laws are created, administered, and enforced on the basis of acceptable procedures promoting fairness and equality.
- ANS: T PTS: 1 REF: 43-44
12. Municipalities are the only level of government in Canada that cannot pass statute laws.
- ANS: F PTS: 1 REF: 43
13. Municipal governments have the power to enact administrative laws.
- ANS: T PTS: 1 REF: 43
14. The rule of law is only binding on the federal courts, not any other types of courts.
- ANS: F PTS: 1 REF: 43-44
15. A component of the rule of law is access to justice, which involves the idea of legal equality.
- ANS: T PTS: 1 REF: 44
16. Access to justice policy relies either directly or indirectly on reorganizing institutions of legal professionalism and legal service delivery.
- ANS: T PTS: 1 REF: 44
17. The Canadian Charter of Rights and Freedoms differs from the common law since it applies mostly to the protection of the legal rights of criminal suspects and convicted persons.
- ANS: T PTS: 1 REF: 45
18. Section 7 of the Charter of Rights and Freedoms guarantees that no individual will be denied their basic rights in Canadian Society except in accordance with the principles of fundamental justice on specified by s.1 of the Charter.
- ANS: T PTS: 1 REF: 45
19. Section 8 of the Charter of Rights and Freedoms is designed to protect all reasonable expectations of privacy.
- ANS: T PTS: 1 REF: 46

20. 'Educated' guesses by the police about possible wrongdoing form the basis of reasonable grounds to arrest someone.

ANS: F PTS: 1 REF: 47

21. According to the Supreme Court of Canada, Section 10(b) of the Charter of Rights and Freedoms ensures the absolute right of the accused to obtain legal counsel.

ANS: F PTS: 1 REF: 47

22. The Charter of Rights and Freedoms is not concerned with the activities of the courts.

ANS: F PTS: 1 REF: 47

23. The most common remedy for a violation of a right found in the Charter of Rights and Freedoms in the criminal process is found in s.24(1).

ANS: F PTS: 1 REF: 49

24. The principles of fundamental justice apply only at the pre-charge stages of the criminal justice system.

ANS: F PTS: 1 REF: 49

25. The right to make full answer and defence is not absolute as the Supreme Court of Canada has allowed for strict guidelines detailing the specific circumstances in which questions can be asked.

ANS: T PTS: 1 REF: 51

26. Current rules concerning disclosure in Canada requires defence lawyers to give all relevant information to the prosecution.

ANS: F PTS: 1 REF: 51

27. Mens rea is based upon the idea that individuals have the capacity to control their behaviour as well as the ability to choose among different courses of action.

ANS: T PTS: 1 REF: 54-55

28. General intent offences are identified by phrases such as 'with intent' or 'for the purpose of ...'.

ANS: F PTS: 1 REF: 54

29. Currently, children under the age of 12 cannot be charged with a criminal offence in Canada.

ANS: T PTS: 1 REF: 57

30. The Criminal Code specifies that in certain circumstances the mere act of talking (or speech) can be interpreted as a physical act.

ANS: T PTS: 1 REF: 57

31. Automatism is classified as a justification legal defence.

ANS: F PTS: 1 REF: 57-58

32. A mistake of fact is a defence to a criminal charge if the mistake was an honest one and no offence would have been committed if the circumstances had been as the accused believed them to be.

ANS: T PTS: 1 REF: 58

33. All justification defences are known as 'complete defences' because if they are accepted by the court, they will result in an acquittal.

ANS: F PTS: 1 REF: 58

34. Duress occurs when the wrongful threat of one person makes another person commit a crime they would not otherwise have committed.

ANS: T PTS: 1 REF: 58-59

35. An 'election indictable offence' means that the accused has to be tried by a provincial court judge alone.

ANS: F PTS: 1 REF: 61

36. The most serious crimes in Canada are referred to as Supreme Court exclusive indictable offences.

ANS: T PTS: 1 REF: 61

37. If a gang leader breaches a restraining order barring him from associating with other known gang members, the anti-gang law states that the offender could be sentenced to a jail term.

ANS: T PTS: 1 REF: 62

38. Under the anti-gang law, judges can delay parole eligibility for anyone convicted of a criminal organization offence.

ANS: T PTS: 1 REF: 62

39. The first HIV-related case the Supreme Court of Canada decided to hear was R. v. Currier.

ANS: T PTS: 1 REF: 66

40. The basis of the Canadian criminal justice system is the protection of law-abiding citizens through the operation of the law.

ANS: T

PTS: 1

REF: 68

ESSAY

1. Define and then explain the differences between constitutional law, statute law, case law, and administrative law. Then discuss why each of these four branches of law is significant.

ANS:

Answers will vary.

PTS: 1

2. Why is the *Canadian Charter of Rights and Freedoms* significant for the functioning of a democracy? Focus on Section 7 of the Charter and give two examples of cases which are applicable to this section.

ANS:

Answers will vary.

PTS: 1

3. Discuss in detail *R v. Singh* (2007). Discuss the importance of this case for the right to silence in Canada?

ANS:

Answers will vary.

PTS: 1

4. Discuss the case of *Stinchcombe v. The Queen* (1991) and its importance to the principles of fundamental justice. Then discuss the importance of the case of *The Queen v. McNeil* to this section of the Charter of Rights and Freedoms.

ANS:

Answers will vary.

PTS: 1

5. Compare and contrast in detail justification and excuse legal defences.

ANS:

Answers will vary.

PTS: 1

6. Identify and discuss in detail any three of the excuse legal defences found in Canadian law.

ANS:

Answers will vary.

PTS: 1

7. Identify and discuss in detail any three of the justification legal defences found in Canadian law.

ANS:

Answers will vary.

PTS: 1

8. Describe the purpose of the original Anti-Gang legislation and the amendments introduced in 2009 to the legislation. What are two of the problems associated with this approach to controlling gangs according to critics?

ANS:

Answers will vary.

PTS: 1

9. Describe the decision of the lower court in the case involving Mr. Wang David Chan and how he had attempted to protect his property. Then detail the reasons for the federal government changing the approach to self defence and the defence of property in Canada.

ANS:

Answers will vary.

PTS: 1

10. Describe the approach taken by the Supreme Court in HIV disclosure cases. Detail the basis of the position taken by proponents of removing HIV-nondisclosure from the Criminal Code and what changes they would like to see made in the law.

ANS:

Answers will vary.

PTS: 1