



CRIMINAL LAW ACTIVITY

Part A - The Accused

You will write a letter to your lawyer explaining what you have done. This must be a Criminal Code offence, not a drug or provincial offence. It also should be a purely summary conviction offence OR a purely indictable offence, not a hybrid offence (otherwise your lawyer needs to spend too much time telling us whether the Crown is likely to proceed on indictment, or by way of summary conviction, and why). Please also commit only ONE offence. If you can avoid it, try not to identify your offence by section number (although you must base your offence on an actual code offence, and note the number for you and your teacher only). Rather, your description should allow your lawyer to identify the offence when reviewing the Code. Do not be overtly obvious, but do not be coy. You are trying to describe what you have done in order that someone (your lawyer) can help you, however, you **DID** commit the crime and will be found guilty. You can describe circumstances which might suggest a defence, but you **WILL** be found guilty. You must identify yourself so that your lawyer can correspond with you in writing. For the purposes of this assignment, you are all over 18.

Exchange your letter (in your file) with another student. I am relying on you as a class to ensure that everyone is able to exchange all necessary items. Do not plan on sharing with friends only.

Part B - The Lawyer for the Accused

You will respond to your client (the accused) by letter. Your response must include the following:

- A. section number of the offence
- B. Category of the offence (summary conviction or indictable; accused is not to commit a hybrid offence) and the consequences of each, including trial options (judge alone, judge and jury) and range of penalties
- C. Demonstrate knowledge and understanding of a variety of types of evidence that will likely be used in a criminal trial, and specifically in this trial (you may feel free to assume that there are witnesses, etc. to the crime; make things up if you need to)
- D. Demonstrate knowledge and understanding of a variety of types of defences that could be used in your client's trial

Exchange your letter (in your client's file) with another student (not your client).

Part C - The Crown Attorney

You will review the correspondence of the accused and his/her lawyer (ignore questions of privilege for the moment— simply assume that the information you receive is information you are entitled to receive) and draft a brief (can be in letter form) outlining the **elements of the offence** (*actus reus* and *mens rea*) which the Crown must prove and the evidence you will/hope to produce to satisfy your burden. You need to review the offence in the Criminal Code for this part.

Exchange your brief (in client file) with another student (not client or defence lawyer).

Part D - The Judge

You will review the file and give your opinion/write your judgement on the merits of the case, including a determination of whether the Crown has sufficiently proven the elements of the offence and if the defence can overcome the Crown's efforts. You **WILL** find the accused guilty. You will include a sentence for the offence within those set out in the Code, and will include a statement regarding the objective (purpose) of such punishment. Address any issues with respect to provisions/restitution made to victims, if applicable. You must consider whether alternatives to incarceration are appropriate. You must include an explanation of if and when any type of parole (conditional or early) or other release will occur.

Your file will be returned to you with only YOUR WORK in it. You must clearly identify yourself (in your various capacities) on all documentation. If you use an alias in any correspondence, please be sure to write your real name on the back of the document.

Resources:

Criminal Code of Canada <http://laws.justice.gc.ca/en/C-46>

Conditional Release <http://www.csc-scc.gc.ca/text/faits/03-03-eng.shtml>

Community Corrections/Alternatives to Incarceration <http://www.johnhoward.ab.ca/pub/C29.htm>

Sentencing (John Howard Society) <http://www.johnhoward.ab.ca/pub/pdf/C33.pdf>