

THE UNIVERSITY OF BRITISH COLUMBIA  
PETER A. ALLARD SCHOOL OF LAW

MID TERM EXAMINATION – DECEMBER 2020

LAW 221.004  
CRIMINAL LAW AND PROCEDURE

Professor Brian Bird

**EXAM PASSWORD: RgFj65**  
RESUME CODE: ABB0F0

**TOTAL MARKS: 100 MARKS**

(8:50 AM PST) **PREPARATION TIME ALLOWED: 10 MINUTES**

(9:00 AM PST) **WRITING (INCLUSIVE OF READING) TIME ALLOWED: 1 HOUR AND 5 MINUTES**

**8:50-9:00 AM Preparation Time (Exam writing not permitted)** – This time is given to students to download/print your exam questions once the exam has been made available online on Canvas, to read the Exam Password on this exam coversheet, to enter the Exam Password for the exam in Exemplify, and to progress in Exemplify until you see the **STOP SIGN**, where you will **WAIT until 9:00 AM. DO NOT proceed past the STOP SIGN. DO NOT begin typing your exam answers in Exemplify until 9:00 AM!**

**9:00 AM Exam Writing Time** – At 9:00 AM, you may proceed past the **STOP SIGN** in Exemplify and begin typing your exam answers. Students are required to calculate and monitor their own time for writing exams. All exam answer uploads will be monitored to ensure that typing of answers only occurred during the allotted Exam Writing Time.

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This is an open book examination, meaning that you can refer to course materials but not to any outside materials.

**If you think you have discovered an error or potential error in a question on this exam, please make a realistic assumption, set out that assumption clearly in writing for your professor, and continue answering the question. Do not email your professor or anyone else about this while the exam is in progress.**

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#### **ACADEMIC INTEGRITY**

Any exam answers that raise suspicion of breaking any restrictions outlined on this cover page may be subject to being processed through academic integrity software. Students typing exam answers before or after the allocated exam writing time may receive a grade penalty.

## CONFIDENTIALITY REGULATIONS – READ CAREFULLY

As this exam is being written off-campus and is unsupervised, any communication whatsoever (including, but not limited to in person, telephone, e-mail, text, social media, etc.) concerning the contents of this examination with anyone (other than the Student Services staff of the Allard School of Law) is strictly prohibited.

In the event any information comes to your attention regarding a breach of these regulations (by others, or inadvertently by you), please immediately contact Student Academic Services ([studentservices@allard.ubc.ca](mailto:studentservices@allard.ubc.ca)) and make full disclosure.

A breach of these regulations may constitute student misconduct, and you may be subject to penalty or discipline under UBC's Academic Misconduct policies.

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### What Do I Do If:

- **I cannot access the exam questions on Canvas**

If you experience technical difficulties accessing the exam questions on Canvas, email [studentservices@allard.ubc.ca](mailto:studentservices@allard.ubc.ca) and the exam questions will be emailed to you. Please provide your phone number when emailing Student Services.

- **I'm experiencing technical difficulties DURING THE WRITING of the exam**

If you experience technical difficulties with Exemplify at the very beginning or during an exam, you may attempt to solve your problem/reboot your computer **BY YOURSELF**. You are **STRONGLY** encouraged to spend **NO MORE THAN 5 minutes** attempting to do so. You will **NOT BE GIVEN ANY EXTRA TIME** to complete the exam. **If your attempt to solve the problem is unsuccessful**, or if you choose not to make such an attempt, you **MUST** immediately **begin hand-writing** your exam answers with pen on lined paper. **You may NOT type your exam answer in word-processing software.**

When you have finished writing the exam, you must upload the exam answers that you completed in Exemplify (if you are prompted for a Resume Code, it is on the coversheet of the exam questions). Email Bernie Flinn, [flinn@allard.ubc.ca](mailto:flinn@allard.ubc.ca), for help with this. Please provide your phone number in the email. Bernie or another IT Support staff person will then help you to upload any answers that you typed in Exemplify.

You must also upload to Canvas your hand-written exam answers into the "Exam Answer File Upload (Word Processor or Hand-written ONLY)" folder. Scan or take a picture of each page (.jpg) of your exam and put them into one folder to upload.

Your answer file should be named, and the coversheet of your answers should be titled with:  
Your Exam Code, Course Number, Name of Course, and Instructor Name  
i.e., **9999 LAW 100.001 Law of Exam Taking – Galileo**

- **I'm experiencing technical difficulties EXITING and UPLOADING the exam**

If you experience any difficulty exiting and uploading your Exemplify exam answers, you must wait until the allocated time period specified on the coversheet of the exam has ended, then email Bernie Flinn, [flinn@allard.ubc.ca](mailto:flinn@allard.ubc.ca), and he or another IT Support staff person will help you to upload your Exemplify exam file. Please provide your phone number in the email.

If you have approved accommodations to type your answers using Word Processing Software, and experience difficulties uploading your exam answer file to Canvas, email your exam answer file to [studentservices@ubc.ca](mailto:studentservices@ubc.ca).

- **I fall ill in the middle of an exam, or am otherwise interrupted such that I'm unable to continue writing my exam**

Please stop writing, note the time that you stopped, and email [studentservices@allard.ubc.ca](mailto:studentservices@allard.ubc.ca) immediately to notify them and discuss options. Please provide your phone number when emailing Student Services.

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**LAW 221, Section 4**

In the spring of 2020, it was revealed that local government politicians across Canada were using various emergency powers to grant contracts to companies which had donated money to their political campaigns. Because the contracts were being granted under local emergency powers, there were no rules for the contracts, and local government politicians continued to give contracts to campaign contributors despite large public protests. These protests, which took the form of marches and rallies, started becoming violent with persons being injured and property damaged at many of the protests. The police tried many different approaches to limit the violence at the protests, but these were all unsuccessful. The federal government also tried many initiatives to deal with these violent protests, including negotiating with protest organizers to find ways to prevent the violence and trying to convince local politicians to stop awarding these contracts to campaign contributors. However, none of these measures were able to stop violent acts from occurring at many of the protests, and the federal government could also not introduce legislation prohibiting the granting of these contracts because this area was fully under the jurisdiction and control of local governments. The federal government then passed the following new section to the *Criminal Code*, which became law on July 1, 2020:

It is an offence to participate in a protest regarding the awarding of local government contracts. The penalty for this offence is a fine or a jail sentence of up to two years.

On July 15, 2020, Alan Accused was driving into downtown Vancouver, B.C. with his friend Jake Jar. Jar asked Accused if he could drop him off at the Vancouver Art Gallery. Jar told Accused that he wanted to visit the Gallery gift shop and said he might also go and help out at the rally against the local government contracts being held outside the Art Gallery. Accused told Jar that he should stay away from the rally, and drove Jar to the Art Gallery but dropped him off at an entrance to the Art Gallery which was the farthest away from the rally. After visiting the gift shop, Jar attended the rally outside the Art Gallery and Jar distributed leaflets condemning the contracts.

After dropping off Jar, Accused parked his car and did some shopping in downtown Vancouver. Accused heard some screaming and shouting a few blocks from the Art Gallery, and went to see what was going on. Accused made his way into a group of people and saw that they had surrounded a local politician and they were yelling at her that they were furious that local governments were doing nothing to stop these controversial emergency contracts. After a few minutes, the shouting died down and the group started having a discussion with the local politician about the issue. After an hour of these discussions, which included some comments by Accused, the politician said that she was now convinced that these emergency contracts should be subject to new rules. Accused and all the other persons in the area applauded and Accused then left the area.

**Alan Accused has been charged with violating the new offence. Please provide an opinion on whether Alan Accused will likely be found guilty. In your opinion, please include a discussion of all essential elements of the offence and any potential Charter issues. (100 MARKS)**

END OF EXAMINATION