

**THIS EXAMINATION CONSISTS OF 2 PAGES
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PAPER**

**THE UNIVERSITY OF BRITISH COLUMBIA
FACULTY OF LAW**

FALL SEMESTER EXAMINATION - DECEMBER 2021

**LAW 221
Criminal Law and Procedure**

**Sections 2
Professor Harris**

TOTAL MARKS: 100

TIME ALLOWED: 1 HOUR and 10 minutes reading time

NOTE:

- 1. This is an open book examination. Students may use course materials and their own notes but not other materials including other persons notes or CANS and non-course texts.**
- 2. THIS EXAMINATION CONSISTS OF 1 QUESTION.**

Question 1 (100 Marks)

Jerry Jack and Peter Prince are each charged with the murder of Vince Victim contrary to section 229(a) of the *Criminal Code*.

Jerry Jack, Peter Prince, Vince Victim and Willy Witness ran a lucrative illegal gambling operation. When Victim was charged with a serious drug trafficking crime, Jack, Prince and Witness became worried that Victim would try to get a reduced sentence on his drug charges by telling the police about the gambling operation. They became far more worried when Victim suddenly stopped helping run the gambling operation. Jack told Prince and Witness that they needed to find a way for all of them to meet with Victim and make sure he was not intending to expose their gambling operation to the police. Jack told Prince to text Victim because Prince was still in touch with Victim. Jack told Prince to tell Victim to come a certain underground parking lot in downtown Vancouver the next day at 3:00 a.m. so Victim could get his share of the latest proceeds of the gambling operation. Prince texted that message to Victim.

The next day just before 3:00 a.m., Jack, Prince and Witness went to the lot, each carrying a gun under their clothes. Victim came to the parking lot shortly after 3:00 a.m., and Prince asked Victim if he was going to tell the police about the gambling operation to get a deal on the drug charges. Victim immediately started running away, and Witness and Jack ran after Victim. A short time after the chase began, there was a gun shot. After hearing the shot, Prince got in his car and drove very quickly out of the parking lot. Victim was lying on the ground just outside the lot, and Prince drove over him. Victim died later at the scene. A medical expert found that Victim had a bullet wound to his ankle and that the death resulted from being run over by the car.

At the trial of Jack and Prince, Witness testified for the Crown. Witness was initially charged with the murder of Victim as well, but that charge was dropped after he agreed to cooperate with the Crown. Witness testified that after he and Jack started chasing Victim, Witness fell down and he saw Jack continue to chase Victim. Witness said that he saw Jack take out his gun and then he heard a shot.

Jack testified and said that all he wanted to do in the parking lot was to have a discussion with Victim and to warn Victim not to talk to the police. Jack said he was chasing after Victim to try and talk to Victim. Jack said could not keep up with Witness and Victim because he is not a fast runner, and that he has no idea how Victim was killed. Prince did not testify.

Please provide an opinion concerning whether Jerry Jack will likely be found guilty of murder and whether Peter Prince will likely be found guilty of murder. In your opinion, please include a discussion of all essential elements of the offence. Please do not address whether the accused could be guilty of other offences.

END OF EXAMINATION