

**THIS EXAMINATION CONSISTS OF 2 PAGES  
PLEASE ENSURE THAT YOU HAVE A COMPLETE EXAM**

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

**MID-TERM EXAMINATION – DECEMBER 2021**

**LAW 221  
Criminal Law and Procedure**

**Section 4  
Professor Brian Bird**

**TOTAL MARKS: 100**

**TIME ALLOWED: 1 HOUR plus 10 minutes reading time**

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**NOTES:**

- 1. This is an open book examination, meaning that you can refer to your own class notes/outlines, lecture slides, the required textbooks, and any other required readings.**
- 2. This examination consists of 1 (ONE) 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 an illegal gambling operation worth millions. 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 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 to 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 him. 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 he only wanted to talk with Victim in the parking lot and warn him not to talk to the police. Jack said he was chasing after Victim to try and talk to Victim. Jack said he 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.

**Section 229(a) says that culpable homicide is murder “where the person who causes the death of a human being (i) means to cause his death, or (ii) means to cause him bodily harm that he knows is likely to cause his death, and is reckless whether death ensues or not”.**

**Please give an opinion on whether Jerry Jack will likely be found guilty of murder under s. 229(a) and whether Peter Prince will likely be found guilty of murder under s. 229(a).**

**END OF EXAMINATION**

**Please include in your opinion a discussion of all essential elements of this offence. Please do not address other offences. Finally, please assume that s. 229(a) is constitutional.**