**THIS EXAMINATION CONSISTS OF 4 PAGES**

**PLEASE ENSURE THAT YOU HAVE A COMPLETE PAPER**

**THE UNIVERSITY OF BRITISH COLUMBIA**

**PETER A. ALLARD SCHOOL OF LAW**

**FINAL EXAMINATION - APRIL 2023**

**LAW 221**

**CRIMINAL LAW**

**Section 2**

**Professor Harris**

**TOTAL MARKS: 100**

**TIME ALLOWED: 3 HOURS and 10 minutes**

 **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. Answer all questions.**

# THIS EXAMINATION CONSISTS OF 4 QUESTIONS

LAW 221, Section 2

Page 2/4

**Question 1 (40 Marks)**

Jerry Jar is charged with the two following offences:

-that he did conspire to commit arson, as is set out in section 434 of the *Criminal Code*, contrary to section 465(1)(c) of the *Criminal Code*,

-that he did commit the offence of robbery contrary to 343(a) of the *Criminal Code*

Jerry Jar was a new student on a university campus and was having trouble making friends. A fraternity on the campus, Sigma Z, was having a big party in their fraternity house, and Jar went to the party. Jar had a great time at the party because potential recruits for Sigma Z were forced to serve party guests drinks as part of their requirements for becoming members of Sigma Z. The morning after the party, Jar met with Pete President, the head of Sigma Z. President told Jar that he was being considered for membership. President said that Jar would have to do a couple of things for membership, and the first one was to clean up the entire fraternity house. Jar really wanted to become a member, so he cleaned the entire house. President then told Jar that he needed to do one more thing that night to become a member, and that would involve doing something involving a pizza place that would result in getting funds for Sigma Z parties. President said that if there were campus security guards around the pizza place when they got there, they would light a wooden road sign on fire a block away from the pizza place in order to distract the security guards and draw them away from the pizza place.

That night Jar met President beside the wooden sign. There were no security guards in sight, and President asked Jar to do a quick walk around to make sure there were no guards in the area. Jar did so, and then they walked to the pizza place. President then handed Jar a knife and told him to go into the pizza place and get money for the Sigma Z party fund. Jar looked shocked, and said he did not want to do that, and President showed Jar that he had another larger knife in the inside pocket of his jacket. President then told Jar to go in the pizza place “or pay the consequences”. Jar put the knife President had given him in his pocket and entered the pizza place. There was a worker behind a counter, and Jar said “give me all the money” while he started taking the knife out of his pocket. Because Jar was so nervous, he accidentally dropped the knife and it fell on the floor. The worker saw the knife on the floor and gave Jar all the money from the cash register. Jar ran out of the pizza place with the cash.

**Do you think Jerry Jar will be found guilty of any offences? Please set out your reasons why or why not, and include an analysis of each element of the offences and any relevant defences. Please do not address any issues of sentencing.**

LAW 221, Section 2

Page 3/4

**Question 2 (40 Marks)**

Alan Accused is charged with the murder of Vince Victim contrary to section 229(a) of the *Criminal Code*. Accused and Victim jointly owned an investment firm which was located in an office suite. Victim and Accused each had their own offices, and there was a kitchen space between them. The rent was cheap, and they occasionally had problems with rats in their offices.

A larger investment company offered to buy their firm, and Accused was desperate to sell because he was in massive debt. Victim was against selling the firm, and their ownership agreement only permitted the sale of the firm if they both agreed. The only exception to agreeing to the sale was if either of them died, the remaining owner could sell the firm.

One day when Victim was putting sugar in a cup of his coffee in the office kitchen, Accused demanded that Victim agree to the sale. Victim told Accused that he would never agree to sell the firm. That night Accused went home, took out a bag of sugar, and poured all the sugar out of the bag. Accused then poured rat poison, which was white in colour, into the bag. The next day, Accused brought the sugar bag containing rat poison to the office. Victim was not in the office that day, and Accused put the bag in a drawer in Accused’s desk.

Two months later, Accused and Victim were getting along very well. The firm had got some major new clients and they decided to celebrate by sharing a bottle of whisky in the office kitchen. Accused rarely drank alcohol, and he started drinking the whisky quickly. Victim told Accused to slow down his drinking, and Accused told Victim he was fine and Accused proceeded to drink most of the contents of the bottle. Accused then asked Victim if he would reconsider the sale of the firm, and Victim said no. Accused then stormed out of the kitchen and stumbled to his office.

A while later, Victim decided to go home, but he wanted to have a coffee before he left. Victim saw the sugar jar in the kitchen was empty, and Victim came into Accused’s office and asked if he had any sugar. Accused opened his desk drawer and gave Victim the bag that had been there for the last two months. Victim put some powder from the bag into his coffee and drank the coffee.

Two days later Victim died from complications from having ingested rat poison.

The above evidence was led by the Crown at trial. Accused then testified that he had no memory of giving Victim the sugar bag from his desk drawer, and further said that he had forgotten a long time ago that he had put rat poison in the sugar bag. An expert witness who also testified for the defence said that a person with Accused’s low tolerance for alcohol could have been severely impacted by drinking nearly the entire contents of a bottle of whisky.

**Do you think Alan Accused will likely be found guilty of any offences? Please set out your reasons why or why not, and include an analysis of each element of the offences and any relevant defences. Please do not address any issues of sentencing.**

LAW 221, Section 2

Page 4/4

**Question 3 (10 Marks)**

**Comment on the accuracy of the following statement:**

The fact that a person charged with a crime has a mental disorder is only relevant in criminal law for an NCRMD defence, and this defence requires that the accused raise a reasonable doubt that the mental disorder resulted in them being incapable of appreciating the nature and quality of their acts, or not understanding that their acts were legally wrong.

**Question 4 (10 Marks)**

**Comment on the accuracy of the following statement:**

Regulatory offences, unlike criminal offences, are always strict liability, and the accused must prove on the balance of probabilities that they are not guilty of the offence.

**END OF EXAMINATION**