

CLN4U
Homework Questions
Chapters 10 and 11

CHAPTER 10:

1. What is meant by “due process”? [298]
2. What is meant by “securing” the crime scene? Provide examples of what this encompasses. [298]
3. What is included in a “criminal investigation”? [299]
4. Comment on R. v. Collins as a case which highlights Section 8 of the Charter as applied to “search and seizure” considerations. [299]
5. Identify the items that must be satisfied for a valid search warrant to be obtained. [300]
6. What are “exigent circumstances” and how do they factor into search warrants? [302]
7. Provide the reasoning behind the R. v. Hufsky case. [302]
8. Differentiate between arrest and detention. [302]
9. Differentiate between indictable offence, summary offence, and hybrid offence. [308]
10. What is meant by each one of the following legal principles found in Canada’s criminal justice system? [311]
 - a) burden of proof
 - b) reasonable doubt
 - c) acquitted
 - d) disclosure
11. Discuss R. v. Askov in accordance with Section 11(a) of the Charter. Do you agree? What happened to this precedent? [312]
12. Jury selection is made by the Crown, the defence, and the accused. Provide ways that a potential juror may be “challenged”. [314]
13. Differentiate between direct evidence, physical evidence, and circumstantial evidence. [316]
14. In Canada, lawyers can object to questions on grounds of relevance, leading questions or hearsay evidence. Differentiate between the three. [317]
15. What is meant by “a miscarriage of justice”, and how is the case of Donald Marshall an example of this. [321]

CHAPTER 11:

1. What is considered in determining a sentence for an individual that has been convicted? [331]
2. For each one of the following defences and examples provide a definition of the defence and briefly discuss how it was used in each case. [332]
 - a) mistake of fact - R. v. Pappajohn
 - b) mistake of law - R. v. Baum and Baum
 - c) intoxication - R. Daviault
4. Differentiate between general intent and specific intent and outline how intoxication impacts on them. [333]
5. What are the M’Naghten’s rules? [334].
6. Provide the significance of the R. v. Chaulk case. [335]
7. Provide the reasons that the mental disorder defence is not widely used in Canada. [335]
8. Provide how the law defines automatism and outline how it was used in the case of R. v. Parks. [336]
9. The defence of self-defence offers justification for an intended act. Provide the three tests of self-defence and comment on the notion that such a defence has both subjective and objective elements. [338]
10. Provocation is only a partial defence. What is meant by this? Provide an example. [340]
11. Outline the defence of entrapment and comment on the idea that, “the finding of entrapment does not lead to an acquittal; rather it results in a permanent stay of proceedings”. [341]
12. What is meant by the defence of duress and outline the circumstances under which it is permissible under Canadian law. [342]
13. Outline the various purposes of sentencing. Which one do you feel is paramount? [346]
14. What is the concept of denunciation and how can it be used in determining sentencing? [347]
15. The R. v. Smith case is an example of where Section 12 of the Charter pertaining to “the right not to be subject to cruel and unusual punishment” was used successfully. Outline the case. [350]
16. Differentiate between aggravating and mitigating factors and briefly outline how the courts in Canada view them. [352]
17. Should victim impact statements be considered in the sentencing process? [358]