**Mr. Liu**

**Law Final Exam**

**Review These Sections. Make Wheels Proud.**

**1.2  Law and Its Functions**
- Clearly distinguish between a rule and a law, using examples to support your answer.
- Why are laws necessary in society?
- List and briefly explain the four main functions of the law.

**1.3  Divisions of the Law**
- Clearly distinguish between the terms substantive and procedural law.
- List and briefly describe the three types of public law.  List and briefly describe the five types of private, or civil, law.

**1.4  The Early History of Law**
- Why is Hammurabi’s Code important to our understanding of the history of law?
- How did Mosaic law differ from Hammurabi’s Code?  In what ways were they similar?
- Distinguish between the concepts of retribution and restitution.
- What is the Napoleonic Code?

**1.5  The Development of Canadian Law**
- What two legal systems exist in Canada today?
- Define the term “stare decisis”.  Define the term common law.

- What is precedent? Why is it significant to Canadian Law
- What is a citation

- What is meant by the term “Rule of Law”?
- Distinguish between the terms statute law and case law.

**1.6  Canada’s Constitution**
- When was the BNA Act passed?
- What is the significance of the Constitution Act, 1867? And then the Constitution in 1982 with Trudeau.

**1.7  How Laws are Made**

- What is the difference between a bill and a law?

**Rights and the Charter**

 **2.1  Introduction**- Explain the difference between civil rights and human rights. **2.2  The *Canadian Bill of Rights***- Define and give an example of a: a) right, b) freedom
- Who was responsible for passing the *Canadian Bill of Rights*?

* Which Prime Minister was responsible for the Canadian Charter of Rights and Freedoms

 **2.3  Constitutional Protection of Civil Rights**- What is the purpose of including section 1 in the *Charter*?

* When has the notwithstanding clause been used in Canadian History? **2.4  Rights and Freedoms Under the *Charter***- You should have a clear understanding of the various rights and freedoms guaranteed to Canadians under the *Charter e.g. Mobility Rights and the section numbers e.g. Section 6 Mobility Rights.* **2.6  Human Rights**- Using examples, clearly differentiate between the following key terms:

a) stereotype b) prejudice c) differential treatment d) adverse effect discrimination.     **2.7  Human Rights Legislation**- In Canada, what is the federal statute which deals with cases of discrimination

**Criminal Law and Criminal Offences**

**3.1  Introduction**
- Differentiate between criminal and civil law.
- What are the three main purposes of criminal law?

**3.2  The Nature of Criminal Law**
- Define the term crime.

**3.3  Jurisdiction over Criminal Law**
- What is the Criminal Code of Canada?

**3.4  Types of Criminal Offences**
- Briefly distinguish between each of the three different types of criminal offences.
- Compare and contrast Summary Convictions, indictable offences, Hybrid offences
 **3.5  The Elements of a Crime**
- Name and briefly describe the two elements that usually must exist for a crime to be committed.
- What is meant by the term onus?  In a criminal trial, who has the onus to prove whether or not the accused is guilty?
- Briefly explain the three main components associated with actus reus.
- Define the term intent.  What is the difference between having a general and a specific intent?  Is it possible to have no intent and still be found guilty of committing a crime?
- What is mens rea?
- What is a motive?  Can one’s motives have an effect on whether a crime was committed?
- Differentiate between the terms wilful blindness and recklessness.
- Do all crimes require proof of BOTH actus reus and mens rea?
- What is an attempt?  When does an attempt begin?  What must the Crown prove in order to find the accused guilty of an attempt?
- Define the term conspiracy.

**3.6  Parties to an Offence**
- What is a party to an offence?  Differentiate between the terms aiding and abetting.
- What does one have to do to be considered an accessory after the fact?  Is there anyone who could not be charged with being an accessory after the fact?  Explain.

**3.7  Our Criminal System**
- You should have a clear understanding of the diagram which illustrated the various federal and provincial courts, and be especially familiar with the names of provincial trial courts, the provincial appeal court, and  the federal appeal court.Which is the highest level etc.

Know the Offences:  Be able to explain

**Violent Crimes:** Homicide, 1st degree murder, 2nd degree murder, manslaughter, infanticide,  attempted murder, levels of assault levels of sexual, abduction, robbery.(No need for sentencing Years)

**Actions with social impact:**

Abortion, weapons charges, prostitution, obscenity, corruption and abandonment of children.

**Property Crimes:**Theft, break and enter**,** arson, possession of stolen goods, fraud.

**Other Crimes:** Terrorism, unlawful assembly, harassment, criminal negligence, mischief, soliciting, procuring, mischief.

**Controlled Drugs and Substance Act**

* What is the Controlled Drugs and Substance Act
* Key concepts: possession, prescription shopping, possession, trafficking, impaired driving, importing, exporting, laundering etc.

**Bringing the Accused to Trial**

**4.2  Arrest**

- What steps must an officer follow in order to ensure they are making a legal arrest?
- Under what circumstances may an officer make an arrest?

**4.4  Citizens’ Rights**
- What rights does a citizen have upon being detained?
- What rights does a citizen have upon being arrested?
- What rights do the police have following an arrest?

**4.5  Search Laws**
- What must an officer do to obtain a search warrant?
- When can a search warrant be used?

**4.6  Release Procedures**
- Define the term bail.

**4.7 Awaiting Trial**
- What is legal aid?  Does everyone qualify for receiving legal aid?
- What is meant by the term disclosure?  Why is the process of disclosure encouraged, if not required?
- What is the purpose of the accused’s first official court appearance?
- What is the purpose of having a preliminary hearing?  Why might an accused choose to skip the preliminary hearing?
- What is a plea bargain?  What are some of the advantages and disadvantages of plea bargaining (from
  the perspective of the accused, lawyers, judges, and victims).

**Trial Procedure**

**5.1  Introduction**
- What is meant by the term “adversarial system” vs “Inquisitorial”?
- What are the two fundamental principles of Canada’s criminal justice system?

**5.2  Courtroom Organization**
- You should be able to label a blank diagram of a typical Canadian courtroom.
- You should also be familiar with courtroom personnel, and have a clear understanding of their various roles. (Remember what people were doing during our mock trial)

**5.3  Motions at the Beginning of the Trial**
- What is a “stay of proceedings”?

- In criminal law, who are the parties involved at trial?  In civil law, who are the parties involved at trial?
- How does the burden of proof differ between criminal and civil trials?
 **5.4  Juries and Jury Selection**
- Briefly outline the advantages/disadvantages of: trial by judge alone; trial by judge and jury
- Briefly describe who is (and who is not) eligible for jury duty.
- What is the purpose of sequestering a jury?

- What is the head juror called?

- Hung Jury

**5.5  The Presentation of Evidence**
- What is the purpose of the arraignment?
- Briefly explain the order in which evidence is presented during a criminal trial.
- What is a subpoena?  What would happen to a witness who refuses to appear for trial?
- What does it mean to commit the offence of perjury?
- You should be able to distinguish between the various objections and types of evidence discussed in class: e.g hearsay, badgering the witness, etc.

**5.6  Defences**
- What is a defence?

- What are the different offences we’ve covered?

**5.7  Reaching a Verdict**
- What determines which side presents its summation first?
- What is the purpose of the judge’s charge to the jury?
- What is a verdict?
- What circumstances would lead the jury to a “hung jury”?  What happens in a trial in which there is a hung jury?

**Sentencing, Appeals, and Prison**

**6.1  Introduction**
- Define the terms: sentence

**6.5  Appeals** - What is the purpose of an appeal?  Who is the appellant?  Who is the respondent?