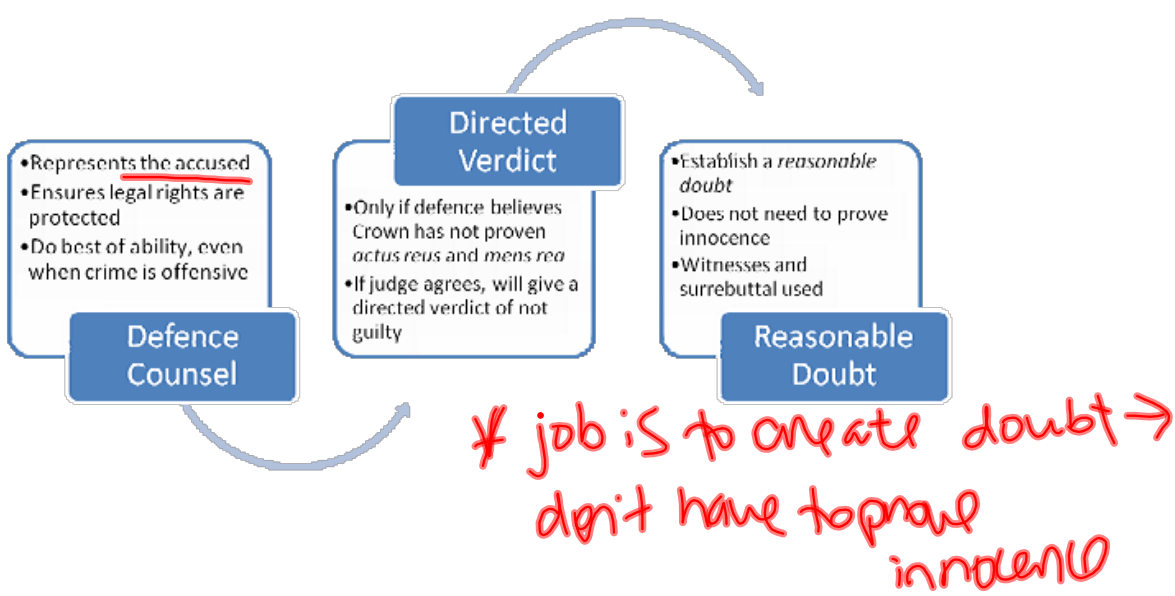
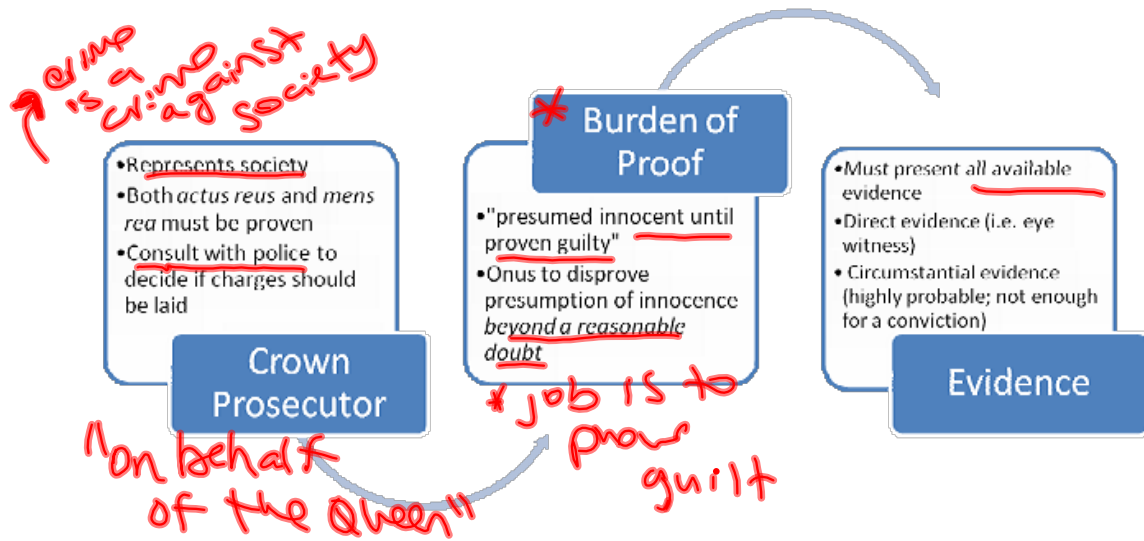
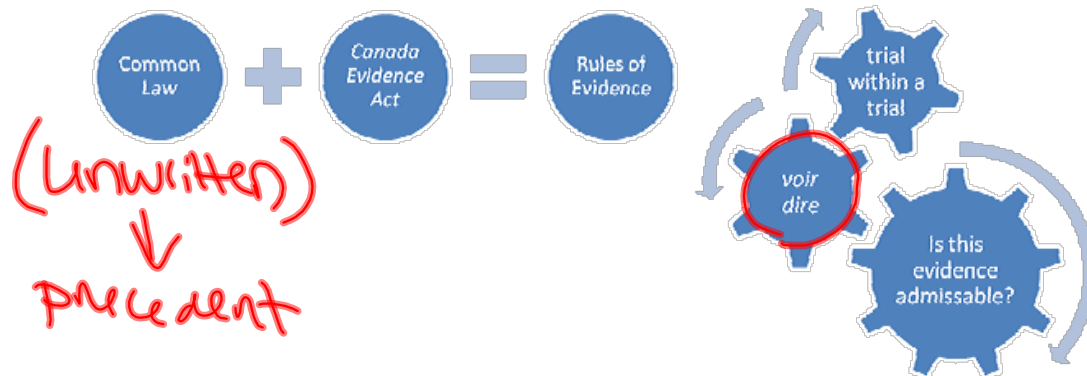


Courtroom Responsibilities Infographic



Rules of Evidence



Self-Incrimination

- Section 13 of CCRF
- Evidence of a witness must not be used later to criminate witness in another proceeding
- Encourages witnesses to come forth and answer all questions
- Police *can* use witness testimony as grounds to begin investigation

Privileged Communications

- Are communications that cannot be required to be presented (i.e. spouses) *spouse, therapist, doctor*
- Spouse *may* give evidence (i.e. violence, crimes against minors)
- Also includes conversations with religious officials, doctors *lawyer, priest*
- No force in court, unless accused says it can be used

Similar Fact Evidence

- Shows accused has committed similar offences in the past
- Used by Crown to imply the accused would commit offence again or counter defence claims that the offence was an accident
- Very damaging--often hold a *voir dire* *(not likely)*

** Same crime before*

Hearsay Evidence

- Something someone other than the witness has said
- Usually not admitted in court
- Can be used if is necessary and reliable (i.e. witnesses is quoting someone who is dying)
- Polygraph (lie detector tests) are deemed hearsay

Opinion Evidence

- What an expert witness thinks about certain facts in a case
- Only allowed if person is an expert on evidence that is outside "the experience and knowledge of a judge and jury"

Character Evidence

- Allowed by defence to support the accused's credibility
- Restricted in use by Crown; determined by how much defence uses
- Crown may not use questions to indicated that the accused has a criminal character or nature

Photographs

- May be entered if they can be identified to be an accurate portrait of the crime scene
- Often photographer and film processor must take the stand

Electronic Devices & Video Surveillance

- Admitted only if *Criminal Code* procedures regarding a warrant have been strictly followed
- Must be treated as a "last resort"

Confessions

- Is an accused person's acknowledgement that the charge, or some part of it, is true
- Statements made by people who have not been told his/her *Charter* rights (to an attorney) can be excluded as evidence
- How a confession is obtained is important

Marion asked Sarah to take care of her infant boy for a few days. Marion also asked Sarah to give the infant a teaspoonful of "medicine" every night. In fact, the medicine was poison. Always the diligent babysier, Sarah gave the infant the medicine daily at regular intervals. Later, Marion's five month old son Caleb died. The autopsy report identified poisoning as the cause of death. What crime has been committed? Who has committed a crime?

culpable
non-culpable
homicide - culpable
non culpable (Sarah)
~~-infanticide~~

Eva, Donna, and Claudia are walking through the park when they see their enemy Jim walking with a friend. They decide to "have some fun." So Donna and Claudia hold back Jim's friend while Eva punches ~~him~~^{Jim} with her brass knuckles and and kicks him in the ribs. Donna and Claudia laugh and yell their support to Eva. Meanwhile Mike, who is walking his dog, stops for a moment to see what is going on. Mike decides not to get involved and walks on. A neighbour sees the commoon and calls the police. Jim is rushed to the hospital in an ambulance. What crime has been commied? Who has commied a crime?

→ aggravated assault (3)
→ aggravated assault

Good Samaritan's Act

Clarence owns an insurance agency. He employs a secretary, Anita, who has worked at the company for less than a year. Shortly after she was hired, Clarence's behaviour started making Anita feel uncomfortable. He made a big joke about changing her phone extension from "409" to "69." In a separate incident, he asked Anita if she had put a "pube" on his pop can. Several times, he has asked her to have drinks with him after work but she has always declined. Has a crime been committed? If so, what is the crime?

- sexual harassment

Murray, Josie (Murray's wife) and Rosa agree to steal some money from Pete's clothing store. They also agree that Pete will not be harmed and that no weapons will be used. Murray enters the store and gets Pete's attention by asking him questions about an article of clothing. Then Josie enters the store and walks toward the cash register while Rosa acts as a look-out near the store entrance. Pete notices Josie reaching into the drawer of the cash register and yells loudly. Rosa panics, pulls a gun, and shoots Pete, severely wounding him. Murray, Josie, and Rosa run from the store without any merchandise and go to Russ's apartment around the corner. Russ agrees to let them use his car and Murray, Josie, and Rosa drive to a hiding place. Pete later dies from the wound he received. Murray, Josie, and Rosa never return Russ's car to him. Identify the criminal acts of Murray, Josie, Rosa, and Russ.

Josie - attempted robbery
 Rosa - attempted robbery; 2nd degree murder
 Murray - attempted robbery
 Russ -
 - 2nd degree murder?
 - attempted robbery * matter of knowledge + intent