

# [Law exam review](https://assignbuster.com/law-exam-review/)

[](https://assignbuster.com/)[Law](https://assignbuster.com/essay-subjects/law/)

Or the victim choosing not to have a blood transfusion? \* Court Ruling: \* Guilty. Thin skull rule Those who useviolenceagainst others must take victims as they find them Blaue had to take the victim as a Jehovah’s Witness \* The defendant is not responsible if the victim dies as a result of an unrelated event If his actions led to the event, he is still guilty R v Hummel (Stare decisis- lower courts must follow higher courts) \* Summary: Judge Perkins did not follow a binding decision of a higher court (contravening the doctrine of stare decisis) \* Perkins struck down a section of the criminal code, in favour of the defendant \* The crown appealed, and judge Clements disagreed with Perkins, allowing the appeal \* Shortly after, Perkins had another ssimilar case, and refused to follow Clement’s judgment. He once again adopted his own reasoning as in the previous case. \* Legal Principle: \* Decisions of a higher court must be followed because that is what holds common law together.

Their decisions are “ binding decisions” \* It doesn’t matter that Perkins could have been more intelligent than Clements \* Rulings of higher courts bind lower courts R v Ladue (Does mistake negate mens rea? ) \* Summary: \* Woman at a party died from drinking too much alcohol \* Forensics showed that Ladue had sex with her after he died \* He couldn’t be charged with sexual assault because he was dead \* He was charged with doing an indignity to a dead body \* Used the defense that he did not know she was dead, so he had no mens rea

R v Bird and Bolduc (Doctorallowed friend to examine patient) \* Summary: \* doctor told a female patient that his friend was a medical intern \* she gave consent for the friend to observe a medical examination \* The fraud was as to the identity of the onlooker, not as to the act, of which she knew and understood. \* Legal Principal: \* Was consent obtained fraudulently as to the nature and quality of the act? \* Court Ruling: \* Bolduc did exactly what the victim understood he would do.

There was no fraud on his part as to what he was going to do \* Victim knew that Bird was present and consented to his presence \* Innocent: the fraud had nothing to do with the act, but with Bird’s identity \* If he touched her, it would have turned into an assault R v Campbell and Mlynarchuk (Stripper case, mistake of law) \* Summary: \* Campbell was convicted of dancing naked \* Previously, Alberta supreme court made dancing naked legal \* Campbell did not know that the Court of Appeal overruled it \* Legal Principle: Mistake of fact is a defense to a criminal charge, mistake of law is not \* Court Ruling: \* Campbell’s mistake was one of law She coincluded that the decision of the judge correctly stated the law, which it did not \* Although this is not fair, it is necessary in order to prevent ignorance of the law as a defense \* Out of the sense of justice, (naked dancing is not a prevalent problem), Campbell got an absolute discharge \* Mistake of fact is a defense to a criminal charge, mistake of law is not R v Keegstra (Freedom of speechvs hate speech) \* Summary: Keegstra was a schoolteacher who taught his sstudents anti-Semitism and expected them to use his teachings on exams. If they didn’t, their marks suffered \* A few months after a paren't complained, Mr. Keegstra was dismissed \* Legal Principle: \* S. 319 bans promoting hatred against an identifiable group \* Charter protects freedom of speech \* Court Ruling: \* Court of Appeal states it was protected under s. 319 2(b), which protects innocent and imprudent speech (people who think that their hate speech is actually true) \* Majority: Failed the Oakes proportionality test.

Hate propaganda contributes little to the quest for truth, or the protection and fostering of a vibrant democracy The infringement was justified R v Rabey (Automatism) \* Summary: \* Stabbed a woman after finding out that she doesn’t like him \* Used the defense of non-insane automatism, stating that he had a blackout due to his rage (powerful emotional shock) \* Legal Principle: \* Was his dissociative state due to a disease of the mind? \* Court Ruling: \* His automatism was insane \* Ordinary stresses and disappointments of life do not explain the mind alfunctioning \* Rabey’s emotionalstressfrom the girl’s rejection is not reasonable It was due to his psychological or emotional make-up, thus constituting “ disease of the mind” R v Ruzic (Duress) \* Summary: \* Ruzic landed in Pearson airport with 2 kilos of heroin and a fake passport \* She used the defense of duress, because a man in Serbia would kill her mother if she didn’t listen to him