NOTE: 1. This is an open book examination. Communications devices such as mobile phones are not permitted. Candidates are not permitted to write during the 10-minute reading time, but are allowed to underline words and use highlighters to annotate the paper.

2. Candidates must answer two questions from Section 1 (each of which is worth 25 marks) and all questions in Section 2 (which is worth a total of 50 marks). No additional marks will be awarded for answering a third question in Section 1.
SECTION ONE

Answer any **TWO** of the following three questions:

1. What is the function of the criminal law? How is criminal law distinguished from other areas of law—such as torts—that also seek to address wrongful conduct? Explain your answer, with reference to materials you have read for Criminal Law so far this year.

   (25 marks)

2. According to the Supreme Court in *R. v. ADH* [2013], there is a general presumption in favour of subjective fault in Canadian criminal law. Do you agree with this approach? Explain your answer, with reference to materials you have read for Criminal Law so far this year.

   (25 marks)

3. Under what circumstances do intervening acts break the chain of causation? Why does the common law generally treat omissions as incapable of breaking the chain of causation? Explain your answer, with reference to materials you have read for Criminal Law so far this year.

   (25 marks)
SECTION TWO

4. Meredith and Christine are old friends. One evening Meredith and her partner Derek are at Christine's house for fondue, and the three of them begin talking about their favorite television programs. Meredith and Christine get into a heated argument about the lack of realism in popular TV medical dramas, and in a fit of anger, Christine picks up a fondue fork and throws it at Meredith. The fork misses Meredith, but lands in Derek's lap. Without thinking, Derek jumps up from the table and knocks over the fondue pot, which lands in Meredith's lap. Derek tries to help by grabbing the pot, but because it is hot he cannot hold it properly and accidentally pours melted cheese on Meredith. Meredith suffers minor burns. Meredith and Derek leave and go straight to the local police station, where they both demand that Christine be prosecuted for assault.

Christine is charged with assault contrary to Section 267(b) of the Criminal Code for causing burns to Meredith. Is Christine likely to be convicted of this charge? In your opinion, please include a discussion of all elements of the offence. You are free to refer to arguments already made in relation to (i) above.

(50 Marks)

END OF EXAMINATION