Write Your Exam Code Here: ____________

Return this exam question paper to your invigilator at the end of the exam before you leave the classroom.

THIS EXAMINATION CONSISTS OF 3 PAGES
PLEASE ENSURE THAT YOU HAVE A COMPLETE PAPER

THE UNIVERSITY OF BRITISH COLUMBIA
FACULTY OF LAW

EXAMINATION – DECEMBER 7, 2016

LAW 221
Section 3
Criminal Law and Procedure

Professors Benedet and Grant

TOTAL MARKS: 100

TOTAL TIME ALLOWED:
1 hour +
5 minutes reading time

NOTES:

1. This is an open book exam. Students may bring in a pocket Criminal Code, their course syllabus, and any relevant notes or course materials. No textbooks or library books are allowed. Students must use a pocket Criminal Code and not an annotated one.

2. This exam consists of one question with two parts. Students must answer both parts of the question. Please pay attention to the mark and time allocations.

3. Students should identify themselves only through the use of their exam code and, for those of you who are handwriting, please make sure your exam code is on each booklet if you use more than one.

4. Students may cite cases by reference to the name only (e.g. Creighton).

THIS EXAMINATION CONSISTS OF TWO QUESTIONS.
The Food Flight

Albert is a second-year law student at the Michael J Fox School of Law in Burnaby, BC. Albert has applied for summer jobs at many large law firms. Albert has secured twenty-three interviews, supplemented by other firm-sponsored events such as ice fishing, sabre fencing and group dinners held at a number of fashionable downtown restaurants.

On the evening of the first day of interviews, Albert heads off to his first group dinner sponsored by Bell, Lee & Flopp LLP at Kombucha, a trendy eatery specializing in fermented foods. He wants to look professional, so he carries a new empty briefcase with him. Albert is tired and stressed realizing that he has tried to fit in way too many interviews in a few days. He has skipped lunch to fit in an interview and is exhausted and hungry. Albert has to circle several times before he finds a parking spot on a block marked “2 hour parking”. He uses a phone app to pay for the parking as he runs down the sidewalk toward the restaurant, trying not to be late.

Albert arrives at the restaurant and dashes inside to avoid getting his new suit and expensive briefcase wet in the pelting rain. He spots one of his classmates at a table in the corner and slides into an empty chair. He does not recognize the other students at the table. Ruth, the lawyer presiding over the dinner, introduces herself and encourages everyone to order. It is very dark and Albert can barely see the menu but he orders the most expensive item, a fifty-three dollar llama filet with kimchi. His meal arrives and Albert begins to eat. After about 20 minutes he sees an opening in the conversation and he proclaims his lifelong interest in maritime law, which he knows to be Bell, Lee & Flopp’s speciality. Ruth looks puzzled since, as she reminds the students at the table, her firm Bunk & Bedd practices only family law.

Albert, horrified, realizes that he has entered the wrong restaurant and joined the wrong group interview. In fact, Kombucha is across the street and his Bell, Lee & Flopp dinner has proceeded without him. Humiliated, Albert swallows his mouthful of llama, washes it down with a glass of expensive wine, and quietly tries to duck out of the restaurant unnoticed to save his embarrassment. He wants to get to the restaurant where Bell, Lee & Flopp’s dinner is proceeding without him. He rushes into that restaurant breathless; looking disheveled, and discovers that the other dinner is just breaking up. A senior litigation partner sends him a glaring look as she walks past him and out of the restaurant. Albert is despondent and decides to go home and get some sleep so that he can do a better job tomorrow. When he arrives back at his car, he finds that he has been given a $50 parking ticket. His online receipt shows that he has keyed in the meter number incorrectly and has instead paid for a spot on the other side of town.

Answer BOTH of the following questions using the above facts. Assume that all of these facts are true and provable in court.

A1. Albert is charged with fraudulently obtaining food, contrary to s. 364(1) of the Criminal Code. You are the Crown prosecuting Albert. Outline your case and respond to the arguments you expect to be raised on Albert’s behalf. Your answer should include: a discussion of the elements of the offence and whether those elements can be satisfied, and your assessment of whether you think the Crown could be successful on this charge. (80 marks) (48 minutes)
A2. Albert’s parking ticket is issued pursuant to s. 38.1(b) of the City of Vancouver parking by-laws which state:

38.1 The following are acts punishable by a fine of $50.00:

(a) parking within 5 metres of a fire hydrant
(b) parking at an expired meter
(c) parking beyond the maximum time limit prescribed

Albert, who is on a tight budget, consults you as to whether there might be some way to avoid paying this fine. As his defence lawyer, what do you tell him? For the purposes of this question you may assume that this municipal offence is equivalent to a provincial offence. (20 marks)(12 minutes)

END OF EXAMINATION