

p. 169, Case: R. v. S.D.D.

- 1. Based on the definitions of arson in ss. 433(a) and 434 of the *Criminal Code*, do you think the trial Judge was justified in acquitting her of these offences? Explain.**

The definitions in ss. 433(a) and 434 specifically say a person who recklessly or intentionally causes damage by fire or explosion of property is guilty of an indictable offence. The Judge felt that there was nothing to indicate S.D.D. knew or recklessly intended to cause the fire when she burned the hole in the bag. Consequently, he was right to acquit her of these charges.

- 2. Describe the key difference in the *mens rea* of these two sections [ss. 430 (1)(a) and 430 (5.1)].**

The key difference between the *mens rea* in the two sections is that s. 430 (1)(a) involves a reckless disregard for damage to property, whereas s. 430 (5.1) involves the reckless disregard for danger to life.

- 3. Do you agree with the substitution made by the appeal court? Explain.**

Most students would agree with the substitution because the offence took place in a convenience store—a public place—where the possibility of danger to life would in all probability be greater than in a private place.

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