

p. 165, Case: *R. v. Boudreau*

- 1. Check s. 239 of the *Criminal Code* to determine whether the section specifies or describes the means by which the offence may be committed.**

Section 239 specifically says "who attempts by any means to commit murder."

- 2. List the evidence showing that the actions of the accused went beyond "mere preparation" and were becoming "implementation."**

The accused

- pointed a rifle at his wife
- followed her to the neighbours
- tried to kick in the neighbour's door
- made death threats
- had loaded the gun

- 3. Was the conclusion of the trial Judge that the accused had intent to kill reasonable? Explain.**

Given that the gun was loaded and that the accused had made death threats, the trial Judge's conclusions that the accused had intended to kill was reasonable.

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p. 167, Newspaper article: "Judge reserves decision on status of man convicted in convenience-store killing"

1. **Make a list of three words from the discussion of "intent" on page 166 that apply to this case. Explain your choices.**

The offender *meant* to commit the offence (he stabbed Moser three times in the back); he was *reckless* regarding the consequences (left Moser to bleed to death); and he should have *foreseen* the results (Moser died).

2. **What arguments did the prosecution make regarding the *mens rea* of the accused?**

The Crown used the following arguments to illustrate the offender's *mens rea* (reckless disregard for consequences); the offender

- had failed to comply with other sentences
- had engaged in violent criminal activity leading up to the event
- had shown violent behaviour since the age of seven
- enjoyed fantasies about killing and hurting people