

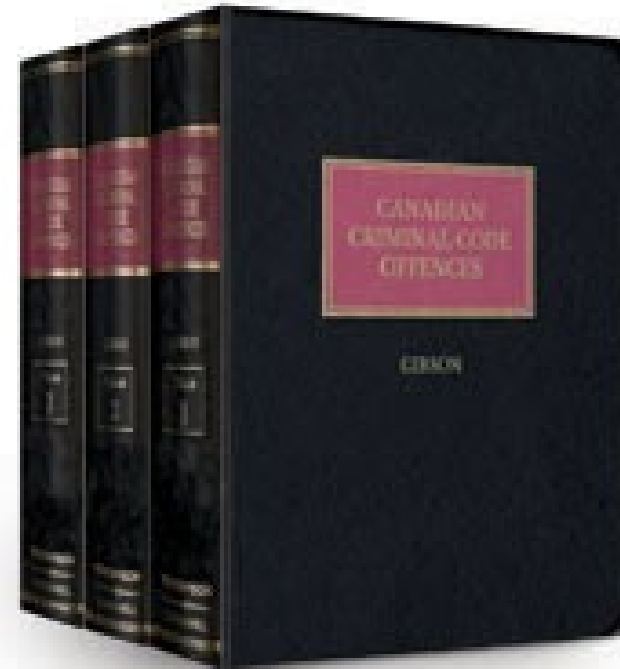
Substantive and Procedural Law



Substantive and Procedural Law

Substantive Law:

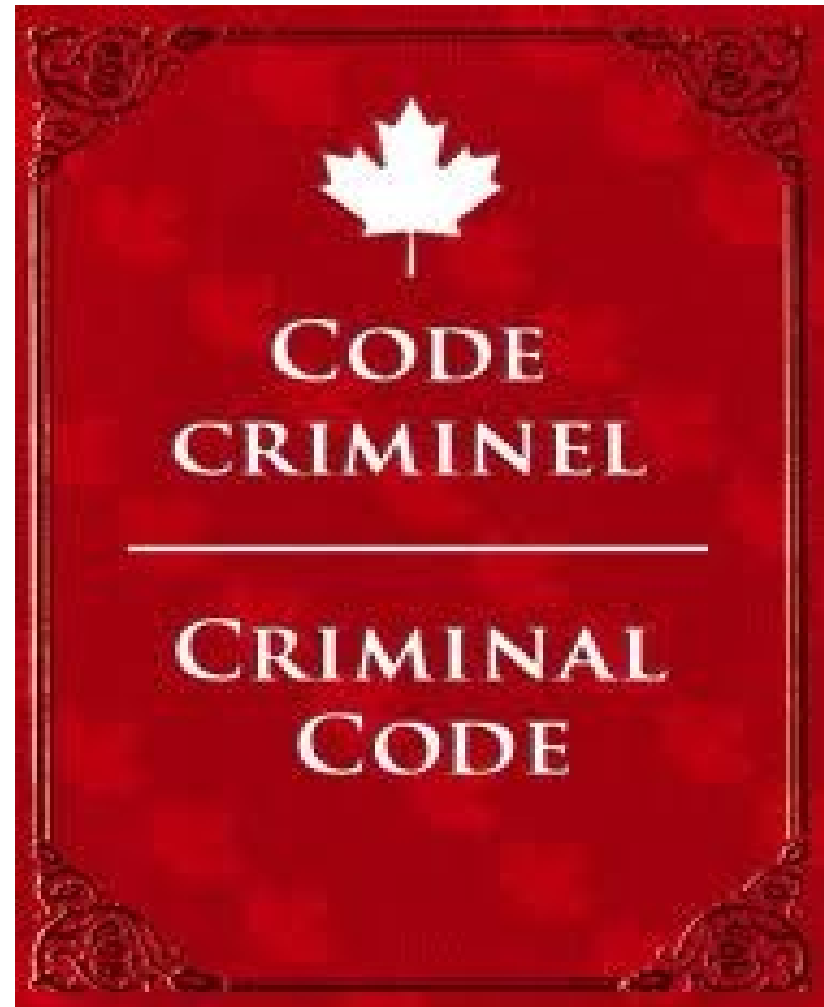
refers to the language around the precise definition of what you are charged with.



Substantive and Procedural Law

Substantive Law:

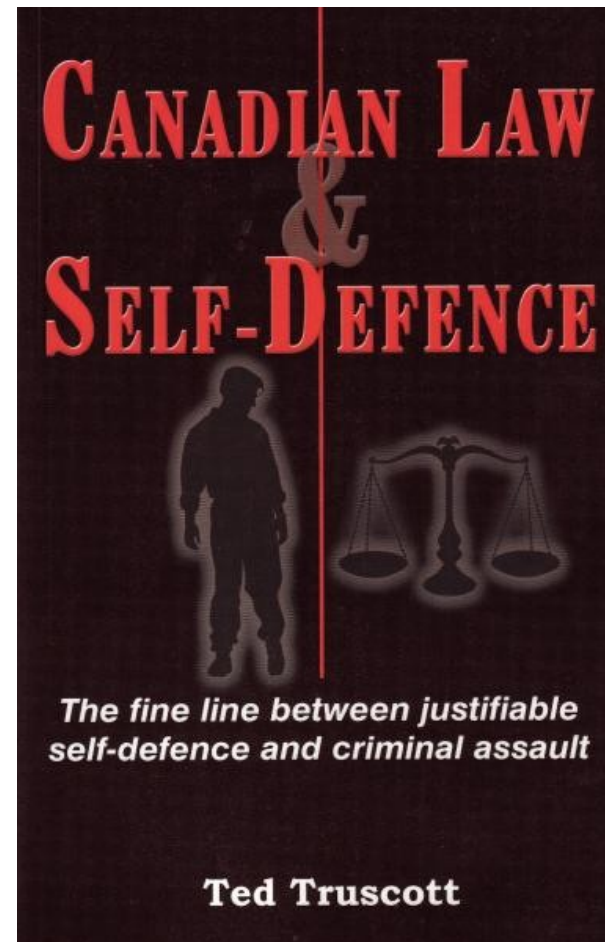
When you are charged with an offence, your lawyer will examine the specific charge in the Canadian Criminal Code with regards to the actions you perpetrated.



Substantive and Procedural Law

Substantive Law:

If the actions do not match the explanation of the offence, this will form the basis of their legal argument and you will walk as the charges do not fit the actions or actus reas



Substantive and Procedural Law

Substantive Law:

Example

If you robbed the View Royal Tim Horton's with a gun, would this be the appropriate charge for the Crown to lay against you?

Canadian Criminal Code

Section 85. (1) Every person commits an offence who uses a firearm, whether or not the person causes or means to cause bodily harm to any person as a result of using the firearm,



Substantive and Procedural Law

Substantive Law:

YES!!

Section 85. (1) Every person commits an offence **who uses a firearm**, whether or not the person causes or means to cause bodily harm to any person as a result of using the firearm,



Substantive and Procedural Law

Substantive Law:

Example

What if you held up the TH with Mr. Macri's vintage 1984 Transformers Megatron that turns into an exact replica of a Walther PPK?

Canadian Criminal Code Section 85

- (2) Every person commits an offence who uses an imitation firearm
 - (a) while committing an indictable offence,



Substantive and Procedural Law

Substantive Law:

YES!!

(2) Every person
commits an offence
who uses an imitation
firearm



Substantive and Procedural Law

Substantive Law:

What if you committed
the crime with a
taser?



Substantive and Procedural Law

Substantive Law:

No!!

It's the wrong charge.



Substantive and Procedural Law

Procedural Law

Procedural Law refers to the methods and actions law enforcement agents must take to arrest and detain you.



Substantive and Procedural Law

Procedural Law

If the rules around, arrest, detainment, interrogation and search and seizure are not followed, any evidence or information gained is inadmissible in court and the accused will be released.



Substantive and Procedural Law

An officer arrests and detains an individual on the suspicion of possession of narcotics with intent to traffic. Before informing the suspect of their rights on arrest the officer interrogates the individual. Any information gained during the interrogation is inadmissible as evidence.



Substantive and Procedural Law

An officer searches a suspects person looking for drugs without probable cause or a warrant. Drugs are found on the person. As procedure was not followed. The drugs are inadmissible.



Substantive and Procedural Law

Given what you have learned about substantive and procedural law, in the form of a written response agree or disagree with the following statement

Procedural Law is designed to make law enforcement officer's jobs more difficult and in the end protects only criminals.

