

“But I was just having a little fun”

The following incidents are meant to get you thinking about justice. Review them and consider the corresponding questions.

Incident #1

Sunday afternoon, Jimmy and Brittany head over to a vacant field where the local kids meet to play baseball. Riding their bikes down Main Street, they get into a discussion about who can throw furthest. Brittany challenges Jimmy to a contest. He agrees.

They position themselves and choose a garbage can as a target at the end of the block in front of the local hardware store. Jimmy throws first. He misses, shattering a plate glass window at the hardware store. They look at each other in horror, get on their bikes, and ride away as quickly as they can.

The Law

Section 430(1)(a) of the *Criminal Code* reads:

Everyone commits mischief who willfully destroys or damages property.

Note: “Willfully” includes doing something with knowledge that the act will probably cause the occurrence and being reckless as to whether it occurs or not.

Section 21(1) of the *Criminal Code* says that a person who encourages someone, or does, something to help someone commit an offence is a party to that offence.

The maximum adult punishment for mischief depends on the type and value of the property destroyed:

General mischief over \$5000 – 10 years in jail

General mischief under \$5000 – 2 years in jail

Discuss

1. Has Jimmy done something wrong?
2. Even though Jimmy did not plan to hit the plate glass window, should he have realized that it could have happened?
3. Has Brittany done anything wrong?
4. What are some of the possible consequences of the window being broken:
 - a. from the point of view of the store owner?
 - b. from the point of view of Jimmy?
 - c. from the point of view of Brittany?

Incident #2

Some kids from a local high school like to hang out in front of a nearby convenience store after school. Some buy items from the store, but mostly they just stand out on the sidewalk and visit with their friends. Quite often there is a fairly large crowd by four o'clock.

The youth watch the people coming and going, and once in a while they crack jokes as they go by. Passers-by can sometimes hear them swearing as they talk to each other and at times it is difficult to enter the store because of the large crowd.

The store owners have told the kids not to hang around and asked them to move elsewhere. The kids respond by saying "It's a public sidewalk!" and "Hey, we're the public, aren't we?" Many of the store's customers are elderly. Some are afraid of the kids and have stopped coming to the store. Business is dropping off and the store owners are concerned.

The Law

Sections 430(1)(c) and (d) of the *Criminal Code* read:

Everyone commits mischief who willfully obstructs, interrupts or interferes with the lawful enjoyment or operation of property, or obstructs, interrupts or interferes with any person in the lawful use, enjoyment or operation of property.

The maximum adult penalty for mischief depends on the nature and value of the property involved:

General mischief over \$5000 – 10 years in jail

General mischief under \$5000 – 2 years in jail

Section 175(c) of the *Criminal Code* says:

Everyone who loiters in a public place and in any way obstructs persons who are in that place ... is guilty of an offence punishable on summary conviction.

"Loiter" means to stand idly about a place. The maximum penalty for a "summary offence" is a \$5000 fine and/or six months in jail.

Discuss

1. Are the youth doing anything wrong?
2. Do the store owners have any right to ask the youth to move?

Incident #3

Matt is a new student in Nick's class. Nick, known around school as the class clown, has taken to sneaking off with assorted items that belong to Matt. Last week he took Matt's gym shorts and hung them from the flagpole. The week before that he took Matt's backpack and hung it on the coat rack in the kindergarten wing of the school underneath a big name tag that read "Mattie." Just yesterday he switched an expensive pair of Matt's shoes with an old, worn out pair from the lost and found. Unfortunately, by the time Matt found out what had happened to his shoes, they really were gone.

Matt's parents are furious and say "enough is enough." They insist that the school call the police and have Nick charged with theft and maybe even intimidation.

The Law

Theft – Section 322(1)(a) of the *Criminal Code* reads:

Every one commits theft who fraudulently and without colour of right takes, or fraudulently and without colour of right converts to his use or to the use of another person, anything whether animate or inanimate, with intent, (a) to deprive, temporarily or absolutely, the owner of it, or a person who has a special property or interest in it, of the thing or of his property or interest in it.

The maximum adult penalty for theft depends on the value of the property stolen:

Theft over \$5000 – 10 years in jail

Theft under \$5000 – 2 years in jail

Intimidation – Section 423(1)(d) of the *Criminal Code* reads:

Everyone is guilty of an indictable offence and liable to imprisonment for a term of not more than five years or is guilty of an offence punishable on summary conviction (maximum punishment five thousand dollar fine and/or six months in jail) who, wrongfully and without lawful authority, for the purpose of compelling another person to abstain from doing something that he or she has a lawful right to do, or to do anything that he or she has a lawful right to abstain from doing,

(d) hides any tools, clothes or other property owned by that person, or deprives him or her of them or hinders him or her in the use of them.

Discuss

1. How might Matt be feeling? Nick?
2. What could the school community do in this situation?
3. Do you think involving the police would be a positive step?