

Criminal Law – Practice Question and Answer

Session: Extension of Criminal Liability

Topic: Aiding and abetting

Recommended time: 1 hour 15 minutes

Score: 100 Marks

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Facts

Last year, Robertson was at the bar of Skyview Sports & Pool in Mount Pearl, Newfoundland and Labrador, when two men walked in. They later joined Robertson at the bar and ordered scotch with ice cream. While drinking, the two men interacted with Robertson and the trio got along well, cracking jokes, laughing, with the two men ordering more drinks. Unknown to Robertson, the two men were undercover RCMP officers who were at the bar in continuation of an investigation into heroin trafficking in the city.

In the course of their conversations, the two officers mentioned that they needed to buy a substantial quantity of heroin and asked if Robertson had a reliable source. Robertson suggested he could link them up with a seller and he produced a phone number. Robertson later placed a call to this phone and had a conversation, at the end of which he led the two officers to a dark corner of the street for the purpose of buying the heroin. When the officers asked how much a kilogram would cost, Robertson said he wasn't sure but it could be in the range of \$500.

When they arrived this venue, an unidentified dark figure in dark clothes approached their car and he passed over a bag containing one kilogram of heroin to the officers who then paid this person. Robertson also handed the seller a sum of money and he too was given his own bag of heroin. The three men drove away, dropping off Robertson along the way, so as not to arouse suspicion. Robertson was arrested a week later and charged with aiding and abetting drug trafficking contrary to s. 22(1)(c) of the Criminal Code of Canada. The seller was not identified nor arrested.

You are one of the lawyers at a legal clinic and Robertson's defence has been assigned to you. You had met with Robertson who denied the charges. While admitting that he did take the officers to the location where the seller was, he claimed that the officers deliberately plied him with alcohol for the purpose of inducing him. He added that he only acted as an agent to the officers who pressured him into going with them to show them the location that everyone in Mount Pearl already knew heroin is sold. You had asked him if he received any money as a result of the transaction and he replied in the negative.

Prepare a memo of your defence on the charges of aiding and abetting drug trafficking.