



FORMATION PROFESSIONNELLE DU BARREAU DU QUÉBEC

EXAMINATION BOOKLET

DROIT PÉNAL

SUPPLEMENTAL EXAMINATION

May 31, 2004

- (1) The examination in the DROIT PÉNAL section is intended to determine the extent to which you have met the ultimate goals set forth in the document entitled “Préambule Droit pénal”.
- (2) You have a maximum of four hours to complete the examination. You are entirely responsible for managing your time.
- (3) The examination contains questions relating to the following section:
 - Droit pénal
- (4) The questions total 100 marks. You must obtain a mark of 60% or more in order to pass this examination.
- (5) You may use any written documentation which you deem to be useful.
- (6) For photocopying purposes, kindly use a **pen with black ink** to write your answers in your answer booklet.
- (7) **You must write legibly, otherwise your answers will not be graded.**
- (8) Please ensure that your examination booklet contains **10** pages (including this page) and that your answer booklet contains **5** pages.

FILE 1 (51 MARKS)

The situation described in File 1 is an evolving one: all the supplementary facts are to be added to the main portion of the fact pattern to form part thereof.

On January 13, 2002, Antonio Legrand, who is 35 years old, goes into a bar at 11:00 p.m. Between 11:00 p.m. and 3:00 a.m. in the morning, he consumes twelve small beers and three glasses of cognac.

At approximately 3:00 a.m., for no reason Antonio deals two violent punches to the face of Hervé Petit who is seated beside him at the bar. No particular incident took place between the two men during the evening. Hervé's nose is bleeding profusely and he loses consciousness.

The bartender calls the police. Before the arrival of the police, Antonio grabs Hervé's handbag. The handbag contains a \$2,000 watch and \$4,000 in cash.

As of their arrival, the police officers arrest Antonio and drive him to the police station.

Upon his arrival at the police station, during the booking procedure, Antonio sings and talks incoherently. It is obvious to the police officers that Antonio is drunk. When searching his personal belongings, the police officers find Hervé's handbag.

One of the police officers notifies Antonio that he is being held for assault and theft. Furthermore, he informs Antonio of all his constitutional rights and how to exercise them. Antonio does not react. The police officer asks Antonio whether he has understood everything and whether he wants to contact a lawyer. Antonio does not answer these questions and continues to sing. He does not ask to speak to a lawyer.

The police officers immediately proceed to question Antonio.

QUESTION 1 (5 marks)

In the circumstances, were the police officers entitled to proceed with Antonio Legrand's questioning? Explain your answer.

SUPPLEMENTARY FACTS

On January 14, 2002, Antonio appears before a justice of the peace to answer to charges of assault causing bodily harm and theft of property with a value exceeding \$5,000. Antonio elects a trial before a judge and jury.

M^e Édith Boudreault, the Crown prosecutor, opposes Antonio's release from custody. She states that it is up to Antonio to prove that his custody is not justified because his criminal record indicates three prior convictions for assault causing bodily harm, dating back to 2001, 1999 and 1997.

QUESTION 2 (5 marks)

Is M^e Édith Boudreault's statement well founded?

Justify your answer by referring to one or more specific and relevant provisions of the *Criminal Code* or the related legislation.

SUPPLEMENTARY FACTS

Upon completion of the hearing on the release from custody, the justice of the peace releases Antonio subject to an undertaking with conditions. The preliminary inquiry is postponed *pro forma* until June 26, 2002 and then until October 15, 2002 to proceed.

Before the start of the preliminary inquiry, M^c Christian Parker, Antonio's lawyer, tells the justice of the peace that M^c Boudreault, the Crown prosecutor, has not communicated all of the evidence to him. M^c Boudreault steadfastly refuses to disclose to him the statement and judicial record of the complainant, Hervé Petit. M^c Parker invokes sections 7 and 24 (1) of the *Canadian Charter of Rights and Freedoms*.

Notwithstanding the objections of M^c Boudreault, the justice of the peace accepts M^c Parker's argument and orders the prosecution to communicate Hervé's statement and judicial record to the defence.

QUESTION 3 (5 marks)

Did the justice of the peace have the power to render this decision? Explain your answer.

SUPPLEMENTARY FACTS

On October 15, 2002, Antonio is ordered to stand trial on the two counts contained in the information. He immediately re-elects to stand trial before a judge without a jury. The trial is scheduled for May 26, 2003 for a duration of half a day.

On May 26, 2003, given that the courtroom roll is too full and no judge has been able to free himself to hear the trial, the trial is postponed until November 5, 2003.

On November 5, 2003, the complainant, Hervé Petit, does not attend the hearing. M^c Boudreault notices that she forgot to serve him with a *subpoena*. M^c Boudreault asks for an adjournment, claiming that the absence of the complainant is the result of a mere omission. Furthermore, the police officers know Hervé's address.

Despite M^c Parker's vigorous objections, the judge grants the adjournment requested by M^c Boudreault. He schedules the trial for the first available date, namely May 3, 2004.

Antonio is outraged by the long delay between his arrest and the date scheduled for his trial. He asks M^c Parker to use the appropriate procedure.

QUESTION 4 (10 marks)

(a) What motion will M^c Christian Parker present?

Justify your answer by referring to one or more specific and relevant provisions of any legislation.

(b) State three arguments of fact that M^c Christian Parker will allege in his motion.

ONLY THE FIRST THREE ARGUMENTS WRITTEN IN THE ANSWER BOOKLET WILL BE CORRECTED.

SUPPLEMENTARY FACTS

The trial begins on May 3, 2004 before Judge Jacques Le Sage of the Court of Québec.

The prosecution files an indictment containing two counts. The first count reads as follows:

“In the province of Québec, Antonio Legrand committed assault causing bodily harm, in violation of the Criminal Code”.

After the indictment is read and before the plea is entered, M^e Parker presents a motion to have this count quashed.

QUESTION 5 (5 marks)

Is M^e Christian Parker’s motion well founded?

Justify your answer by referring to one or more specific and relevant provisions of the *Criminal Code* or the related legislation.

SUPPLEMENTARY FACTS

The Crown prosecutor, M^e Boudreault, asks the judge not to rule on the motion and proposes, instead, to amend the count in order to add supplementary details. The lawyer for the defence, M^e Parker, accepts the Crown’s proposal and Judge Le Sage orders that the count be amended.

After the plea is entered, the trial begins with the testimony of Hervé. He recounts the events of the night of January 13 to 14, 2002. He says that after having been struck by the accused, he lost consciousness.

M^e Boudreault wants to have Hervé testify with respect to a statement made to him by his friend Bernard Latour, who is now deceased. Bernard had told him that he had met Antonio a few days after the event. At that time, Antonio had told Bernard that Hervé deserved what he had done to him at the bar on the night of January 13 to 14, 2002.

M^e Parker objects as regards the admissibility of the evidence M^e Boudreault wants to present.

QUESTION 6 (6 marks)

Indicate, with a YES or a NO, whether the following grounds raised in support of M^e Christian Parker’s objection are well founded.

1. It is hearsay.
2. There is no evidence of reliability regarding the statements made by Bernard Latour.
3. It is *res gestae* (a spontaneous statement).

SUPPLEMENTARY FACTS

M^c Boudreault finishes presenting his evidence. M^c Parker is hesitant to have Antonio testify because of his extensive criminal record.

QUESTION 7 (5 marks)

Assuming that Antonio Legrand were to have stood trial before a judge and jury, what application could M^c Christian Parker have made in order to avoid having his client's criminal record disclosed to the jury when he testifies?

Justify your answer by referring to the specific and relevant jurisprudence.

SUPPLEMENTARY FACTS

Antonio wants to plead extreme self-induced intoxication. The evidence presented for the defence reveals that Antonio consumed twelve small bottles of beer and three glasses of cognac between 11:00 p.m. and 3:00 a.m. in the morning. Before going to the bar, Antonio had drunk a bottle of red wine at supper, between 8:00 pm. and 11:00 p.m.

According to an expert in the toxicology of alcohol who testifies for the defence, at 3:00 a.m. in the morning Antonio had a blood alcohol level of 330 mg per 100 ml of blood. The reason he did not pass out is due to the fact that he is young and strong and tolerates the effects of alcohol very well. According to the expert, at this level of intoxication, it is highly likely that Antonio was not aware of what he was doing.

QUESTION 8 (4 marks)

Can Antonio's extreme self-induced intoxication be a defence to each of the following counts?

For each count, explain your answer

- 1. Assault causing bodily harm**

- 2. Theft of more than \$5,000**

SUPPLEMENTARY FACTS

Antonio is convicted of assault causing bodily harm. He wants at all costs to avoid going to jail. M^e Boudreault is seeking a sentence of imprisonment of 18 months given, among other things, the accused's prior convictions for similar matters.

M^e Parker does not contest the merits of the period of imprisonment sought by the prosecution. However, he asks the judge to allow his client to serve the sentence in the community.

When questioned by the judge, M^e Boudreault consents to a conditional sentence of imprisonment.

The judge refuses to grant the accused a conditional sentence of imprisonment. He gives the following grounds, among others, for his decision:

1. To determine whether a conditional sentence of imprisonment can apply, the court must first verify whether a probationary sentence or a term in a penitentiary is appropriate in the circumstances.
2. In all cases in which an accused's action was serious and his criminal record is extensive, only an unconditional sentence of imprisonment is consistent with the objectives of denunciation and deterrence set out in paragraphs 718 (a) and 718 (b) of the *Criminal Code*.
3. The court has absolute discretion whether or not to approve the joint submission made by both parties.

QUESTION 9 (6 marks)

Indicate whether the judge's statements are true or false.

FILE 2 (49 MARKS)

The situation described in File 2 is an evolving one: all the supplementary facts are to be added to the main portion of the fact pattern to form part thereof.

On January 23, 2004, armed with a search warrant issued under the *Controlled Drugs and Substances Act* (hereinafter referred to as “C.D.S.A.”), police officers carry out a search in the basement of a flower shop located at 34 de la Fabrique Street in Montreal.

They surprise four people inside the premises. At the feet of these people, there are bags of white powder which the police officers seize. One of the police officers saw the individuals throw these bags on the floor.

Before arresting anyone, the police officers search the people on the spot and ask them to identify themselves. They identify themselves as Léo Meilleur, his spouse Sara Tremblay, Paul Richard and Jean Laforce. Paul is a known trafficker and Jean is his enforcer.

The search allows the police officers to seize a bag containing white powder from Sara’s purse. An analysis thereof will reveal that it is cocaine. The police officers seize \$10,000 from Paul’s pockets. They do not find anything on the two other individuals.

In a corner of the room, on a table, a large quantity of white powder in a plastic bag is seized as are several other small bags located nearby.

The police officers then arrest the four individuals for possession of drugs with intent to traffic and they are brought to the police station. They are told that they have the right to remain silent and that they will be able to speak with their lawyer in a confidential manner once they are at the police station.

QUESTION 10 (5 marks)

Were the police officers entitled to search the individuals on the spot without first arresting them?

Justify your answer by referring to one or more specific and relevant provisions of the *Criminal Code* or the related legislation.

SUPPLEMENTARY FACTS

During the trip to the police station, following persistent questions from a police officer regarding the drugs seized in her purse, Sara tells him that she wants to speak to her lawyer before answering him. The police officer continues to question her on the same subject and finally, she confirms that the cocaine seized belongs to her and is for her own personal use.

QUESTION 11 (5 marks)

In the circumstances, was the police officer entitled to continue questioning Sara Tremblay? Explain your answer.

SUPPLEMENTARY FACTS

Once at the police station, the four detainees speak confidentially with their respective lawyers who recommend that they remain silent. The police officers then proceed with the questioning of the suspects. Paul and Léo exercise their right to remain silent and refuse to say anything whatsoever.

Sara decides to talk to the police officers who are questioning her. They promise her that she will help Léo, her spouse, if she tells them what she knows. They add that, in any event, they already know that the large quantity of drugs seized from the table belongs to Paul, the person they want to catch at all costs.

Sara then tells them that her spouse was supposed to receive the drugs in order to deliver them to another person whom she does not know. She adds that she does not know who owns these drugs and that she was on the premises at her spouse's request. She refuses to provide a written statement.

During this time, as a result of the pressure exerted by the police officers who are questioning him, Jean incriminates Paul and Léo. He states that Paul was supposed to give the drugs to Léo so that they could be sold. As for him, he was there to ensure that everything went smoothly. Jean provides a written statement.

On January 26, 2004, Paul Richard, Jean Laforce, Léo Meilleur and Sara Tremblay appear. They are jointly accused of having had in their possession, for the purpose of trafficking, a substance included in Schedule 1, contrary to paragraph 5 (3) (a) *C.D.S.A.* The four accused elect a trial by judge and jury.

The prosecution objects to their release from custody and asks that the hearing on the release from custody be postponed until January 30, 2004.

QUESTION 12 (5 marks)

Can the justice of the peace postpone the hearing on the release from custody until January 30, 2004?

Justify your answer by referring to one or more specific and relevant provisions of the *Criminal Code* or the related legislation.

SUPPLEMENTARY FACTS

Following the hearing on the release from custody, the court releases Sara, but issues orders of detention against the three other accused and postpones the case until February 5, 2004 for the communication of the evidence. The lawyers for Jean, Paul and Léo ask the Superior Court to overturn the detention orders. The Superior Court dismisses their applications and confirms the detention orders.

QUESTION 13 (5 marks)

Can this decision of the Superior Court be appealed to the Court of Appeal? Explain your answer.

SUPPLEMENTARY FACTS

On February 5, 2004, at the stage of the communication of the evidence, the Crown prosecutor provides the lawyers for the defence with a copy of the police report and a copy of their clients' telephone conversations which had been intercepted pursuant to a judicial authorization.

On March 10, 2004, the four accused have their preliminary inquiry and are committed to stand trial. They re-elect to stand trial before a judge alone. This trial is scheduled for April 13, 2004.

At the beginning of the preliminary inquiry, the lawyers for the defence had obtained the court's permission to take cognizance of the grounds on which the police officers had been able to obtain the judicial authorization. The court had ordered that a copy of the document be provided to the accused after the prosecution had removed the name of an informant and other information which could have disclosed the informant's identity.

On April 13, 2004, the lawyers for the defence want to take cognizance of the information that was struck out, but the prosecution refuses.

QUESTION 14 (5 marks)

State the recourse available to the lawyers for the defence in order to obtain this information.

Justify your answer by referring to one or more specific and relevant provisions of the *Criminal Code* or the related legislation.

SUPPLEMENTARY FACTS

At the trial, the drugs and the money seized are filed into evidence. The prosecution obtains the admission into evidence of the written statement made by Jean at the police station when he had been arrested.

QUESTION 15 (5 marks)

Is this statement evidence against Paul Richard and Léo Meilleur? Explain your answer.

SUPPLEMENTARY FACTS

When the defence is presenting its evidence, Sara's lawyer calls as her witness the police officer to whom Sara had spoken at the police station after her arrest, in order to have him admit that she had told him that she did not know who owned the drugs and that she had been on the premises at her spouse's request.

QUESTION 16 (5 marks)

Can the police officer relate the words spoken by Sara Tremblay? Explain your answer.

SUPPLEMENTARY FACTS

Paul is convicted. He has many prior convictions for similar matters and his last sentence was 10 years in the penitentiary. He was released on parole after having served one third of his sentence. The prosecution asks the judge to sentence Paul to 15 years in the penitentiary. The prosecution would like to ensure that, this time, Paul will serve more than one third of his sentence before being eligible for parole under subsection 120 (1) of the *Corrections and Conditional Release Act*. This subsection provides that an offender is not eligible for full parole until the day on which the offender has served a period of ineligibility of one third of his sentence.

QUESTION 17 (5 marks)

What order can the judge render in order to satisfy the prosecution's request?

Justify your answer by referring to one or more specific and relevant provisions of the *Criminal Code* or the related legislation.

SUPPLEMENTARY FACTS

Sara is acquitted of the charge of possession of drugs for the purpose of trafficking.

However, in a separate case, Sara has also been charged with having operated a motor vehicle while her ability to operate the vehicle was impaired by alcohol.

At her trial, the Crown's evidence reveals that she was intercepted while at the wheel of an automobile that was stopped by the side of the highway. She showed signs of advanced inebriation. The prosecution is unable to prove how long the automobile had been at that location.

Faced with this evidence, Sara's lawyer declares that he has no defence to offer. He argues that his client cannot be convicted of anything whatsoever, because the operation of the vehicle has not been proved. The prosecution replies that a verdict of guilty must be rendered in this case.

QUESTION 18 (4 marks)

State two grounds that the prosecution can raise to obtain a verdict of guilty.

ONLY THE FIRST TWO GROUNDS WRITTEN IN THE ANSWER BOOKLET WILL BE CORRECTED.

SUPPLEMENTARY FACTS

Sara is found guilty. Given that this is her third conviction on a similar matter and that the prosecution proved that, in accordance with the law, Sara was notified that a greater punishment would be sought by reason thereof, the court imposes a sentence of 90 days of imprisonment on Sara. However, in light of the particular circumstances of the case, the court orders the prison sentence to be served in the community.

QUESTION 19 (5 marks)

Is this sentence legal?

Justify your answer by referring to one or more specific and relevant provisions of the *Criminal Code* or the related legislation.

CORRIGÉ
DROIT PÉNAL - EXAMEN DE REPRISE
31 mai 2004

DOSSIER 1 (51 POINTS)

QUESTION 1 (5 points)

Dans les circonstances, les policiers pouvaient-ils procéder à l'interrogatoire d'Antonio Legrand? Dites pourquoi.

Non, lorsqu'il y a des signes concrets qu'un accusé ne comprend pas son droit à l'assistance d'un avocat, les policiers doivent prendre les moyens raisonnables pour faciliter cette compréhension. 1.

(arrêts *Evans (1991) 1 R.C.S. 869.* ou *Clarkson (1986) 1 R.C.S. 383*)

QUESTION 2 (5 points)

L'affirmation de M^e Édith Boudreault est-elle bien fondée?

Appuyez votre réponse en faisant référence à la ou aux dispositions précises et pertinentes du *Code criminel* ou des lois connexes.

Non, art. 515 (1) *C.cr.* 2.

QUESTION 3 (5 points)

Le juge de paix avait-il le pouvoir de rendre cette décision? Dites pourquoi.

Non, le juge de paix n'est pas un tribunal compétent. 3.

(art. 24 (1) *Charte* et *R. c. Mills; R. c. Hynes.*)

QUESTION 4 (10 points)

a) Quelle requête M^e Christian Parker présentera-t-il?

Appuyez votre réponse en faisant référence à la ou aux dispositions précises et pertinentes de tout texte de loi.

Requête en arrêt des procédures 4.

art. 11 (b) *Charte canadienne des droits et libertés* 5.

art. 24 (1) *Charte canadienne des droits et libertés* 6.

b) Énoncez trois arguments de faits que M^e Christian Parker alléguera dans sa requête.

SEULS LES TROIS PREMIERS ARGUMENTS INSCRITS AU CAHIER DE RÉPONSES SERONT CORRIGÉS.

2 pts / bulle

3 / 5

1. Le délai de 27 mois et demi (longueur du délai) 1.

2. L'absence de renonciation au délai 2.

3. L'encombrement du rôle (délais institutionnels) 3.

4. L'oubli de faire signifier le *subpoena* au plaignant (actes du ministère public) 4.

5. La relative simplicité de la preuve 5.

7.

QUESTION 5 (5 points)

La requête de M^e Christian Parker est-elle bien fondée?

Appuyez votre réponse en faisant référence à la ou aux dispositions précises et pertinentes du *Code criminel* ou des lois connexes.

Oui, art. 581 (3) *C.cr.*

OU

Non, art. 587 ou 601 (1) *C.cr.*

8.

QUESTION 6 (6 points)

Indiquez par OUI ou NON si les motifs suivants, invoqués au soutien de l'objection de M^e Christian Parker, sont bien fondés.

1. C'est du ouï-dire.

Réponses

OUI

9.

2. Il n'y a pas de preuve de fiabilité relativement aux affirmations faites par Bernard Latour.

OUI

10.

3. Il s'agit de *res gestae* (déclaration spontanée).

NON

11.

QUESTION 7 (5 points)

Dans l'hypothèse où Antonio Legrand subirait son procès devant juge et jury, quelle demande M^e Christian Parker pourrait-il présenter afin d'éviter que les antécédents judiciaires de son client soient connus des jurés lorsqu'il témoignera?

Appuyez votre réponse en faisant référence à la jurisprudence précises et pertinente.

M^e Parker peut demander au juge de limiter ou d'interdire à la poursuite de contre-interroger l'accusé relativement à la totalité ou à une partie de ses antécédents judiciaires, surtout quant à ceux qui sont en semblable matière, lorsque ce contre-interrogatoire pourrait lui causer préjudice.

12.

Arrêt *R. c. Corbett*. **OU** *Underwood c. La Reine*

13.

QUESTION 8 (4 points)

L'intoxication volontaire extrême d'Antonio peut-elle constituer une défense pour chacun des chefs d'accusation suivants?

Pour chacun des chefs d'accusation, dites pourquoi.

1. Voies de fait causant des lésions corporelles

Non, parce qu'il s'agit une infraction d'intention générale, dont un des éléments constitutifs est une atteinte à l'intégrité physique d'une personne.

14.

(art. 33.1 *C.cr.*)

2. Vol de plus de 5 000 \$

Oui, il s'agit d'une infraction d'intention spécifique.

15.

(*R. c. Robinson*)

QUESTION 9 (6 points)

Indiquez si les affirmations du juge sont vraies ou fausses.

1. VRAIE

16.

2. FAUSSE

17.

3. FAUSSE

18.

DOSSIER 2 (49 POINTS)

QUESTION 10 (5 points)

Les policiers pouvaient-ils fouiller les gens sur place sans procéder d'abord à leur arrestation?

Appuyez votre réponse en faisant référence à la ou aux dispositions précises et pertinentes du *Code criminel* ou des lois connexes.

Oui, art. 11 (5) *L.R.C.D.A.S.*

19.

QUESTION 11 (5 points)

Dans les circonstances, le policier avait-il le droit de continuer d'interroger Sara Tremblay? Dites pourquoi.

Non, il devait cesser d'interroger Sara ou de tenter de recueillir des éléments de preuve tant qu'elle n'avait pas parlé à son avocat **OU** qu'elle y avait renoncé.

20.

(art. 10 b) *Charte*. et *R. c. Manninen*)

QUESTION 12 (5 points)

Le juge de paix peut-il reporter l'enquête sur mise en liberté au 30 janvier 2004?

Appuyez votre réponse en faisant référence à la ou aux dispositions précises et pertinentes du *Code criminel* ou des lois connexes.

Oui, art. 516 (1) *C.cr.*

21.

QUESTION 13 (5 points)

Cette décision de la Cour supérieure est-elle appellable devant la Cour d'appel? Dites pourquoi.

Non, le droit d'appel n'est pas prévu.

OU

Non, il n'y a pas d'appel sans texte précis.

(art. 679 et 680 *C.cr.*)

22.

QUESTION 14 (5 points)

Énoncez le recours qui s'offre aux procureurs de la défense pour obtenir ces renseignements.

Appuyez votre réponse en faisant référence à la ou aux dispositions précises et pertinentes du *Code criminel* ou des lois connexes.

Demande au juge du procès, art. 187 (7) *C.cr.*

23.

QUESTION 15 (5 points)

Cette déclaration fait-elle preuve contre Paul Richard et Léo Meilleur? Dites pourquoi.

Non, il s'agit de ouï-dire.

OU

Non, la déclaration d'un accusé ne fait preuve que contre lui.

24.

QUESTION 16 (5 points)

Le policier peut-il rapporter les paroles prononcées par Sara Tremblay? Dites pourquoi.

Non, il s'agit d'une déclaration justificative (*self-serving evidence*).

25.

QUESTION 17 (5 points)

Quelle ordonnance le juge peut-il rendre pour répondre à la demande de la poursuite ?

Appuyez votre réponse en faisant référence à la ou aux dispositions précises et pertinentes du *Code criminel* ou des lois connexes.

Rendre une ordonnance pour augmentation du temps d'épreuve en vertu de l'article 743.6 (1) *C.cr.*

26.

QUESTION 18 (4 points)

Énoncez deux motifs que la poursuite peut soulever pour obtenir un verdict de culpabilité.

SEULS LES DEUX PREMIERS MOTIFS AU CAHIER DE RÉPONSES SERONT CORRIGÉS.

2 pts / bulle
2 / 4

1. La garde ou contrôle est une infraction incluse à la conduite.
2. Le fait que Sara soit assise au volant de l'automobile crée une présomption de garde ou contrôle (art. 258 (1) a) *C.cr.*)
3. Risque de mettre le véhicule en mouvement de sorte qu'il puisse devenir dangereux.
4. Sara avait des symptômes de capacité de conduite affaiblie par l'alcool.

27.

QUESTION 19 (5 points)

Cette peine est-elle légale ?

Appuyez votre réponse en faisant référence à la ou aux dispositions précises et pertinentes du *Code criminel* ou des lois connexes.

Non, art. 742.1 *C.cr.*

28.