

Criminal Law MLL214 Answering Flowchart

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Assault

P. 1

Step 1: Was actual force applied?

- Yes → Go to step 2
- No → Go to step 4

Step 2: Has D's conduct caused an injury/serious injury/ placed another person in danger of death or serious injury?

- Yes → Discuss statutory (aggravated) assault, ss 16-18, 22-23 of the CA
- No → Go to step 3

Step 3: Has D applied force to and made actual contact with V's body?

- Yes → Discuss CL Contact Assault
- No → Go to step 4

Step 4: Has D's conduct caused an apprehension of imminent application of force?

- Yes → Discuss elements of CL Apprehension Assault
- No → D is not liable under CL Assault

Sexual Offences

P. 2

Step 1: Was there an act of sexual penetration?

- Yes → Go to step 2
- No → Go to step 4

Step 2: Has the accused sexually penetrated the complainant?

- Yes → Discuss Rape, s. 38 of the CA
- No → Go to step 3

Step 3: Has the accused compelled the complainant to sexually penetrate the accused/him- or herself/a third person/an animal (the complainant committed act of sexual penetration due to force used by accused) or has the complainant been sexually penetrated by a third person or an animal?

- Yes → Discuss Rape by compelling sexual penetration, s. 39 of the CA
- No → Not guilty of rape or compelled rape

Step 4: Has the accused touched the complainant?

- Yes → Discuss Sexual Assault, s. 40 of the CA
- No → Go to step 5 ...