R v Boudreau (2005):

Mr. Boudreau, recently separated from his wife, went to her home one morning. Pointing a rifle at his wife, he angry related what he accused her of “putting him through the last month”. Each time she tried to console him, he told her to “back up”. After the third attempt to console him, the victim rushed past Mr. Boudreau and ran across the street to a neighbour’s house. He told neighbours, who approached him on the porch, as he fiddled with the rifle, that he was going to shoot his wife. After staying on the porch for approximately ten minutes, he told the neighbor to call the police, something she had already done. The police arrived and seized the gun from the accused. They noted that it was loaded. The accused was charged with attempted murder and uttering threats, according to subsections 239 and 264.1 of the *Criminal Code*. He was convicted on both counts.

The conviction was appealed on the grounds that the trail Judge erred in his approach to the *actus reus* of the offence of attempted murder. The indictment described the offence as “attempt to murder by shooting” leading the defence to argue that supposed there was, in fact, no attempt to shoot. The appeal found that there need not necessarily be an attempt to shoot in order to sustain a conviction for attempted murder. There need only be one step following preparation to establish the *actus reus*. The actions of the accused were in the “nature of implementation”. The appeal court upheld the conviction concluding that the actions of the accused went beyond “mere preparation.”

Analysis Questions:

1. List the evidence showing that that the actions of the accused went beyond “mere preparation” and were becoming “implementation”.
2. Was the conclusion of the trail Judge that the accused that intent to kill reasonable? Explain.