

## Course Outline

<b>COURSE:</b>	<b>LAWS 2004D – Criminal Law in Context</b>
<b>TERM:</b>	<b>Fall/Winter 2009/2010</b>
<b>PREREQUISITES:</b>	<b>LAWS 1000</b>
<b>CLASS:</b>	<b>Day &amp; Time: Wednesday, 6:05-8:55p.m.</b> <b>Room: Please check with Carleton Central for current room location</b>
<b>INSTRUCTOR: (CONTRACT)</b>	<b>Roger Rickwood, Ph.D., LL.M., LL.B.,M.A..Hon.B.A.</b>
<b>CONTACT:</b>	<b>Office: C476 LA - Sessional Lecturers' Office, Loeb</b> <b>Office Hrs: Wednesday – 4:00-5:00p.m. or by appointment</b> <b>Email: <a href="mailto:rogerrickwood@aol.com">rogerrickwood@aol.com</a></b>

"Students with disabilities requiring academic accommodations in this course must contact a coordinator at the Paul Menton Centre for Students with Disabilities to complete the necessary Letters of Accommodation. After registering with the PMC, make an appointment to meet and discuss your needs with me in order to make the necessary arrangements as early in the term as possible, but no later than two weeks before the first assignment is due or the first test requiring accommodations. For further information, please see: [http://www.carleton.ca/pmc/students/accom\\_policy.html](http://www.carleton.ca/pmc/students/accom_policy.html) . If you require accommodation for your formally scheduled exam(s) in this course, please submit your request for accommodation to PMC by **November 16, 2009 for December examinations** and **March 12, 2010 for April examinations**. For Religious and Pregnancy accommodations, please contact Equity Services, x. 5622 or their website: [www.carleton.ca/equity](http://www.carleton.ca/equity)

**COURSE DESCRIPTION**

Canadian criminal process; nature and purpose of criminal law; criminal acts as distinguished from civil wrongs; origins and development of principles and procedures; categories of criminal conduct; role of enforcement agencies and courts; criminal correction; criminal activity and deviant behaviour.

**REQUIRED TEXTS**

1. *Learning Canadian Criminal Law*, 11<sup>th</sup> edition, STUART, Don, DELISLE, Ronald J. & COUGLAN, Steve, 2009, Carswell, Toronto, ISBN 978-7798-2143-3 Soft cover (Referred to as LCCL)
2. *Criminal Law*, 4<sup>th</sup> ed., Kent Roach, 2004, Irwin Law, Toronto (KE8809.R62)
3. Handouts and cases as required

**SUPPLEMENTARY TEXTS** (on reserve in the Library)

*Criminal Law in Canada*, 4<sup>th</sup> ed., Saunders, R. P. and Mungale, J., 2002, Carswell, Toronto

*Canadian Criminal Justice: A Primer*, 2<sup>nd</sup> ed., C. Griffiths & A. Cunningham, 2002 (HV9960.C2 G76)

*Pocket Criminal Code* 2010, Carswell, 2009, ISBN-978-0-7798-1234-9 Soft cover (Referred to as PCC)  
Martins Annual Criminal Code, 2009, Toronto( CC & CCRF sections and related cases)

**EVALUATION** - N.B. **All components must be completed in order to get a passing grade**

First mid-term test (2 hours)	-	15% (October 14,2009)
Second mid-term test (2 hours)	-	30% (In December examination period)
Third mid-term take-home case study test	-	10% <b>(DUE FEB. 3,2010)</b>
Final examination (2 hours)	-	35% (In April examination period)
Class/lecture participation	-	10%

**SCHEDULE - Fall Term 2009****Week & Date****1 Sept. 16 Introduction to Criminal Law in Context**1.1 Introduction to Course

Purpose of course, grade evaluation, overview of course and criminal justice system.

1.2 Sources of Criminal Law

- a) Common law & principles of criminal law & history of Criminal Code
- b) Statute and statutory interpretation
- c) Constitutional division of powers and *Constitutional Act 1867 (CA 1867)*
- d) Fundamental legal rights history and the *Canadian Charter of Rights and Freedoms (CCRF)*
- e) *Debating Need For A Comprehensive General Part( Stuart versus Boyle)*

Readings: LCCL , ch. 1 (1) sections (a), (b), (c), (d),Appendix A and Appendix B  
 Roach,pp.1-22  
 Universal Declaration of Human Rights (UDHR) (handout)(www.un.org)  
*Canadian Charter of Rights and Freedoms (CCRF)* in PCC, pp. 811-818  
*Canadian Bill of Rights* in PCC, pp. 807-809

**2 Sept. 23 Procedural Overview and Criminal Law**2.1 Overview of Criminal Justice System

- 2.2 a) Procedural classification of offences
- b) What is evidence?
- c) Presumption of innocence
- d) Section 1 CCRF limitation (*R. v. Oakes*)
- e) Section 24(2) CCRF exclusion of evidence

Readings: LCCL, ch. 1(2), sections (a), (b), (c), (d), (e)  
 Roach pp.23-75, pp.446-453

**Sept. 23 Last day for registration/course changes for F/W courses****3 Sept. 30 Role of Criminal Justice System in Canadian Society**

## 3.1 Actors in the criminal justice system, Due Process &amp; Crime Control Models

- 3.2 a) Victims' rights, Charter, Punitive & Non Punitive Models
- b) Scope of corrections and law reform
- c) Truths of criminology
- d) Community policing

Readings: LCCL, ch. 1(3), sections (a), (b), (c) ,Roach, pp.439-453  
 Handouts

**4 Oct 7 Roles and Responsibilities of Judges and Lawyers**

## 4.1 The adversarial system and perspectives on the Criminal law

- a) Traditional perspectives
- b) Feminist perspective
- c) Aboriginal and racial issues

## 4.2 Ethical obligations of Crown and defence counsel

## 4.3 Judges and Judicial Council of Canada

Readings: LCCL, ch. 1 (4), sections (a), (b), Roach, pp.453-461  
 Handouts

Oct. 12 – Thanksgiving Statutory Holiday

Oct. 14 **MID-TERM EXAM – In class-closed book - (15% of course grade)**

- 6 Oct. 21 Criminal Law Liability**  
 7.1 Overview of elements  
 7.2 *Actus reus*  
Readings: LCCL, ch. 2, sections 1, 2, 3, Roach ch.3
- 7 Oct. 28 Criminal Law Liability**  
 8.1 *Actus reus* cont'd  
Readings: LCCL, ch. 2, section 4; Roach ch.5
- 8 Nov. 4 Criminal Law Liability**  
 9.1 *Mens rea* or negligence  
 9.2 Fault for Public Welfare Regulatory Offences & Corporate Crime  
 Distinguishing between absolute & strict liability & true crimes; vicarious liability  
 Corporations and Mens Rea Offences  
Readings: LCCL, ch. 3, sections 1, 2, 3; Roach ch.6
- 9 Nov. 11 Criminal Law Liability**  
 10.1 *Mens rea* and fault for crime; Homicide & Property Offences  
Readings: LCCL, ch. 3, sections 4, 5, 6, 7; Roach, ch.10, pp.339-380,392-401
- Nov. 16 Last date to make an application to Paul Menton Centre for academic accommodations for December exam.**
- 10 Nov. 18 Rape and Sexual Assault**  
 11.1 Rape laws in context  
 11.2 Definition of crime of rape  
 11.3 Crime of sexual assault  
Readings: LCCL, ch. 4, sections 1, 2, 3; Roach ,pp.381-396
- 11 Nov. 25 Parliament, Courts and Sexual Assault**  
 12.1 New Legislation, Bill c-49 (1992)  
 12.2 Rape shield  
 12.3 Consent  
 12.4 Mistaken belief in consent  
 12.5 *Charter* arguments  
 12.6 Other substantive options  
Readings: LCCL, ch. 4, section 4; Roach, ch.10 ,pp. 409-412
- 12 Dec. 1 Integration and Overview of Term Concepts and December Mid-Term Examination Review  
 LAST CLASS OF FALL TERM-Study Notes to be posted on WebCt**
- December - **Mid-Term Examination** – TBA – In Exam Period - Closed book – 2 hours (35% of course grade)

### **SCHEDULE – Winter Term- 2010**

- 1 Jan. 6 Sentencing and Punishment** (First day of class of winter term)  
 1.1 Punishment in perspective of history, morality and societal needs and plea bargaining  
 1.2 Principles of sentencing and *Criminal Code*  
 1.3 Sentencing cases & constitutional considerations  
 1.4 Sentencing reform  
Readings: LCCL, Ch. 11, sections 1, 2; Roach ch.11,pp.413-430
- 2 Jan. 13 Tools of Sentencing**  
 Discharges; Fines; Probation; Restitution; Community Service; Intermittent Sentences; Recognizance to Keep the Peace, Conditional Sentences  
Readings: LCCL, ch. 11, section 3; Roach ch.11,pp. 431-437; Roach, ch.5,pp.431-437

- 3 Jan. 20 Sentencing, Corrections System and the Criminal Law**  
**Mid-Term Case Study Take-Home Test (in class distribution)**  
**Use of Martins Annual Criminal Code Sentencing Guidelines for Judges Optional**  
Readings: Handout on Corrections
- 4 Jan. 27 Mistake of Fact and Law**  
Readings: LCCL, ch. 5;Roach, ch.5, pp.184-189
- 5 Feb. 3 Incapacity: Age & Mental Disorder**  
Readings: LCCL, ch. 6, Sections 1, 2.Roach ,c8(mental disorder)  
**CASE STUDY DUE IN CLASS**
- 6 Feb. 10 Incapacity: Automatism & Intoxication**  
Readings: LCCL, ch. 6, sections 3, 4;Roach. Ch.7(intoxication & automatism)
- Feb. 17 Winter Break – No Class**
- 7 Feb. 24 Justification and Excuses: Common Law, Air of Reality and Necessity**  
Readings: LCCL, ch. 7, sections 1, 2, 3;Roach,ch.9, pp291-320
- 8 Mar. 3 Justification and Excuses: Duress, Defence of Person, Defence of Property and Partial Defences to Murder**  
Readings: LCCL, ch. 7, sections 5, 6, 7;Roach,ch.9,pp.319-335
- Mar. 10 Last date to withdraw from course without penalty and last date to make an application to Paul Menton Centre for academic accommodations for April exam.**
- 9 Mar. 10 Entrapment-Criminal Law in Canada and Other Jurisdictions & Charter Concerns**  
Readings: LCCL, ch. 7, section 9
- 10 Mar. 17 Parties to a Crime**  
9.1 Aiding and abetting  
9.2 Counseling  
9.3 Accessory after the fact  
Readings: LCCL, ch. 8, sections 1, 2, 3;Roach. ch.4
- 11 Mar. 24 Incomplete Crimes, Attempts & Conspiracy**  
Readings: LCCL, ch. 9; Roach, ch4, including conclusion
- 12 Mar. 30 Group responsibility:Corporate Crime,Organized Crime&Terrorism;Charter;Concerns**  
Readings: LCCL, ch. 10; Roach, ch.10 (terrorism offences),pp.401-412
- 13 Mar. 31 LAST CLASS**  
Conclusions about Present Criminal Law and Future Developments:Debating the Need For a Comprehensive General Part ( **the Stuart versus Boyle Debate Revisited**)  
Readings: Roach, ch.12,, section B, Trends in Criminal Law; Stuart, LCCL, Appendix A and Appendix B  
Final Examination Review;Study Notes To Be Posted on WebCT
- April 8-24 Final Exam Period –Final Exam-Date & Location TBA- Closed Book- 35% of course value -2hrs**