

## Course Outline

COURSE: LAWS 2004 A – Criminal Law in Context

TERM: Fall/Winter 2008/09

PREREQUISITES: LAWS 1000

CLASS: Day & Time: Monday – 6:05-8:55 pm  
Room: Fall: 208 TB (Tory)  
Winter: 238 TB (Tory)

INSTRUCTOR: Michael A. Smith  
(CONTRACT)

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"Students with disabilities requiring academic accommodations in this course must register with the Paul Menton Centre for Students with Disabilities for a formal evaluation of disability-related needs. Registered PMC students are required to contact the centre, 613-520-6608, every term to ensure that I receive your letter of accommodation, no later than two weeks before the first assignment is due or the first in-class test/midterm requiring accommodations. If you require accommodation for your formally scheduled exam(s) in this course, please submit your request for accommodation to PMC by November 7, 2008, for December examinations, and March 6, 2009, for April examinations." With regard to accommodations for religious obligations and pregnancy, please see [http://www.carleton.ca/pmc/students/accom\\_policy.html](http://www.carleton.ca/pmc/students/accom_policy.html)

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### GENERAL

This course is designed to provide a broad introduction to the Canadian Criminal Legal System and to the institution, processes, rules and actors. The goal is to situate the criminal law within its general social setting and to examine the interrelationship between the aspirations and practices of each.

A strong emphasis is placed on the practical aspect of the law and how the players within the legal system achieve justice. In the latter part of the course, the focus will be on the criminal law in its more traditional formulations as found in *The Criminal Code* of Canada and in the cases, along with specific current issues in Canada.

### MATERIALS

- A. Required Text: *Criminal Law in Canada: An Introduction to the Theoretical, Social and Legal Context* **4<sup>th</sup> Edition** (Toronto: Carswell, 2002).
- B. Recommended: *Criminal Justice in Canada* by Colin Goff 4<sup>TH</sup> edition.
- C. Recommended: *The Criminal Code* (Martin's Annual *Criminal Code* or Tremear's). A pocket Edition of *The Criminal Code* of Canada is acceptable.

### MARKING SCHEME

1. 20% - Midterm Examination - In class exam will be held on **Nov 17/08**.
2. 35% - Final Examination - Will be held during the April 2009 exam period (**TBA**).
3. 40% - Essay Assignment - Due date for assignment is **Mar 2/09**.
4. 5% - Participation - Will be based on attendance and level of engagement.

Both examinations will be closed book. The examinations will comprise multiple choice and short-answer questions. Students will be responsible for all of the required readings, information provided by guest speakers, supplementary material distributed in class as well as material covered in the lectures.

**SYLLABUS/SCHEDULE – FIRST TERM**

**Sep 8 Topic: Introduction – course overview and administrative matters**

**Sep 15 Topic: Criminal Law and Government Regulation in Perspective**

Readings: Chapter 1

Sep 22 Topic: Perspectives on criminal law- theoretical issues and perspectives

Readings: Chapter 2

Sep 29 Topic: Perspectives on criminal law - (continued)

Readings: Chapter 2

Oct 6 Topic: The production of criminal law – Legislation and the role of parliament

Readings: Chapter 3

**Oct 13 THANKSGIVING MONDAY - NO SCHEDULED CLASS**

Oct 20 Topic: The production of criminal law (cont'd) – The Role of the Courts

Readings: Chapter 3

Oct 27 Topic: Criminal law- personnel, participants and powers – Police

Readings: Chapter 4-section 4.1

Nov 3 Topic: Criminal law- personnel, participants and powers- Prosecutor/Defence

Readings: Chapter 4.2

Nov 10 Topic: Criminal law- personnel, participants and powers- Judges

Readings: Chapter 4.3

Nov 17 **IN CLASS MIDTERM EXAM – 20%**

Nov 24 Topic: Criminal law- personnel, participants and powers- Victims

Readings: Chapter 4.4

Dec 1 Topic: Criminal law – personnel, participants and powers - Accused

Readings: Chapter 4.5

**SYLLABUS/ SCHEDULE - SECOND TERM**

Jan 5	<u>Topic:</u>	Sentencing and Punishment – Sentencing <u>Readings:</u> Chapter 5 – section 5.1
Jan 12	<u>Topic:</u>	Sentencing and Punishment – Punishment <u>Readings:</u> Chapter 5 – section 5.2
Jan 19	<u>Topic:</u>	Criminal law and liability – Elements of an offence <u>Readings:</u> Chapter 6 – section 6.1
Jan 26	<u>Topic:</u>	Criminal law and liability- Incomplete offences <u>Readings:</u> Chapter 6 – section 6.2
Feb 2	<u>Topic:</u>	Criminal law and liability- Attaching liability <u>Readings:</u> Chapter 6 – section 6.3
Feb 9	<u>Topic:</u>	Defences- Justification and excuses <u>Readings:</u> Chapter 7 – section 7.1
<b>FEBRUARY 16-20</b>		<b>READING WEEK – NO SCHEDULED CLASSES</b>
Feb 23	<u>Topic:</u>	Defences- Absences of intent of knowledge <u>Readings:</u> Chapter 7 – section 7.2
Mar 2	<u>Topic:</u>	Defences- Policy Defences and Incapacity <u>Readings:</u> Chapter 7 – section 7.3 and 7.4. <b>(Due date for Assignments)</b>
Mar 9	<u>Topic:</u>	Selected Topics in criminal justice – Sexual assault <u>Readings:</u> Chapter 8- section 8.1
Mar 16	<u>Topic:</u>	Selected Topics in criminal justice-Racism and the criminal justice system <u>Readings:</u> Chapter 8 – section 8.2
Mar 23	<u>Topic:</u>	Selected Topics in criminal justice <u>Readings:</u> Chapter 8 – section 8.3
Mar 30	<u>Topic:</u>	Guest Speaker
Apr 6	<u>Topic:</u>	Examination Review