

Course Outline

COURSE:	LAWS 2004B – Criminal Law in Context
TERM:	Fall/Winter 2008/09
PREREQUISITES:	LAWS 1000
CLASS:	Day & Time: Monday, 2:30-5:30 p.m. Room: 342 TB (Tory Bldg.)
INSTRUCTOR: (CONTRACT)	Roger Rickwood, Ph.D., LL.M., LL.B.
CONTACT:	Office: C476 LA - Sessional Lecturers' Office Office Hrs: Monday - 1:30-2:30 p.m. or by appointment Email: rogerrickwood@aol.com

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. Please note the deadline for submitting completed forms to the Paul Menton Centre is November 7, 2008 for December examinations and March 6, 2009 for April examinations. For further information, please see: http://www.carleton.ca/pmc/students/accom_policy.html

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*, 10th edition, STUART, Don, DELISLE, Ronald J. & COUGLAN, Steve, 2006, Carswell, ISBN 0-459-24392-6 Soft cover (Referred to as LCCL)
2. *Pocket Criminal Code* 2009, Carswell, 2009, ISBN-978-0-7798-1234-9 Soft cover (Referred to as PCC)
3. Handouts and cases as required

SUPPLEMENTARY TEXTS (on reserve in the Library)

Criminal Law in Canada, 4th ed., Saunders, R. P. and Mungale, J., 2002, Carswell, Toronto

Criminal Law, 3rd ed., Kent Roach, 2004, Irwin Law, Toronto (KE8809.R62)

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

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

First mid-term test (2 hours)	-	15% (October 6)
Second mid-term test (2 hours)	-	35% (In December examination period)
Third mid-term take-home case study test	-	15% (DUE FEB. 9)
Final examination (2 hours)	-	35% (In April examination period)

SCHEDULE - Fall Term**Week & Date**

- 1 Sept. 8 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 & 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)*
Readings: LCCL, ch. 1 (1) sections (a), (b), (c), (d)
Universal Declaration of Human Rights (UDHR) (handout)
Canadian Charter of Rights and Freedoms (CCRF) in PCC, pp. 811-818
Canadian Bill of Rights in PCC, pp. 807-809
- 2 Sept. 15 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)
- Sept. 19 Last day for registration**
- 3 Sept. 22 Role of Criminal Justice System in Canadian Society
3.1 Actors in the criminal justice system
3.2 a) Victims' rights
b) Scope of corrections and law reform
c) Truths of criminology
d) Community policing
Readings: LCCL, ch. 1(3), sections (a), (b), (c)
Handouts
- 4 Sept. 29 Roles and Responsibilities of Judges and Lawyers
4.1 The adversarial system
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)
Handouts
- 5 Oct. 6 **MID-TERM EXAM – In class - (15% of course grade)**
- Oct. 13 **No Class – Thanksgiving Statutory Holiday**
- 6 Oct. 20 Criminal Law Liability
7.1 Overview of elements
7.2 *Actus reus*
Readings: LCCL, ch. 2, sections 1, 2, 3

- 7 Oct. 27 Criminal Law Liability
8.1 *Actus reus* cont'd
Readings: LCCL, ch. 2, section 4
- 8 Nov. 3 Criminal Law Liability
9.1 *Mens rea* or negligence
9.2 Fault for public Welfare regulatory offences
Readings: LCCL, ch. 3, sections 1, 2, 3
- Nov. 7 Last date to make an application to Paul Menton Centre for academic accommodations for December exam.**
- 9 Nov. 10 Criminal Law Liability
10.1 *Mens rea* and fault for crime
Readings: LCCL, ch. 3, sections 4, 5, 6, 7
- 10 Nov. 17 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
- 11 Nov. 24 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
- 12 Dec. 1 Integration and Overview of Term Concepts and Mid-Term Examination Review
LAST CLASS OF FALL TERM

December - **Mid-Term Examination** – TBA – In Exam Period - Closed book – 2 hours (35% of course grade)

SCHEDULE – Winter Term

- 1 Jan. 5 (First day of class of winter term)
Sentencing and Punishment
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
1.4 Sentencing reform
Readings: LCCL, Ch. 11, sections 1, 2
- 2 Jan. 12 Tools of Sentencing
Discharges; Fines; Probation; Restitution; Community Service; Intermittent Sentences; Recognizance to Keep the Peace, Conditional Sentences
Readings: LCCL, ch. 11, section 3
- 3 Jan. 19 Sentencing, Corrections System and the Criminal Law
Mid-Term Case Study Take-Home Test (in class distribution)
Readings: Handout on Corrections
- 4 Jan. 26 Mistake of Fact and Law
Readings: LCCL, ch. 5

- 5 Feb. 2 Incapacity: Age & Mental Disorder
Readings: LCCL, ch. 6, Sections 1, 2
- 6 Feb. 9 Incapacity: Automatism & Intoxication
Readings: LCCL, ch. 6, sections 3, 4
CASE STUDY DUE IN CLASS
- Feb. 16 Winter Break – No Class**
- 7 Feb. 23 Justification and Excuses: Common Law, Air of Reality and Necessity
Readings: LCCL, ch. 7, sections 1, 2, 3
- 8 Mar. 2 Justification and Excuses: Duress, Defence of Person, Defence of Property and Partial Defences to Murder
Readings: LCCL, ch. 7, sections 5, 6, 7
- Mar. 6 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. 9 Entrapment
Readings: LCCL, ch. 7, section 9
- 10 Mar. 16 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
- 11 Mar. 23 Incomplete Crimes, Attempts & Conspiracy
Readings: LCCL, ch. 9
- 12 Mar. 30 Group responsibility
Readings: LCCL, ch. 10
- 13 Apr. 6 **LAST CLASS**
Conclusions about Present Criminal Law and Future Developments
Final Examination Review

April 13-27 Final exam