

## Course Outline

<b>COURSE:</b>	<b>LAWS 2004 E - AN INTRODUCTION TO CRIMINAL LAW IN CONTEXT</b>
<b>PREREQUISITES:</b>	<b>LAWS 1000</b>
<b>TERM:</b>	<b>Fall/Winter 2007-08</b>
<b>CLASS Day &amp; Time:</b>	<b>Mondays 11:35 –14:25</b>
<b>Room:</b>	<b>Room 518 Southam (Fall term) Room 134 University Centre (Winter Term)</b>
<b>INSTRUCTOR:</b>	<b>Dr. Roger R. Rickwood, LL.B., LL.M., of the Ontario Bar</b>
<b>CONTACT:</b>	<b>Office: C-476 – Sessional Lecturers' Office</b>
	<b>Office Hrs: By appointment</b>
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Students with disabilities needing academic accommodations in this course are required to contact a coordinator at the Paul Menton Centre to complete the necessary *letters of accommodation*. The student must then make an appointment to discuss their needs with the instructor at least two weeks prior to the first class or ITV test. This is to ensure sufficient time is available to make the necessary accommodation arrangement. Please note the deadline for submitting completed forms to the PMC for formally scheduled exam accommodations is November 9, 2007 for December examinations and March 14, 2008, for April examinations. With regard to accommodations for religious obligations and pregnancy, please see <http://www.carleton.ca/law/accommodations.htm>.

### General

The purpose of this course is to provide a broad introduction to the Canadian criminal legal system and to the institutions, processes, rules and actors that comprise it. 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. In the latter part of the course, the class will look at the criminal law in its more traditional formulations as found in the Criminal Code and in the cases, along with specific current issues in Canada, including sexual assault, conditional sentencing and racism in the criminal legal system.

**N.B.** The prerequisite for enrolling in this course is the successful completion of LAWS 1000.

### Materials

Required texts:

- (A) Saunders, R.P., McMungale, J.M., *Criminal Law in Canada: An Introduction to the Theoretical, Social and Legal Contexts*, 4<sup>TH</sup> edition (Toronto: Carswell, 2002) - Available at the Bookstore.
- (B) Greenspan, E.L., Rosenberg, M., *Martin's Annual Criminal Code 2008*, Student Edition, Toronto: Canada Law Book, 2008

Required Reading:

Universal Declaration of Human Rights (handout)

Supplementary (on Reserve in the Library):

1. *Criminal Law*, 3<sup>rd</sup> ed. - Kent Roach (KE8809.R62 2004)
2. *Canadian Criminal Justice: A Primer* 2<sup>nd</sup> ed. - C. Griffiths & A. Cunningham (HV9960.C2 G76 2002)
3. *Learning Canadian Criminal Law*, 7<sup>th</sup> ed. - D. Stuart & R. Delisle ( KE8808.5.L42 1999)

## Evaluation

- |                         |                               |
|-------------------------|-------------------------------|
| 1. Fall Term Midterm    | 15%                           |
| 2. December Examination | 35%                           |
| 3. Winter Term Midterm  | 15% (take-home case analysis) |
| 4. April Examination    | 35%                           |

### Explanation of evaluation scheme:

1. The December and April examinations will be held during the formal examination periods; the exact dates, times and locations will be announced by the Scheduling Office during the respective terms. Both examinations are closed book and will consist of multiple choice, true/false, definition, and essay questions. The April examination will cover material only from the Winter term.
2. The Fall term midterm will consist of multiple choice, true/false, definition, and essay questions. It will be a closed book exam and will be written on 22<sup>nd</sup> October during class time. Complete details will be provided before the midterm.
3. The Winter term midterm will be a take-home exam and will consist of a case analysis question and will be due on 11<sup>th</sup> February 2008. Complete details will be provided in class on 28<sup>th</sup> January, 2008

### Please note:

A medical certificate or other appropriate documentation must be provided to support any request to write a deferred examination.

## Syllabus

The fall course syllabus will generally follow the topics as presented in the "Table of Contents" in Saunders. The general topics and the order in which they are presented are given below (subject to some variations as required by time constraints) followed by the required readings for each week. Reference will be made to specific sections of *The Charter*, the *Criminal Code* and other statutes as set out in Martin's Criminal Code..

1. Introduction
2. Context of criminal law (where does it come from?; how do we define it?)
3. Theoretical issues
4. The production of criminal law (the roles of the Constitution, of Parliament and of the courts)
5. Actors in the system - Police
6. Actors in the system - Prosecution and Defence
7. Plea bargaining
8. Actors in the system - Judges
9. Actors in the system - Victims
10. Actors in the system - The Accused

The Winter term syllabus and schedule will be distributed at the end of the Fall term.

**Accommodations for students with disabilities**

Students with disabilities requiring academic accommodations are encouraged to contact a coordinator at the Paul Menton Centre for Persons with Disabilities (500 University Centre, 520-6608) to complete a Letter of Accommodation as early as possible in term. The last day to submit the Formal Examination Accommodation Forms to the Paul Menton Centre is at least two weeks before the Fall term midterm.

**Grades and Grade Adjustments**

Students must complete all the requirements of the course to obtain a passing grade. Furthermore, be advised that there is the possibility the final marks in these sections of LAWS 2004 will be adjusted if they are markedly different from the distribution and/or average of the marks received in other sections of this course.

**Policy and Procedures**

For a general statement on instructional offences, special examinations, prerequisites, etc., please read carefully the Department of Law's "Course-Related Policy and Procedure Statement" (attached to hard copies). This document can also be found at: <http://www.carleton.ca/law/policy.htm>. You are strongly encouraged to read it carefully.

**READINGS****Week 1 - September 10**

Introduction – Objectives, Approach, Assessment  
Universal Declaration of Human Rights will be handed out in class.

**Week 2 - September 17**

Context of Criminal Law (Where does it come from? How do we define it?)  
Saunders Ch. 1

**Week 3 - September 24**

Theoretical Issues – Perspectives  
Saunders Ch. 2

**Week 4 - October 1**

The Production of Criminal Law (Roles of Constitution, Legislation, Legislatures & Courts)  
Saunders Ch. 3.1

**Week 4 - October 8 NO CLASS – THANKSGIVING HOLIDAY****Week 6 - October 15**

The Production of Criminal Law (Role of the Courts)  
Saunders, ch. 3.2

**Week 7 - October 22**

MIDTERM EXAMINATION (15%) - 2 Hours

- BASED ON ALL READING MATERIALS AND LECTURES FOR WEEKS 1-6

**Week 8 - October 29**

Actors in the System – Police

Saunders ch. 4.1

**Week 9 - November 6**

Actors in the System – Prosecution and Defence

Saunders ch. 4.2

**Week 10 - November 12**

Plea Bargaining

Saunders, ch. 4.2, pp. 224-226, p. 231

**Week 11 - November 19**

Actors in the System – Judges

Saunders ch. 4.3

**Week 12 - November 26**

Actors in the System – Victims

Saunders ch. 4.4

**Week 13 - December 3**

Actors in the System – The Accused

Saunders ch. 4.5

**FALL TERM EXAM DURING FINAL EXAMINATION PERIOD – DECEMBER 6-22**

Value 35% - 2 hour

