

## Course Outline

**COURSE:** LAWS 2004 E - Criminal Law in Context

**TERM:** Fall/Winter 2008/09

**PREREQUISITES:** LAWS 1000

**CLASS:** **Day & Time:** Monday – 8:35-1125 am  
**Room:** Fall: 4499 ME (Mackenzie Engineering)  
Winter: 208 TB (Tory)

**INSTRUCTOR:** Tim Radcliffe  
**(CONTRACT)**

**CONTACT:** **Office:** C476 LA (Loeb)  
**Office Hrs:** By Appointment  
**Telephone:** 613-941-8784  
**Email:** Please direct all email contact through WebCT email

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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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**COURSE DESCRIPTION**

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.

**WebCT**

This course will be supported by the WebCT Course Management System. All correspondence with the instructor should be carried out through the WebCT email system. A variety of resources will be made available through WebCT. Students are fully responsible for reading and responding appropriately to all information distributed through the WebCT course page. Information provided on this page will be considered to have been provided to all registered students within 24 hours of its posting.

**REQUIRED TEXTS**

*Criminal Law in Canada: An Introduction to the Theoretical, Social and Legal Contexts*, 4th edition, R.P. Saunders, Carswell, ISBN: 0-459-27329-9

*Pocket Criminal Code 2009*, Carswell, ISBN: 978-0-7798-1570-8

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

*Criminal Law*, 3rd edition, K. Roach (KE8809.R62 2004)

*Learning Canadian Criminal Law*, 7th edition, D. Stuart & R. Delisle (KE8808.5.L42 1999)

**EVALUATION**

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|------------------|-----|
| 1. October exam  | 15% |
| 2. December exam | 35% |
| 3. February exam | 15% |
| 4. April exam    | 35% |

All components must be completed in order to get a passing grade. Students are responsible for all of the required readings, additional material distributed in class and via email, and material covered in the lectures.

The October exam will consist of long-answer questions and will be written in class on October 20, 2008. It will be a closed book exam. Complete details will be provided ahead of time.

The December and April exams 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 questions. The April examination will cover material only from the Winter Term.

The February exam will also consist of long-answer questions and will be written in class on February 9, 2008. It will be a closed book exam. Complete details will be provided ahead of time.

**SCHEDULE – FALL TERM**

<b>(1) <u>Sep 8</u></b>	<b>Topic:</b>	<b>Introduction</b>
	<b>Readings:</b>	None
<b>(2) <u>Sep 15</u></b>	<b>Topic:</b>	<b>Criminal Law and Government Regulation in Perspective</b>
	<b>Readings:</b>	Chapter 1
<b>(3) <u>Sep 22</u></b>	<b>Topic:</b>	<b>Perspectives on Criminal Law</b>
	<b>Readings:</b>	Chapter 2
<b>(4) <u>Sep 29</u></b>	<b>Topic:</b>	<b>The Production of Criminal Law – Legislation</b>
	<b>Readings:</b>	Chapter 3 “Introduction” and Chapter 3.1
<b>(5) <u>Oct 6</u></b>	<b>Topic:</b>	<b>The Production of Criminal Law – Common Law</b>
	<b>Readings:</b>	Chapter 3.2
<b>(6) <u>Oct 20</u></b>	<b>Topic:</b>	<b>October exam</b>
	<b>Readings:</b>	None
<b>(7) <u>Oct 27</u></b>	<b>Topic:</b>	<b>Personnel, Participants, and Powers – Police</b>
	<b>Readings:</b>	Chapter 4.1
<b>(8) <u>Nov 3</u></b>	<b>Topic:</b>	<b>Personnel, Participants, and Powers – Prosecutor/Defence</b>
	<b>Readings:</b>	Chapter 4.2
<b>(9) <u>Nov 10</u></b>	<b>Topic:</b>	<b>Personnel, Participants, and Powers – Judges</b>
	<b>Readings:</b>	Chapter 4.3
<b>(10) <u>Nov 17</u></b>	<b>Topic:</b>	<b>Personnel, Participants, and Powers – Victims</b>
	<b>Readings:</b>	Chapter 4.4
<b>(11) <u>Nov 24</u></b>	<b>Topic:</b>	<b>Personnel, Participants, and Powers – The Accused</b>
	<b>Readings:</b>	Chapter 4.5
<b>(12) <u>Dec 1</u></b>	<b>Topic:</b>	<b>Review of Fall Term</b>
	<b>Readings:</b>	None

**SCHEDULE – WINTER TERM**

(13) <u>Jan 5</u>	<b>Topic:</b> Readings:	<b>Sentencing</b> Chapter 5.1
(14) <u>Jan 12</u>	<b>Topic:</b> Readings:	<b>Punishment</b> Chapter 5.2
(15) <u>Jan 19</u>	<b>Topic:</b> Readings:	<b>Criminal Law Liability – Elements of an Offence</b> Chapter 6.1
(16) <u>Jan 26</u>	<b>Topic:</b> Readings:	<b>Criminal Law Liability – Incomplete Offences</b> Chapter 6.2
(17) <u>Feb 2</u>	<b>Topic:</b> Readings:	<b>Criminal Law Liability – Attaching Liability</b> Chapter 6.3
(18) <u>Feb 9</u>	<b>Topic:</b> Readings:	<b>February exam</b> None
(19) <u>Feb 23</u>	<b>Topic:</b> Readings:	<b>Defences – Justifications and Excuses</b> Chapter 7.1
(20) <u>Mar 2</u>	<b>Topic:</b> Readings:	<b>Defences – Absence of Intent or Knowledge</b> Chapter 7.2
(21) <u>Mar 9</u>	<b>Topic:</b> Readings:	<b>Defences – Policy Defences</b> Chapter 7.3
(22) <u>Mar 16</u>	<b>Topic:</b> Readings:	<b>Defences – Incapacity</b> Chapter 7.4
(23) <u>Mar 23</u>	<b>Topic:</b> Readings:	<b>Selected Topics in Criminal Justice</b> TBA
(24) <u>Mar 30</u>	<b>Topic:</b> Readings:	<b>Selected Topics in Criminal Justice</b> TBA
(25) <u>Apr 6</u>	<b>Topic:</b> Readings:	<b>Review of Winter Term</b> None