

Course Outline

COURSE: LAWS 2004 E – Criminal Law in Context

TERM: Fall/Winter 2009-10

PREREQUISITES: LAWS 1000

CLASS: **Day & Time:** Monday – 1805-2055
Room: Please check with Carleton Central for current room location

INSTRUCTOR: Michael A. Smith
(CONTRACT)

CONTACT: **Office:** C476 LA (Loeb)
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"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 . 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

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* **4th Edition** (Toronto: Carswell, 2002).
- B. Recommended: *Criminal Justice in Canada* by Colin Goff 4TH 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 (All components must be completed in order to get a passing grade)

1. 15% Midterm Examination - In class exam will be held on **Nov 16/09**.
2. 35% Final Examination - Will be held during the April exam period (**TBA**).
3. 40% Essay Assignment - Due date for assignment is **Mar 8/10**.
4. 10% Participation - Will be based on attendance and active participation

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 14	Topic: Introduction – course overview and administrative matters	
Sep 21	Topic: Criminal Law and Government Regulation in Perspective	<u>Readings:</u> Chapter 1
Sep 28	Topic: Perspectives on criminal law- theoretical issues and perspectives	<u>Readings:</u> Chapter 2
Oct 5	Topic: Perspectives on criminal law - (continued)	<u>Readings:</u> Chapter 2
Oct 12	THANKSGIVING MONDAY - NO SCHEDULED CLASS	
Oct 19	Topic: The production of criminal law – Legislation and the role of parliament	<u>Readings:</u> Chapter 3
Oct 26	Topic: The production of criminal law (cont'd) – The Role of the Courts	<u>Readings:</u> Chapter 3
Nov 2	Topic: Criminal law- personnel, participants and powers – Police	<u>Readings:</u> Chapter 4-sec.4.1
Nov 9	Topic: Criminal law- personnel, participants and powers – Crown/Defence	<u>Readings:</u> Chapter 4.2
Nov 16	IN CLASS MIDTERM EXAM – 15%	
Nov 23	Topic: Criminal law- personnel, participants and powers- Judges	<u>Readings:</u> Chapter 4.3
Nov 30	Topic: Criminal law – personnel, participants and powers - Victims	<u>Readings:</u> Chapter 4.4
Dec 7	Topic: Criminal law – personnel, participants and powers - Accused	<u>Readings:</u> Chapter 4.5

SYLLABUS/ SCHEDULE - SECOND TERM

Jan 4	Topic: Sentencing and Punishment – Sentencing	<u>Readings:</u> Chapter 5 – sec.5.1
Jan 11	Topic: Sentencing and Punishment – Punishment	<u>Readings:</u> Chapter 5 – sec 5.2
Jan 18	Topic: Criminal law and liability – Elements of an offence	<u>Readings:</u> Chapter 6 – sec.6.1
Jan 25	Topic: Criminal law and liability- Incomplete offences	<u>Readings:</u> Chapter 6 – sec.6.2
Feb 1	Topic: Criminal law and liability- Attaching liability	<u>Readings:</u> Chapter 6 – sec.6.3
Feb 8	Topic: Defences- Justification and Excuses	<u>Readings:</u> Chapter 7 – sec.7.1
FEBRUARY 15-19 READING WEEK – NO SCHEDULED CLASSES		
Feb 22	Topic: Defences- Absences of intent of knowledge	<u>Readings:</u> Chapter 7 – sec.7.2
Mar 1	Topic: Defences- Policy Defences and Incapacity	<u>Readings:</u> Chapter 7 – sec.7.3 and 7.4
Mar 8	Topic: Selected Topics in criminal justice – Sexual assault (Due date for Assignment)	<u>Readings:</u> Chapter 8- sec.8.1
Mar 15	Topic: Selected Topics in criminal justice-Racism and the criminal justice system	<u>Readings:</u> Chapter 8 – sec.8.2
Mar 22	Topic: Selected Topics in criminal justice	<u>Readings:</u> Chapter 8 – sec.8.3
Mar 29	Topic: Guest Speaker	
Apr 5	Topic: Examination Review	