

Course Outline

COURSE: LAWS 2004 F- Introduction to Criminal Law in Context

PREREQUISITES: LAWS 1000

TERM: Fall/Winter 2007-08

CLASS: Monday 18:00-21:00

ROOM: 238 TB

INSTRUCTOR: Michael A. Smith

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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 **4th Edition** (Toronto: Carswell, 2002).
- B. Highly Recommended: Criminal Justice in Canada by Colin Goff 4TH edition.
- C. Recommended: 2004 edition of *The Criminal Code* (Martin's Annual *Criminal Code* or Tremear's). A Carswell's pocket Edition of *The Criminal Code* of Canada is acceptable.

MARKING SCHEME

1. Midterm Examination (35%) - The midterm examination will be held on **Nov 19/07**.
2. Final Examination (35%) - The final examination will be held during the April exam period (**TBA**).
3. Essay Assignment (20%) - The assignment topics will be provided to students in class and are to be submitted by **Mar 3/08**.
4. Participation (10%) - Will be reflected through attendance, conduct and level of engagement in class discussions.

Examinations will be a closed book format. 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

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|---|------------------|---|
| Sep 10 | <u>Topic:</u> | Introduction -outline, administrative matters, class assignment |
| Sep 17 | <u>Topic:</u> | Criminal Law and Government Regulation in Perspective |
| | <u>Readings:</u> | Chapter 1 |
| Sep 24 | <u>Topic:</u> | Perspectives on criminal law- theoretical issues and perspectives |
| | <u>Readings:</u> | Chapter 2 |
| Oct 1 | <u>Topic:</u> | Perspectives on criminal law - (continued) |
| | <u>Readings:</u> | Chapter 2 |
| Oct 8 THANKSGIVING MONDAY - NO SCHEDULED CLASS | | |
| Oct 15 | <u>Topic:</u> | The production of criminal law – Legislation and the role of parliament |
| | <u>Readings:</u> | Chapter 3 |
| Oct 22 | <u>Topic:</u> | The production of criminal law (cont'd) – The Role of the Courts |
| | <u>Readings:</u> | Chapter 3 |
| Oct 29 | <u>Topic:</u> | Criminal law- personnel, participants and powers – Police |
| | <u>Readings:</u> | Chapter 4-section 4.1 |
| Nov 5 | <u>Topic:</u> | Criminal law- personnel, participants and powers- Prosecutor/Defence |
| | <u>Readings:</u> | Chapter 4.2 |
| Nov 12 | <u>Topic:</u> | Criminal law- personnel, participants and powers- Judges |
| | <u>Readings:</u> | Chapter 4.3 |

- Nov 19 **IN CLASS MIDTERM EXAM – 35%**
- Nov 26 Topic: Criminal law- personnel, participants and powers- Victims
Readings: Chapter 4.4
- Dec 3 Topic: Criminal law – personnel, participants and powers - Accused
Readings: Chapter 4.5

SYLLABUS/ SCHEDULE - SECOND TERM

- Jan 7 Topic: Sentencing and Punishment – Sentencing
Readings: Chapter 5 – section 5.1
- Jan 14 Topic: Sentencing and Punishment – Punishment
Readings: Chapter 5 – section 5.2
- Jan 21 Topic: Criminal law and liability – Elements of an offence
Readings: Chapter 6 – section 6.1
- Jan 28 Topic: Criminal law and liability- Incomplete offences
Readings: Chapter 6 – section 6.2
- Feb 4 Topic: Criminal law and liability- Attaching liability
Reading: Chapter 6 – section 6.3
- Feb 11 Topic: Defences- Justification and excuses
Readings: Chapter 7 – section 7.1
- FEBRUARY 18-22 READING WEEK – NO SCHEDULED CLASSES**
- Feb 25 Topic: Defences- Absences of intent of knowledge
Readings: Chapter 7 – section 7.2
- Mar 3 Topic: Defences- Policy Defences and Incapacity
Readings: Chapter 7 – section 7.3 and 7.4. **(Due date for Assignments)**
- Mar 10 Topic: Selected Topics in criminal justice – Sexual assault
Readings: Chapter 8- section 8.1
- Mar 17 Topic: Selected Topics in criminal justice-Racism and the criminal justice system
Readings: Chapter 8 – section 8.2
- Mar 24 Topic: Selected Topics in criminal justice- Conditional sentences
Readings: Chapter 8 – section 8.3
- Mar 31 Topic: Guest Speaker
Readings: Case reading to be assigned
- Apr 7 Topic: Examination Review