

**CARLETON UNIVERSITY**

**Department of Law**

**LAWS 2004V - AN INTRODUCTION TO CRIMINAL LAW IN CONTEXT**

**Summer, 2009**

Broadcast times – Monday and Wednesday, 4:30 p.m.

**Instructor**

Ron Saunders, D589 Loeb

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By appointment: 520-2600, ext. 6714 (This extension is the voicemail box for the course, and is checked regularly.)

Online office hours: Before the exams I will make myself available for live online discussions at specified times. The dates, times and process of joining in will be announced later in the term.

Course Web site: Logon at <http://webct.carleton.ca/>

**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.

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

**Note about Rebroadcasting**

Because this course is a rebroadcast of the Fall/Winter 2008-09 course, some of the details of the course, such as the marking scheme and the exam format, will differ from those given in the recorded lectures. For example, due to the abbreviated time period, there will only be two exams, one in June and one in August. Please be aware of any differences by looking carefully at the outline, and by keeping abreast of any announcements made on the web site; it is the student's responsibility to know the requirements of the course. If you are uncertain about any of these, please contact the instructor by phone or by email.

In this regard, it is important that students access the web site for the course as soon as possible (see below on how to do this) and continue to access it on a regular basis. Any important changes or announcements will be put on the site.

### **Materials**

(A) Required text:

*Criminal Law in Canada: An Introduction to the Theoretical, Social and Legal Contexts* (Toronto: Carswell, 2002) - Available at the Bookstore or at Haven Books ([www.havenbooks.ca](http://www.havenbooks.ca)).

(B) Supplementary (on Reserve in the Library if you have a particular interest that you may wish to pursue):

1. *Criminal Law, 2<sup>nd</sup> ed.* - Kent Roach (KE8809.R62 2000)
2. *Canadian Criminal Justice: A Primer* - C. Griffiths & A. Cunningham (HV9960.C2C85)
3. *Learning Canadian Criminal Law, 8<sup>th</sup> ed.* - D. Stuart & R. Delisle ( KE8808.5.L42 2001)

### **Web Site**

The PowerPoint presentations used in class will be posted on the course web site in advance of the broadcast of the particular class, along with course announcements. The class slide presentations will be given in two formats on the web site in order to facilitate access to them: in PowerPoint format and in Word format. It is imperative that the student have access to the web site.

To logon, go to <http://webct.carleton.ca/>. Only students registered in the course have access to the site; your Username and Password to sign on are the same as those for your Connect account (make sure that your Connect account has been activated first).

### **Marking scheme**

1. Midterm Examination 50%
2. Final Examination 50%

### **Explanation of scheme:**

1. Midterm Examination - a 3 hour closed book exam to be held during the scheduled exam period, June 30/July2-4, worth 50% of the final grade. It covers the material on the first 12 lectures (Lectures S-1 to S-12). Note that the exam will consist of 100 multiple choice questions in Part 1 of the exam, and an essay question in Part 2; this is different from

the December examination for the Fall/Winter course which was 2 hours long and did not include an essay question.

2. Final examination - a 3 hour closed book exam to be held during the scheduled exam period, August 20-25, worth 50% of the final grade. This exam covers **only** the material on the last 12 lectures (Lectures S-13 to S-24). Note that the exam will consist of 100 multiple choice questions in Part 1 of the exam, and an essay question in Part 2; this is different from the final examination for the Fall/Winter course which was 2 hours long and did not include an essay question.

### **Syllabus/Schedule**

The course syllabus will generally follow the topics as presented in the "Table of Contents" in the text. The topics, required readings (all from the text) and schedule for the Summer term are as follows. Please note that some of the readings may be omitted and these will be announced in the lectures and/or on the web site.

May 11 (S-1)

Topic: Introduction - outline, administrative matters, goals, themes

May 13 (S-2)

Topic: Context of criminal law - Where does it come from? How do we define it? What goals do we have for criminal law?

Readings: Chapter 1

May 18 (S-3)

Topic: Definitions of criminal law; goals/purposes/principles of criminal law

Readings: Chapter 1

May 20 (S-4)

Topic: Purposes (cont'd); perspectives on criminal law; debates & strategies within perspectives

Readings: Chapter 2, sections 2.1, 2.2, and 2.3

June 1 (S-5)

Topic: Feminist perspectives; the production of criminal law - the role of the Constitution and of Parliament

Readings: Chapter 2, section 2.4 (**skip Historical Perspectives, section 2.5**), and Chapter 3 - section 3.1 (pp. 87-117)

NOTE: At the end of this lecture, there is a discussion of the essay assignment – please ignore this part of the lecture as there is no essay assignment of this nature during the Summer Term.

June 3 (S-6)

Topic: The role of Parliament (cont'd) and the role of the courts

Readings: Chapter 3 – section 3.1 (pp. 117-135 **but skip Quigley article** on p. 125) and section 3.2 (pp. 136-145)

June 8 (S-7)

Topic: The role of the courts (cont'd)

Readings: Chapter 3, section 3.2 (pp. 145-180)

June 10 (S-8)

Topic: Actors in the System - Police

Readings: Chapter 4 - section 4.1 (pp. 181-196)

June 15 (S-9)

Topic: Police (cont'd) and Actors in the System - Prosecution

Readings: Chapter 4 - section 4.1 (pp. 197-201) and section 4.2 (pp. 202-217)

June 17 (S-10)

Topic: Prosecution (cont'd); Role of Defence; Plea Bargaining

Readings: Chapter 4 - section 4.2 (pp. 217-235)

June 22 (S-11)

Topic: Plea Bargaining (cont'd); Actors in the system - Judges

Readings: Chapter 4 - section 4.3 (pp. 236-244)

June 24 (S-12)

Topic: Actors in the System – Judges (cont'd); Midterm Review

Readings: Chapter 4 - section 4.3 (pp. 244-251)

NOTE: The format of the midterm exam for Summer Term is different; everything (regarding content and coverage) said in this review pertains to the multiple choice part of the exam. The differences are that the exam will be 3 hours long and in addition to the multiple choice questions in Part 1 of the exam, there will be a second part which contains an essay question. More will be said of this before the exam.

June 25/July 2-4: Midterm examination period (exact date and location of the exam will be announced on Carleton's web site during the term)

July 6 (S-13)

Topic: Actors in the System: Victims

Readings: Chapter 4, section 4.4

July 8 (S-14)

Topic: Actors in the System – The Accused; Sentencing and Punishment

Readings: Chapter 4, section 4.5 and Chapter 5, section 5.1 (**skip readings Working Paper #1 on p. 330 & Working Paper #2 on p.333**)

July 13 (S-15)

Topic: Sentencing (cont'd); Actus Reus

Readings: Chapter 5, section 5.2 and Chapter 6, section 6.1.1

NOTE: At the end of this lecture, there is a discussion of the essay assignment – please ignore this part of the lecture as there is no essay assignment of this nature during the

Summer Term.

July 15 (S-16)

Topic: Actus Reus (cont'd)

Readings: Chapter 6, section 6.1.1

July 20 (S-17)

Topic: Mens Rea

Readings: Chapter 6, section 6.1.2

July 22 (S-18)

Topic: Strict and Absolute Liability Offences; Incomplete Offences - Attempts

Readings: Chapter 6, sections 6.1.3 and 6.2.1 (**skip the following cases: Burt on p.426, Sorrell & Bondett on p. 461, and Ancio on p. 469**)

July 27 (S-19)

Topic: Attempts (cont'd); Counselling; Conspiracy; Attaching Liability

Readings: Chapter 6, sections 6.2.2, 6.2.3 and 6.3

July 29 (S-20)

Topic: Duress; Necessity; Self Defence

Readings: Chapter 7, sections 7.1.1, 7.1.2 and 7.1.3 (**skip section 7.1.4**)

August 5 (S-21)

Topic: Consent, Mistake of Fact and Ignorance of the Law

Readings: Chapter 7, sections 7.1.5, 7.2.1 and 7.2.2 (**skip the two following cases: Pappajohn on p. 580 and Shymkovich on p. 591**)

August 10 (S-22)

Topic: Entrapment, Provocation, and Mental Disorder

Readings: Chapter 7, sections 7.3.1, 7.4.1 and 7.4.2 (**skip the following: section 7.3.2 and the Worth case on p. 662**)

August 12 (S-23)

Topic: Intoxication, Automatism and Sexual Assault

Readings: Chapter 7, sections 7.4.3 and 7.4.4, and Chapter 8, section 8.1 (**skip the Rabey case on p. 680 and the Livermore case on p. 730**)

August 17 (S-24)

Topic: Sexual Assault (cont'd) and Final Exam review

NOTE: The format of the final exam for Summer Term is different; everything (regarding content and coverage) said in this review pertains to the multiple choice part of the exam. The differences are that the exam will be 3 hours long and in addition to the multiple choice questions in Part 1 of the exam, there will be a second part which contains an essay question. More will be said of this before the exam.

August 20-25: Final examination period (exact date and location of the exam will be announced on Carleton's web site during the 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 Form to the Paul Menton Centre for the June midterm examination is **June 5, 2009**.

### **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). This document can also be found at: <http://www.carleton.ca/law/policy.htm>. You are strongly encouraged to read it carefully.