

## Course Outline

<b>COURSE:</b>	<b>LAWS 2302A - Criminal Law</b>
<b>TERM:</b>	<b>Fall 2015</b>
<b>PREREQUISITES:</b>	<b>LAWS 1000</b>
<b>CLASS:</b>	<b>Day &amp; Time: Monday - 8:30 a.m. – 11:30 p.m.</b>
	<b>Room: Please check with Carleton Central for current room location</b>
<b>INSTRUCTOR: (CONTRACT)</b>	<b>Dr. Roger R. Rickwood, LL.M., LL.B.</b>
	<b>Office: B442 – Contract Instructors' Office, Loeb Building</b>
<b>CONTACT:</b>	<b>Office Hrs: Monday - 1:00 p.m. to 2:00 p.m. or by appointment</b>
	<b>Telephone:</b>
	<b>Email: roger.rickwood@connect.carleton.ca OR rogerrickwood@aol.com</b>
	<b>Dept. Website: www.carleton.ca/law</b>

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**Academic Accommodations:**

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows:

**Pregnancy obligation:** write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details visit the Equity Services website: <http://carleton.ca/equity/>

**Religious obligation:** write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details visit the Equity Services website: <http://carleton.ca/equity/>

**Academic Accommodations for Students with Disabilities:** The **Paul Menton Centre** for Students with Disabilities (PMC) provides services to students with Learning Disabilities (LD), psychiatric/mental health disabilities, Attention Deficit Hyperactivity Disorder (ADHD), Autism Spectrum Disorders (ASD), chronic medical conditions, and impairments in mobility, hearing, and vision. If you have a disability requiring academic accommodations in this course, please contact PMC at 613-520-6608 or [pmc@carleton.ca](mailto:pmc@carleton.ca) for a formal evaluation. If you are already registered with the PMC, contact your PMC coordinator to send me your **Letter of Accommodation** at the beginning of the term, and no later than two weeks before the first in-class scheduled test or exam requiring accommodation (*if applicable*). After requesting accommodation from PMC, meet with me to ensure accommodation arrangements are made. Please consult the PMC website for the deadline to request accommodations for the formally-scheduled exam (*if applicable*) at <http://carleton.ca/pmc/students/dates-and-deadlines/>

You can visit the Equity Services website to view the policies and to obtain more detailed information on academic accommodation at <http://carleton.ca/equity/>

**Plagiarism**

Plagiarism is presenting, whether intentional or not, the ideas, expression of ideas or work of others as one's own. Plagiarism includes reproducing or paraphrasing portions of someone else's published or unpublished material, regardless of the source, and presenting these as one's own without proper citation or reference to the original source. Examples of sources from which the ideas, expressions of ideas or works of others may be drawn from include but are not limited to: books, articles, papers, literary compositions and phrases,

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performance compositions, chemical compounds, art works, laboratory reports, research results, calculations and the results of

calculations, diagrams, constructions, computer reports, computer code/software, and material on the Internet. Plagiarism is a serious offence.

More information on the University's **Academic Integrity Policy** can be found at:

<http://carleton.ca/studentaffairs/academic-integrity/>

### ***Department Policy***

The Department of Law and Legal Studies operates in association with certain policies and procedures. Please review these documents to ensure that your practices meet our Department's expectations.

<http://carleton.ca/law/current-students/>

**Student or professor materials created for this course** (including presentations and posted notes, labs, case studies, assignments and exams) remain the intellectual property of the author(s). They are intended for personal use and may not be reproduced or redistributed without prior written consent of the author(s).

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## **COURSE DESCRIPTION**

This course is designed to examine, in an increasingly complex constitutional and social context, the principles of criminal law liability and responsibility in Canada, including issues and problems surrounding *mens rea*, *actus reus*, and knowledge. Liability for unfulfilled crimes and various degrees of participation in a crime will be assessed. Various defences, including entrapment, self-defence, duress, necessity, provocation, intoxication and mental disorder will be considered. The course examines the application of general principles of criminal liability to some specific offences, including the various forms of homicide, sexual, property and terrorism offences. Regulatory offences and corporate and organized crimes are also explored. A historical legal and jurisprudential perspective is emphasized in the context of evolving *Charter* protections, criminal law policy, and judicial review.

**COURSE FORMAT** Lectures and in-class discussions - three hours a week  
– in-class registration taken

## **REQUIRED TEXTS**

- STUART, Don, Ronald J. DELISLE, and Steve COUGLAN, *Learning Canadian Criminal Law*, 13<sup>th</sup> edition, (Toronto, Carswell, 2015) ISBN 978-0-7798-6443-0 soft cover (referred to as Stuart) paper – Available for purchase at Carleton University Bookstore
- Roach, Kent, *Criminal Law*, 6<sup>th</sup> ed., (Toronto: Irwin law, 2015), ISBN 978-1-55221-398-8 (referred to as Roach) paper. – Available for purchase at Carleton University Bookstore or as E-Book – 978-1-55221-399-5
- Universal Declaration of Human Rights* (UDHR) ([www.un.org](http://www.un.org))

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- Handouts - including Criminal law offences and procedures summary
- Selected articles as posted to cuLearn LAWS 2302A site
- Constitution Act, 1867*, (UK) and *Constitution Act, 1982* (UK) on Justice Canada Website

### **SUPPLEMENTARY TEXTS**

- Saunders, R.P. and J. McMunagle, *Criminal Law in Canada*, 4<sup>th</sup> ed.,(Toronto, Carswell,2002).
- Martin's Annual Criminal Code 2016 Student Edition*, (Toronto: Canada Law Book, 2015).
- Pocket Criminal Code 2016*, (Toronto: Carswell, 2015) (referred to as PCC)
- O'Regan, Karla and Susan Reid, *Thinking About Criminal Justice in Canada*, (Toronto, Emond Montgomery, 2013)

### **EVALUATION**

Standing in a course is determined by the course instructor subject to the approval of the Department and of the Faculty Dean. This means that grades submitted by the instructor may be subject to revision. No grades are final until they have been approved by the Department and the Dean.

First mid-term test (2 hours) (closed book)	30% - October 19
Second mid-term test – Take home case study	20%- Due November 23
Final examination (2 hours)	40%- (TBA in examination period December 9-21, 2015)
Class/lecture participation	10%- (in-class registration taken)

**ALL STUDENTS are required to sign the register at every class. Your participation mark is based in part on attendance and in part on active participation in class discussions. Explanation of your absence for medical and compassionate reasons will be considered in adjusting the registration record. Excuses that you did not know there is a sign-in registration will not be accepted. ONLY ATTENDING AN IN-CLASS EXAM WILL NOT BE CONSIDERED ATTENDANCE FOR PURPOSES OF THE PARTICIPATION MARK. SHOULD YOU FAIL TO ATTEND AT LEAST ONE REGULAR CLASS, YOU WILL RECEIVE AN F FOR CLASS PARTICIPATION.**

There will be a late penalty of 2 per cent per day after November 23 and no case study report will be accepted after November 30. Case studies will **only** be accepted for marking in **hard copy format**. Electronic copies will be accepted to establish date of receipt of case study only. **These will be downloaded, but will not be printed off or marked.**

Exam preparation can benefit from reviewing statutes, notes and materials on 2302E cuLearn site. Links to specific sections of the *Criminal Code* on Dept. of Justice website can be accessed via cuLearn site. The Department Citation Style Guide is on the Current Students page of the Law & Legal Studies Department website.

**SCHEDULE**

**N.B. THE UNDERGRADUATE CALENDAR SPECIFIES THAT FRIDAY, SEPTEMBER 4<sup>TH</sup> CLASSES WILL FOLLOW A MONDAY SCHEDULE. THEREFORE, THERE WILL BE A CLASS ON SEPTEMBER 4<sup>TH</sup>.**

- Sept. 4    **-Introduction to Course. Explanation of Course Outline, Required Readings, Assignments and Evaluation Components.**  
**Sources and Historical Evolution of Criminal Law – Common Law to Codification and to *Canadian Bill of Rights* and *Canadian Charter of Rights & Freedoms***
- Roach, Ch. 1; Stuart, Ch. 1(1)(a)(b)(c)(d)
  - UDHR (www.un.org); CCRF in PCC pp. 811-816 and CBR in PCC, pp. 807-809
- Procedural Overview; Role of Criminal Justice System in Canadian Society; Roles of Judges and Lawyers**
- Stuart, Ch. 1 (2)(3)(4)
- Sept. 7       **Labour Day - No Classes - No Office Hours**
- Sept. 14   **Criminal law and the Constitution. Federal and Provincial Responsibilities**
- Roach, Ch. 2 and pp. 505-515; Stuart, Ch. 1(c)(d)
  - *Constitution Act, 1867* (UK) and *Constitution Act, 1982* (UK)
- Sept. 18       **Last Day of Registration for Fall Term**  
**Last Day to Change Courses or Sections for Fall Term**
- Sept. 21   **The Prohibited Act (*Actus Reus*)**
- Roach, Ch. 3; Stuart, Ch. 2(1)(2)(3)(4)(5)(6)
- Sept. 28   **The Fault Element (*Mens Rea or Negligence*)**
- Roach, Ch. 5; Stuart, Ch.3 (1)(2)(3)(4)(5)(6)(7)
- Sept. 30       **Last Day to Withdraw from Fall Term with a Full Fee Adjustment**
- Oct. 5       **Mistake of Fact & Law; Unfulfilled Crimes and Parties to a Crime**
- Roach, Ch. 4 & 5, pp.184-189; Stuart, Ch. 5 (1)(2); Ch. 8(1)(2)(3)(4)(5) &
  - Ch. 9 (1)(2)(3)(4)(5)

Oct. 9 **December Examination Schedule Available Online**

Oct. 12 **Thanksgiving Holiday – No Classes – No Office Hours**

Oct. 19 **FIRST MID-TERM TEST (In-class – 2 hours exam, closed book)**

Oct. 26-30 **Mid-Term Break – No Classes – No Office Hours**

Nov. 2 **Criminal Defences – Incapacity, Provocation, Mental Disorder, Intoxication, Automatism**

- Roach, Ch. 7, 8; Stuart, Ch. 6(1)(2)(3)(4); Defences handout

**Case Study Take Home Mid-Term Exam Handed Out - Due November 23, 2015**

Projected date for return of first mid-term tests.

Nov. 6 **Last day to submit formal Examination Accommodation Forms to the Paul Menton Centre for Students with Disabilities for December Examination**

Nov. 9 **Criminal Defences - Justifications and Excuses: Duress, Necessity, Self-Defence of person, Consent, Policy Defences (Entrapment, *Charter* Protections)**

- Roach, Ch. 9; Stuart, Ch.7(1)(2)(3)(4)(5)(6)(7)(8)(9); Roach, pp,42-44, 465
- CC, s. 34 (as amended in 2013)
- *R. v. Lavallee* and *R. v. Malott* (in Stuart)

Nov. 16 **Special Part – Homicide and Sexual Offences**

- Roach, Ch. 10; Stuart, Ch. 3(4)(5)(6)(7) and Ch. 4(1)(2)(3)(4)(5)(6)

Nov.23 **Special Part: (1) Theft and (2) Fraud (3) Defence of Property and Citizen's Arrest in CC and *Trespass to Property Act***

- Roach, ch. 10, pp.397-400 and ch.9 (defence of property) pp.308-310
- 2011 Amendment to C.C. re citizen's arrest, s.494, Justice Canada website and *Trespass to Property Act*, R.S.O. 1990, C.T.21
- Stuart, ch. 7(4)
- CC, s. 35 (as amended in 2013)
- *R. v. Gunning* (in Stuart)

**Case Study Due (No case studies accepted after November 30 – 2% penalty per day after November 23rd)**

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Nov. 30 **Regulatory Offences and Corporate Crime after Westray Mine Disaster**

- Roach ch. 6 & ch.12, pp. 450-451; Stuart, Ch. 3(a)(b)(c) & Ch. 10(1)

Dec. 7 **Last Class - Group Responsibility, Organized Crime, Terrorism and *Charter, Bill C-51* and Possible Future Criminal Law Reforms**

- Return of case studies
- **Final Exam Review**

- Roach, Ch.11, pp. 401-412; Stuart, Ch. 10(2)(3)

- Haydn Watters, "Bill C-51, Controversial Anti-Terrorism Bill, is now Law, CBC News, June 18, 2015, see [www.cbc.ca/news/politics/c-51](http://www.cbc.ca/news/politics/c-51)

\*\*\* **Last Day for Academic Withdrawal from Fall Term Courses**

Dec. 8 **Study Day – No Classes**

Dec. 9-21 **Final Examination Period - LAWS 2302A FINAL EXAM - TBA  
(2 hours – closed book – in exam period) (covers lectures & materials from  
November 2 to December 7 – 50% quiz and 50% essay**

Feb. 12-20 **Fall Term Deferred Examinations will be held**

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