

CARLETON UNIVERSITY
Department of Law and Legal Studies

CRIMINAL LAW
LAWS 2302 A&V

Winter 2013

Section A: Thursday, 11:35 a.m. (check Carleton Central for the current room location)

Section V: Video on Demand; Rogers Ottawa Channel 243

Instructor

Ron Saunders, D589 Loeb

Office Hours: Wednesday, 12 - 1:30

By appointment: 520-2600 (ext. 8069)

E-mail: ron_saunders@carleton.ca. Be sure to use only your Connect or cmail account in corresponding with me, and please include "LAWS 2302" in the subject line.

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

General

The purpose of this course is to introduce the students to the legal and social dimensions of criminal liability and responsibility in Canada, including issues and problems surrounding mens rea, actus reus, and the attachment of liability. Defences are also examined, including various excuses and justifications, the absence of intent and knowledge, policy defences, including entrapment and the role of Charter protections in the criminal legal system, and defences of incapacity, including provocation, intoxication and mental disorder. The rules and rationales relating to sentencing and punishment will also be examined. Finally, if time permits, the topic of sexual assault will be explored in the context of many of the issues and problems raised throughout the term.

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

Materials

Text:

Criminal Law in Canada: An Introduction to the Theoretical, Social and Legal Contexts (Toronto: Carswell, 2002) - Available (new and used) at the Carleton University Bookstore or Haven Books, 43 Seneca Avenue, Ottawa (havenbooks.ca). **Note:** If you are took my section of LAWS 2301 in the Fall term, this is the same text used for that course.

Web Site

The PowerPoint presentations used in class will be posted on the course website along with course announcements, grades, and other materials. To logon, go to <http://carleton.ca/culearn/>. 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 or cmail account. **It is imperative that the student have access to the course website.**

Evaluation

1. Midterm examination	30%
2. Written assignment	20%
3. Final examination	50%

Explanation of evaluation scheme:

1. The midterm will be written on **Friday, March 1**, at 6 p.m. - 8 p.m. It will be a closed book exam. Complete details will be provided before the midterm.
2. The details of the written assignment will be announced during term. It will be **available March 7** and is **due March 21**.
3. The final exam will be held during the formal examination period in April; the exact date, time and location will be announced by the Scheduling Office during the term.

Please note:

- i) A medical certificate or other appropriate documentation must be provided to support any request to write a deferred examination or to hand in the assignment late.
- ii) Both sections of the course write the same assignment and exams.
- iii) The penalty for a late assignment will be 2 marks for each business day it is past the due date.
- iv) The midterm and assignment will be available for pick-up once they are marked from the CUOL Student Centre, D299 Loeb.

Syllabus

The course syllabus will generally follow the topics as presented in the "Table of Contents" in the text in the following order: Chapter 6, Chapter 7, Chapter 5 and Chapter 8. The general topics and the order in which they are presented are as follows (subject to some variations as required by time constraints):

1. Introduction
2. Criminal Law Liability - Actus Reus
3. Criminal Law Liability - Mens Rea
4. Strict and Absolute Liability
5. Liability for Incomplete Offences: Attempts, Counselling and Conspiracy
6. Attaching Liability: the Limits of Liability
7. Criminal Defences: Justifications and Excuses (Duress, Necessity, Self Defence, Defence of Property, Consent)
8. Criminal Defences: Absence of Intent (Mistake of Fact, Ignorance of the Law)
9. Criminal Defences: Policy Defences (Entrapment, Charter Protections)
10. Criminal Defences: Incapacity (Provocation, Mental Disorder, Intoxication, Automatism)
11. Sentencing and Punishment
12. Sexual Assault

Requests for 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://www2.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://www2.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 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://www2.carleton.ca/pmc/new-and-current-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://www2.carleton.ca/equity/>

Grades and Grade Adjustments

There is the possibility the final marks in these sections of LAWS 2302 will be adjusted if they are markedly different from the distribution and/or average of the marks received in other sections of this course. All grades must be approved by the Department and the Faculty of Public Affairs.

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"; this document can also be found at: <http://www.carleton.ca/law/policy.htm>. You are strongly encouraged to read it carefully.

Please note as well that there are several services available on campus that can provide you with advice on studying, reviewing, writing exams and essays, etc.; for example there is the Writing Tutorial Service (4th Floor of the Library), the Student Academic Success Centre (SASC 302 Tory) and the Learning Commons (4th Floor of the Library).