

Course Outline

COURSE:	LAWS 2302B - Criminal Law
TERM:	Fall 2012
PREREQUISITES:	LAWS 1000
CLASS:	Day & Time: Wednesday - 6:05 p.m. – 8:55 p.m. Room: TBA (See Carleton Central)
INSTRUCTOR:	Dr. Roger R. Rickwood, LL.M., LL.B.
CONTACT:	Office: B442 – Contract Instructors’ Office, Loeb Office Hrs: Wednesday - 4:45 – 5:45 p.m. or by appointment Telephone: 613-520-3690 (main office) and Dept. e-mail: law@carleton.ca Email: rickwood@connect.carleton.ca OR rogerrickwood@aol.com

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). For Religious and Pregnancy accommodations, please contact Equity Services, x. 5622 or their website: www.carleton.ca/equity

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.

REQUIRED TEXTS

STUART, Don, Ronald J. DELISLE, and Steve COUGLAN, *Learning Canadian Criminal Law*, 11th edition, Toronto, Carswell, 2009. ISBN 978-7798-2143-3, soft cover (referred to as Stuart)

Roach, Kent, *Criminal Law*, 4th ed., (Toronto Irwin law, 2004) (referred to as Roach).

Universal Declaration of Human Rights (UDHR) (www.un.org)

Handouts - including Criminal law offences and procedures summary

SUPPLEMENTARY TEXTS

Saunders, R.P. and J. Mungale, *Criminal Law in Canada*, 4th ed.,(Toronto, Carswell,2002).

Martin's Annual Criminal Code 2012 Student Edition, (Toronto: Canada Law Book, 2011).

Pocket Criminal Code 2012, (Toronto: Carswell, 2011).(referred to as PCC)

EVALUATION**N.B. All components must be completed in order to get a passing grade**

First mid-term test (2 hours) (closed book)	30% - October 17
Second mid-term test – Take home case study	20%- Due November 14
Final examination (2 hours)	40%- (TBA in examination period)
Class/lecture participation	10%- (in-class registration taken)

There will be a late penalty of 2 per cent per day and no case study report will be accepted after the Nov. 19. Exam preparation can benefit from reviewing statutes, notes and materials on 2302B webct site. Links to Criminal Code on Dept. of Justice website can be accessed via webct site. Citation Style Guide on webct and Department home page.

SCHEDULE

Sept. 12 **Overview - 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), Appendices A and B;
- UDHR (www.un.org); CCRF in PCC pp. 811-816 and CBR in PCC, pp. 807-809

Sept. 19 **Criminal law and the Constitution. Federal and Provincial Responsibilities**

- Roach, Ch. 2 and pp. 446-453; Stuart, Ch. 1(2)(a)(b)(c)(d)(e)

LAST DAY TO REGISTER/CHANGE COURSES

Sept. 26 **The Prohibited Act (*Actus Reus*)**

- Roach, Ch. 3; Stuart, Ch. 2(2)(2)(3)(4)

Oct. 3 **The Fault Element (*Mens Rea*)**

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

Sept. 30 LAST DATE TO DROP COURSE WITHOUT FINANCIAL PENALTY**Oct. 10 Unfulfilled Crimes and Parties to a Crime; Mistake of Fact & Law**

- Roach, Ch. 4 & 5, pp.184-189; Stuart, Ch. 8(1)(2)(3) and Ch. 9

Oct. 17 FIRST MID-TERM TERM TEST (In-class – 2 hours exam, closed book)**Oct. 24 Criminal Defences – Incapacity, Provocation, Mental Disorder, Intoxication, Automatism**

- Roach, Ch. 7, 8; Stuart, Ch. 6(3)(4)

Case Study Take Home Mid-Term Exam Handed Out - Due November 14, 2012

Projected date for return of first mid-term tests.

Oct. 31 Criminal Defences - Justifications and Excuses: Duress, Necessity, Self-Defence, Consent, Policy Defences (Entrapment, Charter Protections)

- Roach, Ch. 9; Stuart, Ch.7(1)(2)(3)(9); Roach, pp,42-44, 465

Nov. 7 Special Part – Homicide and Sexual Offences

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

Nov. 9 Final Date to Apply for Final Exam at Paul Menton Centre**Nov. 14 Special Part: 1) Theft and 2) Fraud Property Offences**

- Roach, ch. 10, pp.397-400; ch.9 (defence of property) pp.308-310

Case Study Due (No case studies accepted after Nov. 19 – Penalties apply)**Nov. 21` Regulatory Offences and Corporate Crime**

- Roach ch. 6 & ch.12, pp. 450-451; Stuart, Ch. 3(1)(2)(3)

Nov. 28 Last Class - Group Responsibility, Organized Crime, Terrorism and Charter and Possible Future Criminal Law Reforms

- Course Evaluation and return of case studies
- **Final Exam Review**
- Roach, Ch.11, pp. 401-412; Stuart, Ch. 10

Monday, Dec. 3 **Last Day All Classes – Final Term Work Receipt Day for Approved Deferrals – Last Day to Withdraw from Course without grade being assigned.**

Dec.6-19 **Official Exam Period**

**FINAL EXAM - TBA
(2 hours – closed book – in exam period) (covers lectures & materials from Oct. 24 to November 28 – 50% quiz and 50% essay**
