

## Course Outline

<b>COURSE:</b>	<b>LAWS 2302 B – Criminal Law</b>
<b>TERM:</b>	<b>Fall 2013-14</b>
<b>PREREQUISITES:</b>	<b>LAWS 1000</b>
<b>CLASS:</b>	<b>Day &amp; Time: Tuesday, 6:05 p.m. – 8:55 p.m.</b> <b>Room: Please check with Carleton Central for current room location</b>
<b>INSTRUCTOR: (CONTRACT)</b>	<b>Lisa Micucci Public Prosecution Service of Canada</b>
<b>CONTACT:</b>	<b>Office Hrs: By appointment</b> <b>Telephone: (613) 957-4771 (work)</b> <b>Email: <a href="mailto:lisa.micucci@carleton.ca">lisa.micucci@carleton.ca</a></b>

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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](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://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/>

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## **COURSE DESCRIPTION**

The course introduces students to the legal and social dimensions of criminal law in Canada within a theoretical and practical framework. It examines the concepts of *mens rea*, *actus reus*, and the attachment of liability. Defences, justifications and excuses to criminal offences will also form part of the discussions. Finally, if time permits, specific topics relating to criminal law, such as sexual assault

and conspiracy, will be examined in the context of many of the areas and issues discussed throughout the semester.

### **REQUIRED TEXT**

Don Stuart, Steve Coughlan and Ron Delisle, *Learning Canadian Criminal Law, 12<sup>th</sup> Edition*, (Carswell, 2012)

### **SUPPLEMENTARY TEXTS**

1. A copy of the *Criminal Code: Martin's Annual Criminal Code 2013* (Canada Law Book, 2012) or *Pocket Criminal Code 2013*, (Carswell, 2012) or *The 2014 Annotated Tremeeear's* (Carswell, 2013) or *The Practitioner's Criminal Code, 2014 Edition, Student Edition* (LexisNexis Canada). The full text of the *Criminal Code* is also available online at <http://laws.justice.gc.ca>
2. Kent Roach, *Criminal Law, 5<sup>th</sup> Edition* (Irwin Law Inc., 2012)
3. R.P. Saunders and J. McMunagle, *Criminal Law in Canada: An Introduction to the Theoretical Social and Legal Contexts, 4<sup>th</sup> Edition* (Carswell, 2002)

### **EVALUATION**

**(All components must be completed in order to get a passing grade)**

The grade in this course will be based on the following:

- 1. 30 % (30 points) Mid-term examination (in class) - To be held: October 22, 2013**
  - 3 hour exam
  - open book exam
  - multiple choice format
  - the mid-term examination will cover class lectures no. 1 (September 10) to no. 6 (October 15) and assigned readings from those lectures
- 2. 60 % (60 points) Final examination – To be held during formal exam period at the end of the term**
  - 3 hour exam
  - open book exam
  - multiple choice and essay question(s) format
  - the final examination will cover class lectures no. 9 (November 5) to no. 13 (December 3) and assigned readings from those lectures
- 3. 10% Class/lecture participation**
  - will be based upon attendance and participation in class
  - in-class registration will be taken

“**Open book exam**”, for the purpose of both the mid-term and final examinations, “open book exam” means that the following materials may be brought into the examination room: (1) the required text listed in the course outline; (2) your lecture notes (or any notes that you shared with a study group or that you have with the permission of their author); (3) any material downloaded from the course website,

including the class lecture slides; and (4) any e-mails sent by the instructor. You may not make use of a computer or any other electronic device during the mid-term or final exams, except with permission of the Paul Menton Centre.

### **SCHEDULE AND READINGS**

Additional materials referred to in class, along with class lecture slides will all be made available via the course on CuLearn. It is critical that students have access to CuLearn, as it will also be used for all course-based announcements.

Subject to their availability, guest lecturers will be invited to provide further information on various issues and areas outlined below.

<b><u>Class Date</u></b>	<b><u>Topic</u></b>	<b><u>Readings<sup>i</sup></u></b>
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<b>1. September 10</b>	<b>Introduction to the course</b>	<b>None</b>
<b>2. September 17</b>	<b>Elements of an Offence</b> A. The Act Requirement ( <i>Actus Reus</i> ) 1. Introduction 2. Commission of an Unlawful Act - Causing Disturbance in Public Place - Possession Offences - Consent Making Act Lawful - <i>De Minimis Non Curat Lex</i>	<b><u>Required Reading</u></b>  pages 181 to 189  pages 189 to 196  pages 202 to 223 pages 223 to 255 pages 256 to 260
<b>3. September 24</b>	<b>Elements of an offence</b> 3. Omissions – Legal Duties to Act 4. Voluntariness 5. Causation	<b><u>Required Reading</u></b> Pages 260 to 298 Pages 300 to 316 Pages 319 to 357
<b>4. October 1</b>	<b>Elements of an Offence</b> B. The Fault Requirement ( <i>Mens Rea</i> or Negligence) 1. Introduction 2. Subjective/Objective Distinction 3. Fault for Public Welfare (Regulatory) Offences - Corporations	<b><u>Required Reading</u></b>  Pages 359 to 361 Pages 361 to 366 Pages 366 to 425  Pages 1155 to 1160
<b>5. October 8</b>	<b>Elements of an Offence</b> 4. Fault for Crimes (a) Murder and the <i>Charter</i> (b) Subjective Awareness Guaranteed by <i>Charter</i> for Few Crimes 5. Three (3) Types of Fault for Crimes since <i>Creighton</i>	<b><u>Required Reading</u></b>  Pages 426 to 473 Pages 472 to 473  Pages 474 to 583
<b>6. October 15</b>	<b>Element of an Offence</b>	<b><u>Required Reading</u></b>

	<p>C. Parties to a Crime</p> <ol style="list-style-type: none"> <li>1. Co-Principals</li> <li>2. Aiding and Abetting</li> <li>3. Counselling</li> <li>4. Accessory After the Fact</li> </ol> <p>D. Incomplete Crimes</p> <ol style="list-style-type: none"> <li>1. Attempts</li> <li>2. Conspiracy</li> <li>3. Liability for Offences not Committed</li> </ol>	<p>Pages 1065 to 1068</p> <p>Pages 1068 to 1091</p> <p>Page 1091</p> <p>Pages 1092 to 1097</p> <p>Pages 1099 to 1125</p> <p>Pages 1125 to 1138</p> <p>Pages 1139 to 1154</p>
<b>7. October 22</b>	<b>Mid-course examination (in class)</b>	
<b>8. October 29</b>	<b>No Class – Fall Break</b>	
<b>9. November 5</b>	<p><b>Defences</b></p> <p>A. Mistake</p> <ol style="list-style-type: none"> <li>1. Mistake of Fact</li> <li>2. Mistake of Law</li> </ol> <p>B. Incapacity</p> <ol style="list-style-type: none"> <li>1. Age</li> <li>2. Insanity (Mental Disorder) <ol style="list-style-type: none"> <li>(a) Psychiatric Classification</li> <li>(b) <i>Criminal Code</i></li> <li>(c) Jurisprudence</li> </ol> </li> <li>3. Automatism</li> <li>4. Intoxication</li> </ol>	<p><b><u>Required Reading</u></b></p> <p>Pages 717 to 739</p> <p>Pages 739 to 771</p> <p>Page 773</p> <p>Pages 774 to 779</p> <p>Part XX.1 <i>Criminal Code</i></p> <p>Pages 780 to 802</p> <p>Pages 802 to 866</p> <p>Pages 866 to 910</p>
<b>10. November 12</b>	<p><b>Justifications and Excuses</b></p> <ol style="list-style-type: none"> <li>1. Common law Defences</li> <li>2. Air of reality for Defences</li> <li>3. Defence of Person</li> <li>4. Defence of Property</li> </ol>	<p><b><u>Required Reading</u></b></p> <p>Pages 911 to 913</p> <p>Pages 913 to 916</p> <p>Pages 917 to 949</p> <p>Pages 950 to 956</p>
<b>11. November 19</b>	<p><b>Justifications and Excuses (cont'd)</b></p> <ol style="list-style-type: none"> <li>5. Necessity</li> <li>6. Duress</li> <li>7. Provocation</li> <li>8. Entrapment</li> </ol>	<p><b><u>Required Reading</u></b></p> <p>Pages 957 to 983</p> <p>Pages 983 to 1007</p> <p>Pages 1008 to 1038</p> <p>Pages 1045 to 1064</p>
<b>12. November 26</b>	<p><b>Specific Topics</b></p> <ol style="list-style-type: none"> <li>1. Rape and Sexual Assault</li> <li>2. Criminal Organizations</li> <li>3. Terrorist Groups</li> <li>4. <i>Charter</i>, subsections 24(1) and 24(2)</li> </ol>	<p><b><u>Required Reading</u></b></p> <p>Pages 593 to 715</p> <p>Pages 1160 to 1169</p> <p>Pages 1169 to 1175</p>
<b>13. December 3</b>	<b>Review Class</b>	<b>None</b>

<sup>i</sup> All readings are from the required reading text: Don Stuart, Steve Coughlan and Ron Delisle, *Learning Canadian Criminal Law, 12<sup>th</sup> Edition*, (Carswell, 2012)