

Carleton University

Department of Law and Legal Studies

### Course Outline

**COURSE:** LAWS 2302 D - CRIMINAL LAW

**TERM:** WINTER 2016

**PREREQUISITES:** LAWS 1000

**CLASS:** Day & Time: WEDNESDAY 18:05-20:55

Room: TB 342 - Please check with Carleton Central for current room location

**INSTRUCTOR:** MICHAEL A. SMITH

**CONTACT:** Office: B442 Loeb

Office Hrs: By Appointment

Telephone: 613-230-5787

Email: [msmith@langevinmorris.com](mailto:msmith@langevinmorris.com)

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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, 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/>

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## **GENERAL**

This course is an extension of the theories and approaches that were covered in LAWS 2301. It is designed to provide a practical introduction to Criminal Law in Canada and to the institution, processes and rules. The goal is to highlight the elements of criminal offences and to examine various legal defences and their effectiveness in the system.

Students will be provided with an opportunity to put their theoretical knowledge to use in formal practice through a class assignment. In this

course, the focus will be on the legal jurisprudence and various sections *The Criminal Code* of Canada.

### **MATERIALS /TEXTBOOKS**

- A. Required Text: Criminal Law in Canada: An Introduction to the Theoretical, Social and Legal Context 4<sup>th</sup> Edition – Authored by Ron Saunders and John McMunagle. The text is available at the University Bookstore, The Haven Bookstore and is on Reserve at the university Library.
- B. Required: Criminal Justice in Canada by Colin Goff 6<sup>TH</sup> edition. The text is available at the University Bookstore.

### **MARKING SCHEME**

Please note that 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.

- 1. Midterm Examination 20% - In class exam (one and a half hours) will be **Feb 10<sup>nd</sup>/16**
- 2. Final Examination 40% - Will be during the APR 11<sup>th</sup>- 23<sup>rd</sup> exam period
- 3. Class Assignment 30% - Assignments due **MAR 9<sup>th</sup>/16**
- 4. Participation 10% - Will be based upon attendance and participation

Both examinations will be closed book. The exams will comprise multiple choice and short-answer questions. Students will be responsible for all of the required readings, information provided by guest speakers as well as material covered in the lectures.

**SYLLABUS – WINTER TERM**

Jan 6	<u>Topic:</u>	Course Introduction, Overview and assignments
	<u>Readings:</u>	None required for this day
Jan 13	<u>Topic:</u>	Crime, Sentencing and Punishment
	<u>Readings:</u>	Chapter 5
Jan 20	<u>Topic:</u>	Criminal law and liability – Elements of an offence
	<u>Readings:</u>	Chapter 6 – section 6.1 <b>[GUEST SPEAKER]</b>
JAN 27	<u>Topic:</u>	Criminal law and liability- Incomplete offences
	<u>Readings:</u>	Chapter 6 – section 6.2
Feb 3	<u>Topic:</u>	Criminal law and liability- Attaching liability
	<u>Reading:</u>	Chapter 6 – section 6.3
<b>Feb 10</b>		<b>MIDTERM EXAMINATION</b>
<b>Feb 17</b>		<b>WINTER BREAK – NO SCHEDULED CLASS</b>
<b>Feb 24</b>	<u>Topic:</u>	Defences- Justification and Excuses
	<u>Readings:</u>	Chapter 7 – section 7.1
Mar 2	<u>Topic:</u>	Defences- Absences of intent of knowledge
	<u>Readings:</u>	Chapter 7 – section 7.2 <b><u>ESSAY ASSIGNMENT DUE</u></b>

Mar 9 Topic: Defences- Policy Defences and Incapacity

Readings: Chapter 7 – section 7.3 and 7.4

Mar 16 Topic: Selected Topics in criminal justice – Sexual assault

Readings: Chapter 8- section 8.1

Mar 23 Topic: Selected Topics in criminal justice-Racism and the criminal justice system

Readings: Chapter 8 – section 8.2

Apr 6 Topic: **EXAM REVIEW**