

## Course Outline

**COURSE:** LAWS 2302F - Criminal Law

**TERM:** Winter 2012

**PREREQUISITES:** LAWS 1000

**CLASS:**       **Day & Time:** Tuesdays, 2:35-5:25 p.m.  
                  **Room:** Please check with Carleton Central for current room location

**INSTRUCTOR:** Dr. Roger R. Rickwood, LL.M., LL.B.  
**(CONTRACT)**

**CONTACT:**       **Office:** B442 Loeb – Sessional Lecturers' Office  
                  **Office Hrs:** Tuesdays - 1:15-2:15 p.m. or by appointment  
                  **Email:** rogerrickwood@aol.com

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"Students with disabilities requiring academic accommodations in this course must contact a coordinator at the Paul Menton Centre for Students with Disabilities to complete the necessary Letters of Accommodation. After registering with the PMC, make an appointment to meet and discuss your needs with me in order to make the necessary arrangements as early in the term as possible, but no later than two weeks before the first assignment is due or the first test requiring accommodations. For further information, please see: <http://www2.carleton.ca/pmc/students/accommodations> . If you require accommodation for your formally scheduled exam(s) in this course, please submit your request for accommodation to PMC by 7 March 2012 for April exams. For Religious and Pregnancy accommodations, please contact Equity Services, x. 5622 or their website: [www.carleton.ca/equity](http://www.carleton.ca/equity)

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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.

**REQUIRED TEXTS**

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

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

*Universal Declaration of Human Rights* (UDHR) ([www.un.org](http://www.un.org))

Handouts - including *Canadian Bill of Rights* and Criminal law offences and procedures summary

**SUPPLEMENTARY TEXTS**

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

*Martin's Annual Criminal Code 2011 Student Edition*, (Toronto: Canada Law Book, 2010).

*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%	February 28
Second Mid Term Test Case Study Take-home	20%	March 20
Final examination (2 hours)	40%	(TBA in examination period)
Class/lecture participation	10%	(in-class registration taken)

Exam preparation can benefit from reviewing statutes, notes and materials on Laws 2302F webct site. Links to *Criminal Code* on Dept. of Justice website can be accessed via webct site. There will be a late penalty of 2% per calendar day for the Take-home Case Study due March 20. No case study will be accepted seven days after the due date of March 20.

**SCHEDULE**

Jan 10	Overview - Historical evolution of criminal law – Common Law to Codification <i>Canadian Bill of Rights</i> and <i>Canadian Charter of Rights &amp; Freedoms</i>
	<ul style="list-style-type: none"> <li>- Roach, Ch. 1; Stuart, Ch. 1(1)(a)(b)(c)(d), Appendices A and B;</li> <li>- UDHR (www.un.org); CCRF in PCC pp. 811-816 and CBR in PCC, pp. 807-809</li> </ul>
Jan 17	<ul style="list-style-type: none"> <li>- Criminal law and the Constitution. Federal and Provincial Responsibilities</li> <li>- Roach, Ch. 2 and pp. 446-453; Stuart, Ch. 1(2)(a)(b)(c)(d)(e)</li> <li>- Insite SCC case on Vancouver safe drug injection site (on line on SCC web site)</li> </ul>
Jan 24	The Prohibited Act ( <i>Actus Reus</i> )
	<ul style="list-style-type: none"> <li>- Roach, Ch. 3; Stuart, Ch. 2(2)(2)(3)(4)</li> </ul>
Jan 31	The Fault Element ( <i>Mens Rea</i> )
	<ul style="list-style-type: none"> <li>- Roach, Ch. 5; Stuart, Ch.3 (1)(2)(3)(4)(5)(6)</li> </ul>
<b>Jan 31</b>	<b>Last date to drop course without financial penalty</b>
Feb 7	Unfulfilled Crimes and Parties to a Crime
	<ul style="list-style-type: none"> <li>- Roach, Ch. 4; Stuart, Ch. 8(1)(2)(3) and Ch. 9</li> </ul>
Feb 14	Regulatory Offences and Corporate Crime, Mistake of Fact and Law
	<ul style="list-style-type: none"> <li>- Roach Ch. 5, pp. 184-189; Ch. 6; Stuart, Ch. 3(1)(2)(3) and Ch.5.</li> </ul>
Feb 20	-No Class Winter Break
Feb 28	<b>FIRST MID-TERM TERM (In-class – 2 hours exam, closed book)</b>
Mar 6	Criminal Defences – Incapacity, Provocation, Mental Disorder, Intoxication, Automatism
	<ul style="list-style-type: none"> <li>- Roach, Ch. 7, 8; Stuart, Ch. 6(3)(4)</li> <li>- <b>Second Mid Term Take Home Case Study Handed Out Due March 20</b></li> <li>-</li> </ul>
Mar 7	-Last date to submit to PMC accommodation forms for April final examinations

- Mar. 13 Criminal Defences – Incapacity, Provocation, Mental Disorder, Intoxication and Automatism
- Roach, Ch. 7, 8; Stuart, Ch. 6(3)(4)
- Projected date for return of mid-term exams
- Mar. 20 Criminal Defences - Justifications and Excuses: Duress, Necessity, Self-Defence, Consent
- Roach, Ch. 9; Stuart, Ch.7(1)(2)(3)
  - Policy Defences (Entrapment, *Charter* Protections)
  - Roach, pp. 42-44, 465; Stuart, Ch. 7(9)
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  - **Second Mid Term Test Take Home Case Study Due**
- Mar 27 -Special Part – Homicide, Sexual, and Property Offences
- Roach, Ch. 10; Stuart, Ch. 3(4)(5)(6)(7) and Ch. 4(1)(2)(3)(4)
- Apr. 3 **Last Class** - Group Responsibility, Corporate Crime, Organized Crime, Terrorism and *Charter* and Possible Future Criminal Law Reforms
- Course Evaluation and return of case studies
  - Final Exam Review of Materials from March 6 to April 3 including CCRF sections
  - Roach, Ch.11, pp. 401-412; Stuart, Ch. 10
- April. 5 **Last Day All Classes – Final Term Work Receipt Day – Last Day to Withdraw from Course**
- Apr 11-24 **Official Exam Period**
- FINAL EXAM - TBA**  
**(2 hours – closed book – in exam period) (covers lectures & materials Mar 6-Apr 3 +CCRF )**