

**Course Outline**  
**LAWS 2302 F, Winter 2013**

**CRIMINAL LAW**

<b>Prerequisite:</b>	LAWS 1000
<b>Class Time:</b>	Thursdays 8:35-11:25
<b>Classroom:</b>	Please check with Carleton Central for current room location
<b>Instructor:</b>	Dr. Roger R. Rickwood, LL.M., LL.B.
<b>Office:</b>	B442 Loeb Building
<b>Office Hours:</b>	Wednesdays 4:45-5:45PM (or by appointment)
<b>Phone Number:</b>	(613) 520-3690
<b>Email:</b>	rickwood@connect.carleton.ca OR rogerrickwood@aol.com

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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**

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 defenses, 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, 2012. ISBN 978-0-7798-4925-3 soft cover (referred to as Stuart) paper.

Roach, Kent, *Criminal Law*, 5<sup>th</sup> ed., (Toronto Irwin law,2012), ISBN 13-978-15522-13018, (referred to as Roach) paper.

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

Handouts - including 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 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% - February 14
Second mid-term test – Take home case study	20% - Due March 21
Final examination (2 hours)	40% - (TBA, in examination period)
Class/lecture participation	10% - (in-class attendance taken)

There will be a late penalty of 2% per day after March 21 and no case study report will be accepted after March 28. Case studies will only be accepted in **hard copy format**.

Exam preparation can benefit from reviewing statutes, notes and materials on 2302 F WebCT site. Links to Criminal Code on Dept. of Justice website can be accessed via WebCT site. Law Department Citation Style Guide is on WebCT and Department home page.

## SCHEDULE

- Jan. 10 **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)
  - UDHR ([www.un.org](http://www.un.org)); CCRF in PCC pp. 811-816 and CBR in PCC, pp. 807-809

**Jan. 17 Criminal law and the Constitution. Federal and Provincial Responsibilities**

- Roach, Ch. 2 and pp. 505-515; Stuart, Ch. 2(1)(2)(3)(4)

**LAST DAY FOR REGISTRATION FOR WINTER TERM COURSES****Jan. 24 The Prohibited Act (*Actus Reus*)**

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

**Jan. 31 The Fault Element (*Mens Rea*)**

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

**Feb. 7 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

**Feb. 14 FIRST MID-TERM EXAMINATION (In-class – 2 hours, closed book)****Feb. 21 Reading week – No class – No office hours****Feb. 28 Criminal Defenses – 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 March 21.2013**

Projected date for return of first mid-term examinations.

**Mar. 7 Criminal Defenses - 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

**Mar. 8 Last day to submit, to the Paul Menton Centre for Students with Disabilities, Formal Accomodation Forms for April examinations.****Mar. 14 Special Part – Homicide and Sexual Offences**

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

**Mar. 21 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 (2% penalty per day after March 21, no case studies accepted after Mar. 28)**

**Mar. 28 Regulatory Offences and Corporate Crime**

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

**Apr. 4 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

**Apr. 10 Last Day All Classes – Final Term Work Receipt Day for Approved Deferrals – Last Day to Withdraw from Course without grade being assigned.**

**Apr. 13-27 Final Examination Period**

**FINAL EXAM - TBA**

**2 hours, closed book. Covers lectures & materials from Feb. 28-Apr. 4. 50% quiz and 50% essay**

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