

Course Outline

COURSE: LAWS 2302 F – Criminal Law

TERM: Winter 2016

PREREQUISITES: LAWS 1000

CLASS: Day & Thursday
Time: 11:35 am-2:25 pm

Room: UC 182
** Please check with Carleton Central for current room location

INSTRUCTOR: Dr. Rebecca Bromwich, Ph.D, LL.M., LL.B,

CONTACT: Office: Loeb D 483
Office Hrs: By appointment
Email: Rebecca.Bromwich@carleton.ca

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 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/>

COURSE DESCRIPTION and OBJECTIVES

This course is a complement to LAWS 2301 and will be a venue for further critical analysis and exploration of, the current Canadian Criminal Legal System, including its institutions, processes, rules, and actors. Criminal law will be studied within its general social setting and to examine the interrelationship between the aspirations and practices of Canadian society and its formal legal discourses of criminal law.

The course introduces students to both legal and social dimensions of Canadian criminal law.

Sentencing principles and objectives will be discussed, with a look at how they are implemented in practice. Time permitting, we will also review some of the recent changes Parliament has brought to our criminal law.

A strong emphasis is placed on practical aspects of the law and how the players within the legal system achieve justice. In the latter part of the course, the focus will be on the criminal law in its more traditional formulations as found in *The Criminal Code of Canada* and in the cases, along with specific current issues in Canada.

By the end of the course, students will be expected to be able to:

- Communicate in detail an understanding of how the formal discourses of the criminal law are currently employed in Canada's criminal justice system;
- Demonstrate comprehension of, by be able to work with, basic criminal law concepts such as the *actus reus* and *mens rea* elements of criminal offences, along with various routes to criminal liability;
- Demonstrate familiarity with a wide range of defences to criminal charges, both from the common law tradition and the Criminal Code;
- Show an appreciation that Canada's current criminal justice regime exists in a changing, post-colonial, historical, geographical and social context and be able to critically analyze how that context affects the operation of criminal justice law;
- Demonstrate critical thinking about other possible ways to address criminal offending, with reference to changing approaches in Canada and current regimes in other jurisdictions; and
- Critically analyze representations of criminal behaviour in popular culture and formal legal texts.

REQUIRED TEXTS

Saunders, R. P. & McMunagle, Justice John, *Criminal Law in Canada: An Introduction to the Theoretical, Social and Legal Context* 4th Edition (Toronto: Carswell, 2002).

**** text is available at the Campus Bookstore****

Current copies of the:

- *Youth Criminal Justice Act*;
- *Criminal Code*; and,
- *The Canadian Charter of Rights and Freedoms*,

including downloadable electronic versions from CanLii or the Department of Justice website

SUPPLEMENTARY TEXTS

Recommended Reading:

Ismaili, Sprott and Varma. *Canadian Criminal Justice Policy. Canada*. Oxford University Press, 2012. Print.

****item will be placed on reserve in the library and copies will be made available for sale at campus bookstore****

EVALUATION

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

- 1. Final Examination 45% - Held during the April exam period - April 11-23, 2016
exact date to be posted later in the semester**
- 2. Essay Assignment 45% - Due date for assignment is March 1, 2016**
- 3. Participation 10% - Based on attendance and participation**

Examinations will be closed book. The examinations will comprise multiple choice and short-answer questions. Students will be responsible for all of the required readings, supplementary material distributed in class as well as material covered in the lectures.

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.

SCHEDULE

**** please note there will be no class during Winter Break - which takes place February 15-19, 2016**

Topic	Assigned Readings:
Week 1: Introduction and Course Overview Distribution of Essay Assignment	
Week 2: Criminal Liability – Actus Reus	Chapter 6.1
Week 3: Criminal Liability – Mens Rea	Chapter 6.2
Week 4: Strict and Absolute Liability Offences	Chapter 6.1.3
Week 5: Incomplete Offences: Attempts, Counselling and Conspiracy	Chapter 6.2
Week 6: The Limits of Liability	Chapter 6.3
Week 8: Sentencing and Punishment	Chapter 5
Week 9: Defences: Duress, Necessity, Self Defence, Defence of Property, Consent	Chapter 7.1
Week 10: Defences: Mistake of Fact, Ignorance of the Law	Chapter 7.2
Week 11: Defences: Entrapment, Charter Protections (“Policy” Defences)	Chapter 7.3
Week 12: Defences: <i>Incapacity</i> Provocation, Mental Disorder, Intoxication, Automatism & Exam Review	Chapter 7.4