

Course: LAWS 2302V **Criminal Law**

Term: Late Summer 2013

Broadcast: Rogers Ottawa Channel 243/ Carleton Video-on-demand

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Course Introduction

The purpose of this course is to introduce the students to the legal and social dimensions of criminal liability and responsibility in Canada, including issues and problems surrounding *mens rea*, *actus reus*, and the attachment of liability. Defences are also examined, including various excuses and justifications, the absence of intent and knowledge, policy defences, including entrapment and the role of Charter protections in the criminal legal system, and defences of incapacity, including provocation, intoxication and mental disorder. The rules and rationales relating to sentencing and punishment will also be examined. Finally, if time permits, the topic of sexual assault will be explored in the context of many of the issues and problems raised throughout the term.

Important Note about Rebroadcast: Because this course is a rebroadcast of lectures delivered in Winter 2012, some important aspects of the course, such as the marking scheme, exam format, etc. differ from what is discussed in the recorded lectures.

The most obvious difference is that I'm not actually delivering the lectures (Professor Ron Saunders is)! As well, due to the abbreviated time period, there will be no course paper required, only two exams: a midterm and a final exam.

Please note any other differences by looking carefully at the course outline and by keeping abreast of any announcements made on CULearn. It is ultimately **your** responsibility to know and meet the requirements of this course.

Required Text/ Materials

Saunders, R.P., *Criminal Law in Canada: An Introduction to the Theoretical, Social and Legal Contexts*, 4th ed. (Toronto: Carswell, 2002).

This text is available from [Haven Books](#) or the Carleton University Bookstore.

Note: If you have taken LAWS 2301 this was likely the text used for that course.

CULearn

The lecture slides used in the lectures will be posted on the course's CULearn page along with course announcements, grades, and other materials. **It is imperative that you have access to the course's CULearn page and that you keep apprised of any changes or announcements made there regarding the course.**

Course Evaluation

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|---------------------|-----|------------------------------|
| Midterm Examination | 40% | (12-2pm, Saturday July 27th) |
| Final Examination | 60% | (in the formal exam period) |

Course Components

Midterm Examination

Is a 2 hour closed-book exam. It covers the material from the first 5 lectures (S-1 to S-5) and will consist of both multiple choice and essay style questions. More exam details may be made available on CULearn closer to the exam date.

Final Examination

Is a 3 hour closed-book exam held during the formally scheduled exam period. This exam covers the material and topics discussed in Lectures S-6 to S-12. Like the midterm, the exam will consist of both multiple choice and essay questions. More exam details may be made available on CULearn closer to the exam date.

Note: A medical certificate or other appropriate documentation must be provided to support any request to write a deferred midterm examination. Applications for a deferred final exam are handled by the Registrar's office.

Course Schedule

The course will generally follow the topics as presented in the "Table of Contents" in the course text. Please note that some of the readings in the text have been omitted and are not required.

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|-------------------------------|---|
| July 5 th (S-1) | <i>Introduction: outline, administrative matters, goals, themes</i> |
| | Readings: None |

- July 9th
(S-2) *Actus reus: Definition, voluntariness, omissions*
Readings: pages 347-350 and 356-366.
- July 12th
(S-3) *Actus reus: Omissions (Cuerrier), causation, continuing acts*
Readings: pages 350-356 and 366-377
- July 16th
(S-4) *Mens rea: meanings, subjective versus objective, strict & absolute liability*
Readings: pages 378-433 (**skip** Burt case)
- July 19th
(S-5) *Strict & Absolute Liability (cont'd) & Attempts & Counselling & Conspiracy*
Readings: pages 437-482 (**skip** Sorrell & Bondett (p. 461) and Ancio (p. 469))

Lecture Note: At the end of this lecture, there is a discussion of the Winter midterm. This may differ from the Summer midterm exam. Information for the Summer midterm will be provided on CULearn.

- July 23th
(S-6) *Attaching Liability and the Defence of Duress*
Readings: pages 483-523
- July 26th
(S-7) *Defences of Necessity and Self-defence*
Readings: pages 523-556 (**skip** pages 557-564)
- July 27th** **Midterm Exam (covering material up to and including Lecture S-5)**
- July 30th
(S-8) *Defences of Consent, Mistake of law, and Ignorance of the law*
Readings: pages 565-591 (**skip** Pappajohn (p. 580) and Shymkovich (p. 591))

Lecture Note: At the end of this lecture, there is a discussion of the Winter assignment/essay – please ignore this part of the lecture.

- August 2st
(S-9) *Defences of Entrapment, Provocation, and Mental Disorder*
Readings: pages 593-621 and 634-662 (**skip** pages 621-633)

August 6th (S-10) Defences of Intoxication and Automatism & Sentencing: Definition and Purposes

Readings: pages 665-706 and pages 297-313

August 9th (S-11) Sentencing: Options, Imprisonment, Issues and Developments

Readings: pages 305-343 (**skip** *Hollinsky* (page 322), Working Paper #1 (p. 330) & Working Paper #2 (p.333))

August 13th (S-12) Sexual Assault

Readings: pages 709-730

Lecture Note: The final exam for the Winter term is discussed at the end of this lecture, however the format of the final exam for Summer term is likely to be different. Information on the final exam will be posted on CULearn. The final exam covers course material which was **not** covered on the midterm (i.e., you are primarily responsible for lectures S-6 to S-12).

August 17-22: Formal Examination period (exact date and location of the final exam will be announced on Carleton's website during the term)

Requests for Academic Accommodations

Below is the university official policy regarding students requiring accommodation. **Note applicable timelines.** In addition to discussing any concerns with the PMC or the Equity Office, please feel free to talk to me about any concerns you may have.

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows:

For Students With Disabilities: Students with disabilities requiring academic accommodations in this course must register with the Paul Menton Centre for Students with Disabilities (PMC) for a formal evaluation of disability-related needs. Documented disabilities include but are not limited to mobility/physical impairments, specific Learning Disabilities (LD), psychiatric/psychological disabilities, sensory disabilities, Attention Deficit Hyperactivity Disorder (ADHD), and chronic medical conditions. Registered PMC students are required to contact the PMC every term to have a Letter of Accommodation sent to the Instructor by their Coordinator. In addition, students are expected to confirm their need for accommodation with the Instructor no later than two weeks before the first assignment is due or the first in-class

test/midterm. If you require accommodations only for formally scheduled exam(s) in this course, you must request accommodations by the last official day to withdraw from classes in each term.

For Religious Obligations: Students requesting academic accommodation on the basis of religious obligations should make a formal, written request to their instructors for alternate dates and/or means of satisfying academic requirements. Such requests should be made during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist, but no later than two weeks before the compulsory academic event. Accommodation is to be worked out directly and on an individual basis between the student and the instructor(s) involved. Instructors will make accommodations in a way that avoids academic disadvantage to the student. Students who have questions or want to confirm accommodation eligibility of a religious event or practice may refer to the Equity Services website for a list of holy days and Carleton's Academic Accommodation policies, or may contact an Equity Services Advisor in the Equity Services Department for assistance.

For Pregnancy: Pregnant students requiring academic accommodations are encouraged to contact an Equity Advisor in Equity Services to complete a letter of accommodation. The student must then make an appointment to discuss her needs with the instructor at least two weeks prior to the first academic event in which it is anticipated the accommodation will be required.

Other Course Policies

Grades and Grade Adjustments

Students **must complete all the requirements** of the course to obtain a passing grade.

Furthermore, be advised that there is the possibility the final marks in this section of LAWS 2302 will be adjusted if they are markedly different from the distribution and/or average of the marks normally received in sections of this course. All grades must be approved by the Department and the Faculty of Public Affairs.

University Policy and Procedures

For a general statement on instructional offences, special examinations, prerequisites, appeals, etc., please read carefully the Department of Law's "Course-Related Policy and Procedure Statement". This document can be found at: <http://www.carleton.ca/law/policy.htm>. You are strongly encouraged to read it carefully.