

Course Outline

COURSE: LAWS 2302B - Criminal Law

TERM: Fall 2011

PREREQUISITES: LAWS 1000

CLASS: **Day & Time:** Thursday, 2:30-5:30 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 – Sessional Lecturers' Office, Loeb
 Office Hrs: Thursday - 1:15-2:15 p.m. or by appointment
 Email: rogerrickwood@aol.com

"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 11 November 2011 for December exams and 7 March 2012 for April exams. For Religious and Pregnancy accommodations, please contact Equity Services, x. 5622 or their website: www.carleton.ca/equity

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*, 11th edition, Toronto, Carswell, 2009. ISBN 978-7798-2143-3, soft cover (referred to as Stuart)

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

Universal Declaration of Human Rights (UDHR) (www.un.org)

Handouts - including Criminal law offences and procedures summary

SUPPLEMENTARY TEXTS

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

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

Pocket Criminal Code 2011, (Toronto: Carswell, 2010). (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%	October 20
Second mid-term test – Take home case study	20%	Due November 17
Final examination (2 hours)	40%	(TBA in examination period)
Class/lecture participation	10%	(in-class registration taken)

There will be a late penalty of 2 per cent per day and no case study report will be accepted 7 (seven) days after the due date. Exam preparation can benefit from reviewing statutes, notes and materials on 3202B webct site. Links to Criminal Code on Dept. of Justice website can be accessed via webct site.

SCHEDULE

Sep 8 Overview - Historical evolution of criminal law – Common Law to Codification *Canadian Bill of Rights* and *Canadian Charter of Rights & Freedoms*

- Roach, Ch. 1; Stuart, Ch. 1(1)(a)(b)(c)(d), Appendices A and B;
- UDHR (www.un.org); CCRF in PCC pp. 811-816 and CBR in PCC, pp. 807-809

Sep 15 Criminal law and the Constitution. Federal and Provincial Responsibilities

- Roach, Ch. 2 and pp. 446-453; Stuart, Ch. 1(2)(a)(b)(c)(d)(e)

Sep 22 The Prohibited Act (*Actus Reus*)

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

Sep 29 The Fault Element (*Mens Rea*)

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

Sep 30 Last date to drop course without financial penalty

Oct 6 Unfulfilled Crimes and Parties to a Crime

- Roach, Ch. 4; Stuart, Ch. 8(1)(2)(3) and Ch. 9

Oct 13 Regulatory Offences and Corporate Crime, Mistake of Fact and Law

- Roach Ch. 5, pp. 184-189; Ch. 6; Stuart, Ch. 3(1)(2)(3) and Ch.

Oct. 20 **FIRST MID-TERM TERM (In-class – 2 hours exam, closed book)**

Oct. 27 Criminal Defences – 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 November 17, 2011

Nov. 3 Criminal Defences – Incapacity, Provocation, Mental Disorder, Intoxication and Automatism

- Roach, Ch. 7, 8; Stuart, Ch. 6(3)(4)

Projected date for return of first mid-term exams

Nov. 10 Criminal Defences - Justifications and Excuses: Duress, Necessity, Self-Defence, Consent
- Roach, Ch. 9; Stuart, Ch.7(1)(2)(3)

Nov. 11 **Final Date to Apply for Final Exam at Paul Menton Centre**

Nov. 17 Criminal Defences - Policy Defences (Entrapment, *Charter* Protections)
- Roach, pp. 42-44, 465; Stuart, Ch. 7(9)

Nov. 24 Special Part – Homicide, Sexual, and Property Offences
- Roach, Ch. 10; Stuart, Ch. 3(4)(5)(6)(7) and Ch. 4(1)(2)(3)(4)

Dec. 1 **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
- Roach, Ch.11, pp. 401-412; Stuart, Ch. 10

Dec. 5 **Last Day All Classes – Final Term Work Receipt Day – Last Day to Withdraw from Course**

Dec.8-22 **Official Exam Period**

FINAL EXAM - TBA
(2 hours – closed book – in exam period) (covers lectures & materials from Oct 27 to Dec 1)