

CARLETON UNIVERSITY

Department of Law LAWS 2302V

CRIMINAL LAW

Summer, 2011
VOD and Broadcast (Channel 243, Tuesday/Friday, 2 - 4:30)

Instructor

Ron Saunders, D589 Loeb

E-mail: ron_saunders@carleton.ca (the fastest and best way to contact me; be sure to use your Connect account to email me and put "LAWS 2302" in the subject line)

By appointment: 520-2600, ext. 8069

Course Web site: Logon at <http://webct.carleton.ca/>

Online office hours: Before the exams I will make myself available for live online discussions at specified times. The dates, times and process of joining in will be announced later in the term.

General

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.

N.B. The prerequisite for enrolling in this course is the successful completion of LAWS 1000.

Note about Rebroadcasting

Because this course is a rebroadcast of the Winter 2011 course, some of the details of the course, such as the marking scheme and the exam format, will differ from those given in the recorded lectures. For example, due to the abbreviated time period, there will only be two exams, a midterm on July 22nd and a final exam in the formally scheduled exam period (please see the marking scheme below). Please be aware of any differences by looking carefully at the outline, and by keeping abreast of any announcements made on the web site; it is the student's responsibility to know the requirements of the course. If you are uncertain about any of these, please contact the instructor.

In this regard, it is important that students access the web site for the course as soon as possible and continue to access it on a regular basis. Any important changes or announcements will be put on the site.

Materials

Required text:

Criminal Law in Canada: An Introduction to the Theoretical, Social and Legal Contexts (Toronto: Carswell, 2002) - Available (new and used) at the Carleton University Bookstore or Haven Books, 43 Seneca

Avenue, Ottawa (havenbooks.ca). **Note:** If you are took LAWS 2301 this Summer term, this text was also used for that course.

Supplementary (on Reserve in the Library; do not buy):

1. *Criminal Law, 3rd ed.* - Kent Roach (KE8809.R62 2004)
2. *Canadian Criminal Justice: A Primer 2nd ed.* - C. Griffiths & A. Cunningham (HV9960.C2 G76 2002)

Web Site

The PowerPoint presentations used in class will be posted on the course Web site along with course announcements, grades, and other materials. To logon, go to <http://webct.carleton.ca/>. Only students registered in the course have access to the site. **It is imperative that the student have access to the course website.**

Evaluation

Marking scheme

1. Midterm Examination 40% (July 22 at 6 - 8 p.m.)
2. Final Examination 60% (in the formal exam period)

Explanation of scheme:

1. Midterm Examination - a 2 hour closed book exam to be held Friday, July 22 at 6 - 8 p.m. worth **40%** of the final grade. It covers the material on the first 5 lectures (Lectures S-1 to S-5). Note that the exam will consist of 50 multiple choice questions in Part 1 of the exam, and an essay question in Part 2.
2. Final examination - a 3 hour closed book exam to be held during the scheduled exam period, August 18-23, worth **60%** of the final grade. This exam covers **only** the material and topics in Lectures S-6 to S-12. Note that the exam will consist of 50 multiple choice questions in Part 1 of the exam, and two essay questions in Part 2.

Please note:

- i) A medical certificate or other appropriate documentation must be provided to support any request to write a deferred examination.
- ii) The midterm will be available for pick-up from the Media Distribution Centre, D299 Loeb.

Syllabus/Schedule

The course syllabus will generally follow the topics as presented in the "Table of Contents" in the text. The topics, required readings (all from the text) and schedule for the Summer term are as follows. Please note that some of the readings in the text have been omitted and are not required.

July 5 (S-1)

Topic: Introduction - outline, administrative matters, goals, themes

July 8 (S-2)

Topic: Actus reus: definition, voluntariness, omissions

Readings: pages 347-350 and 356-366.

July 12 (S-3)

Topic: Actus reus: omissions (*Cuerrier*), causation, continuing acts

Readings: pages 350-356 and 366-377

July 15 (S-4)

Topic: Mens rea: meanings, subjective versus objective, strict & absolute liability

Readings: pages 378-433 (**skip** *Burt* case)

July 19 (S-5)

Topic: Strict & absolute liability (cont'd); Attempts; Counselling; Conspiracy

Readings: page 437-482 (but **skip** *Sorrell & Bondett* on p. 461 and *Ancio* on p. 469)

NOTE to Summer term students: At the end of this lecture, there is a discussion of the Winter midterm – information for the Summer term midterm on July 22nd will provided on the course site.

July 22 (S-6)

Topic: Attaching liability; Defence of duress

Readings: pages 483-523

Midterm: Friday, July 22 (6 - 8 p.m.); covering material up to and including Lecture S-5.

July 26 (S-7)

Topic: Defences of necessity and self defence

Readings: pages 523-536 (**skip** pages 557-564)

July 29 (S-8)

Topic: Defences of consent, mistake of law, and ignorance of the law

Readings: pages 565-602 (but **skip** *Pappajohn* on p. 580 and *Shymkovich* on p. 591)

Note to Summer term students: At the end of this lecture, there is a discussion of the Winter assignment – please ignore this part of the lecture.

August 2 (S-9)

Topic: Defences of entrapment, provocation, and mental disorder

Readings: pages 602-650 (but **skip** pages 621-633 and 662-665)

August 5 (S-10)

Topic: Defences of intoxication and automatism; Sentencing: definition, purposes

Readings: pages 680-706 and pages 297-313

August 9 (S-11)

Topic: Sentencing: options, imprisonment, issues, developments

Readings: pages 313-343 (but **skip** *Hollinsky* case on page 322, Working Paper #1 on p. 330 & Working Paper #2 on p.333)

August 12 (S-12)

Topic: Sexual Assault

Readings: Chapter 8 – pages 709-730

NOTE to Summer term students: The final exam for the Winter term is discussed at the end of this lecture, but the format of the final exam for Summer Term is different; information on the final exam

will be posted on the web site. The final exam covers **only** material which was **not** covered on the midterm (i.e., you are responsible for lectures S-6 to S-12).

August 18-23: Examination period (exact date and location of the exam will be announced on Carleton's web site during the term)

Requests for Accommodations

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.

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.

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.

Please note as well that there are several services available on campus that can provide you with advice

on studying, reviewing, writing exams and essays, etc.; for example there is the Writing Tutorial Service (4th Floor of the Library), the Student Academic Success Centre (SASC 302 Tory) and the Learning Commons (4th Floor of the Library).