

Course Outline

---

**COURSE:** LAWS 4308 C - SENTENCING

**TERM:** WINTER 2017

**PREREQUISITES:** Fourth Year Honours Standing and LAWS 2301, 2302

**CLASS:** Day & Time: WEDNESDAY 18:05-20:55

Room: Please check with Carleton Central for current room location

**INSTRUCTOR:** MICHAEL A. SMITH

**CONTACT:** Office: B442 Loeb

Office Hrs: By Appointment

Telephone: 613-230-5787

Email: [msmith@lmslawyers.com](mailto:msmith@lmslawyers.com)

---

**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](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://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/>

---

## **GENERAL**

This course is an extension of the theories and approaches that are typically dealt with in LAWS 2301 and 2302. It is designed to provide a combination of theoretical and practical knowledge about sentencing by reviewing the principles of sentencing. The goal is to highlight various approaches and perspectives on sentencing while examining the efficiency of the rules that guides those dealing with sentencing.

Students will be provided with an opportunity to put their theoretical knowledge to use in formal practice through a class assignment. In this course, the focus will be on legal jurisprudence and various sections *The Criminal Code* of Canada.

### **MATERIALS /TEXTBOOKS**

- A. Required Text: The Law of Sentencing  
By Allan Manson  
The text is available at the University Bookstore

### **MARKING SCHEME**

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.

1. Midterm Examination 20% - In class exam (one hour) will be **Feb 15<sup>th</sup>/17**
2. Final Examination 35% - Will be during the April 10<sup>th</sup>-25<sup>th</sup> exam period
3. Class Assignment 35% - Assignments due **Mar 1<sup>st</sup>/17**
4. Participation 10% - Will be based upon attendance and participation

Both examinations will be closed book. The exams will be comprised of multiple choice and short-answer questions. Students will be responsible for all of the required readings, information provided by guest speakers as well as material covered in the lectures.

**SYLLABUS – WINTER 2017 TERM**

- Jan 11 Topic: Course Introduction, Overview and assignments  
Readings: Chapter 1
- Jan 18 Topic: History of Punishment and Sentencing/Justification for Punishment  
Readings: Chapters 2 & 3
- Jan 25 Topic: Judicial Discretion and Substantive Principles in Sentencing  
Readings: Chapters 4 & 5
- Feb 1 Topic: Rules of Sentencing/Aggravating and Mitigating Factors  
Readings: Chapters 6 & 7
- Feb 8 Topic: The Sentencing Hearing  
Reading: 8
- Feb 15 MIDTERM EXAMINATION (IN CLASS – one hour)**
- Feb 22 WINTER BREAK – NO SCHEDULED CLASS**
- Mar 1 Topic: Sentencing Options  
Readings: Chapter 9 [**Course Assignment due**]
- Mar 8 Topic: Murder and Manslaughter  
Readings: Chapter 10

Mar 15 Topic: Preventive Detention

Readings: Chapter 11

Mar 22 Topic: The Role of the Appellate Courts

Readings: Chapter 12

Mar 29 Topic: The Future of Sentencing

Readings: Chapter 13

Apr 5 Topic: **EXAM REVIEW**