

Course Outline

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<b>COURSE:</b>	<b>LAWS 2302A – Criminal Law</b>
<b>TERM:</b>	<b>FALL 2019</b>
<b>PREREQUISITES:</b>	<b>LAWS 1001 and LAWS 1002</b>
<b>CLASS:</b>	<b>Day &amp; Time: Thursdays, 18:05pm – 20:55pm</b> <b>Room: Please check with Carleton Central for current room location</b>
<b>INSTRUCTOR: (CONTRACT)</b>	<b>Jonathan Thompson, BA, MA (Queen’s) JD (Osgoode)</b>
<b>CONTACT:</b>	<b>Office: Room B442 Loeb Building (Contract Instructor’s Office)</b> <b>Office Hrs: By appointment only</b> <b>Email: Jonathan.Thompson@Carleton.ca</b>

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**CALENDAR COURSE DESCRIPTION:**

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. Excuses and justifications, the Canadian Criminal Code and the role of the Charter in the criminal legal system.

**COURSE DESCRIPTION:**

This course is intended to furnish students with a grounding in the fundamentals of Canadian criminal law. The focus of the course is intended to be pragmatic. In addition to learning the “letter of the law,” students will be encouraged at all times to think through the policy implications that animate Canada’s system of criminal justice, as well as critically evaluate the law as a social construct through the lenses of race, class and gender.

By the end of the course, the student should be able to:

- Understand the basic contours of the criminal process at each stage, from the police investigation of an alleged crime, through arrest, bail, and the rest of the trial process.
- Identify the key actors in the criminal justice system as well as their specific roles and responsibilities;
- Identify and explain the constituent elements of a criminal offence;
- Understand and explain the role of the *Charter* in Canadian criminal law, including *Charter* remedies;
- Identify and critically evaluate criminal law issues that arise in the public sphere; and
- Engage in open, respectful, and professional discussions about controversial issues.

**REQUIRED TEXTS:**

R.P. Saunders & Rebecca Bromwich, *Criminal Law in Canada: An Introduction to the Theoretical, Social and Legal Contexts*, 5<sup>th</sup> ed (Toronto: Thomson Reuters Canada, 2016).

During class, students will from time to time need to consult the *Criminal Code*, *Youth Criminal Justice Act*, *Charter of Rights and Freedoms*, and other pertinent legislation. All of these are readily available online, however, students wishing to continue their studies in criminal law may find it helpful to purchase a current, annotated copy of the *Criminal Code* (Martin's or Tremear's).

### **SUPPLEMENTARY TEXTS**

Although not required, students may find the following resource to be a helpful digest of some of the concepts and terms covered in class:

Kent Roach, *Criminal Law*, 7<sup>th</sup> ed (Toronto: Irwin Law, 2018)

### **EVALUATION**

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

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.

<b>Course Requirement</b>	<b>Date</b>	<b>Description</b>	<b>Weight (%)</b>
Attendance and Participation	Ongoing	Students will self-evaluate their preparedness, attendance, and participation in class. The final determination of this mark will be made by the instructor.	10
Reflection Paper	<b>Not later than</b> October 10 <sup>th</sup> , 2019.	A written reflection of 500-750 words about a week's class materials (readings and lecture), submitted no more than one week after the subject class.	20
Mid-term Exam	October 17 <sup>th</sup> (during class time)	A midterm exam encompassing material taught in the first six weeks of class. The exam will be a mix of multiple-choice and short answer questions.	30
Final Exam	(TBD – held in formal exam period)	A cumulative final exam encompassing material covered in the totality of the course. The exam will be a mix of multiple-choice, short answer, and longer answer questions.	40

Late assignments will be penalized at a rate of **5%** per day up to the cut-off date. Extensions may be granted, in advance, at the discretion of the instructor. The guiding principles in deciding whether or not to grant an extension in an individual case will be whether the due date could have been met with ordinary diligence, and whether granting an extension will be equitable for all members of the course. Students will be notified well in advance of a “cut-off” date and time after which no late assignment will be accepted.

### **SCHEDULE**

<b>Week</b>	<b>Date</b>	<b>Topic</b>
1	September 5 <sup>th</sup>	<b>Introduction and Overview; Sources of Criminal Law</b>
2	September 12 <sup>th</sup>	<b>Basics of Criminal Procedure</b>
3	September 19 <sup>th</sup>	<b>Bail and the Trial Process</b>
4	September 26 <sup>th</sup>	<i>Actus Reus</i>
5	October 3 <sup>rd</sup>	<i>Mens Rea</i>
6	October 10 <sup>th</sup>	<b>Homicide and Defences, Part I</b>
7	October 17 <sup>th</sup>	<b>In-Class Midterm</b>
	October 24 <sup>th</sup>	<b>Fall Term Break – No Class</b>
8	October 31 <sup>st</sup>	<b>Defences, Part II</b>
9	November 7 <sup>th</sup>	<b>Charter Litigation and Remedies Sources of Police Powers; Search and Seizure</b>
10	November 14 <sup>th</sup>	<b>Arrest and Detention</b>
11	November 21 <sup>st</sup>	<b>Right to Counsel Voluntariness</b>
12	November 28 <sup>th</sup>	<b>Sentencing</b>
13	December 5 <sup>th</sup>	<b>Final Class - Conclusions and Exam Review</b>

**Reading assignments will be announced regularly in class and posted on cuLearn.**

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## **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:** Please contact 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: <https://carleton.ca/equity/accommodation/academic/students/>

**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: <https://carleton.ca/equity/accommodation/academic/students/>

**Academic Accommodations for Students with Disabilities:** If you have a documented disability requiring academic accommodations in this course, please contact The Paul Menton Centre (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 as soon as possible to ensure accommodation arrangements are made. Please consult the PMC Website for their deadline to request accommodations for the formally-scheduled exam (if applicable). <https://carleton.ca/pmc/students/accommodations/>

### **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: <https://carleton.ca/registrar/academic-integrity/>

### **Survivors of Sexual Violence**

As a community, Carleton University is committed to maintaining a positive learning, working and living environment where sexual violence will not be tolerated, and survivors are supported through academic accommodations as per Carleton's Sexual Violence Policy. For more information about the services available at the university and to obtain information about sexual violence and/or support, visit: <https://carleton.ca/sexual-violence-support/>

### **Accommodation for Student Activities**

Carleton University recognizes the substantial benefits, both to the individual student and for the university, that result from a student participating in activities beyond the classroom experience. Reasonable accommodation must be provided to students who compete or perform at the national or international level. Please contact your

instructor 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. <https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf>

For more information on academic accommodation, please contact the departmental administrator or visit: <https://carleton.ca/equity/accommodation/academic/>

### **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/>