

Course Outline

COURSE:	LAWS 2302 C/V – Criminal Law
TERM:	WINTER 2019
PREREQUISITES:	LAWS 1001 and LAWS 1002
CLASS:	Day & Time: Wednesdays 11:35 – 2:25 Room: Please check with Carleton Central for current room location
INSTRUCTOR:	Dr. Rebecca Bromwich
CONTACT:	Office: Loeb C475 Office Hrs: By appointment Telephone: 613-520-2600 ext 2621 Email: Rebecca.Bromwich@Carleton.ca

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.

Prerequisite(s): LAWS 1001 and LAWS 1002.

Lectures three hours a week.

COURSE DESCRIPTION

This course is a complement to LAWS 2301 and will be a venue for further critical analysis and exploration of, the current Canadian Criminal Legal System, including its institutions, processes, rules, and actors. Criminal law will be studied within its general social setting and to examine the interrelationship between the aspirations and practices of Canadian society and its formal legal discourses of criminal law.

The course introduces students to both legal and social dimensions of Canadian criminal law. Sentencing principles and objectives will be discussed, with a look at how they are implemented in practice. Time permitting, we will also review some of the recent changes Parliament has brought to our criminal law.

A strong emphasis is placed on practical aspects of the law and how the players within the legal system achieve justice. In the latter part of the course, the focus will be on the criminal law in its more traditional formulations as found in The Criminal Code of Canada and in the cases, along with specific current issues in Canada.

By the end of the course, students will be expected to be able to:

- Communicate in detail an understanding of how the formal discourses of the criminal law are currently employed in Canada's criminal justice system;

- Demonstrate comprehension of, by be able to work with, basic criminal law concepts such as the actus reus and mens rea elements of criminal offences, along with various routes to criminal liability;
- Demonstrate familiarity with a wide range of defences to criminal charges, both from the common law tradition and the Criminal Code;
- Show an appreciation that Canada's current criminal justice regime exists in a changing, postcolonial, historical, geographical and social context and be able to critically analyze how that context affects the operation of criminal justice law;
- Demonstrate critical thinking about other possible ways to address criminal offending, with reference to changing approaches in Canada and current regimes in other jurisdictions; and
- Critically analyze representations of criminal behaviour in popular culture and formal legal text.

REQUIRED TEXTS

Saunders, R. P. & Bromwich, R., *Criminal Law in Canada: An Introduction to the Theoretical, Social and Legal Context 5th Edition* (Toronto: Carswell, 2016).

** text is available at the Campus Bookstore**

Current copies of the:

- Youth Criminal Justice Act*;
- Criminal Code*; and,
- The Canadian Charter of Rights and Freedoms*

These can be downloadable electronic versions from CanLii or the Department of Justice website

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.

1. Final Examination 45% - Held in formally scheduled exam period **April 12 – 27, 2019**

exact date to be posted later in the semester

2. Essay Assignment- Blog Post 45% - Due date for assignment is **March 10, 2019**

This is a persuasive essay written in a format for online posting.

** Selected blogs will be given the opportunity for posting on Robsoncrim.com, offering national exposure for online publication. Selection for this opportunity will be made by Professor.

3. Participation Self- Assessment 10% - statement of attendance and participation

Examinations will be closed book, short answer questions.

SCHEDULE

Topic	Assigned Readings:
Lecture 1: Introduction and Course Overview Distribution of Essay Assignment	
Lecture 2: Criminal Liability – Actus Reus	Chapter 6.1
Lecture 3: Criminal Liability – Mens Rea	Chapter 6.2
Lecture 4: Strict and Absolute Liability Offences	Chapter 6.1.3
Lecture 5: Incomplete Offences: Attempts, Counselling and Conspiracy	Chapter 6.2
Lecture 6: The Limits of Liability	Chapter 6.3
February 18 – Statutory holiday	
February 18 – 22 Winter Break	
Lecture 8: Sentencing and Punishment	Chapter 5
Lecture 9: Defences: Duress, Necessity, Self Defence, Defence of Property, Consent	Chapter 7.1
March 10 – Paper Due	
Lecture 10: Defences: Mistake of Fact, Ignorance of the Law	Chapter 7.2
Lecture 11: Defences: Entrapment, Charter Protections (“Policy” Defences)	Chapter 7.3
Lecture 12: Defences: <i>Incapacity</i> Provocation, Mental Disorder, Intoxication, Automatism & Exam Review	Chapter 7.4

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: carleton.ca/equity/wp-content/uploads/Student-Guide-to-Academic-Accommodation.pdf

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: carleton.ca/equity/wp-content/uploads/Student-Guide-to-Academic-Accommodation.pdf

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 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) www.carleton.ca/pmc

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: 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: students.carleton.ca/course-outline

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/>