

Course Outline

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<b>COURSE:</b>	<b>LAWS 2302 T – Criminal Law</b>
<b>TERM:</b>	<b>Summer 2017</b>
<b>PREREQUISITES:</b>	<b>LAWS 1000</b>
<b>CLASS:</b>	<b>Day &amp; Time: Online (the first six taped lectures will be released at the start of term, and the remaining lectures will be released May 19<sup>th</sup>)</b>
<b>INSTRUCTOR:</b>	<b>Ron Saunders</b>
<b>CONTACT:</b>	<b>Office: Loeb 473C Office Hrs: By appointment Telephone: 613-520-2600 ext. 8069 Email: Ronald.Saunders@carleton.ca</b>

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**Note about Rebroadcasting**

Because this course is a rebroadcast of the Winter 2017 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 May 19<sup>th</sup> at 6 p.m. 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.

The taped lectures will be released in two lots: the first 6 lectures will be released at the start of term, and the final set of lectures will be released at the time of the midterm. 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.

**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/>

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## **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, post-colonial, 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 texts.

### **REQUIRED TEXTS**

Saunders & Bromwich *Criminal Law in Canada: An Introduction to the Theoretical Social and Legal Contexts*, Fifth Edition Toronto: Carswell, 2016 (**text – new and used - is available at the Campus Bookstore**)

Current copies of the:

- *Youth Criminal Justice Act*;
  - *Criminal Code*; and,
  - *The Canadian Charter of Rights and Freedoms*,
- (all downloadable electronic versions from CanLii or the Department of Justice website)

### **SUPPLEMENTARY TEXTS (no need to buy)**

Ismail, Sprott and Varma. *Canadian Criminal Justice Policy. Canada*. Oxford University Press, 2012. Print.

Ruddell, Rick *Exploring Criminal Justice in Canada* Toronto: Oxford University Press, 2016.

**\*\*items will be placed on reserve in the Library\*\***

### **EVALUATION**

1. **Midterm Examination 40% - 2 hour exam to be held May 19, 6 – 8 p.m. (location to be determined)**

**2. Final Examination 60% - 3 hour exam to be held in the formal examination period (June 19 – 25; exact date announced later in the term by Scheduling)**

Examinations will be closed book. The examinations will comprise multiple choice, short-answer and essay questions. Students will be responsible for all of the required readings, supplementary material distributed in class as well as material covered in the lectures.

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.

**SCHEDULE OF TOPICS**

<b>Topic</b>	<b>Assigned Readings:</b>
1: Introduction and Course Overview	
2: Criminal Liability – Actus Reus	Chapter 6.1
3: Criminal Liability – Mens Rea	Chapter 6.2
4: Strict and Absolute Liability Offences	Chapter 6.1.3
5: Incomplete Offences: Attempts, Counselling and Conspiracy	Chapter 6.2
6: The Limits of Liability	Chapter 6.3
7: Sentencing and Punishment	Chapter 5
8: Defences: Duress, Necessity, Self Defence, Defence of Property, Consent	Chapter 7.1
10: Defences: Mistake of Fact, Ignorance of the Law	Chapter 7.2
11: Defences: Entrapment, Charter Protections (“Policy” Defences)	Chapter 7.3
12: Defences: Incapacity Provocation, Mental Disorder, Intoxication, Automatism	Chapter 7.4