

Course Outline

COURSE: LAWS 4308C – Sentencing

TERM: WINTER 2019

PREREQUISITES: LAWS 2908, LAWS 2301, LAWS 2302 and Fourth-Year Honours standing

CLASS: **Day & Time:** Thursdays 18:05pm – 20:55pm
 Room: Please check with Carleton Central for current room location

INSTRUCTOR: **Michael A. Smith**
(CONTRACT)

CONTACT: **Office:** B442 Loeb Building (Contract Instructor’s Office)
 Office Hrs: By appointment only
 Telephone: 613-230-5787
 Email: mxmith@lmslawyers.com

CALENDAR COURSE DESCRIPTION

Theories of sentencing, current sentencing laws and practices, perceptions of sentencing. Data on sentencing practice across Canada. Reforms in other jurisdictions. Critical review of the Canadian Sentencing Commission. Multidisciplinary approach using research and theory in law, criminology, social psychology and sociology.

COURSE DESCRIPTION

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.

REQUIRED TEXTS

Required Text: *The Law of Sentencing*, by Allan Manson. The text is available at the University Bookstore

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. Midterm Examination 20% - In class exam (one hour) will be **Feb 14th/19**
2. Final Examination 35% - Will be during the April 12th-27th exam period
3. Class Assignment 35% - Assignments due **FEB 28th/19**
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.

SCHEDULE

Jan 10	<u>Topic:</u> <u>Readings:</u>	Course Introduction, Overview and assignments Chapter 1
Jan 17	<u>Topic:</u> <u>Readings:</u>	History of Punishment and Sentencing/Justification for Punishment Chapters 2 & 3
Jan 24	<u>Topic:</u> <u>Readings:</u>	Judicial Discretion and Substantive Principles in Sentencing Chapters 4 & 5
Jan 31	<u>Topic:</u> <u>Readings:</u>	Rules of Sentencing/Aggravating and Mitigating Factors Chapters 6 & 7
Feb 7	<u>Topic:</u> <u>Reading:</u>	The Sentencing Hearing 8
Feb 14		MIDTERM EXAMINATION (IN CLASS – one hour)
Feb 21		WINTER BREAK – NO SCHEDULED CLASS
Feb 28	<u>Topic:</u> <u>Readings:</u>	Sentencing Options Chapter 9 [Course Assignment due]
Mar 7	<u>Topic:</u> <u>Readings:</u>	Murder and Manslaughter Chapter 10

Mar 14	<u>Topic:</u>	Preventive Detention
	<u>Readings:</u>	Chapter 11
Mar 21	<u>Topic:</u>	The Role of the Appellate Courts
	<u>Readings:</u>	Chapter 12
Mar 28	<u>Topic:</u>	The Future of Sentencing
	<u>Readings:</u>	Chapter 13
Apr 4	<u>Topic:</u>	EXAM REVIEW

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/>