

Course Outline

COURSE:	LAWS 2302F – Criminal Law
TERM:	WINTER 2024
PREREQUISITES:	LAWS 1001 and LAWS 1002
CLASS:	Day & Time:
	Room: Please check Carleton Central for current Class Schedule. This is an “ONLINE SYNCHRONOUS” course. Lectures will be held every Wednesday between 18:05 and 20:55 via ZOOM conferencing program
INSTRUCTOR:	Paolo Giancaterino
CONTACT:	Office Hrs: By Appointment – Via ZOOM Telephone: 613.297.8745 Email: PaoloGiancaterino@cunet.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.

COURSE DESCRIPTION

This course is an extension of the theories and approaches that are typically dealt with in first year law. It is designed to provide a practical introduction to Criminal Law in Canada and to the institutions, processes and rules. The goal is to highlight various crimes and their elements, while examining various legal defences and their effectiveness in the system.

REQUIRED TEXTS

Roach, Kent. *Criminal Law, 8th edition*. (Irwin Law: August 2022)

May also be purchased through the Carleton University Bookstore website:

<https://www.bkstr.com/carletonstore/home>)

SUPPLEMENTARY TEXTS

Students should also have a copy of the *Criminal Code* available for reference. Available online at

Criminal Code: <http://www.canlii.org/en/ca/laws/stat/rsc-1985-c-c-46/latest/rsc-1985-c-c-46.html>

Charter: <https://www.canlii.org/en/ca/laws/stat/schedule-b-to-the-canada-act-1982-uk-1982-c-11/latest/schedule-b-to-the-canada-act-1982-uk-1982-c-11.html>

TA

Your TAs for the semester will be Treyton Zary and Nicole Lee nicoleclee@cmail.carleton.ca

Each student will have one TA assigned to them for the semester. Announcement will be made on Brightspace.

EVALUATION

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. Paper Proposal: 10% (Due: February 9 at 11:59pm)

Students will be responsible for providing a short outline in regards to their topic of choice and related research. The outline of what is required will be posted on Brightspace

2. Paper Assignment: 25% (Due March 28 at 11:59pm)

Students will be responsible for submitting a formal essay on their topic of choice.

Requirements of the paper will be posted on Brightspace.

3. Quizzes: 30% (February 2, March 1 and March 22, 2024)

A quiz will be posted on the above dates on Brightspace. The quiz will be based on the lecture material from the prior weeks. The quizzes will be multiple choice. Students will have a time-limit within which to complete the quiz once started. Quizzes will have to be submitted within 3 days of their posting on Brightspace. The DUE DATE will be clearly indicated for each quiz.

4. Final exam: 35% (To be scheduled)

Exam to be scheduled during the formal exam period.

All components must be successfully completed in order to get a passing grade.

LATE PENALTIES AND REQUESTS FOR EXTENSIONS

Please refer to the individual assignments for specifics on late submission penalties.

The granting of extensions is determined by the instructor who will confirm whether an extension is granted and the length of the extension. For requests for extensions lasting less than 7 days, please complete the form at the following link and submit it to the instructor prior to the assignment due date: <https://carleton.ca/registrar/wp-content/uploads/self-declaration.pdf>.

Extensions for longer than 7 days will normally not be granted. In those extraordinary cases where extensions lasting longer than 7 days are granted, the student will be required to provide additional information to justify the longer extension (up to a maximum of 14 days).

SCHEDULE

The lectures are organized into various topic areas with assigned readings. Chapter number corresponds with chapter number in required coursepack/textbook.

NB: I may also post readings such as news articles, case law etc. on Brightspace. These various items are considered to be "required reading"

TOPICS:**January 10: Basic Introduction to the Course**

Chapter 1 – Pages 1 to 23

January 17: The Criminal Law and the Constitution

Chapter 2 – Pages 25 to 95

January 24: The Prohibited Act, or *Actus Reus*

Chapter 3 – Pages 97 to 147

January 31: Unfulfilled Crimes and Participation in Crimes

Chapter 4 – Pages 149 to 190

February 7: The Fault Element, or *Mens Rea*

Chapter 5 – Pages 192 to 251

February 14: Regulatory Offences and Corporate Crime

Chapter 6 – Pages 252 to 287

February 21:

Winter Break – No classes

February 28: Intoxication

Chapter 7 – Pages 289 to 325

March 6: Mental Disorder and Automatism

Chapter 8 – Pages 326 to 365

March 13: Self-defence, Necessity and Duress

Chapter 9 – Pages 367 to 439

March 20: Homicide, Sexual, Property and Terrorism Offences

Chapter 10 – Pages 441 to 534

March 27: Sentencing

Chapter 11 – Pages 535 to 571

April 3: Conclusion and Exam Preparation**

Chapter 12 – Pages 573 to 602

Course Review and Exam Review/Preparation

**** This class may be converted to “catching-up” if we fall behind schedule during the semester**

University and Departmental Policies

DEPARTMENT POLICIES AND REGULATIONS

Please review the following webpage to ensure that your practices meet our Department's expectations, particularly regarding standard departmental protocols and academic integrity requirements: <https://carleton.ca/law/student-experience-resources/>.

PLAGIARISM

The University Academic Integrity Policy defines plagiarism as “*presenting, whether intentionally or not, the ideas, expression of ideas or work of others as one's own.*” This 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, artworks, laboratory reports, research results, calculations and the results of calculations, diagrams, constructions, computer reports, computer code/software, material on the internet and/or conversations.

Examples of plagiarism include, but are not limited to:

- any submission prepared in whole or in part, by someone else, including the unauthorized use of generative AI tools (e.g., ChatGPT);
- using ideas or direct, verbatim quotations, paraphrased material, algorithms, formulae, scientific or mathematical concepts, or ideas without appropriate acknowledgment in any academic assignment;
- using another's data or research findings without appropriate acknowledgement;
- submitting a computer program developed in whole or in part by someone else, with or without modifications, as one's own; and
- failing to acknowledge sources through the use of proper citations when using another's work and/or failing to use quotations marks.

Plagiarism is a serious offence that cannot be resolved directly by the course's instructor. The Associate Dean of the Faculty conducts a rigorous investigation, including an interview with the student, when an instructor suspects a piece of work has been plagiarized. Penalties are not trivial. They can include a final grade of "F" for the course.

STATEMENT ON STUDENT MENTAL HEALTH

As a University student you may experience a range of mental health challenges that significantly impact your academic success and overall well-being. If you need help, please speak to someone. There are numerous resources available both on- and off-campus to support you.

Emergency Resources (on and off campus):

- <https://carleton.ca/health/emergencies-and-crisis/emergency-numbers/>

Carleton Resources:

- Mental Health and Wellbeing: <https://carleton.ca/wellness/>
- Health & Counselling Services: <https://carleton.ca/health/>
- Paul Menton Centre: <https://carleton.ca/pmc/>
- Academic Advising Centre (AAC): <https://carleton.ca/academicadvising/>
- Centre for Student Academic Support (CSAS): <https://carleton.ca/csas/>
- Equity & Inclusivity Communities: <https://carleton.ca/equity/>

Off Campus Resources:

- Distress Centre of Ottawa and Region: (613) 238-3311 or TEXT: 343-306-5550, <https://www.dcottawa.on.ca/>
- Mental Health Crisis Service: (613) 722-6914, 1-866-996-0991, <http://www.crisisline.ca/>
- Empower Me: 1-844-741-6389, <https://students.carleton.ca/services/empower-me-counselling-services>
- Good2Talk: 1-866-925-5454, <https://good2talk.ca/>
- The Walk-In Counselling Clinic: <https://walkincounselling.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 accommodation regarding a formally-scheduled final exam, you must complete the Pregnancy Accommodation

Form that can be found at:

<https://carleton.ca/equity/contact/form-pregnancy-accommodation/>

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, please go to: <https://carleton.ca/equity/focus/discrimination-harassment/religious-spiritual-observances/>

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 for a formal evaluation. You can find the Paul Menton Centre online at: <https://carleton.ca/pmc/>

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).

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 where 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/equity/sexual-assault-support-services>

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. Read more here:

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

For more information on academic accommodation, please visit:

<https://students.carleton.ca/services/accommodation/>.