

Course Outline

COURSE: LAWS 2302A – Criminal Law

TERM: Fall 2022

PREREQUISITES: LAWS 1001 and LAWS 1002

CLASS: Day & Time: Tuesday 6:05 – 8:55pm
Room: Nicol Building – 3030

Please check Carleton Central for current Class Schedule.

This is an “in-person” course.

Lectures will be held every Tuesday between 18:05 and 20:55

INSTRUCTOR: Paolo Giancaterino

CONTACT: Office: Room B442 Loeb Building (Contract Instructor’s Office)
Office Hrs: By Appointment – Via ZOOM
Telephone: 613.297.8745
Email: Paolo.Giancaterino@Carleton.ca

TAs: Mahmoud Elberry (mahmoudelberry@cmail.carleton.ca)
Paige Kinniburgh (paigekinniburgh@cmail.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*, 7th edition. (Irwin Law: August 2018)

May also be purchased through the Carleton University Bookstore website:

<https://www.bkstr.com/carletonstore/shop/textbooks-and-course-materials>

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>

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: October 14, 2022 at 5:00pm)

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 November 25, 2022 at 5:00pm)

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% (October 6, November 3 and December 1)

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 5 days of their posting on Brightspace.

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

Three (3) hour exam to be scheduled during the formal exam period

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).

TA:

Your TA for this semester is Mahmoud Elberry. He can be reached via email at mahmoudeberry@cmail.carleton.ca

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:

September 13: Basic Introduction to the Course

Chapter 1

September 20: The Criminal Law and the Constitution

Chapter 2

September 27: The Prohibited Act, or *Actus Reus*

Chapter 3

October 4: Unfulfilled Crimes and Participation in Crimes

Chapter 4

October 11: The Fault Element, or *Mens Rea*

Chapter 5

October 18: Regulatory Offences and Corporate Crime

Chapter 6

October 25:

Winter Break – No classes

November 1: Intoxication

Chapter 7

November 8: Mental Disorder and Automatism

Chapter 8

November 15: Self-defence, Necessity and Duress

Chapter 9

November 22: Homicide, Sexual, Property and Terrorism Offences

Chapter 10

November 29: Sentencing

Text: Chapter 11

December 6: Conclusion and Exam Preparation

Chapter 12

Course Review and Exam Review/Preparation

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

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/>.

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](#).

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 [click here](#).

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. 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/>.

COVID Update

It is important to remember that COVID is still present in Ottawa. The situation can change at any time and the risks of new variants and outbreaks are very real. There are [a number of actions you can take](#) to lower your risk and the risk you pose to those around you including being vaccinated, wearing a mask, staying home when you're sick, washing your hands and maintaining proper respiratory and cough etiquette.

Feeling sick? Remaining vigilant and not attending work or school when sick or with symptoms is critically important. If you feel ill or exhibit COVID-19 symptoms do not come to class or campus. If you feel ill or exhibit symptoms while on campus or in class, please leave campus immediately. In all situations, you must follow Carleton's [symptom reporting protocols](#).

Masks: Carleton has paused the [COVID-19 Mask Policy](#), but continues to strongly recommend masking when indoors, particularly if physical distancing cannot be maintained. It may become necessary to quickly reinstate the mask requirement if pandemic circumstances were to change.

Vaccines: Further, while proof of vaccination is no longer required as of May 1 to attend campus or in-person activity, it may become necessary for the University to bring back proof of vaccination requirements on short notice if the situation and public health advice changes. Students are strongly encouraged to get a full course of vaccination, including booster doses as

soon as they are eligible, and submit their booster dose information in [cuScreen](#) as soon as possible. Please note that Carleton cannot guarantee that it will be able to offer virtual or hybrid learning options for those who are unable to attend the campus.

All members of the Carleton community are required to follow requirements and guidelines regarding health and safety which may change from time to time. For the most recent information about Carleton's COVID-19 response and health and safety requirements please see the [University's COVID-19 website](#) and review the [Frequently Asked Questions \(FAQs\)](#). Should you have additional questions after reviewing, please contact covidinfo@carleton.ca.