

Course Outline

---

**COURSE:** LAWS 4308 A - SENTENCING

**TERM:** FALL 2022

**PREREQUISITES:** Fourth-year Honours standing and LAWS 2301, 2302

**CLASS:** Day & Time: TUESDAY 18:05-20:55  
Room: 505 SOUTHAM HALL

**INSTRUCTOR:** MICHAEL A. SMITH

  

**CONTACT:** Office: B442 Loeb  
Office Hrs: By Appointment  
Telephone: 613-230-5787  
Email: MichaelSmith@cunet.carleton.ca

---

**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](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).

### **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: <https://carleton.ca/sexual-violence-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. <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: <https://carleton.ca/equity/accommodation/academic/>

### **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/>

### **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](mailto:covidinfo@carleton.ca).

**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.

**MATERIALS /TEXTBOOKS**

- A. Required Text: The Law of Sentencing  
By Allan Manson  
The text is available at the University Bookstore

**MARKING SCHEME**

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. Monthly quizzes 30% - Due Sep 30, Oct 18, Dec 2

- 2. Final Examination 25% - Will be during the Dec 10-22 exam period
- 3. Class Assignment 35% - Assignments due **NOV 1<sup>th</sup>/22 at 6:05pm**
- 4. Participation 10% - Will be based upon attendance and participation

The final examination will be closed book. The exams will be comprised of multiple choice and short-answer questions. Students will be responsible for all the required readings, information provided by guest speakers as well as material covered in the lectures.

### **SYLLABUS – FALL 2022 TERM**

Sep. 13 Topic: Course Introduction, Overview and assignments

Readings: Chapter 1

Sep 20 Topic: History of Punishment and Sentencing/Justification for Punishment

Readings: Chapters 2 & 3

Sep 27 Topic: Judicial Discretion and Substantive Principles in Sentencing

Readings: Chapters 4 & 5

**QUIZ DUE – CHAPTERS 1-5- DUE SEPTEMBER 30<sup>TH</sup> AT 9:00PM**

Oct 4 Topic: Rules of Sentencing/Aggravating and Mitigating Factors

Readings: Chapters 6 & 7

Oct 11 Topic: The Sentencing Hearing

Reading: Chapter 8 and guest speaker

Oct 18 **QUIZ NUMBER 2- CHAPTERS 6-8- DUE OCTOBER 18, 9:00PM.**

**Oct 25 FALL BREAK – NO SCHEDULED CLASS**

Nov 1 Topic: Sentencing Options

Readings: Chapter 9

**COURSE ASSIGNMENT DUE AT 6:05PM SUBMITTED VIA BRIGHTSPACE**

Nov 8 Topic: Murder and Manslaughter

Readings: Chapter 10

Nov 15 Topic: Preventive Detention

Readings: Chapter 11 And Guest Speaker

Nov 22 Topic: The Role of the Appellate Courts

Readings: Chapter 12

Nov 29 Topic: The Future of Sentencing

Readings: Chapter 13

**FINAL QUIZ CHAPTERS 9-13. DUE DECEMBER 2<sup>ND</sup>, AT 9:00PM.**

Dec 6 Topic: **EXAM REVIEW**