

Course Outline

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**COURSE:** LAWS 2302 C/V

**TERM:** Winter 2018

**PREREQUISITES:** LAWS 1000

**CLASS:** Day & Fridays  
Time: 11:35 AM- 2:25 PM  
Room: \*\* Please check with Carleton Central for current room location

**INSTRUCTOR:** Dr. Rebecca Bromwich, Ph.D, LL.M., LL.B,

**CONTACT:** Office: Loeb C 475  
Office Hrs: By appointment  
Email: [Rebecca.Bromwich@carleton.ca](mailto:Rebecca.Bromwich@carleton.ca)

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**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*). **Requests made within two weeks will be reviewed on a case-by-case basis.** After requesting accommodation from PMC, meet with me to ensure accommodation arrangements are made. Please consult the PMC website ([www.carleton.ca/pmc](http://www.carleton.ca/pmc)) for the deadline to request accommodations for the formally-scheduled exam (*if applicable*).

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/>

**Student Services:** The Centre for Student Academic Support (CSAS) is a centralized collection of learning support services designed to help students achieve their goals and improve their learning both inside and outside the classroom. CSAS offers academic assistance with course content, academic writing and skills development. Visit CSAS on the 4<sup>th</sup> floor of MacOdrum Library or online at [carleton.ca/csas](http://carleton.ca/csas)

### **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 and OBJECTIVES**

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, R.P. and Bromwich, R. *Criminal Law in Canada: An Introduction to the Theoretical, Social and Legal Context* 5th Edition (Toronto: Carswell, 2016).

**\*\* text is available at the Campus Bookstore\*\***

Current copies of the:

- *Youth Criminal Justice Act*;
- *Criminal Code*; and,
- *The Canadian Charter of Rights and Freedoms*,

including downloadable electronic versions from CanLii or the Department of Justice website

## **SUPPLEMENTARY TEXTS**

### **Recommended Reading:**

Ruddell, Rick *Exploring Criminal Justice in Canada* Toronto: Oxford, 2017.

\*\*item will be placed on reserve in the library and copies will be made available for sale at campus bookstore\*\*

## **EVALUATION**

**(All components must be completed in order to get a passing grade)**

**Final Examination 45% - Held in the April exam period - April 14-26**

**\*\*exact date to be posted later in the semester\*\***

### **1. Criminal Law Blog Post - 45% - Due date for assignment is March 10**

This is a persuasive essay written in a format for online posting.

\*\* Selected blogs will be given the opportunity for posting on Robsoncrim.com, offering national exposure for online publication. Selection for this opportunity will be made by Professor.\*\*

### **2. Participation 10% - Based on participation, self-assessment, and attendance**

Examinations will be closed book. The examinations will comprise short-answer 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**

**\*\* please note there will be no class during Winter Break - which takes place February 19-23, 2018**

<b>Topic</b>	<b>Assigned Readings:</b>
<b>Week 1: Introduction and Course Overview Distribution of Essay Assignment</b>	
<b>Week 2: Criminal Liability – Actus Reus</b>	<b>Chapter 6.1</b>
<b>Week 3: Criminal Liability – Mens Rea</b>	<b>Chapter 6.2</b>
<b>Week 4: Strict and Absolute Liability Offences</b>	<b>Chapter 6.1.3</b>
<b>Week 5: Incomplete Offences: Attempts, Counselling and Conspiracy</b>	<b>Chapter 6.2</b>
<b>Week 6: The Limits of Liability</b>	<b>Chapter 6.3</b>
<b>Week 8: Sentencing and Punishment</b>	<b>Chapter 5</b>
<b>Week 9: Defences: Duress, Necessity, Self Defence, Defence of Property, Consent</b>	<b>Chapter 7.1</b>
<b>Week 10: Defences: Mistake of Fact, Ignorance of the Law</b>	<b>Chapter 7.2</b>
<b>Week 11: Defences: Entrapment, Charter Protections (“Policy” Defences)</b>	<b>Chapter 7.3</b>
<b>Week 12: Defences: <i>Incapacity</i> Provocation, Mental Disorder, Intoxication, Automatism &amp; Exam Review</b>	<b>Chapter 7.4</b>