

Course: LAWS 2302V **Criminal Law**

Term: Late Summer 2014

Course

Prerequisite: LAWS1000 or my permission

Broadcast: Rogers Ottawa Channel 243 (Tues. & Fri. 8:30-11am) ~OR~
Carleton Video-on-demand (CUOL)

Instructor: Stephen Tasson

Contact: **Office:** Loeb D599 (w/ Trevor Purvis)
Office Hours: By appointment
Email: steve_tasson@carleton.ca

Academic Accommodation:

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://www2.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://www2.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 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*) at <http://www2.carleton.ca/pmc/new-and-current-students/dates-and-deadlines/>

You can visit the Equity Services website to view the policies and to obtain more detailed information on academic accommodation at <http://www2.carleton.ca/equity/>

Above is the university's official policy regarding student accommodations. **Note the timelines as they come very quickly in the summer term!** In addition to discussing any concerns you may have with the PMC or the Equity Office, please feel free to contact me directly w/ concerns.

Course Introduction

The purpose of this course is to introduce the students to the basic 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. Defences are also examined, including various excuses and justifications, the absence of intention and knowledge, policy defences (including entrapment and the role of Charter protections in the criminal legal system), and defences of incapacity, including provocation, intoxication and mental disorder.

Important Notes about Rebroadcast: Because this course is a rebroadcast of lectures delivered in the Winter 2013 term, some important aspects of the course, such as the marking scheme and exam format, differ from what is discussed in the recorded lectures.

The most obvious difference is that I am not actually delivering the lectures (my colleague John Hale is)! My approach to teaching some of the topics covered in these lectures is actually considerably different than his. However, in the interests of consistency and to avoid confusion as much as possible I've decided to stick fairly close to the focus taken in the rebroadcasted lectures you are going to be watching.

However, please note again, that there are some very important differences between his and this course (e.g. exams format). Be sure to look carefully at the course outline and keep abreast of any announcements made on **CULearn**. It is ultimately **your** responsibility to know and meet the requirements of this course. It's a bit strange, I know. But mine is not to reason why...

Required Text/ Materials

- Stuart, D., Coughlan, S., and R. Delisle: *Learning Canadian Criminal Law* (12th ed.), Carswell, 2012.
- *Pocket Criminal Code 2014* (Carswell, 2013)

These texts are available at the Carleton University Bookstore available or from [Haven Books](#). Be sure to get the correct editions as there have been some key changes between the editions. You should be able to find used copies.

CULearn

Selections from the lecture slides used in the lectures will be posted on the course's CULearn page along with course announcements, grades, and other relevant materials. **It is imperative that you have access to the course's CULearn page and that you keep apprised of any**

changes or announcements made there regarding the course. Material that appears on CULearn is course material and so can certainly appear on exams.

Course Evaluation

Midterm Examination	40%	(Saturday July 26, 2014 @ 12-2pm)
Final Examination	60%	(in the formal exam period)

Course Components

Midterm Examination

Is a 2 hour **closed-book** exam. It covers the material from the first 6 lectures (S-1 to S-6) and will likely consist of both multiple choice, short answer and essay style questions. More exam details will be made available on CULearn closer to the exam date (exact topic cut-off etc.).

Final Examination

Is a 3 hour **closed-book** exam held during the formally scheduled exam period. This exam covers the material and topics discussed in Lectures S-7 to S-12. Like the midterm, the exam will very likely consist of both multiple choice, short answer and essay questions. More exam details will be made available on CULearn closer to the exam date.

Note: A medical certificate or other appropriate documentation must be provided to support any request to write a deferred midterm examination. Applications for a deferred final exam are handled by the Registrar's office.

Course Schedule

Please note that, despite the fact that this is rebroadcast, the reading schedule below does in fact change as the course progresses (e.g. John gets a bit behind around S5). Thus what you are responsible for on the exams may differ from the required readings as listed below. Again I'll make the exam requirements clear as the date approaches.

All readings are from the course texts (note: C.C.C. indicates the Canadian Criminal Code)

July 4 th (S-1)	Introduction & Criminal Procedure in a Nutshell	Pgs. 70-94, 101-104
	<ul style="list-style-type: none"> • Classification of offences • Court structure in Ontario – overview; appeals • Compelling attendance in Court • Bail • Pre-Trial procedures • Trial procedure, including the burden of proof 	
July 8 th (S-2)	I. Elements of an Offense	Pgs. 181-260
	<ul style="list-style-type: none"> • <i>Actus Reus</i> A. Introduction B. “<i>Actus reus</i>” = [voluntary] activity, circumstances and consequences C. Commission of an unlawful act 	
July 11 th (S-3)	D. Omissions E. Voluntariness F. Causation	Pgs. 260-357
July 15 th (S-4)	<ul style="list-style-type: none"> • <i>Mens Rea</i> (or negligence) A. Introduction B. Subjective/objective distinction C. Public welfare (regulatory) offences 	Pgs. 359-366
July 18 th (S-5)	D. Crimes <ul style="list-style-type: none"> ○ Murder and the <i>Charter</i> ○ Subjective awareness rarely required ○ Types of Crime Since <i>Creighton</i> <ol style="list-style-type: none"> 1. Crimes requiring subjective awareness 2. Crimes of objective fault 3. Crimes based on predicate offences 	Pgs. 426-583
July 22 nd (S-6)	<ul style="list-style-type: none"> • Parties to a Crime • Inchoate Crimes A. Attempts B. Conspiracy C. Counseling 	Pgs. 1125-1154, 593-715
July 25 th (S-7)	II. Sexual Assault	Pgs. 1065-1097, 1099-1125, 717-802 Part XX.1 C.C.C.
	<ul style="list-style-type: none"> • Lack of consent (review) • “Rape” laws • Crimes of Sexual Assault 	

July 26 th (12-2pm)	Mid-term Exam (covering material up to and including Lecture S-6)	
July 28 th (S-8)	III. True Defenses <ul style="list-style-type: none"> • Mistake <ul style="list-style-type: none"> A. Mistake of fact B. Mistake of law • Incapacity and Impairment <ul style="list-style-type: none"> A. Insanity / Mental Disorder <ul style="list-style-type: none"> ○ Statutory provisions ○ Jurisprudence 	Pgs. 717-802 Part XX.1 C.C.C.
Aug. 1 st (S-9)	<ul style="list-style-type: none"> B. Automatism C. Intoxication 	Pgs. 802-910
Aug. 5 th (S-10)	IV. Justifications and Excuses <ul style="list-style-type: none"> • Introduction / Air of reality • Defence of Person • Defence of Property 	Pgs. 911-957
Aug. 8 th (S-11)	<ul style="list-style-type: none"> • Necessity • Duress 	Pgs. 957-1007
Aug. 12 th (S-12)	<ul style="list-style-type: none"> • Provocation V. Policy Defences <ul style="list-style-type: none"> • Entrapment • <i>Charter, s. 24</i> 	Pgs. 1008-1064, <i>R. v. Grant</i>
Aug. 18- 23 rd	Formal Examination period (exact date and location of the final exam will be announced on Carleton's website during the term)	

Other Course Policies

As always, should you have any concerns about course policies or anything else, please feel free to contact me via email.

Grades and Grade Adjustments

Students **must complete all the requirements** of the course to obtain a passing grade i.e. write both exams.

Furthermore, be advised that there is the possibility that the final marks in this section of LAWS 2302 will be adjusted if they are markedly different from the distribution and/or average of the marks normally received in sections of this course. All grades must be approved by the Department and the Faculty of Public Affairs.

Departmental Policy and Procedures

For a general statement on instructional offences, special examinations, prerequisites, appeals, etc., please read carefully the Department of Law's "Course-Related Policy and Procedure Statement". This document can be found at: <http://www.carleton.ca/law/student-resources/department-policies/>. You are strongly encouraged to read it carefully.