

CRIMINAL JUSTICE: THE INDIVIDUAL AND THE STATE

Section B, 2009/10

six credits

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This course will examine the role criminal law plays in society, and the impact it has on the lives of individuals. It will examine the sources of criminal law, including statutes, judge-made law and the *Charter*. The major focus will be on substantive criminal law and the principles surrounding liability for criminal offences, but there will be some discussion of criminal procedure and sentencing. Ultimately, the aim is to allow you to examine criminal law with a critical eye, but the primary goal is to allow you to become knowledgeable enough to make informed criticisms.

Class place and time

Fall

Winter

Wednesday, 10:00 - 11:30, room 304

Monday, 11:00 - 12:30, room 305

Friday, 10:30 - 12:00, room 104

Wednesday, 10:00 - 11:30, room 204

Materials

Required materials (you may bring these to the exam)

The casebook for this course is *Learning Canadian Criminal Law* (11th ed.) available in the bookstore. It is not available second hand. Most but not all of the cases we will cover are in the 10th edition, which was used last year, though it might become difficult to cross-reference the page numbers for the assigned readings. A sheet indicating the materials we are likely to cover, in order, will be distributed separately. The exact readings will be announced in class each week for the following week, to allow us to proceed at a suitable pace. You are also required to obtain a Pocket Criminal Code - you will want the 2010 edition. There will also be handouts from time to time, either distributed in class or available in the materials room.

Suggested Materials (you may not bring these to the exam)

Books about criminal law which you might find useful include Don Stuart, *Canadian Criminal Law* or Kent Roach, *Criminal Law*. In addition, several Annotated Criminal Codes are available, either at the Bookstore or on reserve in the library. These Annotated Codes provide brief descriptions of cases decided relative to individual sections of the *Criminal Code*.

Evaluation

Evaluation will be based 100% on open book examination. There will be both a Christmas exam and a final exam. The Christmas exam is “failsafe”, which means that it will only count if it is to your benefit to count it. If your final exam mark is higher than your Christmas exam, your final exam grade will make up your entire grade. If your Christmas exam mark is higher than your final exam mark, the Christmas mark will count for 30% of your final grade.

Class participation will not count toward your mark, but we'll all have a much more interesting year if you do the readings and show up ready to discuss them.

In accordance with Law School requirements, the marks for this course are expected to correspond to a bell curve. More details on the curve can be found in the Law School Calendar.

All requests for deferral of exams, or for any other type of accommodation, must be addressed to the Law School Studies Committee. The regulations provide that: "Where it can be established that, for medical or personal reasons, a student's ability to pursue a class or to write an examination or complete an assignment for credit was significantly hampered, the Faculty may allow the student to write a special examination or complete a special assignment."

Students with Special Needs/Requests for Accommodation

Professor Pothier is the faculty advisor to students with disabilities. Students wishing to discuss in-class accommodation or in-class study assistance needs should see Professor Pothier.

Students seeking special accommodation with regard to any aspect of course evaluation (including exam deferrals and extensions to deadlines) must make an application to the Studies Committee. Academic regulations require such requests to be made as soon possible and, in any event, no later than the date on which the exam is to be written or the paper or other assignment is to be submitted. Students should contact Associate Dean Michael Deturbide or Assistant Dean Elizabeth Hughes for more information about requests for accommodation and about the Studies Committee process.

Pandemic H1N1 Influenza Advisory in relation to Academic Continuity

In the event of an escalation of the pandemic H1N1 influenza virus, the University may need to authorize Academic Units to change elements of class schedules and/or evaluation plans as outlined in course syllabi. Any change is intended to support the primary goal of reducing the risk of spreading a pandemic influenza among students, faculty and staff. Although it is difficult to predict the severity of the pandemic, the University is committed to minimizing the impact on student's academic progress. Therefore, every effort will be made to provide students with options for continued learning and for continued fair evaluations.

Changes may include but are not limited to:

- Adjustments to course assignments;
- Changes to the dates of exams;
- Arrangements for alternative evaluations for students affected by H1N1 influenza virus;
- Adjustments to work terms;
- Modification of marks awarded for participation;
- Adjustments to attendance policies.

Any alternative plan made in individual courses may be superseded by University-wide or Government measures to reduce the spread of the pandemic H1N1 influenza virus.