

Dalhousie Law School

**Criminal Justice: The Individual and the State
(Course 1001X/Y.06)**

Section A

INTRODUCTORY MEMORANDUM

This is a compulsory first year course for 6 credits, taught three hours per week in both terms of the Law School's academic year (September-April). You must therefore register in both X and Y of consecutive terms in order to obtain credit.

A. Aims and Objectives:

The Law School Calendar describes this course in the following terms:

"Relationships among the state, individuals and communities are considered in the context of Canadian criminal law. The legal rights provisions of the Charter of Rights and Freedoms, selected topics in criminal procedure and sentencing, and the principles of the substantive or general part of criminal law will be the main focus of this class. The latter concentrates on elements of offences, justifications, excuses, non-exculpatory defences, inchoate crimes and secondary liability for offences".

By the end of the year, students should:

1. Be familiar with the main sources of criminal law and criminal procedure rules;
2. Be able to apply these sources in problem solving for the purpose of giving legal advice, and;
3. Be familiar with the main constitutional, ideological and policy debates relating to substantive criminal law, and selected aspects of sentencing and criminal procedure.

B. The Course Outline or Syllabus:

The year will take us through all three volumes of the material entitled *Criminal Justice: The Individual and the State - Cases and Materials* (2008-2009 Edition) prepared by Professors Archibald, Aylward, Martin and Williams-Lorde. Read carefully the Table of Contents for all three volumes (as found in Volume I) as it provides the intellectual framework for the course in schematic form. Readings will be prescribed at the end of each class for the next session.

C. Prescribed Materials:

1. **Required Materials:** These materials, along with your personal notes, can be taken into the examination room with you.
 - Archibald, Aylward, Martin and Williams-Lorde, *Criminal Justice: The Individual and the State - Cases and Materials* (2008-2009), Dalhousie University, Halifax - Available at the University Bookstore. (Obtain Volume I, *The Constitutional, Procedural and Policy Framework for the Criminal Law*, immediately) (A second-hand copy is fine)
 - Gary Rodrigues (ed.) *Carswells Pocket Criminal Code* (2010), Thomson Publishing, Toronto - Available at the University Bookstore. (Obtain

immediately)

- Handouts - from time to time during the academic year it will be announced in class or by posted notice that supplementary "handouts" are to be obtained from the "Materials Room" (Room 113) on the ground floor of the Weldon Law Building. These will usually be recently decided cases, new statutory provisions, reform proposals, background material, etc.
- This Introductory Memorandum will be made available on the Sir James Dunn Law Library website. Lecture Outlines will also be made available in the same manner after class.

2. Recommended Materials: These materials will provide helpful background reading, but are not permitted in the examination room. They are on reserve at the Sir James Dunn Law Library and some can be purchased at the University Bookstore. (Purchases should be deferred until later in the term).

- George P. Fletcher, *Basic Concepts of Criminal Law*, Oxford U. Press, New York, 1998
- Allan Manson, *The Law of Sentencing*, (2nd ed.) Emond Montgomery Publications, Toronto, 2001
- Don Stuart, *Charter Justice in Canadian Criminal Law*, (4th ed.) Carswell, Toronto, 2005
- Eric Colvin and Sanjeev Anand, *Principles of Criminal Law*, Carswells/Thomson Publishing, Toronto, 2007
- Don Stuart, *Canadian Criminal Law: A Treatise*, (5th ed.), Carswell Thomson Publishing, Toronto, 2007
- Kent Roach, *Criminal Law*, (4th ed.), Irwin Law, Toronto, 2008
- Morris Manning, Mewett, Manning and Sankoff, *Criminal Law*, (5th ed.), LexisNexis, Markham, 2009
- Annotated Criminal Codes: You should be aware that there are a number of annual annotated criminal codes widely used by criminal law practitioners which are on reserve. "Martin's" and "Tremear's" are usually available in the University Bookstore as well. "Crankshaw's" *Annotated Criminal Code*, in loose-leaf format and of multiple volumes, as well as Alan Gold's *Practitioner's Criminal Code*, are probably the most comprehensive starting point, after text books, for Canadian criminal law research. The bi-lingual, annual *Code Criminel Annoté* edited by Cournoyer and Ouimet has helpful references to law review articles. However, you are not entitled to have these annotated codes in examinations.

D. Teaching Method:

Teaching is by way of lecture, discussion of assigned reading materials including the *Criminal Code* (which is also used to illustrate methods and problems of statutory interpretation), and by discussion of periodic review problems.

Students are urged to read the assigned materials in advance of each class and attend classes regularly. Failure to read the materials in advance will seriously impair your understanding of class discussion. The learning is cumulative, so don't get behind in readings!

E. Evaluation:

In Section A this year, the "Criminal Justice" course is taught to the full section, not to a small group. Evaluation is therefore by examination.

This evaluation is a partially "open book" examination in the sense that personal notes and "required materials" as described above may be taken into the examination room. Examinations normally consist of essay and problem-style examination questions, although short answer and/or true/false questions are sometimes employed.

First Term Examination: To be written in the Law School at 2 p.m. on Friday, December 18, 2009 may count as 30% of the mark for the course if it is to your advantage to do so.

Final Examination: Tentatively scheduled to be written on April 5, 2010 will count as 100% of the mark for the course unless it is to your advantage to incorporate your December examination results to the extent of 30%.

F. Grading Information:

The grading scheme with numerical and letter grade equivalents and "Permissible Grade Distribution" used at the LL.B. level in the Faculty of Law (which differ from those used elsewhere in the University) are found on page 46 of the 2009-2010 Calendar for the Faculty of Law. They read as follows:

<u>Letter Grade</u>	<u>Equivalent</u>	<u>Permissible Grade Distribution</u>	
A+	85-100	A's	10-20%
A	80-84		
A-	78-79		
B+	75-77	B's	40-60%
B	70-74		
B-	68-69		
		(A's + B's)	60-75%
C+	65-67	C's	15-25%
C	60-64		
D+	55-59	D's	0-15%
D	50-54		
F	Below 50 (clear failure)	F's	0-5%
INC	Incomplete		
Median Grade	70-72		

G. Students with Special Needs/Requests for Accommodation:

Professor Pothier is the faculty advisor to students with disabilities. Students with disabilities wishing to discuss in-class accommodation or 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 as 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.

H. Plagiarism [By Law School Policy, the following must be included in all Introductory Memoranda]

Any paper or assignment submitted by a student at Dalhousie Law School may be checked for originality to confirm that the student has not plagiarized from other sources. Plagiarism is considered a serious academic offence which may lead to loss of credit, suspension or expulsion from the law school, or even revocation of a degree. It is essential that there be correct attribution of authorities from which facts and opinions have been derived. Prior to submitting any paper or other assignment, students should read and familiarize themselves with the policies referred to above.

Ignorance of the policies on plagiarism will not excuse any violation of those policies.

All students in the course must read

- The University policies on plagiarism and academic honesty referenced in the Policies and Student Resources sections of the plagiarism.dal.ca website, and
- The Law School policy on plagiarism, as set out in the law school regulations (available in hard copy from the Associate Dean's office and online at http://law.dal.ca/Current_Students/Course_Selection_Materials/Regulations_Handbook/index.php)

Ignorance of the policies on plagiarism will not excuse any violation of those policies

I. 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.

J. First Session Assignment

I look forward to meeting you on Thursday, September 17th at 1:00 in Room 104. Please read pages 1-13 of the casebook, and browse through the Criminal Code. Write down on a piece of paper your candidate for the most peculiar provision in the Criminal Code. An allegedly fabulous prize will be awarded in relation to this exercise.