

**Criminal Justice: The Individual and the State**  
(Section C, Small Group)

**COURSE SYLLABUS**  
September 2010

**Professor James C. Martin**

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14<sup>th</sup> Floor, 5251 Duke Street,  
Halifax, NS

**Office Hours:** By appointment

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**Class Hours:**

**Fall Term**

Tuesdays 4:30 – 6:00 p.m. (Rm. L406)  
Thursdays 4:30 – 6:00 p.m. (Rm. 309)

**Winter Term**

Tuesdays 4:30 – 6:00 p.m. (Rm. 429)  
Thursdays 4:30 – 6:00 p.m. (Rm. 429)

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**A. Course Description**

*Criminal Justice: The Individual and the State* will examine the balance between state interests and those of the individual within the criminal law context. The legal rights provisions of the *Charter of Rights and Freedoms*, selected topics in criminal procedure and sentencing, and the principles of the substantive criminal law will be the main focus of the class. The latter concentrates on elements of offences, justifications, excuses, non-exculpatory defences, inchoate crimes and secondary liability for offences (Law School Calendar).

The objective is to provide a basic knowledge of substantive criminal law and an understanding of the purposes, sources and value choices underlying various aspects of criminal law and procedure. A combination of lecture, discussion, case method and problem analysis will be used throughout the course. Students are encouraged to develop their own critical assessment of the role that criminal law plays in mediating contemporary social issues and to consider how perspectives shaped by race, class, culture and gender may influence the criminal justice system.

## **B. AIMS AND OBJECTIVES**

Students will develop ability to "spot issues" and develop the critical thinking skills of analysing and synthesizing. Students will develop these skills through problem solving using a factual situation and a specific *Criminal Code* Offence. Students will develop a critical perspective on the major questions about the Criminal law, such as its scope, and its efficacy as a system of justice. This course will provide a multicultural education which will help students to re-examine their perceptions of justice, particularly as it relates to race, ethnicity and gender.

## **B. The Course Plan**

The year will take us through what you will find as the common table of contents to all three volumes of the material entitled *Criminal Justice: The Individual and the State - Cases and Materials* (2010-2011 Edition), Professors Aylward, Archibald & Martin. The Table of Contents provides the intellectual framework for the course in schematic form.

## **C. Materials**

### **1. Required Materials:**

The following materials, along with your personal notes, can be taken into the examination room with you:

- (a) Aylward, Archibald & Martin, *Criminal Justice: The Individual and the State-Cases and Materials* (2010-2011 Edition) Dalhousie University, Halifax - Available at the University Bookstore. (Obtain Vol. 1, *The Constitutional, Procedural and Policy Framework for the Criminal Law*, immediately).
- (b) *Carswell Pocket Criminal Code* (2010), Thompson Publishing Toronto - Available at the University Bookstore. (Obtain immediately)
- (c) Handouts – Occasionally supplementary materials will be handed out in class. Any cases or materials to be added or omitted 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.

### **2. Recommended Materials:**

These materials will provide helpful background reading but are not permitted in the examination room. They are on reserve at the Law Library, or can be obtained from the University Bookstore. If a number of students wish to purchase any of these materials from the bookstore, I can arrange a special order.

#### *On Reserve*

- (a) Alan Mewett & Morris Manning, *Criminal Law*, 3<sup>rd</sup> ed., (Toronto: Butterworths, 1994).

- (b) Kent Roach, *Due Process and Victims Rights*, (Toronto: U of T. Press, 1999).

*In University Bookstore*

- (c) Don Stuart, *Canadian Criminal Law: A Treatise*, 3<sup>rd</sup> ed., (Toronto: Carswell/Thompson Publishing, 2001).  
(d) Kent Roach, *Essentials of Canadian Criminal Law*, 3<sup>rd</sup> ed., (Toronto: Irwin Law Inc., 2004).

*Annotated Criminal Codes*

There are a number of annotated criminal codes widely used by criminal law practitioners that are on reserve in the Law Library. "Martin's" and "Tremear's" are available in the University Bookstore as well.

#### **D. Teaching Method**

Teaching is by way of lecture, small group work, discussion of assigned reading materials, and by analysis of periodic review problems. Please read the assigned materials in advance and attend classes regularly (attendance will be taken).

#### **E. Evaluation**

##### **PLAGIARISM:**

All students in this 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/](http://law.dal.ca/Current_Students/Course_Selection_Materials/Regulations_Handbook/))

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.

In Section C, the "Criminal Justice" course is taught in a small group rather than to the full section. Evaluation will therefore be based on three components.

##### **(a) Exams - 60%**

There will be a Christmas exam and a final exam, which between them will count for 60% of your final mark. This evaluation is by "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.

**Examinations will be administered using Exam4 software. Instructions for downloading the software to your laptop computers will be provided by the Associate Dean’s office in due course. The law school has a limited number of laptops that will be made available for exam purposes to students who do not have a laptop computer. Students who wish to handwrite their exams must notify the Associate Dean’s office in accordance with instructions that will be sent to all students.**

(b) **First Term Examination:**

To be written in early December in accordance with the timetable issued by the Director of Studies (Elizabeth Hughes), The Christmas exam is "failsafe", which means that it may count as 30% of the mark for the course if it is to your advantage to do so.

(c) **Final Examination:**

To be written in May in accordance with the timetable to be issued by the director of studies. If your final exam mark is higher than your Christmas exam, your final exam grade will make up the entire 60%. If your Christmas exam grade is higher than your final exam grade, the Christmas mark will count for 30% of the exam portion (15% of your total mark).

(d) **Moot - 30%**

Every first year student is required to take part in a moot (a mock appeal) as part of the small group class. This assignment will take place during the winter term. We will work out the timing of the Moots in class early in the year.

(e) **Participation - 10%**

You are expected to do the readings for each week, and to come to class prepared to discuss them. Attendance will be taken at the beginning of each class and will form part of your class participation mark.

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 2010-11 Law School Calendar.

**F. Grading Scheme**

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 2010-11 Law School Calendar. The grading scheme and numerical and letter grade equivalents used at the LL.B. level in the Faculty of Law ( which differ from those used elsewhere in the University ) are found on p. 44 of the 2010-2011 Calendar for the Faculty of Law.

The following grading scheme was approved in 2005 by Faculty Council:

A	10-20%
B	40-60%
A+B	60-75%
C	15-25%
D	0-15%
F	0-5%

The overall marks in the course may be affected by the Law Faculty's "Permissible Grade Distribution" also described on page 44 of the Law School Calendar.

## **G. Student Accommodation**

### **Students with Special Needs/Requests for Accommodation**

Students seeking special accommodation with regard to course evaluation, such as exam deferral and extensions to deadlines, should consult with Associate Dean Michael Deturbide or Assistant Dean Elizabeth Hughes as soon as possible, and before an exam is scheduled to be written or an assignment is due. Requests for special accommodation for reasons such as illness or personal circumstances will require an application to the Law School Studies Committee. Students should contact Associate Dean Michael Deturbide or Assistant Dean Elizabeth Hughes if they require more information about the Studies Committee process. Students wishing to discuss arrangements for classroom assistance should see Professor Wildeman, the law faculty advisor to students with disabilities.

Students may request accommodation as a result of barriers related to disability, religious obligation, or any characteristic under the Nova Scotia Human Rights Act. Students who require academic accommodation for the writing of tests, quizzes and exams should make their request to the Office of Student Accessibility & Accommodation (OSAA) prior to or at the outset of each academic term (with the exception of X/Y courses). Please see [www.studentaccessibility.dal.ca](http://www.studentaccessibility.dal.ca) for more information and to obtain Form A – Request for Accommodation. Students may also contact the Office of Student Accessibility & Accommodation directly at 494-2836, and they may contact Associate Dean Michael Deturbide or Assistant Dean Elizabeth Hughes for more information.

Please do not hesitate to contact me with questions or concerns. I look forward to working with you this year.

Prof. Martin

September 8/09