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**Dalhousie University
 Schulich School of Law**

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

Small Group - Section C

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* (2010-2011 Edition) prepared by Professors Archibald, Aylward and Martin. 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* (2010-2011), Dalhousie University, Halifax - Available at the University Bookstore. (Obtain Volume I, *The Constitutional, Procedural and Policy Framework for the Criminal Law*, **Obtain immediately**).
- 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 on line 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
- 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
- Allan Manson, Patrick Healey and Gary Trotter, *Sentencing and Penal Policy in Canada* (2nd ed.), Emond Montgomery, Toronto, 2008
- 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 bilingual, annual *Code Criminelle 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 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.

(i) **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 exam component of the course if it is to your advantage to do so.

(ii) **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 component.

(b) **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 early in the winter term. We will work out the timing of the Moots in class early in the year.

(c) **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 marking curve or grade distribution. More details on the curve can be found in the 2010-11 Law School Calendar.

F. Grading Information:

The grading scheme and numerical and letter grade equivalents used at the LL.B. level in the Faculty of Law (which may differ from those used elsewhere in the University) are found in the 2010-2011 Calendar for the Faculty of Law. They are as follows:

Letter Grade	Equivalent
A+	85-100
A	80-84
A-	78-79
B+	75-77
B	70-74
B-	68-69
C+	65-67
C	60-64
D+	55-59
D	50-54
F	0-49

The permissible grade distribution for first year courses is as follows with a median between 70-72 marks:

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

G. 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 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.

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)

I. First Session Assignment

I look forward to meeting you on Tuesday, September 14th at 10:30 a.m. in Room 429. 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.