

**Criminal Justice: The Individual and the State**

(Section C, Small Group)

**COURSE SYLLABUS**

September 2008

**Professor James C. Martin**

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**Office Hours:** By appointment

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**Class Hours:**

**Fall Term**

Mondays 4:30 – 6:00 p.m.(Rm. 406)  
Wednesdays 4:30 – 6:00 p.m.(Rm. 309)

**Winter Term**

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

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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. 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* (2008-2009 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* (2008-2009 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* (2009), 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/))
  - the First Year Handbook (provided to all first year students and available from Assistant Dean's Office) and online at  
[http://law.dal.ca/Files/First\\_Year\\_Handbook\\_2007.pdf](http://law.dal.ca/Files/First_Year_Handbook_2007.pdf)

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.

## **1. Fall Term**

### **(a) Written Assignment – 15%**

The assignment will consist of a hypothetical problem or an essay type question and will be a “take home” assignment (times TBD).

### **(b) Mid-Year Examination**

Tentatively scheduled for Wednesday, December 3, 2008 at 2:00 p.m. The Christmas exam is “failsafe”, which means that it will only count (as 30% of the final exam component of your grade, i.e. 15% of your total grade) if this improves your final examination grade.

## **2. Winter Term**

### **(c) Oral Advocacy Exercise (Moot) – 25%**

Every first year student is required to take part in a moot (a mock appeal) as part of their small group during the winter term. We will work out the timing of the moots in class early in the year. Advocacy workshops will be provided by Prof. Ann Morrison prior to the assignment due date.

### **(d) Class Participation/Attendance – 10%**

You are expected to do the readings for each week, and 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.

### **(e) Final Examination – 50%**

Tentatively scheduled for Wednesday, April 8, 2009 at 2:00 p.m. The final exam is subject to improvement by your mid-year exam result. That is, if your final exam grade is higher than your mid-year exam, your final exam grade will comprise the entire 50% of your overall mark. If however, your mid-year exam is higher than your final exam grade, the mid-year mark will count for 30% of the exam portion (15% of your total mark).

## **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 2008-09 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 2008-2009 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**

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 wishing to request accommodation regarding exam writing or other aspects of evaluation must make the request in writing to the Studies Committee and should see Associate Dean Deturbide or Assistant Dean Hughes for more information. Material for the Studies Committee should be given to Tiffany Coolen-Jewers, administrative assistant to the Associate Dean.

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

Prof. Martin

September 8/08