

**Dalhousie Law School**

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

**Section B**

**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, sentencing and selected aspects of 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, 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, and Martin, *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)
  - Gary Rodrigues (ed.) *Carswells Pocket Criminal Code* (2009), 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).

- Eric Colvin, *Principles of Criminal Law*, Carswells/Thomson Publishing, Toronto, 1991 (out of print, on Reserve)
- Don Stuart, *Canadian Criminal Law: A Treatise*, (5<sup>th</sup> ed.), Carswell Thomson Publishing, Toronto, 2007 (in Bookstore / on Reserve)
- Don Stuart, *Charter Justice in Canadian Criminal Law*, (4<sup>th</sup> ed.) Carswell, Toronto, 2005 (in Bookstore / on Reserve)
- Allan Manson, *The Law of Sentencing*, (2<sup>nd</sup> ed.) Emond Montgomery Publications, Toronto, 2001 (on Reserve)
- Alan Mewett and Morris Manning, *Criminal Law*, (3<sup>rd</sup> ed.), Butterworths, Toronto, 1994 (on Reserve)
- Kent Roach, *Criminal Law*, (3<sup>rd</sup> ed.), Irwin Law, Toronto, 2004 (in Bookstore / on Reserve)
- George P. Fletcher, *Basic Concepts of Criminal Law*, Oxford U. Press, Toronto, 1998 (on Reserve)
- Annotated Criminal Codes: You should be aware that there are a number of 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 new *Practitioner's Criminal Code*, are probably the most comprehensive starting point, after text books, for Canadian criminal law research. However, you are not entitled to have these annotated codes in examinations.
- See also: Canadian Centre for Justice Statistics, *The Juristat Reader: A Statistical Overview of the Criminal Justice System*, Thomson Educational Publishing, Toronto, 1999 or equivalent material updated and on-line.

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

Teaching is by way of lecture, discussion of assigned reading materials including the *Criminal Code* (which is also used to illustrate 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 B 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 Wednesday, December 3, 2008 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 8, 2009 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 2008-2009 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. Accommodation for Disabilities:**

Students with disabilities who wish to request accommodation regarding exam writing or other aspects of evaluation must make the request in writing to the Studies Committee. Material for the Studies Committee can be given to Gwen Verge in the Associate Dean's Office on the 2<sup>nd</sup> Floor of the Law School. For information about accommodation, students may speak to Professor Elizabeth Hughes or Associate Dean Michael Deturbide.

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

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/regulation\\_handbook/](http://law.dal.ca/current_students/course_selection_materials/regulation_handbook/) or
  - the Orientation Handbook (provided to all first year students and available online at [http://law.dal.ca/Files/First\\_Year\\_Handbook\\_2006-2007.pdf](http://law.dal.ca/Files/First_Year_Handbook_2006-2007.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

## I. **First Session**

I look forward to meeting you on Tuesday, September 9 at 9:00 in Room 105. 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.