

AN INTRODUCTION TO SUBSTANTIVE CRIMINAL LAW

INSTRUCTORS: David Christie, BA, LLB and Lauren Whyte, BA, JD - Barristers and Solicitors

OFFICE HOURS: One hour before class each week, or as can be arranged

OFFICE LOCATION: Classroom

CLASSROOM: TBD

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TIME: 7:00 - 10:00 p.m.

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2016
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DATES: Thursdays, Sept 8- Dec 20,

COURSE DESCRIPTION

This course introduces the student to substantive criminal law. The course explores the history and purpose of criminal law, the basis of criminal responsibility, the elements of a crime and the application of criminal law in Canada. The course will examine fundamental legal concepts such as *mens rea*, *actus reus*, Causation, and Modes of Participation. In addition, the course will review the basic elements of criminal offences and common defences available in criminal law. Specific offences and the role of the *Charter* in relation to criminal law are also surveyed.

COURSE PREREQUISITES

Criminology 135.

EQUIVALENCY OR TRANSFERABILITY

CAMO Crim 270 (3)

KPU Crim 1207 (3)

SFU Crim 230 (3)

TRU-OL Crim 2309 (3)

TWU Huma 200 lev (3)

UFV Crim 230 (3)

UNBC Sosc 2xx (3)

UVIC Sosc 100 lev (1.5)

UAF Just F2 S (3)

UR JS 430 (3)

LEARNING OUTCOMES

Upon successful completion of the course, students will be able to:

1. Identify the constitutional and legal sources of criminal law and conduct and use legal research.
2. Describe the *Criminal Code*, *Charter of Rights and Freedoms*, and the criminal trial process
3. Analyze the relationship between morality, culpability, societal values and criminal law
4. Identify the elements of crimes describe each of these elements as described in statute and case law
5. Describe various methods of criminal participation and the elements of each as outlined in statute and case law
6. Identify legal defences to crime and describe the legal criteria of these defences

COURSE FORMAT

Course will be a total of 45 class hours plus a final exam. While class sessions will be in the lecture / seminar format, there will be strong emphasis on student participation and discussion. Students are expected to do the relevant readings prior to class and be prepared to engage in class discussions. Regular attendance is required.

ASSESSMENTS

Fact Patterns

Each student is required to submit a written answer to a set of assigned Study Questions from the text: *Criminal Law in Canada: Cases, Questions and the Code*. Each student will be assigned a set of Study Questions to answer, in writing, and to present orally, in class. Collectively, these questions will be worth 20% of each student's grade. Assigned questions and more details will be provided in class.

Essay

Students are also required to submit an 8 - 10 page, typed essay in APA format, which will be worth 20% of your final grade. Based on the lectures, readings, and research from a minimum of 10 sources, of which there must be **at least** 5 peer-reviewed journal articles, draft a written essay that addresses one of the topics provided in class. Available topics and more details will be provided in class.

Written assignments for this course must be word processed and meet the basic requirements for FORMAL ACADEMIC PAPERS (i.e. APA format, 12 point font, 1 inch margins etc.). Proper referencing (APA) is required. Note also that despite APA guidelines, we require that all quotations and paraphrases include the page number of the source when referenced.

Evaluation Guides and Tools

APA referencing guide

http://www.yukoncollege.yk.ca/library/pages/cite_your_sources

<http://www.lib.sfu.ca/help/writing/apa>

Criteria to evaluate the credibility of www resources

<http://mason.gmu.edu/~montecin/web-eval-sites.htm>

So, you have to write a term paper

<http://yclibw.yukoncollege.yk.ca/Handouts/WritingaResearchpaper.pdf>

Exams

There will be a midterm and a final exam.

Attendance and Participation

Students will be expected to have read and be prepared to discuss the assigned readings for each class. Students will also be expected to read and study materials handed out in class. Students are expected to participate fully in any group exercises that may be assigned during class time. Class attendance and participation will be worth 10% of your final grade.

Mere presence in the classroom is not sufficient. Students will be assessed for active listening skills, demonstrated knowledge of the required readings, and proven understanding of the issues. Students are encouraged to express their own views, to criticize the instructors' analysis, and to raise questions from current events that relate to course content. The Instructor will call upon individual students to answer questions about the materials each week. Students are strongly encouraged to keep up with the assigned readings and to be prepared for each class.

EVALUATION

Marks will be determined as follows:

Attendance and Participation	10%
Fact Patterns	20%
Essay	20%
Mid-Term Examination	20%
Final Examination	30%
Total	100%

REQUIRED TEXTBOOKS AND MATERIALS

Criminal Law in Canada: Cases, Questions and the Code, Sixth Canadian Edition, Simon Verdun-Jones, Simon Fraser University, Published by Thomson Nelson © 2015. ISBN-10: 0176529527; ISBN-13: 9780176529529

Additional handout materials will be provided by the Instructor in class. These materials will be provided to assist with learning the textbook materials and to facilitate better discussion. There will also assigned Case Law readings, either in

print form or online links to the case documents themselves, which students will be required to read.

WRITTEN ASSIGNMENT REQUIREMENTS

Written assignments for this course must be word-processed and fulfil the basic requirements for formal academic papers. You also should note that **LATE ASSIGNMENTS WILL BE PENALIZED BY ONE MARK PER DAY** unless an extension is legitimately warranted and approved by the course instructor in advance of the assignment due date. Assignments submitted late without instructor approval will not be graded.

ACADEMIC AND STUDENT CONDUCT

Information on academic standing and student rights and responsibilities can be found in the current Academic Regulations that are posted on the Student Services/ Admissions & Registration web page.

PLAGIARISM

Plagiarism is a serious academic offence. Plagiarism occurs when students present the words of someone else as their own. Plagiarism can be the deliberate use of a whole piece of another person's writing, but more frequently it occurs when students fail to acknowledge and document sources from which they have taken material. Whenever the words, research or ideas of others are directly quoted or paraphrased, they must be documented according to an accepted manuscript style (e.g., APA, CSE, MLA, etc.). Resubmitting a paper which has previously received credit is also considered plagiarism. Students who plagiarize material for assignments will receive a mark of zero (F) on the assignment and may fail the course. Plagiarism may also result in dismissal from a program of study or the College.

Do not jeopardize your academic future with plagiarism. It is dishonest and can have serious consequences.

ACADEMIC ACCOMMODATION

Reasonable accommodations are available for students requiring an academic accommodation to fully participate in this class. These accommodations are available for students with a documented disability, chronic condition or any other grounds specified in section 8.0 of the Yukon College Academic Regulations (available on the Yukon College website). It is the student's responsibility to seek these accommodations. If a student requires an academic accommodation, he/she should contact the Learning Assistance Centre (LAC) at (867) 668-8785 or lassist@yukoncollege.yk.ca.

YUKON FIRST NATIONS CORE COMPETENCY

Yukon College recognizes that a greater understanding and awareness of Yukon First Nations history, culture and journey towards self-determination will help to build positive relationships among all Yukon citizens. As a result, to graduate from ANY Yukon College program, you will be required to achieve core competency in knowledge of Yukon First Nations. For details, please see www.yukoncollege.yk.ca/yfnccr.

LORENE ROBERTSON WRITING CENTRE

All students are encouraged to make the Lorene Robertson Writing Centre a regular part of the writing process for coursework. Located in Room C2211 (in the College Library), the Lorene Robertson Writing Centre offers writing coaching sessions to students of all writing abilities. For further information or to book an appointment, visit the Centre's website: [dl1.yukoncollege.yk.ca/Writing Centre](http://dl1.yukoncollege.yk.ca/Writing%20Centre). At the instructor's discretion, students may be required to attend Writing Centre coaching sessions during the composition process of their paper(s) as a condition of assignment completion. At the instructor's discretion, students may be required to attend The Lorene Robertson Writing Centre.



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**CRIM 230: AN INTRODUCTION TO SUBSTANTIVE CRIMINAL LAW
TOPIC OUTLINE**

Chapters referred to are from: *Criminal Law in Canada: Cases, Questions and the Code*, Sixth Canadian Edition, Simon Verdun-Jones, Simon Fraser University, Published by Thomson Nelson © 2015. ISBN-10: 0176529527; ISBN-13: 9780176529529

DATE	TOPICS	REQUIRED READINGS
Sep 8	Introduction to Canadian Criminal Law <i>Fact Pattern Study Questions Assigned</i>	Chapter 1
Sep 15	The Actus Reus Elements of a Criminal Offence	Chapter 2
Sep 22	Causation in Canadian Criminal Law	Chapter 3
Sep 29	The Mental Element in Criminal Law: Subjective Liability	Chapter 4
Oct 6	The Mental Element in Criminal Law: Objective Liability	Chapter 5
Oct 13	The Special Case of Regulatory Offences: Strict and Absolute Liability in Canada	Chapter 6
Oct 20	Modes of Participation in Crime	Chapter 7
Oct 27	Mid-Term Examination	
Nov 3	Mental Impairment and Criminal Responsibility: The Defences of "Not Criminally Responsible on Account of Mental Disorder" (NCRMD) and Automatism	Chapter 8
Nov 10	Mistake of Fact, Consent and Mistake of Law as Defences to a Criminal Charge	Chapter 9
Nov 17	Partial Defences to a Criminal Charge: Provocation and Intoxication	Chapter 10
Nov 24	Necessity and Duress <i>Essays Due</i>	Chapter 11
Dec 1	Self-Defence and Defence of Property <i>Review for Final Exam</i>	Chapter 12
TBA	Final Examination	