

CRIMINAL LAW AND ITS PROCEDURE

SOCIOLOGY 77.372

COURSE OUTLINE

Section L01 Room 207 Robson Hall [Faculty of Law]

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Faculty of Law Robson Hall

Ph: 474-6158

Office Hours: My office is located on the main floor of Robson Hall (Faculty of Law). You will find that the door is closed -- JUST KNOCK & ENTER (the acoustics in the room are such that you would not hear me if I called out). Better yet contact me for an Appointment.

REQUIRED MATERIALS:

- -Stuesser, *Materials on Criminal Law and Its Procedure* (1999-2000) -- available through the book store

- Simon Verdun-Jones, *Criminal Law in Canada: Cases, Questions and the Code* (1997) - available through the book store

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EVALUATION:

A+= >90% A= 80-89% B+ = 75-79% B= 70-74% C+= 65-69% C= 60-64% D= <60%

- **-25% TAKE HOME ESSAY DISTRIBUTED IN ADVANCE ON OCTOBER 3 - Due Date OCTOBER 17**
- **-25% MID-TERM EXAMINATION - OCTOBER 24 -- Closed Book -- Statutes provided -- On Criminal Procedure Only**
- **-50% FINAL EXAMINATION -- EXAM PERIOD -- Closed Book -- Statutes**

provided -- On Substantive Criminal Law Only

COURSE OVERVIEW:

Criminal law and its procedure will introduce you to the criminal process. First, we will consider how the "system" of criminal law works. The reality of how justice is rendered in our criminal courts will be exposed for our examination and criticism. Emphasis will be placed on how an individual's rights are protected under law, most notably under the Charter of Rights and Freedoms. After you have a background of knowledge on how an accused comes before the court, we then will turn to the proof of guilt at trial. This is "substantive" criminal law. It is concerned with defining the rights and duties each person has in a society; it defines criminal conduct.

COURSE READINGS: T = Verdun-Jones Text S = Stuesser Materials

- 1) SOURCES OF CRIMINAL LAW: THE COMMON LAW S 1 -10, T 1-13
- 2) INTRODUCTION TO THE CHARTER OF RIGHTS & FREEDOMS S 11-25
- 4) THE CRIMINAL PROCESS/CLASSIFICATION & ARREST S 26-35
- 5) ARREST IN A PRIVATE DWELLING S 36-47
- 6) ARREST & THE CHARTER S 48-56
- 7) THE AUTHORITY TO SEARCH S 57-66

- 8) UNREASONABLE SEARCH & SEIZURE S 67-83
- 9) PRE-TRIAL PROCESS: CHARGE SCREENING & DISCLOSURE S 84-106
- 10) BAIL S 107-111
- 11) THE PLEA & THE TRIAL S 112-116, 126-132
- 12) SENTENCING S 133-140
- 13) **MID-TERM EXAMINATION**
- 14) INTRODUCTION TO ACTUS REUS T 24-47
- 15) CAUSATION
T 62-80
- 16) MENS REA T 85-90, 98-109, 118-123
- 17) NEGLIGENCE, STRICT & ABSOLUTE LIABILITY T 126-130, 134-175
- 18) PARTIES TO AN OFFENCE T 177-195
- 19) UNFULFILLED OFFENCES & MISTAKE T 196-216, 246-268
- 20) VOLUNTARINESS & INSANITY T 47-62, 219-233
- 21) INTOXICATION T 269-283
- 22) DEFENCES: NECESSITY & DURESS T 283-302
- 23) PROVOCATION & SELF-DEFENCE T 305-332
- 24) REVIEW

APPEAL OF MID-TERM & TERM WORK ASSESSMENTS:

A student who wishes to appeal a grade given for a piece of term work is normally allowed 10 working days

(from date of communication of the grade) to make such an appeal, which is to be done as follows:

- 1) The student is expected to discuss matters relating to the grade with the instructor prior to submitting a formal, i.e., written appeal.
- 2) Having decided to submit a formal appeal, the student is to obtain the necessary "Application for Appealing a Grade Given for Term Work" form from the General Office of Sociology, complete it, take it to The University of Manitoba Comptroller's Office and pay the required fee.

MISSED EXAMINATIONS & LATE ASSIGNMENTS

If a test is missed for legitimate medical reason the student **MUST** get in touch with the professor, present a medical certificate, and arrange for a make-up test. Under normal circumstances, the student is required to inform the professor of a request for a make-up test within one week of the original test date. Failure to request a make-up test within the expected time frame may result in ineligibility for a make-up test and a mark of zero for that test. No make-up will be allowed after the mid-term examination has been returned or taken up in class. One mark per day will be deducted for late submission of the assignment. No assignment will be accepted after the return of the marked assignments and the student will receive a zero for the assignment.

POLICY ON PLAGIARISM AND CHEATING

The rule is simple: Plagiarism and cheating are not allowed in this course. See the University of Manitoba General Calendar on page 26.