

**UNIVERSITY OF MANITOBA  
DEPARTMENT OF SOCIOLOGY 077.372 L01  
CRIMINAL LAW & PROCEDURES (3 CR HRS)  
COURSE OUTLINE (TERM 1)**

Monday Evening September 8, 2003 to December 1, 2003  
Room 214 Tier Building 7:00 p.m. until 10:00 p.m.

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Office Hours: Consultations with students could occur via e-mail, fax, telephone, on campus either before or after Monday evening class or by attendance at my law office at a mutually convenient time and date.

**REQUIRED MATERIALS:**

- Stuesser, *Materials on Criminal Law and Its Procedures* - available through the book store
- Simon Verdum-Jones, *Criminal Law in Canada: Cases, Questions and the Code (3<sup>rd</sup> ed 2001)* - available through the book store

**EVALUATION:**

A+ = 90-100%	A = 80-89%	B+ = 75-79%	B = 70-74%
C+ = 65-69%	C = 60-64%	D = 50 - 59%	F = less than 50%

- 25% TAKE HOME ESSAY DISTRIBUTED IN ADVANCE ON SEPTEMBER 29, 2003  
- DUE ON OCTOBER 13, 2003 in class or no later than 7:00 p.m.
- 25% TEST - OCTOBER 20, 2003 - *closed book*
- 50% FINAL EXAMINATION - IN EXAMINATION PERIOD. Time and date to be provided by Student Records - *closed book*

## **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 justice and manner rendered in our criminal courts will be exposed for our examination and criticism. Emphasis will be placed on individual rights, their protection under law and most notably under the Charter of Rights and Freedoms. Once you have a background of knowledge respecting the way an accused comes before Court, we will contemplate 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: [REVISED] T=Verdun-Jones Text S = Stuesser Materials**

September 8	SOURCES OF CRIMINAL LAW: THE COMMON LAW	S 1-10 T 1-13
	INTRODUCTION TO THE CHARTER OF RIGHTS & FREEDOMS	S 11-25
September 15	THE CRIMINAL PROCESS/CLASSIFICATION & ARREST	S 26- 47
	ARREST & THE CHARTER	S 48-56
September 22	THE AUTHORITY TO SEARCH	S 57-66
	UNREASONABLE SEARCH & SEIZURE	S 67-83
September 29	PRE-TRIAL PROCESS: CHARGE SCREENING & DISCLOSURE	S 84-106
	BAIL	S 107-111
October 6	THE PLEA & THE TRIAL	S 112-116, 126-132
	SENTENCING	S 133-140
October 13	HAPPY THANKSGIVING - NO CLASS	

October 20	IN CLASS TEST (25%)	
October 27	INTRODUCTION TO ACTUS REUS	T 26-31, 38-47
	CAUSATION	T 68-88
November 3	MENS REA	T 91-96, 105-116, 118-119, 123-128
	NEGLIGENCE	T 132-136, 145-153
November 10	STRICT & ABSOLUTE LIABILITY	T 157-174, 176-182
	PARTIES TO AN OFFENCE	T 185-204
November 17	UNFILLED OFFENCES & MISTAKES	T 204-224, 272-279
	VOLUNTARINESS	T 47-64
November 24	MENTAL	T 227-242
	INTOXICATION	T 279-292
December 1	DEFENCES: NECESSITY & DURESS	T 292-308
	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 (ie., 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 a 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.

Students should acquaint themselves with the University’s policy on ‘Examinations: Personations’ (p. 28) and ‘Plagiarism and Cheating’ (p. 29) found in the Undergraduate Calendar.

**VOLUNTARY WITHDRAWAL DEADLINE IS NOVEMBER 12, 2003.**