

**UNIVERSITY OF MANITOBA**  
**DEPARTMENT OF SOCIOLOGY**  
**SOC 3720 A01**  
**CRIMINAL LAW AND PROCEDURE – 3 CREDIT HOURS**  
**Wednesday Evenings 7pm-10pm (September-December 2012)- 308 Tier Bldg**

**Jodi Koffman B.A., LL.B.**

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**Office Hours:** By appointment only. I am available through email at all times to arrange a meeting.

**COURSE OVERVIEW:**

This course will serve to introduce you to the criminal justice process. It is important to understand the procedures and practices that govern criminal law; from initial arrest to sentencing. This will include discussions relating from youth law to how the Charter of Rights and Freedoms has affected our criminal justice system. In the second half of the course, we will examine case law that has been instrumental in shaping our Criminal Code and common law.

**REQUIRED MATERIALS:**

1. Joan Brockman and V. Gordon Rose -*An Introduction to Canadian Criminal Procedure and Evidence- 4<sup>th</sup> Edition*- (available through the University of Manitoba Bookstore)- REQUIRED
2. *Case Law (see reading list)*- rather than make you pay for another textbook, you can print out the cases off your personal computer or have them downloaded on to your computer to allow you to read them and follow along in class - [www.canlii.org](http://www.canlii.org)- REQUIRED

**EVALUATION:**

A+ = 95-100%	A = 86-94%	B+ = 80-85%	B = 79-70%
C+ = 69-65%	C = 60-64%	D = 50-59%	F = less than 50%

25% - Midterm exam (to be done during class on October 10<sup>th</sup>)

15% - Abstract/proposal

5% - Participation/attendance

45% - Final Paper (Details to be discussed during class- due in class on December 5<sup>th</sup>)

10% - Presentations

**IMPORTANT INFORMATION:**

Students should acquaint themselves with the online University of Manitoba Academic Calendar and Catalog: <http://umanitoba.ca/calendar> and refer to the section on General Academic Regulation:

Section 5 - Academic Evaluation: Personation at Examinations (Section 5.2.9) and

Section 8 - Academic Integrity - Plagiarism and Cheating (Section 8.1)

**Deadlines for papers are final. Students are expected to hand in papers on time and be present for the midterm. Failure to do so may result in an F. Should there be an exceptional circumstance, I expect to be informed PRIOR to the test/due date of the paper. I will determine whether the circumstance merits an extension or not. If not, students must hand in papers on time and be prepared to write the mid-term on time.**

**READINGS:**

*\*\*Depending on class discussions, we may have “spill over” into the following week’s class. We may not get through all of the following topics within the allotted time frame. It’s hard to predict how much material we will get through so this is a TENTATIVE reading list. Chances are we won’t get through all of the assigned reading as listed below.*

**Part 1- Criminal Procedure**

September 12, 2012- Read chapters 1-3 of Brockman/Rose’s textbook

September 19, 2012- Read chapters 4-6 of Brockman/Rose’s textbook

September 26, 2012- Read chapters 9-11 of Brockman/Rose’s textbook

October 3, 2012- Guest Speaker

October 10, 2012- *MIDTERM EXAM* (to be completed during class hours)

October 17, 2012- Readings TBA announced- We will be exploring youth law and the Charter of Rights and Freedoms

**Part 2- Criminal Law**

October 24, 2012- Read sections on Actus Reus (Commission, Omission, Voluntary)

October 31, 2012- Read sections on Actus Reus (Causation) and Mens Rea (Intention and Negligence)

November 7, 2012- *Paper Proposals Due*. Read sections Mens Rea (Knowledge, Wilful Blindness, Absolute/Strict Liability, Mistake of Fact)

November 14, 2012- *Last day for voluntary withdrawal*. Read sections on Incapacity.

November 21, 2012- Presentations

November 28, 2012- Presentations

December 5, 2012- *FINAL PAPER DUE IN CLASS*. Presentations. Final Class.

# CASE LAW READINGS- CRIMINAL LAW AND PROCEDURE

## A. ACTUS REUS

### **The Commission of the Elements of the Offence**

1. *R. v. Oppal*
2. *Hutt v. The Queen*
3. *R. v. Ssenyonga*
4. *R. v. Currier*

### **The Failure to Act/Omissions**

1. *R. v. Miller (C.A.)*
2. *R. v. Miller (H.L.)*
3. *R. v. Thornton (Ont. C.A.)*
4. *R. v. Thornton (S.C.C)*
5. *R. v. Browne*

### **The Act Must be Voluntary**

1. *Kilbride v. Lake*

### **Causation**

1. *People v. Lewis*
2. *R. v. Smithers*
3. *R. v. Harbottle*
4. *R. v. Nette*
5. *R. v. Blaue*

## B. MENS REA

### **Intention and Recklessness**

1. *R. v. Steane*
2. *R. v. Theroux*
3. *R. v. Vandergraaf*

### **Negligence**

1. *R. v. Tutton*
2. *R. v. Hundal*

### **Knowledge**

1. *Beaver v. The Queen*
2. *R. v. Blondin*

### **Wilful Blindness**

1. *R. v. Currie*
2. *R. v. Sansregret*

### **Absolute and Strict Liability**

1. *Levis (City) v. Tetreault*

### **Mistake of Fact**

1. *Pappajohn v. R.*
2. *Sansregret v. R.*
3. *R. v. Ewanchuk*

## **C. INCAPACITY**

### **Mental Disorder**

1. *R. v. Cooper*
2. *R. v. Chaulk*

### **Automatism**

1. *R. v. Parks*
2. *R. v. Stone*
3. *R. v. Grant*

### **Intoxication**

1. *R. v. Daviault*

### **Party to an Offence**

1. *Dunlop & Sylvester v. The Queen*
2. *R. v. Nixon*

### **Conspiracy**

1. *R. v. O'Brien*

### **Duress**

1. *R. v. Carker*

### **Necessity**

1. *R. v. Latimer*

### **Self-Defense**

1. *R. v. Cadwallader*

### **Provocation**

1. *R. v. Parent*