

UNIVERSITY OF MANITOBA
DEPARTMENT OF SOCIOLOGY
SOC 3720 A01
THE CRIMINAL LAW AND ITS PROCEDURE – 3 CREDIT HOURS
Wednesday Evenings 7pm-10pm – 215 Tier (January – April 2018)

Sessional Instructor: Jennifer Mann

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Office Hours: 6:00 – 7:00 Wednesdays, 301B Isbister

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 and appeal. We will also examine the elements of a criminal offence and common defences. Classes will be taught primarily through group discussion format.

MATERIALS:

1. *Pocket Criminal Code 2018* (available through the University of Manitoba Bookstore) - **REQUIRED**
2. CanLii is a free on-line case law search tool which you will need to access the cases noted below in the Readings Section.

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%

5% - Participation/attendance

10% - Court Assignment (due **March 28, 2018** – students can expect to receive their grades for the assignment on or before April 4, 2018)

40% - Midterm exam (to be done during class on **February 28, 2018** – students can expect to receive their grades for the midterm exam on or before March 7, 2018)

45% - Final Exam (3 hours)

COURT ASSIGNMENT

You will be required to attend court (408 York Avenue) for at least ½ day and attend at least one sentencing hearing.

You must complete a 1,000 word typed report. Further information will be provided as to the specific issues you will need to address in the report. The report is due March 28, 2018 at the start of the class. There will be no extensions given to this deadline (absent exceptional circumstances – see “Important Information” below) and you will receive a “0” on the assignment if it is not submitted on or before the due date.

READINGS:

***It is expected that you will read the readings **in advance** of the applicable class.*

January 3rd – Introduction to Canadian Criminal Law and the *Charter of Rights and Freedoms*

Sections 7 – 14 and 24 of the *Charter of Rights and Freedoms*

January 10th – The Criminal Process and Crown Disclosure

R. v. Quesnelle, 2014 SCC 46

January 17th – Judicial Interim Release, Variations, Reviews

Sections 496 – 499, 501, 503, 509, 515 – 525 of the *Criminal Code*; *R. v. Antic*, 2017 SCC 27; *R. v. St-Cloud* 2015 SCC 27

January 24th – Preliminary Inquiries and Pre-Trial Motions

Sections 535 – 542 of the *Criminal Code*

January 31st – Trials and Evidence

Sections 638, 651 of the *Criminal Code*; *R. v. W.(D.)* [1991] 1 S.C.R. 742; *R. v. Khelawon*, 2006 SCC 57; *R. v. Handy*, 2002 SCC 56

February 7th - Sentencing

Criminal Code, sections 718 – 718.21, 719, 721, 722 – 724, 726; *R. v. Ipeelee*, 2012 SCC 13; *R. v. Harper (J.)*, 2016 MBCA 64

February 14th – Appeals

R. v. Lacasse, 2015 SCC 64; *Housen v. Nikolaisen*, 2002 SCC 33

February 21st – Spring Break

February 28th – Mid-Term Examination

March 7th – Actus Reus and Causation

R. v. Nette [2001] 3 S.C.R. 488; *R. v. Maybin*, 2012 SCC 24; *R. v. Ewanchuk* [1990] 1 S.C.R. 330

March 14th – Mens Rea and Intoxication

Section 33.1 of the *Criminal Code*; *R. v. Daley* [2007] 3 S.C.R. 523; *R. v. Tayfel*, 2009 MBCA 124; *R. v. Chin*, 2007 MBQB 248

March 16th – Last day for Voluntary Withdrawal

March 21st – Parties to the Offence and Unfulfilled Crimes

Sections 21 – 22, 23 - 24, 239, 463 – 467 of the *Criminal Code*; *R. v. Deutsch* (1986), 27 C.C.C. (3d) 385 (S.C.C.); *R. v. Alcantara*, 2015 ABCA 258 aff'd *R. v. Knapczyk*, 2016 SCC 10; *R. v. Hamilton* [2005] 2 S.C.R. 432; *R. v. Duong*, (1998), 124 C.C.C. (3d) 392 (Ont.C.A.); *R. v. F.(J.)*, [2013] 1 S.C.R. 565

March 28th – Mental Impairment and Criminal Responsibility, **Court Assignment Due.**

Sections 16, 672.23, 672.54, 672.64, 672.84 of the *Criminal Code*; *R. v. Bouchard-Lebrun* 2011 SCC 58; *R. v. Stone* [1999] 2 S.C.R. 290; *R. v. Fontaine*, 2004 SCC 27

April 4th – Defences: Provocation, Self-Defence, Necessity, Duress, Corrective Force

Sections 17, 34 – 35, 43, *R. v. Latimer* [2001] 1 S.C.R. 3; *R. v. Ruzik*, 2001 SCC 24; *Canadian Foundation for Children, Youth and the Law v. Canada (A.G.)*, 2004 SCC 4; *R. v. Pappas* 2013 SCC 56

The Final Exam will be scheduled during the exam period.

IMPORTANT INFORMATION:

Students are expected to be present for the midterm and final exams and the court assignment must be submitted by the deadline. Failure to do so may result in an F. Should there be an exceptional circumstances requiring an extension of the deadline or requiring the exam to be written on a later date, I expect to be informed PRIOR to the deadline for the court assignment or date of exam. If the reason is medically related, a doctor's letter will be required. I will determine whether the circumstance merits an extension or not. If not, students must be prepared to write the examination/submit the assignment as scheduled.

Students are permitted to use the 2018 Pocket Criminal Code during the midterm and final exams provided there are no added notations in the copy used. It may be highlighted or tabbed. No other material (books, notes, etc.) will be permitted.

Students should acquaint themselves with the University's policy on plagiarism, cheating, exam personation, (“**Personation at Examinations**” (Section 5.2.9) and “**Plagiarism and cheating**” (Section 8.1)) and duplicate submission by reading documentation provided at the Arts Student Resources web site -

http://umanitoba.ca/faculties/arts/student_resources/student_responsibilities_integrity.html.

Ignorance of the regulations and policies regarding academic integrity is not a valid excuse for violating them.

Any term work that has not been claimed by students will be held for four (4) months from the end of the final examination period for the term in which the work was assigned. At the

conclusion of this time, all unclaimed term work will become property of the Faculty of Arts and be destroyed according to FIPPA guidelines and using confidential measures for disposal.