

Fall 2002
Camosun College
Criminal Justice Department

Crim 270

CRIMINAL LAW AND DEFENCES

COURSE OUTLINE

Instructor: Brian D. Young
Office: Y205
Phone: 370-3109

Office hours will be posted in a timetable beside my office door. The best time to see me is before or after class. You can make an appointment to see me if you get really desperate. Consultation during office hours is included in the course fee. House calls are extra.

Credit: 3 - The credits are redeemable at other fine learning establishments. No cash value. Please ask for further details, consult the Camosun Calendar, or call the college President at home at 555-4317.

Format: Two classes per week of about 1 hour and 21 minutes of scintillating discussion and engrossing lectures per week. Classes are scheduled for Tuesday's and Thursday's at 8:30 am. The class lectures are the primary source of learning. That means, in other words, you should not skip class. While most people think a class or two here or there is not bad...
BE WARNED: if I thought you could learn everything from a textbook why would I bother coming to class and robbing the college of the small amount of petty cash the college has left after the Dean chops the really crucial programs.

1. COURSE OBJECTIVES

This course is one of the first to be completely designed using CAD technology and high profile designated designers who have just worked on the new Disney movie (does any one ever read this?). In other words, this course will give you an advanced framework of understanding of the criminal law in Canada. This course examines in detail the theory behind some of the key concepts in our criminal law.

The course begins with a procedural review of criminal law. This is necessary to ensure all students have an equal understanding of basic concepts and principles. Although this may seem repetitive for some, especially those who took Crim 154 from me, a good understanding of the basics is necessary before moving on to the more advanced studies.

The next focus in the term will be an examination of the two main principles behind criminal offences: *actus reus* and *mens rea*. These principles will be examined through class lectures, a study of relevant case law, and sample fact patterns. After this, the remainder of the term will be studying the key defences to criminal offences. This will also be undertaken through lectures, case law and fact patterns. We study the criminal defences as they demonstrate the essential elements and principles of criminal law.

This course also offers you the opportunity of starring in a real criminal trial (sort of). In late November we will be conducting a mock criminal trial - complete with a judge, witnesses, police officers and of course the nasty offender. The trial is conducted entirely by you, the students. The facts involve the seedy world of downtown Victoria and a murder at some seedy nightclub downtown. Those who participate are given bonus marks that are added to the final mark at the end of term. The trial takes place in one of the courtrooms at the courthouse downtown. We usually try to do it on a regular class night. Past years have shown that it is one of the highlights for students. More details on this momentous event will follow.

Attendance in class is expected as many of the more complicated concepts will be easily learned by the examples given in class. Memorizing the material is not as important as becoming familiar with the principles and the concepts (but still kinda impressive). This course is not passable by simply reading the text. By the end of this class you should be well equipped to commit a criminal offence and defend yourself.

2. THE FOLLOWING IS COLLEGE POLICY. READING THIS HEREOFRE MENTIONED SAID POLICY WILL HEREAFTER ENSURE YOU SHALL HAVE HENCEFORTH A CLEAR UNDERSTANDING OF THINGS THAT HEREOFRE BEFORE WERE UNDERSTANDABLY NOT AS UNDERSTOOD AS THEY SHOULD HAVE HEREUNTOFORE BEEN ACKNOWLEDGED.

TEACHING OBJECTIVES

- A. To ensure students understand the basic principles, procedures and substantive areas of criminal law.
- B. To foster a class time of open discussions and participation between students and the instructor that is educational and enlightening.
- C. To show the students the various sources of criminal law and provide students with the tools to understand and critique the criminal justice system, its offences and defences.
- D. To allow students to explore areas of criminal law that are of interest to them through papers and other activities.
- E. To allow students to participate in a mock trial that as closely as possible replicates a true criminal trial.
- F. To allow students a reason not to pay back their student loans.

STUDENT LEARNING OBJECTIVES

Pick one or more of the following:

- A. To get through the course with as little effort as possible.
- B. To be able to critically analyze the criminal law and its main components and theories.
- C. To be able to articulate ideas in class and foster discussion with the instructor and other class participants.
- D. To be able to prepare a critical opinion and analysis on a set of facts.
- E. To gain a greater understanding of the criminal law and the defences available.
- F. To get a date.

3. REQUIRED TEXTBOOKS

1. *Criminal Law in Canada, Cases Questions and the Code*
Second Edition, Simon N. Verdun Jones, Harcourt Brace

This fine book is available at your friendly bookstore. On-the-spot financing is available. The first edition may be used but be sure to consult with me first as it is now five years old. The text is carefully chosen to offer the best supplementary readings to the lectures. It is required reading but note that it is supplementary: the lectures are the key to this course.

2. The Criminal Code

A copy of a *Criminal Code* is necessary. Either get one or have access to one on a regular basis. A new one is not needed as long as it is not more than a five years old. For example, do not get one earlier than 1996. The library (that's the big building with all the books) has a few *Criminal Codes* that you can access with your handy library card. Try to get one that is annotated (has cases appended to each section or offence). The library is just now starting to save old *Criminal Codes* so selection may be limited. Do not always wait until the last minute and assume the library will have one.

3. *Young's 2002 Crim 270 Annotated Casebook*

This fine casebook is required for this course. Past years have shown this to become a true collectors item. This casebook is the result of hours of research and preparation by a team of legal experts. It consists of a number of cases carefully selected with you in mind. The cases are annotated and include sections from the *Criminal Code* that are relevant. You must purchase one and bring it to each class. I update and annotate the casebook each summer - so do not get one from last year. The casebook is also very useful for writing the term paper. It will also impress your friends if left on the coffee table or at the Douglas Hotel.

4. ADDITIONAL SOURCES

Students are expected to read (your kidding) all the handouts, including this one. That means the cases, articles, the textbook and the casebook. The handouts and text are part of the course and students will be responsible for these at exam time.

The library at the College has an excellent selection of criminal law related texts, books and periodicals. Students should familiarize themselves with the library's holdings. Library tours are available (remember to take a buddy). A detailed list of criminal law related material is available just for asking.

The law library at Uvic is also open to students from Camosun. It is located in the Faculty of Law building across from the stadium.

During term students should keep up to date on the latest news that deals with criminal law issues. Local trashy newspapers are great for crime stuff. Students may also attend at any of the courthouses in Greater Victoria. All trials are open to the public - admission is

free. Any student wishing to perpetrate a crime during term could earn extra credits and the rest of us could follow your progress (Liability note: just kidding).

5. GRADING SYSTEM

Unlike other years where I have let students chose their own marks, this year you will be graded by me.

A+	95-100	A	90-94	A-	85-89	B+	80-84
B	75-79	B-	70-74	C+	65-69	C	60-64
D	50-59	F	0 -49				

A standing of INC means incomplete and is only given after consultation with me. This normally applies if you complete all but one of the assignments. Please note that all of the assignments are required. You can not selectively choose to omit one and still pass the course. Let me put this another way: if you miss one assignment, give up – you will fail.

Exams are marked only for answers given - there is no deduction for unanswered questions. Papers are marked as a percentage of the term grade. The mark is also given as a letter grade for students. All students are marked independently of each other.

Spelling and grammar are very important. While this may not be an English course, I get paid the big bucks to teach you a number of things: just one of which is criminal law. Be sure to proof read your paper very carefully. Spill cheques often myth sum whirreds spilled connectivity yet our owed off contacts.

Sadly, I have seen many “A” papers end up as a “B” due to poor spelling and grammar. Please do not let this happen to you. If you use a computer and still hand in a paper with speling errors, you will have your diodes rearranged! Spelling on exams is not as critical, but at least give it a try.

At any time I am available to discuss the marking system, your individual marks, the course... or life in general. Please do not hesitate to come and see me.

6. STUFF YOU HAVE TO DO TO PASS THE COURSE:

Each course I teach takes countless hours of development by our Research and Development arm of the Crim Justice Department. Consultation with thousands of former students allows me to decide just how students in each term should be graded. Throughout each summer I test-run assignments on student laboratory mice to see how the assignments work and if they are fair. This is not an easy task. Finding mice who work the way students do, is tougher than it looks. In the end, it is hard to pick

assignments that please everyone. The bottom line, therefore, is just to make sure that I, and the Research and Development mice, am happy.

Mid Term Quiz	15%
Court of Appeal Decision	40%
Final Exam	45%
	100%

A. Mid Term Quiz – value 15%

This is a quiz that will take place about mid term. (duh) It will be on October 17, 2002.

B. Court of Appeal Decision - value 40%

This assignment is due in class on November 14, 2002. This assignment will not be accepted if it is handed in late. The purpose of the paper is to apply your incredible knowledge gained in this course, and life in general, to a fictitious character who has just completed a trial in the British Columbia Supreme Court and is now appealing to the British Columbia Court of Appeal. Your assignment will be to write a Court of Appeal judgment as if you were one of the judges hearing the appeal. A detailed assignment sheet will be distributed. The following guidelines apply to this assignment:

- a. Due November 14, 2002. There will be (note this) no late papers;
- b. Length must be a maximum of 10 pages, typed double space (no crayons);
- c. Title page required (but not one of the 10 pages);
- d. Plagiarism is a most serious indictable offence. So serious in fact that the federal government has plans to incorporate it in the *Code*.
- e. Your decision must refer to cases we have discussed in class
- f. You may work in pairs (no more)

This assignment is out of 40 and will be graded as follows:

Presentation	5
Content:	
Analysis of facts	10
Analysis of defences	10
Understanding of law	10
Grammar/spilling]punkt' uiton	5
	40

B. Final Exam - value of course grade is 45%

This exam is scheduled by the College and is held during final exam week. The date is not changeable. Do not plan trips to Esquimalt, Duncan, or other exotic points and

expect the date to be changed. The format for the Final will be discussed in class. The Final covers the **whole course** and all the handouts (which is to say, it is comprehensive). You are allowed three hours to complete the final but experience, and results from the mice, dictates that the average time needed is under two hours. If you are not licensed to operate a writing device you will need considerably longer.

C. Mock Trial - bonus marks attributed for participation

One of the highlights of the term (other than the scintillating lectures) is the mock trial. This takes place in a courtroom at the courthouse downtown and will as accurately as possible resemble a real murder trial. Students will volunteer to participate as judge, lawyers, witnesses and the accused. Demand to participate is always high. Not everyone who wants to participate can and lucky winners will be drawn from my old Double Bubble mug. Those who do not participate must attend and watch. All participants are given bonus mark(s) depending on the role played. The bonus mark is applied to the overall mark at the end of the term.

7. DETAILED COURSE OUTLINE

	TOPIC	READING
First Class	Introduction Discussion of outline and course requirements	Preface and Chapter 1
Second Class	Review of Terms Discussion of textbook Discussion of casebook Background - types of offences Overview of justice system Sources of legislation	Chapter 1
Third Class	Procedure Review - courts, players, trials - arrest and charge procedures - plea types - burdens	Chapter 1 - 2
Some other class	Actus Reus - elements of offences - history - application	Chapter 2 Casebook
Some other class....	Causation	Chapter 2 - 3

Voluntariness Automatism	Casebook
<hr/> Mens Rea - the other element to an offence - history and application - significance in offences - necessity of proof - Mens Rea as a defence itself - What is knowledge? - Direct and Indirect knowledge - What is intention? - The different types of intents	Chapter 3 - 4 Casebook
<hr/> OBJECTIVE LIABILITY - Criminal Negligence Causing Death Casebook - Manslaughter - Regulatory Offences - Strict Liability - Absolute Liability	Chapter 4 - 5
<hr/> DEFENCES PART 1 (not necessarily in this order) - duress - necessity - provocation - justification and excuse - immunity - children, crown, your spouse - internationally protected persons - military personnel - mental disorder - diseases of the mind - automatism - fitness to stand trial	Chapter 7,8,9 Casebook
<hr/> DEFENCES PART 2 - aiding and abetting - Charter of Rights issues - intoxication - defence of property and of others - self defence - necessary force - mistake of fact - mistake of law - procedural defence vs. defence to offences	Chapter 6, 7 8,9 Casebook

- entrapment
 - people in Authority
 - ship's captain, doctor, pilot, College Prof!
 - alibi
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Dates are not provided for the specific topics. It is impossible to gauge the speed at which we will travel through this minefield. You will, however, always know where we just were and where we are about to go. If you are ever feeling lost either come and see me or call the SPCA.

If there is a particular area or defence you wish to know about, just ask! Not all of the areas covered are in the textbook. Other defences are not in the cases or in the text and you only get those if you come to class. **WARNING:** if you miss a class you better get someone's notes.

8. SOME GENERAL CLASS POLICIES

1. Regular attendance and participation are expected. There is an old saying that even if you come to class and take no notes, you leave with some new knowledge. The other old saying is that if it was said in class, it can be on an exam. This also implies that you should learn to take good, clear, class notes (which is probably a saying from somewhere).
2. Please arrive in class on time. It is disruptive for other students and I will not repeat what was said if you are late.
3. Please do not bring food to class unless you intend to share it (which does not mean talking with your mouth full). Beverages are okay - burgers and fries, for example, are not.
4. Prepare for class. This means do the readings and reading the cases. You will get a lot more out of class if you are at least up to date on what we are doing. If you stay up to date, exams are a lot easier.
5. Ask questions. The worst question is the one not asked.
6. Cheaters do not prosper (unless of course you are never caught). The Criminal Justice Department and the College have very strict policies on cheaters. I have zero tolerance for cheaters. Cheaters will be publicly ridiculed, sent to Abu Dhabi and stoned (which is quite a bit more painful than being sent to Amsterdam and getting stoned).
7. Please provide feedback to your instructor on the course, the book, the cases or whatever. Your input is respected and valued: after all, you're payin' big bucks to be here.

8. Students who receive a B+ grade or higher on any assignment are not permitted to whine for more marks. Students who receive less, are free to whine.

If you have any questions about this outline, please see me in class or in my office.

Have a great term.