

Fall 2004  
Camosun College  
Criminal Justice Department

## **Crim 270**

# **COURSE OUTLINE**

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Office hours will be posted in a timetable beside my office door. The best time to see me is 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.

Notice I have put my email address up there. Don't think that means you can email me your life story or little whines. Don't care. Don't wanna know. The email is for you to contact me about important stuff. So... no jokes and nothing you wouldn't show your ma.

**AND, DO NOT SUBMIT ANY ASSIGNMENTS BY EMAIL. THEY WILL NOT BE ACCEPTED.**

**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, totaling almost three hours, of scintillating discussion and engrossing lectures per week. Each class is one hour and 20 minutes (give or take a minute). Lectures are the primary source of learning. Although not graded specifically for discussion, students are asked, coached, prodded, and even cajoled into participating. The more you ask and involve yourself, the more you will get out of this adventure.

### **1. COURSE OBJECTIVES**

This course is designed to 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 are up to date on the various procedures. 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. For all of the term we will be using the textbook, casebook and Criminal Code of Canada.

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. In fact, some students did that and they barely passed and have struggled ever since (they're lawyers). By the end of this class you should be well equipped to commit a criminal offence and defend yourself.

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 Legends Nightclub. 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. Past years have shown that it is one of the highlights for students. More details on this momentous event will follow

## **2. TEACHING AND LEARNING OBJECTIVES**

These objectives are set by the college. They are the same on each and every outline (give or take a word) you will get. Great way to inspire individualism! Any how, read at your own will and on your own time.

My 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.

Your 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 a number of 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. A copy of a *Criminal Code* is really helpful, but borrowing one is likely okay. 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 1998. 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. I used to lend out Criminal Codes and if you can find the students who borrowed them please feel free to continue this ongoing theft issue.

#### 3. *Crim 270 Annotated Casebook*

This casebook is required for this course. It is available in the bookstore for a minimal charge – cheaper than you could photocopy one. I update and annotate the casebook each summer - so do not get one from last year. The casebook consists of criminal law cases we will be studying in class. The casebook is also very useful for writing the term paper. It will also impress your friends if left on the coffee table.

### 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

As much as I will likely think you are great, you must be graded. Letter grades are assigned for your course mark. The letter grades are set by the College.

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.

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.

The College also offers excellent assistance to students. Please see the following:

### **LEARNING SUPPORT AND SERVICES FOR STUDENTS**

There are a variety of services available for students to assist them throughout their learning. This information is available in the College Calendar, Registrar's Office or the College web site at [www.camosun.bc.ca](http://www.camosun.bc.ca)

### ACADEMIC CONDUCT POLICY

There is an Academic Conduct Policy. It is the student's responsibility to become familiar with the content of this policy. The policy is available in each School Administration Office, Registration, and on the College web site in the Policy Section.  
[camosun.bc.ca/divisions/pres/policy/2-education/2-5.html](http://camosun.bc.ca/divisions/pres/policy/2-education/2-5.html)

#### 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. Once we have received back the questionnaires that we mail to thousands of students, the results are tabulated and the final scores kept by Price Waterhouse. Based on this I then test-run assignments on student laboratory mice to see how the assignments work and if they are fair. This is not easy task. Finding mice that 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.

Case Brief	30%
Mid Term	20%
Final Exam	40%
Spilling texts	10%
	100%

**PLEASE NOTE: ALL OF THESE ASSIGNMENTS ARE REQUIRED. IF YOU MISS ONE YOU FAIL. GOT IT?**

#### A. Case Brief – value of course grade is 30%

This assignment requires students, working in groups of 2 as a “legal team” (Kobe eat your heart out), to chose a criminal case from the Supreme Court of British Columbia or the British Columbia Court of Appeal and provide a brief about the case. The brief will be due **November 19, 2004**.

Each “legal team” must provide a brief based on the following guidelines:

1. The brief must be on a B.C. case that deals with one of the principles or defences (at least one) we cover in this course. The case can be picked from the

Canadian Criminal Cases reporting series in the library (or other such source) or from the B.C. Superior Courts website;

2. The case picked must be attached to the brief;
3. Each brief must be no more than five typed pages;
4. The brief must set out, in the “teams” own words, a summary of the key facts, an outline of the legal issues, and a discussion of how the principles or defences were applied.

The brief will be graded out of 30 as follows:

Choice of case	5
Summary of facts	5
Outline of Issues	5
Discussion of principles	10
Presentation	5
TOTAL	<hr style="width: 10%; margin-left: auto; margin-right: 0;"/> 30

**B. Exams** – a little quiz and a honking big final.

There will be a mid-term quiz and a final exam. The mid-term will be in class on October 22, 2004. It will be a true false/multiple choice sort of thing. It is worth **20%** of your course grade. The final exam is a whopping 40% and the college sets the date. I have no control over the date. So, bribe me all you want... but I can not change it so you head off to your little chalet in the mountains.

The format for the exams will be discussed in class. Each exam must be written – you don’t have to pass, but you must write it. If you miss an exam, you can not pass the course. We have a number of laboratory mice that missed one, and we had to draw the line and execute them.

**C. Spilling Texts** – and you thought this wasn’t high school

Due to years of disgust at the way students spell I have decided to do something professors should have done years ago. Yup, you’re gonna get five little spelling tests – one about every two weeks. Each one is worth 2% for a total of 10% of your course grade. As a bonus... if you write the first four and get at least 90% on each of the first four tests you don’t have to write the last one and you automatically get the 2% for the last one. What a deal.

The words used in the spelling tests will all have been mentioned in class, come from the readings, or the cases that have been done to the date of the test. So... it’s easy.

**D. Mock Trial** - bonus marks attributed for participation

One of the highlights of the term (other than the scintillating lectures and spelling tests) 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 usually 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 they play. 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 – Fourth Class	Procedure Review - courts, players, trials - arrest and charge procedures - plea types - burdens	Chapter 1 - 2
Next 3 weeks	Actus Reus - elements of offences - history - application	Chapter 2
Early October	Causation Voluntariness Automatism	Chapter 2 - 3

Mid October	<p>Mens Rea</p> <ul style="list-style-type: none"> <li>- the other element to an offence</li> <li>- history and application</li> <li>- significance in offences</li> <li>- necessity of proof</li> <li>- Mens Rea as a defence itself</li> <li>- What is knowledge?</li> <li>- Direct and Indirect knowledge</li> <li>- What is intention?</li> <li>- The different types of intents</li> </ul>	Chapter 3 - 4
	<p>OBJECTIVE LIABILITY</p> <ul style="list-style-type: none"> <li>- Criminal Negligence Causing Death</li> <li>- Manslaughter</li> <li>- Regulatory Offences</li> <li>- Strict Liability</li> <li>- Absolute Liability</li> </ul>	Chapter 4 - 5
Mid-October	<p>DEFENCES PART 1 (not necessarily in this order)</p> <ul style="list-style-type: none"> <li>- duress</li> <li>- necessity</li> <li>- provocation</li> <li>- justification and excuse</li> <li>- immunity - children, crown, your spouse</li> <li>- internationally protected persons</li> <li>- military personnel</li> <li>- mental disorder - diseases of the mind</li> <li>- automatism</li> <li>- fitness to stand trial</li> </ul>	Chapter 7,8,9 and case handouts
Late October	<p>DEFENCES PART 2</p> <ul style="list-style-type: none"> <li>- aiding and abetting</li> <li>- intoxication</li> <li>- defence of property and of others</li> <li>- self defence</li> <li>- necessary force</li> <li>- mistake of fact</li> <li>- mistake of law</li> <li>- Charter of Rights</li> <li>- procedural defence vs. defence to offences</li> <li>- entrapment</li> <li>- People in Authority <ul style="list-style-type: none"> <li>- ship's captain, doctor, pilot, College Prof!</li> </ul> </li> <li>- Alibi</li> </ul>	Chapter 7,8,9 and then 6 case handouts



Dates are not provided for the specific topics. It is impossible to gauge the speed at which we will travel through this minefield, but you will 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. Also, just because I may be late every now and then does not mean you can be late too!
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 and stoned (remember the short story "The Lottery"?).
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.

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

Have a great term.