

Winter 2005
Camosun College
Criminal Justice Department

Crim 270

COURSE OUTLINE

Instructor: Brian D. Young
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Office hours are posted outside of the office door. Appointments can be made for times outside office hours.

Credit: 3

Format: Two hours and fifty minutes two times per week.

1. COURSE OBJECTIVES

This course will closely follow the description in the Camosun Calendar.

This is an examination of our criminal law, its ideologies and theories. It includes an examination of what constitutes a crime, the elements for conviction and common defenses used in criminal law. Students will examine criminal statutes and cases from superior courts of Canada and BC.

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. 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.

2. INTENDED LEARNING OUTCOMES

At the conclusion of this course, each student will be able to:

1. Articulate the basic principles, procedures and substantive areas of criminal law.
2. Identify the various sources of criminal law and critique the criminal justice system, its offences and defences.
3. Explore by the use of papers and other activities areas of criminal law that are of interest.
4. Articulate an appreciation of criminal law in practice by participating in a mock trial that as closely as possible replicates a true criminal trial.

3. REQUIRED TEXTBOOKS

1. *Criminal Law in Canada, Cases Questions and the Code*

Second Edition, Simon N. Verdun Jones, Harcourt Brace

The first edition may be used but be sure to consult with me first as it is now a number of years old.

2. A copy of a *Criminal Code* is really helpful, but borrowing one is likely okay.

3. *Crim 270 Annotated Casebook*

This casebook is required for this course. It is available in the bookstore for a minimal charge.

4. GRADING SYSTEM

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				

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

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

5. COURSE ASSIGNMENTS:

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

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

This assignment involves finding a requires students, working in groups of 2 as a “legal team” 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 **at a date to be set in March**.

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 – it can not be from the Casebook you use for class;
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, a 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	30

B. Exams – a quiz and a final.

There will be a mid-term quiz and a final exam. The mid-term will be in class on mid February. The date will be set in class. It will be a true false/multiple choice sort of thing. It is worth **20%** of your course grade. The final exam is 40% and the college sets the date. I have no control over the date.

C. Spilling Texts

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. 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. Plus, you'll get a list of all the words to study from! Talk about 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. More on this in class.

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
February	Causation Voluntariness Automatism	Chapter 2 - 3

Feb/March	<p>Mens Rea</p> <ul style="list-style-type: none"> - 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
March	<p>OBJECTIVE LIABILITY</p> <ul style="list-style-type: none"> - Criminal Negligence Causing Death - Manslaughter - Regulatory Offences - Strict Liability - Absolute Liability 	Chapter 4 - 5
March	<p>DEFENCES PART 1 (not necessarily in this order)</p> <ul style="list-style-type: none"> - 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 and case handouts
April	<p>DEFENCES PART 2</p> <ul style="list-style-type: none"> - aiding and abetting - intoxication - defence of property and of others - self defence - necessary force - mistake of fact - mistake of law - Charter of Rights - procedural defence vs. defence to offences - entrapment - People in Authority - ship's captain, doctor, pilot, College Prof! 	Chapter 7,8,9 and then 6 case handouts

- Alibi

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 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.