

ST. JEROME'S UNIVERSITY
DEPARTMENT OF SOCIOLOGY AND LEGAL STUDIES
LS 202 (SEC 001)
CRIMINAL LAW
FALL TERM 2021

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Course Description and Objectives

This course is an introduction to criminal justice in Canada. We will cover the fundamental principles of substantive criminal law. In addition, this course will highlight theoretical issues and inter-disciplinary scholarly methods of understanding questions of law and crime. The course examines how criminal law modifies and is modified by political, economic, and cultural forces. The curriculum is designed to stimulate a critical understanding of and inquiry about the theoretical frameworks and judicial interpretation of criminal law.

The objectives of this course include the following:

- Develop an understanding of the basic principles of criminal law and the complexity of the criminal justice system in Canada;
- Learn to read, analyze, interpret, and argue for different interpretations of criminal statutes, and appreciate how courts do this;
- Recognize the roles that judicial common law and legislatively-enacted statutes have played in the development of the criminal law, and appreciate how and why criminal laws may be changed;
- Appreciate the different roles and work of prosecutors and criminal defense lawyers, and the considerations that enter into their respective decision-making;
- Inspect the underlying conceptual structure of law and legality: the ways that legal categories segment and articulate the social life.

Communication and Email Etiquette

You are welcome to speak to me after class, drop by my office during office hours, or make an appointment to discuss assignments etc.

Please be considerate and polite in your emails to the course instructor. You must include your full name and student ID number when submitting email correspondence. All email correspondence should have the course number (LS 202 - 001) in the subject heading. Please keep your messages brief. Do not ask for information that can be found on the course outline. Do not ask for your grades by email. If you miss class, it is your responsibility to obtain notes

from a fellow student. Emails will be answered within 24-48 hours, except on weekends unless of course it is an emergency.

Required Texts (Available for purchase through the UW Bookstore)

Roach, Kent. (2018) *Criminal Law*. 7th ed. Toronto: Irwin Law Inc.

(Older editions are acceptable)

Additional Resources

CanLII Connects: <http://canliiconnects.org/en> CanLII is a non-profit organization managed by the Federation of Law Societies of Canada. CanLII's goal is to make Canadian law accessible for free on the Internet. This website provides access to court judgments, tribunal decisions, statutes and regulations from all Canadian jurisdictions.

Government of Canada Justice Laws: <http://laws-lois.justice.gc.ca/eng/index.html> Consolidated Acts and Regulations of Canada, including the *Criminal Code* and the Constitution. Includes tables of contents, search features, PDFs.

Lexum Collection: <http://scc-csc.lexum.com/scc-csc/en/nav.do> 2

All judgments of the Supreme Court of Canada since 1875 (common or judge-made law, which constitutes precedent for all Canadian jurisdictions).

Oxford Reference: <http://www.oxfordreference.com.proxy.lib.uwaterloo.ca/> Relevant titles include *A Dictionary of Law* (8th ed.) and *The New Oxford Companion to Law*. Access provided by the University of Waterloo libraries.

Waterloo LEARN

The LS 202 (002) course is hosted through UW LEARN and is accessible via learn.uwaterloo.ca. Please visit the course page daily to receive the latest announcements, assignment instructions, email policies, and links to updated course materials. If there is an emergency cancellation for the course, the cancellation information will be posted here. All information regarding course assessments are located under **Activities and Assignments** in Learn.

Course Requirements

4 Group Case Law Studies (20%) See Learn course schedule for dates
 Mid-term 1 (25%) October 6th, 2021 – October 8th, 2021
 Mid-term 2 (25%) November 17th, 2021 – November 19th, 2021
 Final Take Home Assessment (30%) December 10th, 2021 @ 4pm ET - dropbox

Class Schedule and Readings

Week 1 Introductions

Wed., Jan. 3

No reading

Week 2 Foundations of Criminal Law: Legal moralism and criminal wrongs

Mon., Jan. 8

Kent, Roach. *Criminal Law*. Chap. 1, pp. 1-12.

Wed., Jan. 10

Kent, Roach. *Criminal Law*. Chap. 1, pp. 13-23.

Week 3 Constitutional Principles and Criminal Law

Mon., Jan. 15

Kent, Roach. *Criminal Law*. Chap. 2, pp. 24-60.

Wed., Jan. 17

Case Study:

- Focus on Key concepts
- Case study

Week 4 Criminal Law and the Constitution

Mon., Jan. 22

Kent, Roach. *Criminal Law*. Chap. 2, pp. 61-66.

Wed., Jan. 24

Case Study:

- Focus on Key concepts
- Case study

Week 5 Actus Reus

Mon., Jan. 29

Kent, Roach. *Criminal Law*. Chap. 3, pp. 87-128.

Wed., Jan 31

Case Study:

- Focus on Key concepts
- Case study

Week 6 Mens Rea

Mon., Feb. 5

Kent, Roach. *Criminal Law*. Chap. 5, pp. 169-207.

Wed., Feb. 7

Case Study:

- Focus on Key concepts
- Case study

Week 7 Mon., Feb. 12

Examination Review

Wed., Feb. 14

Midterm Exam

Reading Week

Feb. 20-23

No class

Week 8 Gender, Race and Criminal Justice System

Mon., Feb. 26

Kent, Roach. *Criminal Law*. Chap. 10, pp. 441-458.

Wed., Feb. 28

Case Study:

- Focus on Key concepts
- Case study

Week 9 Mental Disorder

Mon., Mar. 5

Kent, Roach. *Criminal Law*. Chap. 8, pp. 285-308.

Wed., Mar. 7

Case Study:

- Focus on Key concepts
- Case study

Week 10 Self-defense

Mon., Mar. 12

Kent, Roach. *Criminal Law*. Chap. 9, pp. 324-356.

Case Study:

- Focus on Key concepts
- Case study

Wed., Mar. 14

Midterm Exam

Week 11 Homicide and Terrorism Offences

Mon., Mar. 19

Kent, Roach. *Criminal Law*. Chap. 10, pp. 388-440.

Wed., Mar. 21

Case Study:

- Focus on Key concepts
- Case study

Week 12 Sentencing: principles and procedures

Mon., Mar. 26

Kent, Roach. *Criminal Law*. Chap. 11, pp. 472-498.

Wed., Mar. 28

Case Study:

- Focus on Key concepts

Week 13 Final Review

Mon., Apr. 2

Please read the following very carefully!

Missed Examinations and Tests

If you are unable to write a mid-term or final examination due to illness, seek medical treatment and have a medical practitioner complete a **Verification of Illness Form**. Email the instructor within 48 hours. Make sure you include your name, student ID number, and the exam(s) missed. You will be REQUIRED to hand in the original completed form before you write the make-up examination.

Further information about Examination Accommodation Due to Illness regulations is available in the Undergraduate Calendar.

Academic Integrity: in order to maintain a culture of academic integrity, members of the University of Waterloo community are expected to promote honesty, trust, fairness, respect and responsibility.

Grievance: A student who believes that a decision affecting some aspect of his/her university life has been unfair or unreasonable may have grounds for initiating a grievance. Read Policy 70 - Student Petitions and Grievances, Section 4,

<http://www.adm.uwaterloo.ca/infosec/Policies/policy70.htm>

“Students who believe that they have been wrongfully or unjustly penalized have the right to grieve; refer to policy #70, Student Grievance,

<http://www.adm.uwaterloo.ca/infosec/policy70.html>.”

Discipline: A student is expected to know what constitutes academic integrity, to avoid committing academic offenses, and to take responsibility for his/her actions. A student who is unsure whether an action constitutes an offense, or who needs help in learning how to avoid offenses (e.g., plagiarism, cheating) or about “rules” for group work/collaboration should seek guidance from the course professor, academic advisor, or the Undergraduate Associate Dean. When misconduct has been found to have occurred, disciplinary penalties will be imposed under Policy 71 – Student Discipline. For information on categories of offenses and types of penalties, students should refer to Policy 71 - Student Discipline,

<http://www.adm.uwaterloo.ca/infosec/Policies/policy71.htm>

Avoidance of Academic Offences

"Note on avoidance of academic offenses: All students registered in the courses of the Faculty of Arts are expected to know what constitutes an academic offense, to avoid committing

academic offenses, and to take responsibility for their academic actions. When the commission of an offense is established, disciplinary penalties will be imposed in accord with Policy #71 (Student Academic Discipline). For information on categories of offenses and types of penalties, students are directed to consult the summary of Policy #71 (Student Academic Discipline) which is supplied in the Undergraduate Calendar (p.1:11). If you need help in learning how to avoid offenses such as plagiarism, cheating, and double submission, or if you need clarification of aspects of the discipline policy, ask your course instructor for guidance. Other resources regarding the discipline policy are your academic advisor and the Undergraduate Associate Dean."

Appeals: A student may appeal the finding and/or penalty in a decision made under Policy 70 - Student Petitions and Grievances (other than regarding a petition) or Policy 71 - Student Discipline if a ground for an appeal can be established. Read Policy 72 - Student Appeals, <http://www.adm.uwaterloo.ca/infosec/Policies/policy72.htm>

Special Needs Students: Students with disabilities or special needs are advised to contact the Office for Students With Disabilities, Needles Hall for information regarding its services and resources. Students are encouraged to review the Calendar for information regarding all services available on campus.