



# ST. JEROME'S UNIVERSITY

## DEPARTMENT OF SOCIOLOGY AND LEGAL STUDIES

### LS 202 - 041 CRIMINAL LAW WINTER TERM 2021

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#### Course Description and Objectives

This course is an introduction to criminal law 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; and,
- Inspect the underlying conceptual structure of law and legality, that is, the ways that legal categories segment and articulate the social life.

#### Communication and Email Etiquette

You are welcome to email me and 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 – WINTER 2021) in the subject heading. Please keep your messages brief. Do not ask for information that can be found on the LEARN course site. Do not ask for your grades by email. 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*. 7<sup>th</sup> ed. Toronto: Irwin Law Inc. An E-version is available, as well through the UW Bookstore.

(Older editions are acceptable)

**For textbook ordering information, please contact the [W Store | Course Materials + Supplies](#).**

For your convenience, you can compile a list of required and optional course materials through [BookLook](#) using your Quest userID and password. If you are having difficulties ordering online and wish to call the Waterloo Bookstore, their phone number is +1 519 888 4673 or toll-free at +1 866 330 7933. Please be aware that textbook orders **CANNOT** be taken over the phone.

## 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

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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* (8<sup>th</sup> ed.) and *The New Oxford Companion to Law*. Access provided by the University of Waterloo libraries.

## Waterloo LEARN

The LS 202 online course is hosted through UW LEARN and is accessible via [learn.uwaterloo.ca](http://learn.uwaterloo.ca). Please visit the course page daily to receive the latest announcements, lecture content, assignment instructions, email, course, and university policies, and links to updated course materials.

## Course Requirements

The following table represents the grade breakdown of this course.

<b>Activities and Assignments</b>	<b>Weight (%)</b>
Introduce Yourself	Ungraded
5 Case Law Group Assignments	20% (4% each)
Quiz 1	25%
Quiz 2	25%
Final Take-Home Assessment	30%

### **Group Assignments**

Each case law assignment is worth 5 points for a total of 20 points. The goal of this case law assignment is to familiarize students with the following:

- Landmark court cases in Canada;
- The rationale behind judges' decisions (*ratio*);
- Core legal concepts; and,
- The implications of criminal court decisions on different groups in society.

Every week I will post a case law study along with your lecture. For 4 of those weeks (see [Course Schedule](#)), you will review the case (s) in detail and discuss the core legal concepts that apply. At the end of each case (s), I will pose one to three (1-3) questions which your group will respond to. You must record your responses to the question in a word doc. and submit the response at the end of the week to the course dropbox (as a Word file or pdf). You will be graded out of 5 percentage points based on the quality of your group answer and application of core legal concepts. You will only be permitted to make-up a missed critical response, if you have proper documentation to validate your absence.

### **Quizzes**

There are two timed quizzes for this course each worth 25%. Each quiz consists of 5 true false and 20 multiple choice questions.

[Quiz 1](#) will cover weeks 2-4

[Quiz 2](#) will cover weeks 5-9

Each quiz has a time limit of 60 minutes and can be completed over a three day period. Please see the [course schedule](#) for dates and times.

### **Take Home Assessment**

There will be a final assessment in this course worth 30% of your final grade. The assessment will be provided on LEARN in the [Final Assessment](#) submodule below the final assessment file (in the **activities and assignments** module) on the last day of lectures. The final assessment is **non-cumulative and will cover weeks 9-13**. The assessment will be broken into two sections as follows:

1. Short answer questions (4 short answer worth 20% - 5% per answer)
2. Essay Questions (1 essay worth 10%)

There will be some choice available on the short answer and essay questions. Questions will be selected from both the lectures and the required reading materials. Please see study questions below for more details.

University of Waterloo Senate-approved [academic regulations related to assignments, tests, and final exams](#) can be found on the Registrar's website.

## Class Schedule and Readings

### Course Schedule

**IMPORTANT: ALL TIMES EASTERN** - Please see the University Policies section of your Syllabus for details.

Week	Date	Topic	Readings	Activities and Assignments	Due Date	Weight (%)
1 Jan 11-15		Introduction to the Course	No Assigned Readings	<a href="#">Introduce Yourself</a>  Welcome Video  Familiarize Yourself with LEARN  <a href="#">Read Up on Group Work</a>  <a href="#">Group Contract</a>	Sunday January 17, 2021 at 11:59 PM ET	0%
2 Jan 18 -22		Foundations of Criminal Law: Legal Moralism and Criminal Wrongs	Kent, Roach. Criminal Law. Chap. 1, pp. 1-12.  Kent, Roach.			

Week	Date	Topic	Readings	Activities and Assignments	Due Date	Weight (%)
			Criminal Law. Chap. 1, pp. 13-23.			
3 Jan25 -29		Constitutional Principles and Criminal Law	Kent, Roach. Criminal Law. Chap. 2, pp. 24-60.	<i>Case Law Assignment # 1</i>  <i>R v. Oakes [1986] S.C.R. 103</i> <i>R v. Keegstra [1990] S.C.R. 697</i>	<i>Sunday January 31, 2021 at 11:59 pm ET</i>	4%
4 Feb 1-5		Criminal Law and the Constitution	Kent, Roach. Criminal Law. Chap. 2, pp. 61-66.	<i>Case Law Assignment # 2</i>  <i>Canada (Attorney General) v. Bedford, 2013 SCC 72</i>	Sunday February 7, 2021 at 11:59 pm ET	4%
5 Feb 8-12		<i>Actus Reus</i>  <i>R v. Ewanchuk [1999] S.C.R. 330</i>	Kent, Roach. <i>Criminal Law</i> . Chap. 3, pp. 87-128.	<a href="#">Quiz 1</a> (Covers Weeks 2-4)	Available Wednesday February 10, 2021 at 8:00 am ET until Friday February 12, 2021 at 4:00 pm ET	25%

Week	Date	Topic	Readings	Activities and Assignments	Due Date	Weight (%)
6		READING WEEK FEB 13-21				
7 Feb 22 - 26		<p><i>Mens Rea</i></p> <p>1) R v. Sault Ste. Marie [1978] S.C.R. 1299 Mens Rea defined; Kinds of fault; Common-law fault</p> <p>2) R v. Théroux [1993] S.C.R. 5 Subjective fault defined; Relation of mens rea and actus reus</p> <p>3) R v. Hundal [1993] S.C.R. 867 Objective fault defined; Modified objective standard</p> <p>4) R v. Beatty [2008] S.C.R. 49 Objective fault; Fault thresholds re. criminal sanction; Degree of negligence</p>	<p>Kent, Roach. <i>Criminal Law</i>. Chap. 5, pp. 169-207.</p>			

Week	Date	Topic	Readings	Activities and Assignments	Due Date	Weight (%)
8 Mar 1- 5		Gender, Race and the Criminal Justice System  <i>R. v. Gladue</i> , [1999] 1 S.C.R. 688	Kent, Roach. <i>Criminal Law</i> . Chap. 10, pp. 441-458.		Sunday March 14, 2021 at 11:59 pm ET	4%
9 Mar 8-12		Mental Disorder	Kent, Roach. <i>Criminal Law</i> . Chap. 8, pp. 285-308.	Case Law Group Assignments # 3 Due  <i>R. v. Chaulk</i> , [1990] 3 S.C.R. 1303 <i>R. v. Daviault</i> , [1994] 3 S.C.R. 63	Sunday March 14, 2021 at 11:59 pm ET	4%
10 Mar 15 -19		Self-Defence	Kent, Roach. <i>Criminal Law</i> . Chap. 9, pp. 324-356.	Case Law Group Assignment # 4 Due  <i>R. v. Pétel</i> , [1994] 1 S.C.R. 3  <i>R. v. Lavallee</i> , [1990] 1 S.C.R. 852	Sunday March 28, 2021 at 11:59 pm ET	4%
11 Mar 22 -26		Homicide and Terrorism Offences  <i>R. v. Khawaja</i> , [2012] 3 S.C.R.	Kent, Roach. <i>Criminal Law</i> . Chap. 10, pp. 388-440.	<a href="#">Quiz 2</a> (Covers Weeks 5-8)	Available Wednesday March 31, 2021 at 8:00 am ET until April 2,	25%

<b>Week</b>	<b>Date</b>	<b>Topic</b>	<b>Readings</b>	<b>Activities and Assignments</b>	<b>Due Date</b>	<b>Weight (%)</b>
		555			2021 4:00 pm ET	
<b>12</b> <b>Mar 29 - Apr 2</b>		Sentencing Principles and Procedures - Part 1	Kent, Roach. <i>Criminal Law</i> . Chap. 11, pp. 472-498.			
<b>13</b> <b>Apr 5- 9</b>		Sentencing Principles and Procedures - Part 2	No assigned reading			
		<p><b>Final Assessment Period (April 17-20)</b></p> <p>Non-Cumulative Assessment (Covers Lectures and Cases from Weeks 9-13) released on <b>Saturday April 17 at 8:00 am ET - Due on Tuesday April 20 at 4pm ET - <a href="#">click here for link</a></b>.</p>				

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**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.

