

CRIMINAL JUSTICE: THE INDIVIDUAL AND THE STATE

Section C, 2018/19

six credits

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This course will examine the role criminal law plays in society, and the impact it has on the lives of individuals. It will examine the sources of criminal law, including statutes, judge-made law and the *Charter*. The major focus will be on substantive criminal law and the principles surrounding liability for criminal offences, but there will be some discussion of aspects of criminal procedure. Ultimately, the aim is to allow you to examine criminal law with a critical eye, but the primary goal is to allow you to become knowledgeable enough to make informed criticisms. For further specific details, see the document called “Overview of the Course” on Blackboard.

Class place and time

Fall	Winter
Monday, 1:00 – 2:20, room 305	Monday, 9:30 – 10:50, room 305
Thursday, 2:00 – 3:20, room 207	Wednesday, 2:00 – 3:20, room 104

Office Hours

Fall: Thursdays, 3:30 – 4:30	Winter: Wednesdays, 3:30 – 4:30
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I am accessible by email and tend to be a pretty quick respondent. You are also welcome to drop into my office any time outside of office hours. However, I have a four month old puppy, so for the first term at least I will be in my office less than I would usually be.

Materials

Required materials (you can bring these to the exam)

The casebook for this course is *Learning Canadian Criminal Law* (14th ed.) which is available in the bookstore (a few second-hand copies should also be available, but the new edition was just published this year). You are also required to obtain a Pocket Criminal Code - you will need the **2019** edition, which is not available second-hand. This is also available at the bookstore. **DO** purchase a copy of the Criminal Code, even though it is available online: you will not have access to the online version during the exam, and becoming familiar with the printed version is itself a valuable skill we will develop. Some handouts and exercises for this course will be made available through Brightspace. For questions regarding Brightspace contact Geordie Lounsbury in the Information Media Center.

Suggested Materials (you cannot bring these to the exam)

Books which you might find useful include Don Stuart, *Canadian Criminal Law* or Kent Roach, *Criminal Law*. Both books discuss many of the cases that we will be studying, but deal with the general concepts rather than looking at each case in detail. The Stuart book is more

comprehensive but most students find Roach more accessible. In addition, several Annotated Criminal Codes are available, either at the Bookstore or on reserve in the library. These Annotated Codes provide brief descriptions of cases decided relative to individual sections of the *Criminal Code* and are what practitioners use, but are not worth the greater cost right now.

Evaluation

Evaluation will be based 100% on open book examination. There will be both a December exam and a final exam. The December exam is “failsafe”, which means that it will only count if it is to your benefit to count it. If your final exam mark is higher than your December exam, your final exam mark will make up your entire grade. If your December exam mark is higher than your final exam mark, the December mark will count for 30% of your final grade.

Class participation will not count toward your mark, but we’ll all have a much more interesting year if you do the readings and show up ready to discuss them. Sometimes our class discussions will aim at detailed analysis of each case which was assigned: on other occasions the readings will be used only as background for a discussion of more general principles.

Examinations will be written on your laptop and will be administered using Exam4 software. Instructions for downloading the software to your laptop and other information will be sent to all students from the Associate Dean’s office. Students who, for accommodation reasons, are required to handwrite their exams must make a special application to the Studies Committee.

In accordance with Law School requirements, the marks for this course are expected to correspond to a bell curve. More details on the curve can be found in the Law School Calendar. (As an aside, let me observe that I have never seen final marks in Criminal Law lowered due to the curve: its effect has always been to raise grades.).

Student Requests for Accommodation

Requests for special accommodation for reasons such as illness, injury or family emergency will require an application to the Law School Studies Committee. Such requests (for example, for assignment extensions) must be made to Associate Dean, Academic Michael Deturbide or the Director of Student Services and Engagement Dana-Lyn Mackenzie as soon as possible, before a scheduled exam or a deadline for an assignment, and will generally require documentation. Retroactive accommodation will not be provided. Please note that individual professors cannot entertain accommodation requests.

Students may request accommodation for either classroom participation or the writing of tests and exams due to barriers related to disability, religious obligation, or any characteristic under the Nova Scotia *Human Rights Act*. Students who require such accommodation must make their request to the Advising and Access Services Center (AASC) at the outset of the regular academic year. Please visit www.dal.ca/access for more information and to obtain the Request for Accommodation – Form A. Students may also contact the Advising and Access Services Centre directly at (902) 494-2836.