

**Schulich School of Law
At Dalhousie University**

**Criminal Procedure
(2091.01)**

Introductory Memo

COURSE DESCRIPTION:

Criminal Procedure concerns the provision and regulation of methods for dealing with those who are alleged to have violated the criminal law. The course provides an overview, as well as more intensive exposure to some technical areas. Topics are presented against a background of general principles, while trying to confront difficult policy questions inherent in ensuring procedural justice in a democratic society. Subjects include jurisdiction (e.g. Time and territorial limits), pre-trial procedure and practice including (search and seizure, wiretapping and bail), the trial process (e.g. the preliminary inquiry and plea bargaining) and post-trial remedies (appeals and extraordinary remedies). Consideration will be given to the impact of the *Charter of Rights and Freedoms* and to proposals for law reform.

TEACHING METHOD:

The course will be taught through lectures and the discussion of assigned reading materials. The approach to classroom interaction will be based on the assumption that students have done the readings assigned for the day.

READING ASSIGNMENTS:

Please see the monthly reading list for daily assignments in the text and materials. Students are expected to become familiar with the relevant sections of the *Criminal Code* (or other statutes) and the handouts.

REQUIRED MATERIALS:

Don Stuart and Tim Quigley, *Learning Canadian Criminal Procedure, 12th ed.*, Carswell, (Thompson Prof. Publishing), Scarborough 2016 (This text is available in the University Bookstore). Used copies may be available from former students.

Students should also purchase *Tremear's Criminal Code – Student Edition* which is available in the University Bookstore and which the professor will use. Other annotated *Codes* may be adequate if you already have one.

There will be regular class handouts which will include some recent cases, extracts from law reform publications and lecture notes. Most materials will also be posted on Brightspace. Students who miss classes are responsible for obtaining any handouts, from the professor (at the next class or by other arrangement), or fellow students or online.

COURSE EVALUATION:

Subject to the possibility of completing the optional minor paper, evaluation will be by means of a final examination of three hours duration, worth 100 percent of the grade in the course. The examination will be “OPEN BOOK” in the sense that students will be permitted to bring the required text and statutory materials, handouts and personal notes into the examination room. No other materials will be permitted.

Some students may elect to write an **optional minor paper** for 30% of their final grade. Further details will be supplied separately in a memo on this component. The intention is to encourage research and writing on a topic that the student finds compelling. Students who complete the paper will write the same basic examination, but will not be required to complete as many questions.

For detailed information on the Faculty’s grading system, see the Law School Calendar.

STUDENTS WITH SPECIAL NEEDS/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.

PLAGIARISM:

All students must read the University policies on plagiarism and academic honesty <http://academicintegrity.dal.ca/> and the Law School policy on plagiarism <http://www.dal.ca/faculty/law/current-students/jd-students/academic-regulations.html>. Any paper or assignment submitted by a student at the Schulich School of Law may be checked for originality to confirm that the student has not plagiarized from other sources. Plagiarism is considered a serious academic offence which may lead to loss of credit, suspension or expulsion from the law school, or even revocation of a degree. It is essential that there be correct attribution of authorities from which facts and opinions have been derived. Prior to submitting any paper or other assignment, students should read and familiarize themselves with the policies referred to above and should consult with the instructor if they have any questions. Ignorance of the policies on plagiarism will not excuse any violation of those policies.

SUBMISSION OF PAPERS AND ASSIGNMENTS

Major papers and assignments must be submitted in hard copy. Students should hand papers in to the place stipulated by the instructor and ensure they are date and time stamped. Please read the law school policy on late penalties: <https://www.dal.ca/faculty/law/current-students/jd-students/academic-regulations.html>

Please note students may also be required to provide an identical electronic copy of their paper to the instructor by the due date. Papers may be submitted by the instructor to a text-matching software service to check for originality. Students wishing to choose an alternative method of checking the authenticity of their work must indicate to the instructor, by no later than the add/drop date of the course, which one of the following alternative methods they choose:

- a) submit copies of multiple drafts demonstrating development of their work
- b) submit copies of sources
- c) submit an annotated bibliography

CONTACT INFORMATION:

Professor Archie Kaiser
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Students are welcome to drop in at my office, where I may or may not be available, depending upon my other commitments. I usually respond to e-mails relatively quickly and can always make specific appointments with students.

CLASS SCHEDULE:

Wednesday; 12:30 – 2:20 p.m.; Room 207
Friday; 11:00 a.m. – 12:50 p.m.; Room 207