

CJ-4130/3
Advanced Criminal Law
Course Outline
University of Winnipeg
Room: 3MC02N

CONTACT INFORMATION

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PURPOSE OF THIS DOCUMENT

This syllabus is an outline and is merely a roadmap of what to expect in this course. While the obligations imposed on students in this document are binding, this document is not a legal contract. This document does not bind the instructor or university in any express or implied manner. Its sole purpose is to inform students of their rough obligations for the duration of this course. The contents of this document may therefore not form the basis of any appeals process. The contents of this document are subject to change as the course progresses. Students are responsible for obtaining up to date and current information by attending class; all other attempts to stay up to date on course developments are insufficient. By remaining enrolled in this course you are accepting this responsibility. In return you get the reasonable services of the University and its staff and the opportunity for post-secondary education.

REQUIRED BOOKS

1. **Textbook:** Delisle et al., *Learning Canadian Criminal Procedure*, 9th Edition (Toronto: Thomson, Carswell). (This is the same text that we use in criminal procedure. The 8th edition is available used and has 95 percent similar content. Although we will only cover some of this book, please remember that is intended for 2 courses)
2. **Online Readings:** Custom Course Readings available online
3. **The Code:** Pocket Criminal Code of Canada 2009, Thomson-Nelson, 6th Edition

OTHER REQUIRED MATERIALS

Students should also obtain copies of the relevant sections of the Constitution Acts 1867, and 1982; both are accessible online.

Other materials may be made available on the course website from time to time. Students should check the course website at least once a week for announcements and readings.

COURSE DESCRIPTION AND TOPICS OF COVERAGE

An extension of CJS 90.2130/3 (crim law) and also 90.3130/3 (crim pro), this course examines Canadian criminal law in greater depth with a particular emphasis on the Constitutional issues affecting the disposition of the criminal trial. The interrogation phase of the criminal process is examined in detail, as well as the remedies available at trial for accuseds whose rights have been violated during interrogation. After a brief

Class 1:

[Argumentation, Legal Writing and Legal Reasoning](#)

Independent Reading: Legal Citation:

Pages 1-16

Independent Reading: About Mooting:

Pages 1-5

Independent Reading: Sample Factum

Pages 1-30

2 students:

Independent Reading: Exclusion of Evidence
Pages 1-10

Supplemental Reading: Textbook - Learning Canadian Criminal Procedure: Chapter 5:
419-484

Class 6:
Midterm Quiz

Reading Week Feb 16-20

Class 7:
[Review of Basic Criminal Law](#)
Criminal Law Review
Pages 1-8

Criminal Law review (II)
Pages 1-19

2 students:

Class 8:
[Special Issues of Actus Reus](#)
R. Labaye 2005 SCC 80
Pages 1-70

2 students:

Class 9:
[Special Issues in Mens Rea](#)
A Principled Approach to the Constitutional Requirement of Fault
Pages 1-38

Subjective and Objective Standards of Fault for Offences and Defences

Pages 1-23

2 students:

Class 10:

[Special Issues in Mens Rea](#) continued

R. v. Beatty, 2008 SCC 5

Pages 1-52

2 students:

Class 11: [Attempts to Inchoate: Conceptually Difficult Crimes](#)

Unfulfilled Crimes and Participation in Crimes

Pages 1-20

Desert and Punishment for Acts Preparatory to the Commission of a Crime

Pages 1-34

2 students:

Class 12:

[Regulatory Offences and the Use of "Regulatory" in Criminal Law](#)

Regulatory and Corporate Crime

Pages 1-13

Justice Peter de Carteret Cory and his Charter Approach to Regulatory Offences

Pages 1-33

2 students:

METHODS AND MODES OF EXAMINATIONS

Mid Term Comprehensive Examination (open book)	20%
In Class Presentation Dates TBA	20% (10 percent presentation + 5 percent outline + 5 Percent peer evaluation)
Class Participation (see below)	20%
Factum	20%
Moot (oral argument) TBA – during exam period	20%

The **Midterm Quiz** will be held in class and will be an opportunity to demonstrate that you have been keeping up with class materials. The tests will consist of written questions. Its main purpose is to ensure you have 20 percent of your mark by the drop date.

The **In Class Presentation** will be an oral group assignment where students present a set of readings assigned for class. Prior to the beginning of these assignments, a detailed guideline sheet will be distributed. An outline of the lecture will form $\frac{1}{4}$ of the mark. One quarter of the mark will be formulated from an evaluation by your co-presenters (if due to withdrawal or other circumstances you present the seminar alone, the instructor will grade you on this peer evaluation component - and with sufficient sympathy). One half of your mark will be based on in class performance during the presentation. You must present your seminar as scheduled or else you will be inconveniencing the entire class and leaving the seminar in the lurch. If for some reason you happen to experience a tragedy on the day of your scheduled presentation you must notify the instructor as soon as possible and provide legitimate documentation. A makeup class will be scheduled in the evening in order for the students in the class to receive this information by way of your seminar. **Failing to present a seminar will result in a grade of F in this course.**

The course will culminate in a **Factum** for you to write (either alone or in groups, depending on enrollment). This will be a factum based on a judgment which I will hand out in the last $\frac{1}{2}$ of the term. The factum is the document of appeal that lays out the legal arguments for appeal and will be judged using the marking sheets available in the “About Mooting” reading online. A detailed guideline sheet will be distributed in advance of the due date for the factum. You must use the Legal Citation guide posted online rather than the APA style citations.

During the final exam scheduled you will argue the appeal orally before a panel of 2-3 judges in a **Moot**. This is the oral component of your appeal and will be judged using the marking sheets available in the “About Mooting” reading online. A detailed guideline sheet will be distributed in advance of oral argument. You should view the links of notable moots provided online.

CLASS PARTICIPATION

In order to benefit from this course, you must attend regularly and have completed the readings prior to class. Attendance will be taken a

PREPARING YOUR SEMINAR:

(The following is adapted from How to Get High Grades as a Student in Systems Graduate Seminars at ETH Zurich by Timothy Roscoe, May 2007)

The students who do tend to do well in seminars are generally those who are most engaged: they are interested in the material, they ask a lot of questions, and they have well-thought out opinions about the work they are reading. Bear in mind that what the professor wants most out of these seminars (apart from teaching credits) is to get a good discussion going. This is usually the best way to learn from the papers as well.

Here is what you need to know about this honours seminar course:

- 1) ***You and your peers are your own teachers and collaborators.*** Seminars are collaborative group learning endeavours in which a group of people lead each other through the course materials. This may be unlike any course you have taken before. If you seek a traditional undergraduate course experience you have probably chosen the wrong course.
- 2) ***This is not a lecture and you should know this going in.*** If you are looking for a class where an instructor teaches you about law for 3 hours and you take notes in order to think about the topic later you have come to the wrong place. With the

professor may have provided the student presenters with questions they must address in their seminar.

4) Each seminar is scheduled for 2.5 hours (you may use up to 3 hours if necessary). This time is intended to include about 90 minutes of teaching time by the presenters and about 60 minutes of group discussion and exercises that the presenters may prepare. The exact order and arrangement of this time is flexible.

5) When presenting a set of readings feel free to throw in your own ideas – do not be

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