

1991S

LAW110  
DOC. #437

SAULT COLLEGE OF APPLIED ARTS AND TECHNOLOGY

SAULT STE. MARIE, ON

COURSE OUTLINE

COURSE TITLE: CRIMINAL LAW

CODE NO.: LAW 110

SEMESTER: 1991 SPRING

PROGRAM:

AUTHOR: MURDOCK CARTER/RS

DATE: APRIL 1991

PREVIOUS OUTLINE DATED: NEW

APPROVED:

CHAIRPERSON

DATE



COURSE NAME: \_\_\_\_\_ CODE NO. \_\_\_\_\_

TOTAL CREDIT HOURS: \_\_\_\_\_

PREREQUISITE(S):

**I. PHILOSOPHY/GOALS:**

This course will help you to develop an understanding of the law, rules and procedures related to a criminal law practice to the extent necessary to take instruction, interview witnesses, and otherwise assist the lawyer in the conduct and preparation of a criminal or young offenders case including the required documents.

**III. TOPICS TO BE COVERED:**

MAY 7, 1991

**INTRODUCTION TO CRIMINAL LAW**

1. THE COURT SYSTEM IN CANADA
2. THE ROLE OF THE CROWN AND THE DEFENCE
3. THE CONSTITUTION AND THE CRIMINAL CODE
4. LEGISLATION AND COMMON LAW PRECEDENT
5. COURTS OF CRIMINAL JURISDICTION
6. CRIMINAL OFFENCES AND THE CRIMINAL CODE

MENS REA

ACTUS REA

STRICT LIABILITY OFFENCES

ABSOLUTE LIABILITY OFFENCES

THE RULE IN REGINA v. SAULT STE. MARIE

SUGGESTED READINGS: CHAPTERS 1, 2, 7, 9  
CRIMINAL CODE: PART XIV, ss 553, 554,  
ss 468-482

MAY 9, 1991

**POWERS OF ARREST - JUDICIAL INTERMIN RELEASE**

1. WHO MAY ARREST
2. REASONABLE AND PROBABLE GROUNDS
3. WITHOUT A WARRANT
4. WITH A WARRANT
5. BREACH OF THE PEACE



6. S. 10 (B) OF THE CHAPTER
7. PROMISE TO APPEAR
8. APPEARANCE NOTICE
9. BAIL COURT
  - RECEIVING CALLS FROM THE JAIL
  - PREPARING FOR BAIL COURT
    - (A) RELEASE OF AN UNDERTAKING
    - (B) RELEASE OF OWN RECOGNIZANCE
    - (C) RELEASE WITH SURETY
    - (D) DETENTION ON PRIMARY OR SECONDARY GROUNDS
    - (E) REVERSE ONUS SITUATION
10. BAIL REVIEW APPLICATIONS: DOCUMENTS AND PROCEDURE
  - SUGGESTED READINGS: 4,5,6
  - CODE sections 29, 31, Part XVI ss 493-529, s. 515, 520

MAY 14, 1991

**FIRST APPEARANCE IN COURT AND LAW OFFICE MANAGEMENT**

1. THE INFORMATION: WHAT IT IS AND WHY IT SHOULD BE OBTAINED
2. OBTAINING CROWN DISCLOSURE
3. RIGHT TO TRIAL WITHIN A REASONABLE TIME
4. DEALING WITH PERSONS IN CUSTODY
5. ADJOURNMENTS, PLEAS OF GUILTY, SETTING DATES AND LAWYER'S DIARIES-TICKLER SYSTEMS.
6. THE LEGAL AID OFFICE AND DEALING WITH LEGAL AID CLIENTS
7. DUTY COUNSEL: THEIR ROLE IN THE COURT PROCESS AND HOW THEY CAN ASSIST CRIMINAL OFFICES

MAY 16, 1991

**CLASSIFICATION OF OFFENCES**

1. SUMMARY OFFENCES
2. HYBRID OFFENCES
3. INDICTABLE OFFENCES

**PROVINCIAL COURT TRIALS**

1. PREPARING PRE-TRIAL MOTIONS
2. OBTAINING ADJOURNMENTS
3. THE RESEARCH MEMO....ASSIGNMENT...PREPARING CRIMINAL LAW MEMOS



**PRELIMINARY INQUIRIES**

**EXTRAORDINARY REMEDIES INCLUDING CERTIORARI APPLICATIONS**

**ELECTION TO BE TRIED BY THE ONTARIO COURT OF JUSTICE**

**ELECTION TO BE TRIED BY JUDGE AND JURY**

**ASSIGNMENT COURTS**

**SUGGESTED READINGS: CHAPTER 4**

**CRIMINAL CODE: PART XVIII ss. 535-551, s. 536,  
541, 548, 549**

MAY 21, 1991

**SEARCH AND SEIZURE**

**REQUIRED READING: CHAPTER 8**

**CRIMINAL CODE: ss. 487, 488**

MAY 23, 1991

**THE YOUNG OFFENDERS ACT**

**REQUIRED READING: CHAPTER 15**

**THE YOUNG OFFENDERS ACT**

May 28, 1991

**THE NARCOTIC CONTROL ACT**

**REQUIRED READING: CHAPTER 11**

**THE NARCOTIC CONTROL ACT**

MAY 30, 1991

**THE CHAPTER OF RIGHTS AND FREEDOMS**

**NOTICES OF CONSTITUTIONAL QUESTIONS**

**THE ASKOV MOTION AND OTHER CHAPTER MOTIONS**

**REQUIRED READING: CHAPTER 3**

**THE CHARTER OF RIGHTS AND FREEDOMS**

JUNE 4, 1991

**CASE STUDY WORKSHOP**

**REVIEW OF MEMORANDUMS OF LAW**

JUNE 6, 1991

**THE TRIAL**

1. **PREPARATION**

**RESEARCH**

**SUBPOENA OF WITNESSES**

**CANADA EVIDENCE ACT NOTICES**

**EVIDENCE IN CRIMINAL PROCEEDINGS**



- THE PLEA OR NOT TO PLEA (CONSIDERATION OF SENTENCING)
2. THE PRETRIAL
  3. PRETRIAL MOTIONS
  4. THE CASE FOR THE CROWN  
EXAMINATION IN CHIEF  
CROSS EXAMINATION  
RE-EXAMINATION  
THE VOIR DIRE  
THE MOTION FOR NON-SUIT
  5. THE CASE FOR THE DEFENCE  
THE CHOICE OF WITNESSES  
WITNESS PREPARATION  
WHETHER TO CALL THE ACCUSED
  6. SUBMISSIONS  
CASEBOOKS  
WRITTEN OR ORAL
- REQUIRED READING: CHAPTER 13  
CRIMINAL CODE: PART XIX, PART XX

JUNE 11, 1991

**SENTENCING**

- THE PRIOR RECORD  
PRE-SENTENCE REPORTS  
MITIGATING AND AGGRAVATING FACTORS  
DISCHARGE PROVISIONS OF THE CODE  
PROBATION  
FINES  
JAIL  
TEMPORARY ABSENCE/INTERMITTENT SENTENCES  
MINIMUM SENTENCES  
LOCAL TIME/PROVINCIAL/FEDERAL TIME  
PAROLE
- REQUIRED READINGS: CHAPTER 14  
CRIMINAL CODE PART XXIII

JUNE 13, 1991



APPEAL OF CONVICTION AND SENTENCE

NOTICE OF APPEAL

SUMMARY OR INDICTABLE

BAIL APPENDING APPEAL

THE APPEAL BOX

THE FACTUM

THE HEARING

REQUIRED READING: CRIMINAL CODE PART XXI, s 812-839

JUNE 18, 1991

WORKING IN A CRIMINAL LAW OFFICE

ORGANIZATION

FILING SYSTEM

TECHNOLOGIES AND HOW THEY CAN HELP OR HINDER

CONFIDENTIALITY

COMMUNITY SERVICES AND RELATED FIELDS

REVIEW OF COURSE

JUNE 20, 1991

EXAMINATION

VIII. SPECIAL NOTES

IF THERE ARE ANY QUESTIONS I MAY BE REACHED AT THE FOLLOWING:

MURDOCH J. CARTER  
c/o WILLSON, CARTER

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