

SAULT COLLEGE OF APPLIED ARTS AND TECHNOLOGY

SAULT STE. MARIE, ON

COURSE OUTLINE

COURSE TITLE: FUNDAMENTALS OF THE CRIMINAL LAW JUSTICE SYSTEM

CODE NO.: LAW 110 SEMESTER: 1993F

PROGRAM: CONTINUING EDUCATION

AUTHOR: MURDOCH CARTER/RS

DATE: SEPTEMBER 1993 PREVIOUS OUTLINE DATED: NEW 1991S

APPROVED: _____
CHAIRPERSON DATE

COURSE NAME: CRIMINAL LAW TOTAL CREDIT HOURS: 45

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.

II. TOPICS TO BE COVERED:

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

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

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

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

SEARCH AND SEIZURE

REQUIRED READING: CHAPTER 8, CRIMINAL CODE: ss. 487, 488

THE YOUNG OFFENDERS ACT

REQUIRED READING: CHAPTER 15, THE YOUNG OFFENDERS ACT

THE NARCOTIC CONTROL ACT

REQUIRED READING: CHAPTER 11, THE NARCOTIC CONTROL ACT

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

CASE STUDY WORKSHOP

REVIEW OF MEMORANDUMS OF LAW

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

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

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

WORKING IN A CRIMINAL LAW OFFICE

ORGANIZATION
FILING SYSTEM
TECHNOLOGIES AND HOW THEY CAN HELP OR HINDER
CONFIDENTIALITY
COMMUNITY SERVICES AND RELATED FIELDS

EXAMINATION

III. EVALUATION METHODS

The following grades will be assigned to students in Continuing Education Post-Secondary courses:

A+ = 90-100%	Consistently outstanding
A = 80-89%	Outstanding achievement
B = 70-79%	Consistently above average achievement
C = 60-69%	Satisfactory or acceptable achievement
R = Repeat	The student has not achieved objectives of course and must repeat the course

IV. SPECIAL NOTES

IF THERE ARE ANY QUESTIONS I MAY BE REACHED AT THE FOLLOWING:
MURDOCH J. CARTER, c/o WILLSON, CARTER, 942-2000 OR 945-1027