

CJ-3130
CRIMINAL PROCEDURE

TEXTBOOKS: Delisle et al., Learning Canadian Criminal Procedure, 9th Edition (Toronto:Thomson, Carswell) Pocket Criminal Code of Canada 2010, 7th Edition (Toronto: Thomson, Carswell)

OTHER REQUIRED MATERIALS:

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

This course surveys critical legal issues in the Canadian criminal process and procedure with a primary emphasis placed at the investigation stage of analysis. The course considers the relevant Criminal Code sections, constitutional provisions, common law rules and recent case law. As time permits we will cover the powers of search and seizure, the powers of charging, arrest and detention, the power of interrogation, and an accused's right to counsel and silence (though these later topics are more likely to be covered in Advanced Criminal Law.) In addition, the course analyzes what constitutional, common law and statutory remedies an accused can seek when evidence is obtained improperly or there has otherwise been abuse of police or prosecutorial powers.

ATTENDANCE AND PARTICIPATION:

In order to benefit from this course you will need to have attended regularly and have completed the readings prior to class.

APPROXIMATE LIST OF READING UNITS:

(Subject to alteration in the interests of time)

Week 1

Introduction to Criminal Procedure (Chapter 1: pages 1-9, 30-32; Chapter 5: 485-499; Online Readings: Introductory readings)

Week 2-5

Search and Seizure: Powers under the Code and Common Law Constitutional Minimum Standards (Chapter 2: 33, 59-93, 105-194)

Week 6-9

Charging, Arrest and Detention: Any Person Peace Officer's Duties: Without a Warrant Constitutional Standards Stop Powers Overlap with Searches Reasons for Arrest and Entry to Premises Meaning of Arrest Meaning of Detention (Chapter 3: 226-290, R. v. Harrison, SCC 2009)

Week 10-11 (Time Permitting)

Interrogation: Right to Council Right to Silence(Canadian Encyclopaedic Digest: Right to Counsel, R. v. Singh, 2007 SCC 48)

Week 12

Remedies: S. 24 and S. 52 Exclusion of Evidence Remedies: (Online Readings: Excluding Evidence, Supplementary Reading: Chapter 5: 419-484, R. v. Grant, SCC 2009)

METHODS AND MODES OF EXAMINATIONS:

Exams are open book. This means that any and all course materials and texts including your notes may be brought to class. You may not bring in books or articles that have not been assigned in class. These materials may be confiscated during exams and you may be asked to stop writing if you are spotted with these materials. Use of such prohibited materials is a form of academic misconduct. Students should familiarize themselves with the *Regulations and Policies* portion of the course calendar regarding academic misconduct; <http://www.uwinnipeg.ca/index/calendar-calendar> .

You may use previous editions of course materials though.

GRADE DISTRIBUTION;

The following letter/percentage scale will be used for all assignments.

A+ = 90-100%	B+ = 75-79%	C = 60-64%
A = 84-89%	B = 70-74%	D = 50-59%
A- = 80-83%	C+ = 65-69%	F = 0-49%

COURSE EVALUATION:

Final grades will be determined on the basis of the following evaluations:

Midterm Comprehensive Exam (30 percent)

Part 1: Multiple Choice

Part 2: Written Component

Memorandum to Client (20 percent):

A failure to complete this assignment will result in the grades being allocated to the final test, making the final test worth 70%.

This assignment should be construed as required.

Final Test (50 percent):

Cumulative Final Test (50%), (check final exam schedules), 3 hours

POLICY ON MISSED TESTS:

Under no circumstances will a test be given earlier than the scheduled date.

Makeup tests may be scheduled if a student can produce suitable documentation

(a doctor's note for instance) to indicate illness or family emergency. The documentation should verify that the student was either legitimately ill or otherwise indisposed by virtue of family emergency and it should outline the time frame for which the illness or emergency transpired. Make up tests will not necessarily be the same format or duration as the scheduled test and they will be scheduled at the convenience of the instructor. However if you miss the final test you must avail yourself of the formal application for deferral through the University of Winnipeg. The instructor has no control over this process.

ACADEMIC DISHONESTY:

Students should acquaint themselves with the University's policy regarding **academic ethics** (i.e. cheating). It is outlined in The University of Winnipeg Course Calendar under the heading; Regulations and Policies.

<http://www.uwinnipeg.ca/index/calendar-calendar>

WITHDRAWAL DATE:

The final date to withdraw from the course without academic penalty can be found online. <http://www.uwinnipeg.ca/index/services-withdrawal-schedules>

SERVICES FOR STUDENTS WITH DISABILITIES:

Students with documented disabilities requiring academic accommodations for tests/exams (e.g., private space) or during lectures/laboratories (e.g., access to volunteer note-takers) are encouraged to contact the Coordinator of Disability Services (DS) at 786-9771 to discuss appropriate options. Specific information about DS is available on-line at <http://www.uwinnipeg.ca/index/services-disability>. All information about the disability is confidential.