

UNIVERSITY OF VICTORIA - FACULTY OF LAW

LAW 303 – CRIMINAL PROCEDURE
Instructors: Steve Fudge and Colleen Smith
Spring 2011 (1.5 units)

Instructor Contact Information

Steve Fudge, Victoria Crown Counsel
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In addition, both instructors will attempt to make themselves available for a ½ hour period after class.

Course Schedule & Location

Classes commence Tuesday, January 4, 2011.
Last class will be held Tuesday, April 5, 2011.
No classes reading week, February 22 & 24, 2011.

Tuesdays, 4:30 p.m. to 5:50 p.m.
Thursdays, 4:30 p.m. to 5:50 p.m.

Classroom 152

Course Description and Objectives

To gain a concrete understanding of criminal procedure as it applies to all three levels of court in British Columbia; Provincial Court, Supreme Court, and the Court of Appeal.

Topics to be addressed include:

1. the role of the police, the Crown and defence counsel;
2. the legislation applicable to criminal procedure in British Columbia;
3. the difference between summary conviction and indictable offences with respect to criminal process;
4. the various procedural stages an accused person will face once he/she enters

the criminal justice system, including: judicial interim release (bail), preliminary inquiry, pretrial applications, trial, sentencing and appeals;

5. procedural differences between youth and adult offenders; and
6. criminal procedure as it applies to mentally disordered and dangerous offenders.

Teaching Methodology

This course will be taught through a combination of lectures, class discussions, class exercises, and guest speakers. Class discussion is intended to stimulate critical reflection upon the materials as well as to apply knowledge from the readings and lectures to practical problems. It is our expectation that students will attend class, will have read and thought about the assigned materials before coming to class, and will be able to identify and discuss relevant issues raised by the readings.

Classroom Climate

An inclusive, respectful, and diverse classroom environment is crucial to our work in this course. For reference, you may wish to consult the University's Discrimination and Harassment Policy (<http://web.uvic.ca/uvic-policies/pol-1000/1150HPP.html>).

Communication and other Administrative Matters

E-mail and Communication: Please check your UVic e-mail regularly for notices from us about class cancellations, reading assignments, or other matters. Please feel free to e-mail either of us at the above email addresses.

Taping: If you wish to tape a lecture please speak to us beforehand.

Laptops: You do not need to use a laptop computer in class to succeed in this course. If you choose to take notes on a laptop, please do so in a manner that is respectful of those seated around you. Please do not display materials on your laptop unrelated to the class.

Required Materials and Assigned Readings

1. The required text for this Course is:

Greenspan and Rosenberg, Martin's 2011 Annual Criminal Code (Canada Law Book)
2. See the Course outline for the Reading List, which includes:

- (a) Criminal Caseflow Management Rules (“CCFM”) (Provincial Court);
- (b) Criminal Rules, 1997 (Supreme Court);
- (c) British Columbia Court of Appeal, Criminal Appeal Rules, 1986 (all of which can be found, along with practice directives, at <http://www.courts.gov.bc.ca/ca/> ;
- (d) Constitutional Questions Act;
- (e) Case Law on the reading list are accessible via links in the online version of the reading list or through commercial databases such as Quicklaw; and
- (f) Rules of Professional Conduct are available on the Law Society of British Columbia webpage.

3. Materials handed out in class.

Please bring your *Criminal Code* to each class. Time limitations will inevitably prevent us from having an in-depth discussion about every case, legislative provision, or other assigned reading. Students are nevertheless expected to be familiar with all of the assigned readings, all of which are examinable.

Method of Evaluation

The final grade for this course will be based on **three** components, as follows:

- **Court Observation Outline:** Each student will be required to attend the Victoria Courthouse, spend at least a half day observing the criminal courts in action, and prepare a brief summary of the proceedings observed. Students are encouraged to attempt to observe proceedings at each stage of the criminal process (judicial interim release, pre-trial appearances, preliminary hearing, trial and sentencing). The written summary will be brief, likely 2 - 3 pages, and will identify the courtrooms attended, the nature of the proceedings, the applicable *Criminal Code* sections, and a summary of observations.

Students may attend the Courthouse on any day, however the instructors will attempt to provide dates when it is anticipated interesting cases are proceeding. The written summary may be submitted as soon as it is completed, but in any event, no later than Tuesday, March 8, 2011. This Court Watching Outline will comprise 10% of the final grade.

- **Mock Sentencing:** Each student will be required to present short (5 minute) oral sentencing submissions. The assignment will be distributed on Tuesday, March 8,

2011. Oral submissions will be made during classes on Tuesday, March 15 and Thursday March 17. The Sentencing Submissions will comprise 10% of the final grade.

- **Final Exam:** There will be a three-hour final exam comprising the remaining 80% of the final grade in this course.

The exam is currently scheduled for Wednesday, April 20, 2011 at 9:00 a.m. (subject to change). It is your responsibility to check final exam schedule for the date, time and location of the exam. The exam will be qualified open book which means that you can bring your notes, summary/outline, and the required course materials into the examination room. No texts, laptops or electronic devices and no library materials are permitted in the examination room.

The final examination will be marked on a letter grade system. The percentage ranges for the various letter grades are set out below.

Code names will be used for the final exam. Please obtain your final code names from the Main Office in advance.

Grading

The University of Victoria marks on a 9.00 point scale. The following are the relevant equivalencies between numerical and letter grades at the University of Victoria Faculty of Law:

Letter Grade	Grade Point Value	Percentage Value	Narrative Description
A+	9	90-100%	Exceptional, outstanding, and excellent performance, normally achieved by a minority of students. These grades indicate a student who is self-initiating, exceeds expectation, and has an insightful grasp of subject matter.
A	8	85-89%	
A-	7	80-84%	
B+	6	75-79%	Very good, good, and solid performance, normally achieved by the largest number of students. These grades indicate a good grasp of subject matter or excellent grasp in one area balanced with satisfactory grasp in the other area.
B	5	70-74%	
B-	4	65-69%	
C+	3	60-64%	Satisfactory or minimally satisfactory performance. These grades indicate a satisfactory performance and knowledge of subject matter.
C	2	55-59%	
D	1	50-54%	Marginal performance. A student receiving this

			grade demonstrates a superficial grasp of subject matter.
F	0	49 and below	Unsatisfactory performance.

Academic Integrity

Academic integrity is expected of all participants in the university community. It is a serious academic offence to engage in plagiarism or other forms of academic dishonesty, or to assist others in doing so. You should familiarize yourself with the University's Policy on Academic Integrity which is set out in the University Undergraduate Calendar 2007-2008. The policy is available on line at:

<http://web.uvic.ca/calendar2007/FACS/UnIn/UARe/PoAcI.html>

Reference Materials

Reference materials have been placed on reserve for this course accessible at the Reserve Desk in the Priestly Law Library.