

LAW 305: SENTENCING

Professor Gerry Ferguson
Fall 2011

COURSE OUTLINE

Coursebook Materials:

1. A. Manson, *The Law of Sentencing* (Irwin Law, 2001)
2. Coursepack [CP]
(Coursepack is accessible on Moodle for Law 305)
3. *Canadian Criminal Code* (while Martin's and Tremeears' *Criminal Codes* for 2012 are now available, a 2010 or 2011 Code will suffice).

Wednesday, September 7	Introduction to Course Overview of sentencing <u>Readings:</u> Manson: pp. 1-4
Monday, September 12	Brief History of Penal Sanctions <u>Readings:</u> Manson, pp. 5-20
Wednesday, September 14	Reform of Canada's Sentencing Laws <u>Readings:</u> Manson, pp. 20-29 CP at 1-9: "Developments Leading to Reform of Sentencing in Bill C-41" CP at 156-163 "Mandatory Minimum Sentences"
Monday, September 19	Objectives and Philosophical Dimensions of Punishment <u>Readings:</u> Manson pp. 31-54 <i>R. v. M(CA)</i> , CP at 10, at paras. 76-82
Wednesday, September 21	Judicial Discretion and the Methodology of Sentencing <u>Readings:</u> Manson pp. 56-74 <i>R. v. McDonnell</i> , CP at 38-68 <i>R. v. Arcand</i> , CP at 69-76
Monday, September 26	Role of the Court of Appeal <u>Readings:</u> Manson pp. 354-364 and relevant portions of <i>McDonnell</i> , especially pages 42-52 which was assigned last class <i>R. v. M (L)</i> , 2008 SCC 31 and <i>R. v. Nasogalauk</i> 2010 SCC 6 [Moodle Handout]
Wednesday, September 28	Principles of Sentencing: Proportionality, Parity and Restraint <u>Readings:</u> Manson pp. 74-96 <i>R. v. Gladue</i> , CP at 77, particularly paras. 1,

24-51, 64-75 and 80-81
R. v. Proulx, CP at 100, paras. 14-20
R. v. M(CA), CP at 10, paras. 38-43 and 92

- Monday, October 3 Principles and Rules of Sentencing: Concurrent, Consecutive and Totality; Youthful and/or First Offenders; Maximum Sentences
Readings: Manson pp. 98-109
R. v. M.(C.A.), CP at 10, paras. 20-75 and 93-96
Moodle Handout: Cases on Rules of Sentencing: Part 1
- Wednesday, October 5 Rules of Sentencing: Credit for Pre-Sentence Custody; Early Release and Parole Ineligibility; Previous Convictions
Readings: Manson pp. 109-129
Moodle Handout: Cases on Rules of Sentencing: Part 2 and Part 3
- Monday, October 10 Thanksgiving Day Holiday
- Wednesday, October 12 Aggravating/Mitigating Factors
Readings: Manson pp. 130-148
Moodle Handout: Aggravating/Mitigating Factors: Additional Cases
- Monday, October 17 Aggravating/Mitigating Factors
Readings: Manson pp. 148-161
- Wednesday, October 19 Catch-up
- Monday, October 24 Sentencing Hearings: Procedure and Evidence
Readings: Manson pp. 162-186
- Wednesday, October 26 Sources of Offender Information: Speaking to Sentence, Pre-Sentence Reports and Victim Impact Statements
Readings: Manson pp. 186-198
Moodle Handout: Recent Cases on VIS etc.
- Monday, October 31 Psychiatric/Medical Reports, Judicial Notice, Joint Submissions, and Lengthy Adjournments
Readings: Manson pp. 198-207
Moodle Handout: Recent Cases on VIS etc.
- Wednesday, November 2 Restorative Justice
Readings: CP at 132-153
Manson pp. 371-374

Monday, November 7	Diversion and Absolute and Conditional Discharges <u>Readings</u> : Manson pp. 209-219
Wednesday, November 9	Probation <u>Readings</u> : Manson pp. 219-240
Monday, November 14	Remembrance Day
Wednesday, November 16	Breach of Probation; Fines; and Restitution <u>Readings</u> Manson pp. 240-255 Moodle Handout: Probation Orders
Monday, November 21	Driving and Weapons Prohibitions; Intermittent Sentences; Imprisonment <u>Readings</u> : Manson pp. 255-264 <i>R. v. M(CA)</i> , CP at 10, at paras. 1-75 and 93-96 [Previously assigned]
Wednesday, November 23	Conditional Sentences <u>Readings</u> : Manson pp. 264-275 <i>R. v. Proulx</i> , CP at 100-133 Moodle Handout: Legislative Amendments to Conditional Sentences
Thursday afternoon Nov. 24 and Friday, Nov. 25 (Tentative Date)	Mock Sentencing Hearings (Materials and Exact Schedule to be announced)
Monday, November 28	Conditional Sentences <u>Readings</u> : Manson pp. 275-289 Moodle Handout: Conditional Sentences: Recent Cases Moodle Handout: Procedure and Breach of Conditional Sentence
Wednesday, November 30	Dangerous Offender and Long Term Offender Provisions <u>Readings</u> : Manson pp. 314-328; 335-344 Introduction to Sentencing Under the <i>Youth Criminal Justice Act</i> [if time permits] <u>Readings</u> : CP at 164-218
Wednesday, December 14 (9:00am)	Examination

