

BORA LASKIN LAW LIBRARY



3 1761 04862 3367

# ADVANCED CRIMINAL LAW: ISSUES IN THEORY AND PRACTICE

## Volume I

Shaun Nakatsuru and Martha Shaffer  
Faculty of Law  
University of Toronto

2001-2002

Prepared with the assistance of Anusha Aruliah, Nikki Geshbain,  
Matthew Horner, and Lisa Dufraimont

*These materials are distributed solely for classroom use  
by students in the Faculty of Law, University of Toronto*

Storage  
KE  
8808.5  
.N35  
2002  
v.1  
c.1



**ADVANCED CRIMINAL LAW: ISSUES IN THEORY AND PRACTICE**


**Volume I**

Shaun Nakatsuru and Martha Shaffer  
Faculty of Law  
University of Toronto

2001-2002

Prepared with the assistance of Anusha Aruliah, Nikki Geshbain,  
Matthew Horner, and Lisa Dufraimont

*These materials are distributed solely for classroom use  
by students in the Faculty of Law, University of Toronto*



Digitized by the Internet Archive  
in 2018 with funding from  
University of Toronto

<https://archive.org/details/advancedcriminal01naka>

# ADVANCED CRIMINAL LAW: ISSUES IN THEORY AND PRACTICE

## VOLUME I

### WEEK 2 - MODELS OF CRIMINAL JUSTICE

Kent Roach, "Four Models of the Criminal Process" (1999) 89 J. of Crim. Law and Criminology 671.....	1
Martha Minow, "Between Vengeance and Forgiveness: Feminist Responses to Violent Injustice" (1998) 32 N. E. Law Rev. 967 .....	21
Leonard Mandamin et al, "The <i>Criminal Code</i> and Aboriginal People" (1992) U.B.C. Law Rev. 5.....	29
<i>Report of the Commission on Systemic Racism in the Ontario Criminal Justice System, A Community Summary</i> , (Toronto: Queen's Printer, 1995) chapter 4 .....	32

### WEEK 3 - ROLE OF CROWN COUNSEL

<i>R. v. Henderson</i> (1998), 134 C.C.C. (3d) 131 (Ont. C.A.) .....	42
Ken Crispin, "Prosecutorial Ethics" in S. Parker and C. Sampford (eds.) <i>Legal Ethics and Legal Practice</i> (Oxford: Clarendon Press, 1995) .....	50
Fred Zacharias, "Structuring the Ethics of Prosecutorial Trial Practice: Can Prosecutors Do Justice" (1991) 44 Vand. L. Rev. 45 .....	57
Fred Kaufman, "The Commission on Proceedings Involving Guy Paul Morin" vol. 2.....	62
Ellen Yaroshefsky, "Balancing Victim's Rights and Vigorous Advocacy for the Defendant" 1989 Annual Survey of American Law .....	67

### WEEK 4 - ROLE OF DEFENSE COUNSEL

Monroe H. Freedman, "Professional Responsibility of the Criminal Defense Lawyer: The Three Hardest Questions" (1966) 64 Mich. L. Rev. 1469.....	78
Michael Webster, "The Accused's "Great Interest": Do I Dare to Testify?" (1994) 36 Crim. L. Quarterly 185 .....	86
<i>R. v. Murray</i> (2000) 144 C.C.C. (3d) 289 .....	98

### WEEK 5 - PERSPECTIVES ON RESTORATIVE JUSTICE

Kent Roach, "Changing punishment at the turn of the century: Restorative justice on the Rise (2000) 42 Can J. Crim. 249 .....	125
John Braithwaite, "Shame and Criminal Justice" (2000) 42 Can. J. of Crim. 281.....	141

## WEEK 6 - JURY SELECTION

Deirdre Golash, "Race, Fairness, and the Jury" (1992) 10 Behavioral Sciences and the Law 155 .....	151
<i>R. v. Pizzacalla</i> (1991), 5 O.R. (3d) 783 (Ont. C.A.).....	165
<i>R. v. Biddle</i> (1993), 84 C.C.C. (3d) 430 (Ont. C.A.).....	166
<i>R. v. Biddle</i> , [1995] 1 S.C.R. 761 .....	170
<i>R. v. Williams</i> , [1998] 1 S.C.R. 1128 .....	173
<i>R. v. Find</i> , 2001 SCC 32.....	187
<i>R. v. Gayle</i> (2001), 154 C.C.C. (3rd) 221 (Ont. C.A.) .....	205
<i>R. v. Pan</i> ; <i>R. v. Sawyer</i> , 2001 SCC 42 .....	223
Barbara Underwood, "Ending Race Discrimination in Jury Selection: Whose Right is it, Anyway?" (1992) 92 Columbia L. Rev. 725.....	243