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Interactive English for Law Students – 2. Machinery of Justice

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Unit 1

CRIME AND THE POLICE

I. Crime

1. The definition of crime

1.1. Put down the names of ten crimes you know in English. Be prepared to explain them in English to the other students.

1.2. Read the paragraph and find out when some conduct is deemed a crime.

A **crime** is conduct which the law deems to be criminal under statute (an Act of Parliament) or common law (case law). Such conduct is prohibited because it involves the threatening or causing of harm to individuals or to public interests. Conduct may be deemed to be criminal due to moral and/or social reasons. Although a crime may be committed against a specific individual, a crime is classed as a public wrong as it affects the public at large by making society feel less secure and safe from harm.

(Monaghan, Criminal Law Directions, OUP 2012)

1.3. Can you mention conduct that is considered criminal in one country but not in another country? Can you name crimes which are also morally wrong and crimes which are not morally wrong, but interfere with the smooth running of society? Can you think of any moral wrong that is not a crime?

2. The two main elements of a crime: actus reus and mens rea

Every crime consists of an actus reus (guilty act) accompanied by a specified means rea (guilty mind) (unless it is a crime of strict liability), and the prosecution must prove these elements of the crime beyond reasonable doubt in order to secure a conviction.

(Oxford Dictionary of Law)

What are the actus reus and mens rea of murder?

What does strict liability mean?

Can you give any examples for strict liability offences?

3. Classifications of crimes

3.1. Read the text about the USA and work out the Hungarian equivalents of the expressions in bold type.

USA

Crimes receive different classifications according to their severity. The mildest crimes are known as infractions; more serious crimes are known as misdemeanors; and the most serious crimes are known as felonies.

An **infraction**, sometimes called a petty offense, is the violation of an administrative regulation, an ordinance, a municipal code, and, in some jurisdictions, a state or local traffic rule. In many states an infraction is not considered a criminal offense and thus not punishable by incarceration. (...).

A **misdemeanor**, a criminal offense that is less serious than a felony and more serious than an infraction, is generally punishable by a fine or incarceration in a local jail, or both.

Felonies are deemed the most serious class of offense throughout the United States. (...) Depending on the circumstances surrounding the crime, felonies are generally punishable by a fine, imprisonment for more than a year, or both. (...) They include terrorism, treason, arson, murder, rape, robbery, burglary, and kidnapping, among others.

(<http://criminal.findlaw.com/criminal-law-basics/classifications-of-crimes/>)

3.2. Read the text and explain the origin of the names of the types of offences. Bring examples from the text for offences belonging to each category.

England and Wales

Indictable offences are the more serious offences, which must be tried in the Crown Court by a judge and jury. Offences that a defendant in the Crown Court is alleged to have committed are set out in a document known as an indictment. This lists the charges against him (...). All serious crimes such as murder, wounding, rape, robbery, and causing death by dangerous driving are indictable offences which can only be tried in the Crown Court.

Summary offences are less serious offences, tried by magistrates. They are called summary offences, because they are tried summarily, which means speedily by the most convenient court, and with the minimum of formality. Almost all motoring offences are summary offences, as are offences involving minor thefts and assaults, criminal damage, prostitution and drunk and disorderly behaviour in a public place.

There are certain offences that may be tried either in the magistrates' court or by the Crown Court. Because they can be dealt with in either court they have been nicknamed '**either-way**' offences. Offences of burglary and handling stolen goods are good examples of these.

(Based on: Rivlin, Understanding the Law)

4. Types of crime

4.1. Underline the names of crimes in the two texts above and classify them under the right headings.

Type of crime	Examples
Crimes against the person	
Crimes against property	
Sexual offences	
Political offences	
Offences against the administration of justice	
Public order offences	
Road traffic offences	
Drug offences	

4.2. Add the following offences to the right list.

cultivation of cannabis plant, possessing weapons, breach of the Official Secrets Act, careless or reckless driving, perjury, manslaughter, blackmail, forgery, bigamy, contempt of court, indecency, drug trafficking, perverting the course of justice, drink driving, obstruction of the police, drug possession, unlawful assembly, misuse of drugs, breach of the peace, grievous bodily harm, driving without a licence or insurance

4.3. For a more complete list of criminal offences under English law, consult the list issued by the Legal Services Commission. <http://www.justice.gov.uk/downloads/legal-aid/eligibility/list-of-criminal-offences.pdf>

For the English names of Hungarian offences, see the translation of the Hungarian Criminal Code. www.refworld.org/pdfid/4c358dd22.pdf
www.thb.kormany.hu/download/a/46/11000/Btk_EN.pdf

5. Definitions of offences

Match the names of crimes with their definitions.

1. murder	a) deceiving someone in order to make money
2. manslaughter	b) going through a marriage ceremony with someone when one is already lawfully married to someone else
3. assault	c) a defamatory statement made in permanent form, such as writing, pictures, or film
4. forgery	d) gaining unauthorized access to a computer system
5. fraud	e) acting in such a way that someone is afraid that he or she will be attacked and hurt
6. bribery	f) legitimizing money from organized or other crime by paying it through normal business channels
7. theft	g) making a false document or banknote to use as if it were genuine, thereby causing harm to others
8. money laundering	h) killing someone illegally and intentionally
9. libel	i) offering money corruptly to some official to get him to do something to help you
10. blackmail	j) dishonest appropriation of property which belongs to someone else, with the intention of permanently depriving that person of it
11. bigamy	k) killing someone without having intended to do so, or killing someone intentionally but with mitigating circumstances
12. hacking	l) getting money from someone by threatening to make public information or by threatening violence

6. Word-building

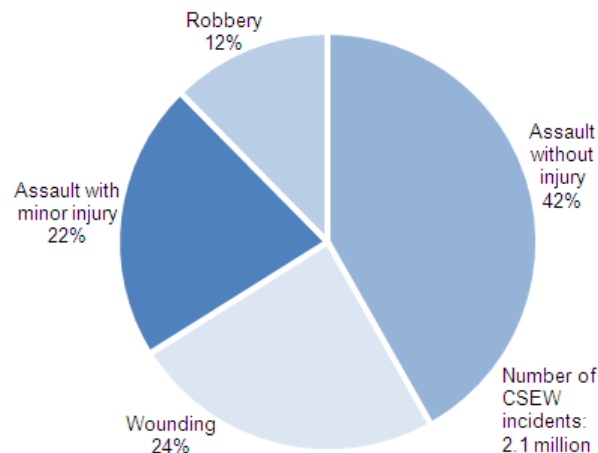
Fill in the table with the missing forms of the given words.

crime	criminal	verb
arson		
		to mug
theft		
terrorism		
drug-trafficking		
	pickpocket	
		to smuggle
embezzlement		
	shoplifter	

7. Analyzing a diagram (pie-chart)

Speak about the types and proportions of violent crime committed in 2011-2012 in England and Wales.

Types of violent crime, 2011-12 CSEW



Source: Crime Survey for England and Wales, Office for National Statistics

8. Procedure for dealing with summary offences

A common type of summary offences is constituted by road traffic offences.

8.1. Below is the procedure for dealing with a simple road traffic offence. With a partner, put the events in the right order. Check the meaning of the expressions in bold type.

1. He is stopped by a police car.
2. The policeman tells the driver that he will be reported for **summons**.
3. The summons is **served on** the defendant.
4. A motorist is driving at night with only one headlight.
5. If he wishes, the defendant may avoid appearing in court by **pleading guilty** and paying a fine to the clerk to the justices.
6. The policeman asks the driver about the light and notes down his answer.
7. At the end of his shift he hands in his report.
8. The **clerk to the justices** prepares a summons which is signed by a JP.
9. If he wishes to plead not guilty, the defendant sees his solicitor.
10. The defendant appears in court with his solicitor.

(Pásztor & Moor: English for Law Students, Miskolc University, 1994)

8.2. What would the procedure be like in Hungary?

9. Verbs connected with procedure

9.1. Read the text and find out what traffic offences were committed by the driver.

A bad driver?

When I was 20 I was convicted of ‘careless driving’ and banned for 6 months. At 24 I was fined for going through a red light and my licence was endorsed. At 35, I was prosecuted for speeding but not convicted because of a technicality. There was a fault in the police radar. Last year I was found guilty of ‘reckless driving’ after an accident, but I still don’t think the accident was my fault. My wife accuses me of being a bad driver. I think I’ve just been unlucky.

9.2. Underline the verbs connected with procedure.

9.3. Choose the correct preposition and complete the following sentences using a noun or –ing form:

1. He was prosecuted for/of	6. I was summonsed of/for
2. The solicitor accused him for/of	7. Fred was indicted for/of
3. They were arrested of/for	8. He was charged with/for
4. She was convicted of/for	9. The defendant confessed to/for
5. He was found guilty of/for	10. He apologized of/for

But what about

1. He denied
2. She admitted

(Pásztor & Moor: English for Law Students, Miskolc University, 1994)

II. The Police

1. The Past

Read the following text and answer the questions:

1. What is the meaning of the verb ‘to police’ in the text?
2. Explain why the first policemen were called ‘Peelers’ or ‘Bobbies’.
3. What does ‘commission’ mean?
4. What characteristics do you think a policeman should have?



The first *police* force to become an organised body of men wearing uniforms and given special powers was the Metropolitan Police Force (‘The Met’), named because it policed the metropolis of London. This force was created by the Metropolitan Police Act 1829. At that time Robert Peel was the Home Secretary, and policemen were therefore known as ‘Peelers’ or ‘Bobbies’. The new police force first went out on duty at 6 p.m. on 29 September 1829. Its Instruction Book stated, ‘the first duty of a constable is always to prevent the commission of crime’. The force made a poor start. By the end of the year, of the 2,800 men recruited, 2,238 had been dismissed, 1,790 of them for being drunk on duty. After the initial difficulties the police force grew rapidly, however the report from the Daily Telegraph in 1865 shows the problem was still not solved:

“The attributes necessary to the making of a thoroughly efficient policeman are that he must be active, industrious, punctual, sober, intelligent, faithful, obedient, courageous, forbearing and incorruptible. He must have an iron constitution, no small power of endurance, the facility of going without his natural rest at stated periods, the eyes of Argus and the stoicism of an ancient philosopher. Can we expect all these virtues, cut and dried, for three and twenty shillings a week?”

(Rivlin: Understanding the Law, OUP, 2004)

2. The Policing Mission (Schedule 4 Police Act 1996)

Find out from the mission statement what responsibilities policemen have.

“I do solemnly and sincerely declare and affirm that I will well and truly serve the Queen in the office of constable, with fairness, integrity, diligence and impartiality, upholding fundamental human rights and according equal respect to all people; and that I will, to the best of my power, cause the peace to be kept and preserved and prevent all offences against people and property; and that while I continue to hold the said office I will, to the best of my skill and knowledge, discharge all the duties thereof faithfully according to the law”

(<http://www.acpo.police.uk/documents/reports/2012/201210PolicingintheUKFinal.pdf>)

3. Objectives Set for the Police

This list of 10 objectives has been set up for the police forces in Scotland.

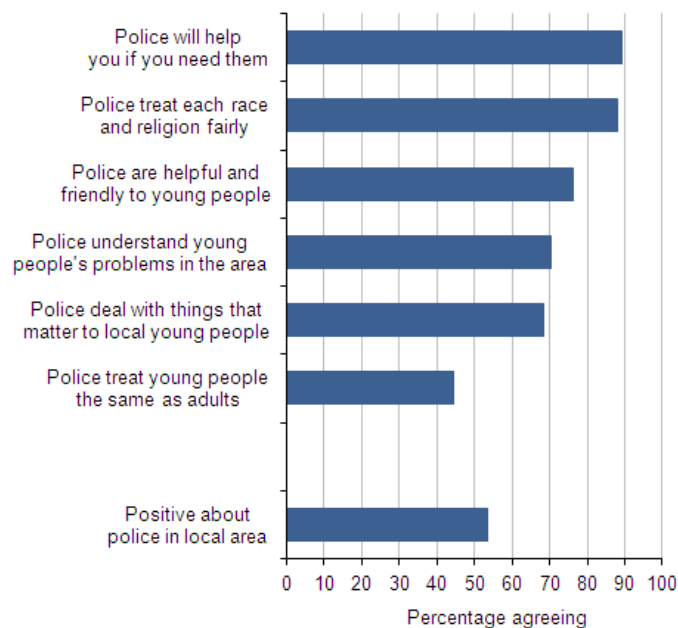
Which are the three most important objectives in your opinion?

‘The people of my country should expect their police:

- to act without fear, favour or prejudice
- to apply only the minimum force necessary to carry out their duties
- to behave in a professional manner, even in the face of provocation
- to detect offenders and report them promptly and professionally to the Public Prosecutor’s office
- to help prevent crime
- to preserve order and provide protection, help and reassurance to the community
- to set and publish target times for getting to incidents which require a rapid response
- to treat all members of the public with courtesy and respect
- to uphold the law fairly and firmly
- to wear name badges in appropriate circumstances so that citizens can readily identify the officers with whom they are dealing’

4. Public Perceptions of Policing in England and Wales

Have a look at the diagram and say what people think of the police in England and Wales.



Focus on Public Perceptions of Policing (Findings from the 2011/12 Crime Survey for England and Wales)

5. Role-play: Reporting a crime

In pairs, role-play the following situation.

- A** You want to report a theft at the police station:
- your wallet was stolen on bus 30 at 15.00 on March 5
 - you noticed the theft when you had got off the bus, a piece had been cut out of your bag
 - the bus was overcrowded
 - you also lost all your documents: ID card, address card, social security card
 - there were 30,000 Hungarian forints and your bank card in the wallet
 - you want to get back your stolen property

- B** You work for the police complaints office.
- Offer your help.
 - Ask about the circumstances: date, place, stolen property, any suspicions the victim might have.
 - Ask if the victim wants to pursue a civil claim.
 - Warn A about false accusations.
 - Ask A to sign a copy of the report and promise to find the offender.
 - Hand over a copy of the report: for identification until the personal documents are replaced.

6. Specialist fields

6.1. *There is a great diversity of fields covered by the police at present. People working for the police have to specialise in different tasks. In the following text you will read about the main fields of specialisation. Match the name of specialist fields with the paragraphs describing them.*

- 1/ **Mounted police.**
- 2/ **Criminal Investigation Department (CID).**
- 3/ **Drugs Squad.**
- 4/ **Crime prevention.**
- 5/ **Scenes of crimes and forensic science.**
- 6/ **Murder Squad and Flying Squad.**
- 7/ **Dog handling.**
- 8/ **Community relations.**



A/ All forces have a department of officers trained to give advice on how citizens may best protect themselves and their property against criminals. They often visit schools and make presentations to children. They also work in co-operation with members of local **Neighbourhood Watch** Committees.

B/ The job of Community Liaison Officers is to improve relations between the police and the different parts of the community they serve, including young people in the area. This includes race relations work. In many areas of the country the police have 'schools involvement programmes', where School Liaison Officers visit schools to talk about subjects as diverse as citizenship, **'crime busting'**, drugs, and 'personal safety' – which covers such issues as **bullying, peer group pressure, racial harassment**, and dealing with the **attentions of strangers**.

C/ These officers are specially skilled in training and handling police dogs, whose duties may range from protection against violent criminals to assisting as **'sniffer dogs'** in the investigation of crime. This, of course, includes assisting the drugs squad and HM Customs to **detect explosives**.

D/ Even in these modern times the police still make use of horses as particularly effective means of crowd control, although some forces are considering **disbanding** the units for reasons of expense. Police horses must be at least 16 hands high. They undergo a period of intensive training to learn to

cope with noisy traffic and hostile crowds , and take for granted pistol shots and missiles – even petrol bombs.
E/ Scenes of Crime Officers (SOCOs), as their name implies, are expert in visiting the scenes of crimes and searching for clues. They take fingerprints or the castings of shoe-prints, and remove any item of interest which will require laboratory investigation. Police officers are also trained to work in the laboratories. For instance, they become expert in firearms and the comparison of ammunition , or fingerprints.
F/ These officers must become expert in the identification of a whole range of prohibited dangerous drugs and substances – from heroin to cannabis, ecstasy to glue-sniffing . They must become familiar with the ‘drugs scene’ and the various types of people who become involved in it. Many officers turn out to be excellent actors – working in the drugs scene as undercover officers .
G/ These branches of the force deal with the most serious investigations into murder and other violent crime, such as armed robbery. The Flying Squad gets its name from the ex-Royal Flying Corps vehicles which it once used. Often, too little credit is given to its officers, whose work may place them in real danger, and who show great bravery when dealing with armed criminals.
H/ CID officers wear plain-clothes and specialise in detective work. They are frequently called in to interview suspects who have been arrested by uniformed officers.

(Based on Rivlin: *Understanding the Law*, OUP, 2004)

6.2. Fill in the gaps in the following sentences using the expressions in bold type from the text above.

1. can smell better and so they can find drugs more easily than people.
2. Detectives wear instead of uniforms.
3. During riots people can become very aggressive and the police must be able to control.....
4.is very dangerous, because you can suffocate.
5. You must be careful with the....., never accept anything from someone that you don't know.
6. It is very important to in order to prevent bomb attacks.
7.work secretly in order to find information for the police.
8. If others hurt you because you are black, that is
9. The murder weapon was identified by way of
10. There has been less crime in our village since the was set up.
11. If a young person starts taking drugs because his classmates also do, one can speak of.....
12. Since Pete appeared at the playground with his grown-up boxer friends, his enemies have stopped him.
13. The committee ceased to operate after its last year.
14.may require rapid action of the police.

7. Police powers and the rights of suspects

7.1. Read the text and decide if the following statements are true or false.

1. The police always need a warrant to search premises.
2. The police cannot use excessive force during arrest.
3. You are obliged to go to the police station only if you have been arrested.
4. The normal period of detention at the police station is 96 hours.
5. Different rules apply to people suspected of terrorism.

Most police powers and rights for suspects are to be found in the Police and Criminal Evidence Act 1984 (PACE) and in the accompanying Codes of Practice. PACE has been amended many times since then, most recently by the Criminal Justice Act 2003.

Part 1 of PACE empowers any constable acting with reasonable grounds for suspicion to stop, detain and search you or your vehicle, or anything in or on your vehicle for certain items. Any items found may be seized.

The police have powers to enter and search your premises for many reasons. It should be noted that the police do not always need to have a search warrant, although they must always have a reason for the search. When the police are lawfully on any premises, they have wide powers to seize anything on the premises. 'Anything' includes fingerprints.

Police can arrest you if they have a valid arrest warrant. There are also some situations where they can arrest you without a warrant, e.g. where they have reasonable grounds for suspecting you are committing a serious arrestable offence.

The police should only use reasonable force to make an arrest. An arrest is unlawful unless you are told that you are under arrest and the grounds for the arrest at the time. Suspects can refuse to go to the police station if they have not actually been arrested.

If the police arrest you somewhere other than at a police station, they should take you to a police station as soon as possible.

At the police station, the police should inform you of: a) your right to have one friend, relative or person who is known to you or likely to take an interest in your welfare notified of your whereabouts as soon as possible and at public expense, b) your right to free legal advice from the duty solicitor, c) your right to look at the police codes of practice.

The suspect should be told why they are being interviewed and the nature of the offence. The police should not question you with a view to getting evidence until they have cautioned you:

"You do not have to say anything. However, it may harm your defence if you do not mention when questioned something which you later rely on in court. Anything you do say may be given in evidence."

Although you have a right to silence, courts can take your silence into account when deciding whether you are guilty or innocent.

A record should be made of the interview and this can be either written or recorded on videotape. Suspects have the right to read or see the interview after it has been recorded.

There should be regular breaks in interviewing for meals and light refreshments. In any period of 24 hours a detainee must be allowed a continuous period of at least eight hours rest. This period should normally be at night. There are special provisions to protect juveniles, mentally disordered and otherwise mentally vulnerable suspects during interview.

Suspects have a right to decent conditions during their detention at the police station. Police cells must be adequately heated, cleaned, ventilated and lit. Bedding should be clean. Access to toilet and washing facilities must be provided. The police should check on persons in cells once an hour, or every half-hour on those who are drunk. At least two light meals and one main meal should be offered in any period of 24 hours. Brief outdoor exercise should be offered daily if practicable.

As soon as is practicable after your arrival at the police station or answering to bail, or after arrest at the police station, the custody officer must determine whether there is sufficient evidence to charge you with the offence for which the arrest was made. Normally the period of detention without charge

should not exceed 24 hours, although in some cases the maximum period, with extensions, is as long as 96 hours.

If you are arrested as a suspected terrorist, different rules apply. A judge can authorise continued detention, in stages, for up to 14 days.

A person who has been detained after charge must be taken to court as soon as practicable and not later than the first sitting after charge. The police are also able to impose bail conditions.

(Based on <http://www.yourrights.org.uk/your-rights/chapters/the-rights-of-suspects/index.shtml>)

7.2. Read the text once more and make a list of police powers and suspects' rights.

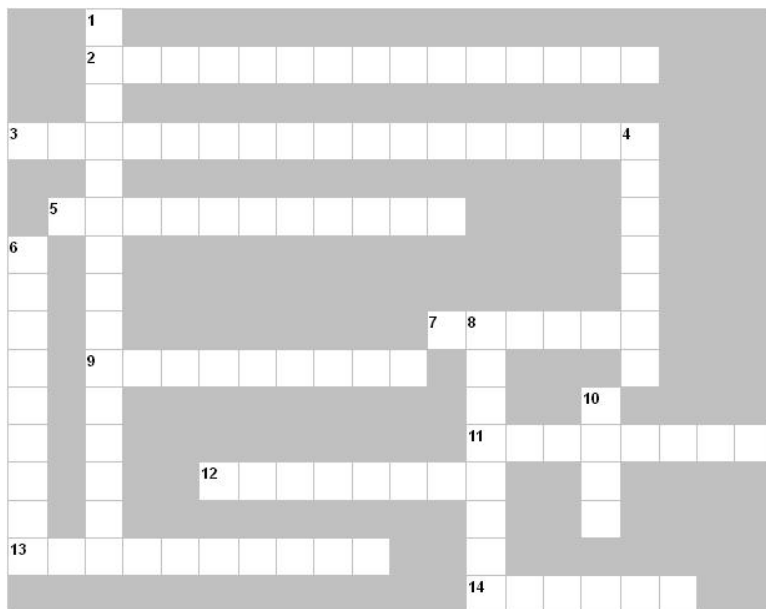
7.3. Vocabulary task

a) Find expressions from the first half of the text for the words or definitions.

- | | |
|----------------------------------------------------------------|------------------------------------------|
| 1. modified | 7. legally |
| 2. enables/authorizes | 8. officially acceptable/ in force |
| 3. cause/reason | 9. inform |
| 4. confiscate/ take away illegal or stolen goods | 10. the place where you are |
| 5. building or land near it | 11. paid by the state |
| 6. legal document authorizing the police to do something | 12. lawyer appointed to a case |

b) Crossword

Match the underlined expressions from the text with their definitions and write them in the crossword.



Down

- 1: have regard to (three words)
- 4: court hearing
- 6: decide, define
- 8: something serving as proof
- 10: affect adversely, damage

Across:

- 2: appearing at the police station after being summoned
- 3: a set of different rules applicable to a certain group of people (two words)
- 5: interrogated, questioned
- 7: lean on, refer to sg in court (two words)
- 9: warned
- 11: person being detained
- 12: young person under the age of majority
- 13: prolongations
- 14: go beyond

8. The Miranda warning

In the US, the police caution before questioning is called the Miranda warning.

8.1. Read the text below and answer the following questions:

1. Why is the warning called Miranda warning?
2. What are a suspect's Miranda rights?
3. How are they connected with the US Constitution?
4. What happens to statements made by a suspect who has not been informed of his Miranda rights?

In 1966, the U.S. Supreme Court made a landmark ruling in the case of *Miranda v. Arizona* that established that a suspect has the right to remain silent and that prosecutors may not use statements made by defendants while in police custody unless the police have advised them of their rights. The case changed the way police handle those arrested for crimes.

(http://crime.about.com/od/police/a/miranda_rights.htm)

When a person is in custody, some version of the Miranda rights, such as the following, is read to the individual before questioning:

*"You have the right to remain silent. If you give up the right to remain silent, anything you say can and will be used against you in a court of law. You have the right to an attorney. If you desire an attorney and cannot **afford** one, an attorney will be obtained for you before police questioning."*

The Miranda rule was developed to protect the individual's **Fifth Amendment** right against **self-incrimination**. Many people feel obligated to respond to police questioning. The Miranda warning ensures that people in custody realize they do not have to talk to the police and that they have the right to the presence of an attorney.

If the Miranda warning is not given before questioning, or if police continue to question a suspect after he or she indicates in any manner a desire to consult with an attorney before speaking, statements by the suspect generally are **inadmissible**. However, it may be difficult for your attorney to **suppress** your statement or **confession** in court.

The best rule is to remain silent. You have the right to an attorney. Insist on it.

(http://www.americanbar.org/content/dam/aba/migrated/publiced/practical/books/family/chapter_14.authcheckdam.pdf)

8.2. Can you explain the words in bold type?

8.3. Watch a video about Miranda rights and answer the following questions about the original case: <http://www.youtube.com/watch?v=2QiFg7MJL3E>

1. What offences was Miranda charged with?
2. What did he do at the end of the police interrogation?
3. Why was his conviction overturned by the court?
4. What punishment was Miranda sentenced to after his retrial and conviction?
5. What happened to him after his release from prison?

8.4. Now watch the video once more and answer some other questions:

1. How are the rights explained in case of foreigners or deaf people?
2. How is it made sure in some jurisdictions that the warning is understood by the suspect?
3. What additional right are suspects informed of in France?

For a written summary of the case, see the Unit on Judgments and Case Summaries.

Ironic End for Miranda

Miranda served 11 years in prison and was paroled in 1972. At age 34, Ernesto Miranda was stabbed and killed in a 1976 bar fight. A suspect was arrested in Miranda's stabbing, but exercised his right to remain silent. He was released without being charged.

(http://crime.about.com/od/police/a/miranda_rights.htm)

9. GRAMMAR: word order in simple sentences

Have a look at the following rules.

a) The usual word order in a simple **statement** is the following:

Subject	Predicate (Verb)	Object
The law	punishes	criminals.
The victim	has reported	the offence.
The police	are investigating	the crime.

The place of adverbs

Adverbs may stand at the beginning or end of the sentence, or before the main verb or after be / first auxiliary

Some adverbs (adverbs of frequency, degree, sentence adverbs) are usually placed before the main verb or after be / first auxiliary

He **almost** admitted the theft. (*adverb of degree*)

He is **definitely** guilty. (*sentence adverb*)

The court will **probably** acquit the accused. (*sentence adverb*)

The offender **regularly** exceeded the speed limit. (*adverb of frequency*)

Adverbs of manner and **adverbs and adverb phrases of place** usually come after the object or after the main verb if there is no object.

*The drug addict bought cannabis **secretly**.*

*The prisoner escaped **easily**.*

*The police arrived **there**.*

*The prisoner escaped **from the penitentiary**.*

Adverb phrases of time may come at the very beginning or the very end of the sentence.

***By the end of next month** he will have served his punishment.*

*The jury returned their verdict **two hours ago**.*

Here is an example for a sentence containing several adverbs:

Adverb of time	Subject	Adverb of frequency	Verb	Object	Adverb of manner	Adverb of place
Last year	he	always	prepared	his reports	carefully	in his office.

9.1. Put the words in the right order.

0. *bank/men/last/week/Two/a/London/robbed/in.* → *Two men robbed a bank in London last week.*

1. discovered/in/body/a/dog/park/of/a/man/the/the.
2. gave/my/me/a/banknote/yesterday/somebody/in/change/forged.
3. always/should/speed/keep/the/limit/drivers.
4. people/with/young/experiment/often/drugs.
5. just/shoplifter/guards/have/the/caught/security/a.
6. in/serving/a/time/sentence/he/will/still/his/year's/be/prison.
7. the/years/boss/has/systematically/money/transferring/to/his/own/account/for/been.

When there is more than one adjective in a sentence, there is a general rule for their order: the more specific or objective the adjective, the closer to the noun. The right order is:

opinion→size→age→shape→colour→nationality→material.

9.2. Put the adjectives given in the correct order.

1. The victim was a(n) (English/pretty/young) girl.
2. The material proof was a (thin/red/small) book.
3. Some of the policemen wore (tight/black/elegant) uniforms.
4. The girls were locked up in a(n) (wooden/tiny/damp/old/dark/) box.
5. A(n) (American/black/middle-aged) policeman caught the criminal.

The normal order in an English sentence is: **subject/verb/complement**. In the following cases the subject and the verb are inverted.

After certain negative adverbs (never, seldom, rarely, little, hardly, not only), e.g. *Hardly had he escaped from the police.*

With conditional clauses without if, e.g. *Had he stayed in prison longer, he might have got used to it.*

9.3. Rewrite the following sentences using the prompt provided. (Inversion!)

- 1 I was convicted of careless driving just after I had caused an accident.
Hardly
- 2 Criminals will be charged if the police can find some evidence against them.
Only if
- 3 It's not very often that a prisoner learns two languages.
Seldom
- 4 The murderer is both cruel and he is a notorious liar.
Not only
- 5 It has never happened that I saw an accident.
Never
- 6 If the thief had stolen my property, I would have turned to the police.
Had

b) Negative sentences

In the simple present tense, in sentences with “be”, the negative is formed by putting “**not**” after “**am/is/are**”.

*I am innocent. → I **am not** innocent. (I'm not)*
*You are a suspect. → You **are not (aren't)** a suspect.*
*He is guilty. → He **is not (isn't)** guilty.*

In other sentences in the simple present tense, the negative is formed by putting: **do /does not (don't/doesn't)** before the verb.

*He commits crimes. → He **doesn't commit** crimes.*
*They follow the law. → They **don't follow** the law.*

In the simple past tense, in sentences with “be”, the negative is formed by putting “**not**” after “**was/were**”.

*He was a terrorist. → He **was not (wasn't)** a terrorist.*
*You were reckless. → You **were not (weren't)** reckless.*

In other sentences in the simple past tense: **did not (didn't)** is put before the verb to form the negative.

*The woman suffered serious injuries. → The woman **did not suffer** serious injuries.*

In sentences with **auxiliaries**, the negative is formed by putting **not** after the auxiliary.

*He will plead guilty. → He **will not (won't)** plead guilty.*
*The court may put him on probation. → The court **may not** put him on probation.*

9.4. Make the following sentences negative.

0. *The guy knocked him down yesterday. → The guy **didn't knock** him down yesterday.*
1. It is difficult for the police to catch drug barons.
 2. The police search for clues at crime scenes.
 3. The killer has stabbed the victim several times.
 4. He was arrested for drink-driving.
 5. Customs seized two kilos of heroin.
 6. They should have paid the ransom.
 7. A bomb can go off easily.
 8. The offenders were too clever.

c) Questions

In the simple present tense, if there is **am/is/are** in the sentence, it comes before the subject.

*He is a good detective. → **Is he** a good detective?*

In other sentences in the simple present tense, the auxiliary **do/does** comes before the subject + the infinitive of the main verb is used to form questions.

*The police question suspects. → **Do** the police **question** suspects?*

The prosecutor charges him with murder. → **Does the prosecutor *charge* him with murder?**

In the simple past tense, if there is was/were in the sentence, it comes before the subject.

Sherlock Holmes was a famous detective. → **Was Sherlock Holmes a famous detective?**

In other sentences in the simple past tense, the auxiliary **did** comes before the subject + the infinitive of the main verb is used to form questions.

The young man inflicted actual bodily harm on his neighbour. → **Did the young man *inflict* actual bodily harm on his neighbour?**

In sentences with an auxiliary, the auxiliary comes before the subject in the question.

The police must preserve order in society. → **Must the police *preserve* order in society?**

9.5. Transform the following sentences into yes-no questions.

0. A crime is a public wrong. → **Is a crime a public wrong?**

1. The terrorists planted the explosives in a suitcase.
2. Someone might have poisoned him.
3. He refuses to plead guilty.
4. Police question suspects at the police station.
5. The attackers are responsible for several assaults.
6. Police have finally caught the serial rapist.
7. The blackmailer threatened to make the photos public.
8. The suspect will appear in court tomorrow.

Questions with question words – not about the subject of the sentence

Question word +connected word	am/is/are/was/were/ auxiliary	subject	verb	the rest of the sentence	preposition (connected with the question word)
<i>Where</i>	<i>did</i>	<i>he</i>	<i>put</i>	<i>the revolver?</i>	
<i>Who(m)</i>	<i>could</i>	<i>the witness</i>	<i>see</i>	<i>from the window?</i>	
<i>How many burglaries</i>	<i>has</i>	<i>the accused</i>	<i>committed?</i>		
<i>What crimes</i>	<i>will</i>	<i>the prosecution</i>	<i>charge</i>	<i>him</i>	<i>with?</i>

Questions with question words – asking about the subject (or a complement of the subject) of the sentence

These questions have the same word order as statements, only the subject is replaced by a question word.

Question word (subject)	verb	object	adverb
Who	killed	the victim?	
What	has fallen		on his head?
Which police department	is investigating	the incident?	

9.6. Ask questions about the underlined parts of the sentences.

0. *The police caught the criminal yesterday.* → *When did the police catch the criminal?*

1. The robber has stolen two valuable paintings from the gallery.
2. The police detained him for more than 24 hours.
3. The prosecutor will read out the indictment at the trial.
4. The smuggler's prison sentence may be reduced to five years later on.
5. Judges in the Crown Court hear criminal cases.
6. The bank manager was prosecuted for fraud.
7. The driver exceeded the speed limit.
8. A lot of burglaries take place in our neighbourhood.

account *fn* beszámoló, számla
 • **take into account** számításba veszi
accuse (sy of sg) *ige* vádol vmivel
accused *fn* vádlott
act *ige* cselekszik
actus reus (*Latin*) bűnös magatartás
address card *fn* lakcímkártya
admit *ige* beismer
advise (sy of sg) *ige* tájékoztat vmiről
affirm *ige* megerősít (vallomást), helyben hagy (ítéletet)
afford *ige* megengedheti magának
allege *ige* állít (nem bizonyítottan)
 • **allegation** *fn* állítás
amend *ige* módosít, kiegészít
 • **amendment** *fn* módosítás, kiegészítés
ammunition *fn* lőszer
apologize (for sg) *ige* bocsánatot kér, mentegetőzik vmiért
appear (in court) *ige* megjelenik (a bíróságon)
apply *ige* alkalmaz
 • **apply the minimum force** a lehető legkevesebb erőszakot alkalmazza
appropriation *fn* eltulajdonítás
armed robbery *fn* fegyveres rablás
arrest warrant *fn* letartóztatási parancs, elfogatóparancs
arrestable offence olyan bűncselekmény, amelyért valakit letartóztatási parancs nélkül is őrizetbe lehet venni
arson *fn* gyújtogatás
assault *fn* testi sértés, testi sértéssel való fenyegetés
attention *fn* figyelem
 • **attentions of strangers** idegenek tolakodó közeledése, zaklatása, ismerkedési kísérletei
attorney *fn* (USA) ügyvéd
attribute *fn* jellemző, tulajdonság
authorise *ige* engedélyez, felhatalmaz
bail *fn* szabadlábra helyezés óvadék ellenében
 • **answer to bail** idézésre megjelenik a rendőrségen
 • **bail conditions** óvadék ellenében való szabadlábra helyezés feltételei
 • **impose bail conditions** megszabni az óvadék ellenében való szabadlábra helyezés feltételeit
ban *ige* megtilt, eltilt
beyond reasonable doubt ésszerű kétséget kizáróan
bigamy *fn* kettős házasság, bigámia
blackmail *fn* zsarolás
bodily harm *fn* testi sértés
 • **actual bodily harm** könnyű testi sértés
 • **grievous bodily harm** súlyos testi sértés

breach *fn* törvénytörés
breach of the peace *fn* közrend megsértése, megbontása
bribery *fn* megvesztegetés
bullying *fn* erőszakoskodás, iskolai bántalmazás
burglary *fn* betöréses lopás
careless driving gondatlan, figyelmetlen vezetés
carry out one's duties teljesíti kötelezettségeit
casting *fn* öntvény
causing death by dangerous driving halált okozó közúti veszélyeztetés
caution *fn* figyelmeztetés
charge *fn* vád
charge (with) *ige* vádol
circumstance *fn* körülmény
citizenship *fn* állampolgárság
clerk to the justices *fn* jogi előadó, bírósági fogalmazó (magisztrátusi bíróságon)
clue *fn* nyom (ravezető jel)
Code of Practice *fn* eljárási szabályzat
Community Liaison Officer *fn* közösségi összekötő tiszt
condition *fn* feltétel
conduct *fn* magatartás
confess (to) *ige* beismer, bevall
confession *fn* beismerő vallomás
constable *fn* (köz)rendőr
contempt of court *fn* a bíróság megsértése
convict (of) *ige* elítél, bűnösnek talál (bíróság)
conviction *fn* büntető ítélet, elítélés, bűnösség megállapítása
cope (with) *ige* megküzd, megbirkózik (feladattal)
courageous *mn* bátor
courtesy *fn* udvariasság
crime busting *fn* bűnözés elleni küzdelem
criminal damage *fn* bűncselekménnyel okozott kár, rongálás
criminal justice *fn* büntető igazságszolgáltatás
crowd control *fn* a tömeg ellenőrzés alatt tartása, féken tartása
custody *fn* őrizet (be vétel)
custody officer *fn* őrizetes tiszt
customs (plural) *fn* vám
deceive *ige* megtéveszt
decent *mn* tisztességes, rendes, megfelelő
declare *ige* kijelent, állít
deem *ige* vél, gondol, ítél vkt/vmit vmnek
defamatory statement *fn* jó hírnevet sértő kijelentés
deny *ige* tagad
deprive (sy of sg) *ige* megfoszt vkt vmitől

detain *ige* fogva tart, feltartóztat
 • **detainee** *fn* fogvatartott
 • **detention** *fn* fogva tartás
detect *fn* megtalál, felfedez, kinyomoz, kiderít
determine *ige* meghatároz, megállapít
diligence *fn* szorgalom, igyekezet
disbanding *fn* felosztatás, leszerelés
discharge (duties) *ige* teljesíti kötelezettségeit
dishonest *mn* tisztességtelen, becsstelen
dismiss *ige* elbocsát
drink driving/drink-driving *fn* ittas járművezetés
drug possession *fn* kábítószer-tartás
drug trafficking *fn* kábítószer-kereskedelem
drunk and disorderly behaviour *fn* ittas és rendezavaró viselkedés
duty kötelesség, szolgálat
 • **on duty** szolgálatban
duty solicitor *fn* kirendelt védő
either-way offences *fn* a magisztrátusi bíróságon és a Crown Court-on is tárgyalható bűncselekmények
embezzlement *fn* sikkasztás
empower *ige* feljogosít
endorse *ige* hátrattal ellát (iratot)
endurance *ige* kitartás, állóképesség
ensure *ige* biztosít
establish *ige* megállapít
evidence *fn* bizonyíték
exceed *ige* átlép, túllép, meghalad
exercise (one's right) *ige* gyakorolja (jogát)
expense *fn* kiadás, költség
 • **at public expense** közpénzen, az állam költségén
explosive *fn* robbanóanyag
extension *fn* meghosszabbítás
favour *fn* kivételezés, kedvezés, részrehajlás
felony *fn* büntett
fine (sy for sg) *ige* megbírságol, pénzbüntetésre ítél
fingerprint *fn* ujjlenyomat
forbearing *mn* türelmes, béketűrő, elnéző
forensic science *fn* törvényszéki tudományok, kriminalisztika
forgery *fn* hamisítás
find guilty (sy of sg) *ige* bűnösnek talál
fraud *fn* csalás
genuine *mn* őszinte, valódi
glue-sniffing *fn* szipózás
ground for the arrest *fn* letartóztatás oka
handle *ige* kezel
handling stolen goods *fn* orgazdaság
harm *fn* kár, sérelem, ártalom
Home Secretary *fn* belügyminiszter (brit)
hostile *mn* ellenséges

• **hostile crowds** ellenséges tömegek
identification *fn* azonosítás
 • **identify** *ige* azonosít
impartiality *fn* pártatlanság
imply *ige* maga után von, jelent, utal valamire
inadmissible *mn* elfogadhatatlan
incarceration *fn* bebörtönzés
incorruptible *mn* megvesztegethetetlen
indecenty *fn* szemérmertlenség, közérkölcst sértő cselekmény
indictable offence a Crown Court előtt tárgyalat bűncselekmény
indict (sy for sg) *ige* vádat emel
indictment *fn* vádirat
industrious *mn* iparkodó, szorgalmas
infraction *fn* szabálysértés
innocent *mn* ártatlan
insist (on) *ige* ragaszkodik vmihez
Instruction Book *fn* szabályzat
integrity *fn* becsületesség, tisztesség, megvesztegethetetlenség
intentionally *hat.* szándékosan
interview *fn* kihallgatás
 • **interview** *ige* kihallgat
investigation *fn* nyomozás
involve *ige* magában foglal
item *fn* dolog, tárgy
juvenile *fn* fiatalkorú
kidnapping *fn* emberrablás
landmark ruling *fn* korszakalkotó, precedens teremtő bírósági döntés
libel *fn* rágalmozás
manslaughter *fn* enyhítő körülmények mellett elkövetett emberölés
means rea (Latin) bűnös tudat
mentally disordered *mn* elmezavarban szenvedő
mentally vulnerable *mn* értelmileg sérült
metropolis *fn* világváros, főváros
metropolitan *mn* világvárosi, fővárosi
misdeemeanour *fn* vétség
missile *fn*(rakéta)lővedék
misuse of drugs *fn* kábítószerrel való visszaélés
mitigating circumstances *fn* enyhítő körülmények
money laundering *fn* pénzmosás
motoring offence *fn* közlekedési szabálysértés/bűncselekmény
mounted police *fn* lovasrendőrség
mug *ige* utcán kirabol
municipal code *fn* helyhatósági szabályrendelet
murder *fn* szándékos emberölés

Neighbourhood Watch *fn* szomszédok egymásért mozgalom (SZEM)
notify *ige* értesít, tájékoztat
obedient *mn* engedelmes
obstruction of the police *fn* a rendőrség munkájának akadályozása
offence *fn* szabálysértés, törvénysértés, bűncselekmény
ordinance *fn* helyhatósági szabályrendelet
overturn *ige* hatályon kívül helyez
 • **overturn a conviction** bűnösséget megállapító ítéletet hatályon kívül helyez
parole *fn* feltételes szabadságra bocsátás
peer group pressure *fn* kortárs csoport befolyása
perjury *fn* hamis tanúzás
perverting the course of justice az igazságszolgáltatás helytelen irányba való terelése, félrevezetése
petty offense *fn* szabálysértés, kisebb súlyú bűncselekmény
pickpocket *fn* zsebtolvaj
 • **pickpocketing** *fn* zsebtolvajlás
plead guilty *ige* bűnösnek vallja magát
possess *ige* birtokol
 • **possessing weapons** fegyvertartás
power *fn* hatáskör, jogkör
practicable *mn* megvalósítható
prejudice *fn* előítélet
premises (plural) *fn* helyiség, épület, ingatlan
presence *fn* jelenlét
preserve order *ige* fenntartja a rendet
prevent *ige* megelőz
prohibit *ige* megtilt
prosecute (sy for sg) *ige* vádeljárást folytat vki ellen
provision *fn* rendelkezés
pursue a civil claim *ige* polgári jogi igényt érvényesít
questioning *fn* kihallgatás
race relations work *fn* fajok közötti kapcsolatok javítása
racial harassment *fn* faji alapon történő zaklatás
rape *fn* erőszakos nemi közösülés
reason (for) *fn* ok, érv
reasonable *mn* ésszerű
reassurance *fn* megnyugtatás, biztonságérzet
reckless *mn* gondatlan, felelőtlen
 • **reckless driving** *fn* gondatlan, felelőtlen járművezetés
recruit *ige* toboroz, állásra felvesz
release *fn* szabadlábra helyezés, elengedés
release *ige* szabadlábra helyez, elenged
remove *ige* eltávolít

report *fn* jelentés
report *ige* jelent
respond *ige* válaszol
robbery *fn* rablás
scene of crime *fn* bűncselekmény helyszíne
search *fn* keresés, kutatás, átkutatás, motozás
search sy/sg *ige* motoz, átkutat
search (for sg/sy) *ige* keres, kutat vmi/vki után
search warrant *fn* házkutatási parancs
secure *ige* biztosít, elér
 • **secure a conviction** eléri, hogy elítéljék/kimondják, hogy bűnös
seize *ige* megragad, lefoglal, elkoboz
seizure *fn* lefoglalás, elkobzás
self-incrimination *fn* önvád
serve time *ige* börtönbüntetést letölteni
serve (sg on sy) *ige* kikézbcsíteni
shoplifter *fn* bolti tolvaj
 • **shoplifting** *fn* bolti lopás
sincerely *hat.* őszintén
sitting *fn* bírósági ülés
smuggle *ige* csempész(ik)
sniffer dog *fn* keresőkutya
sober *mn* józan
social security card *fn* TAJ kártya
solemnly *hat.* ünnepélyesen
speeding *fn* gyorshajítás
squad *fn* osztag, egység
stab (stabbed) *ige* megszúr, leszúr
stabbing *fn* leszúrás, késelés
statement *fn* kijelentés, állítás, nyilatkozat, vallomás
stolen property *fn* ellopott tárgy
strict liability *fn* objektív felelősség
substance *fn* anyag, szer
sufficient *mn* elegendő, elégséges
summarily *hat.* röviden, rövid úton
 • **try summarily** esküdtszék nélkül, gyors eljárás keretében tárgyal
summary offence *fn* a magisztrátusi bíróságon tárgyalta törvénysértés
summons *fn* idézés
 • **summon(s)** *ige* (be)idéz (hatóság elé)
suppress *ige* eltitkol, eltussol
suspect *fn* gyanúsított
suspicion *fn* gyanú
 • **ground for suspicion** *fn* alap, ok a gyanúsításra
theft *fn* lopás
threaten *ige* fenyeget
treason *fn* hazaárulás
undercover officer *fn* fedett nyomozó, beépített ügynök
uniform *fn* egyenruha
unlawful assembly tiltott gyűlés, gyülekezés

uphold *ige* támogat, véd
• **uphold the law** megtartja, védi a törvényt
valid *mn* érvényes
violation *fn* megsértés, megszegés
virtue *fn* erény
warning *fn* figyelmeztetés

welfare *fn* jólét, jóllét
whereabouts (plural) *fn* hollét, tartózkodási hely
wounding *fn* megsebesítés, testi sértés okozása
wrong *fn* baj, rossz cselekedet, jogsértés, jogsérelem

Unit 2

PUNISHMENT

1. Purposes of sentencing

In the Criminal Justice Act 2003, Parliament has for the first time set out in statutory form the purposes of sentencing. There are five main purposes: punishment (retribution), public protection, crime reduction (deterrence), reparation, and rehabilitation of offenders.

(Rivlin, Understanding the Law, OUP 2004)

Try to explain what these purposes mean and how they can be achieved. Are they equally important?

2. Deciding sentences – watching a video

In addition to having regard to the five purposes of sentencing, a judge or magistrate will use sentencing guidelines, which set out the process they should follow and the factors they should consider, to work out the appropriate sentence.

Now watch a short video about sentencing

guidelines. <http://www.youtube.com/watch?v=M4CIveEDtmk>

2.1. *What main factors are taken into consideration by the judge when deciding sentence?*

2.2. *Listen to the video once more and fill in the gaps in the following sentences. Write 1-3 words in each gap.*

A burglar who kicked down someone's front door and (1) them with a knife would be treated more seriously than a burglar who reached through an open window to steal something. Harm could be a/an (2)..... like a broken arm, psychological effects such as stress or the (3)..... or money. Planning an offence, using a (4)..... or targeting a (5)..... victim all make the offender more blameworthy. If an offender has already committed other similar crimes, they will be treated (6)..... . The personal circumstances of the offender will also be considered, the offender might look after (7)..... . If an offender (8)..... to a crime, it usually means they get a lower sentence. The later the guilty plea, the smaller the (9)..... .

3. Types of present-day sentences in the UK

3.1. *Match the definitions with the names of custodial sentences.*

1. Custodial sentences	
Prison sentence	A) It is a punishment which means that the offender will actually be kept in prison for life without the possibility of later release on parole.
Life imprisonment	B) The court may give this punishment if the time the offender would otherwise spend in prison is under 12 months. The offender does not go directly to prison but they do have to meet conditions in the community set by the court. These conditions can last up to two years. If the offender breaks these conditions, or commits another offence, they will usually have to serve the original sentence in prison.
Whole/Real life sentence	C) The court must give this punishment where an offender has been convicted of murder. The person serving the sentence is normally released on parole after serving about 12 years.
Suspended sentence	D) The defendant is deprived of his freedom, or taken into custody. This sentence is given when an offence is so serious that it is the only suitable punishment. Such a sentence will also be given when the court believes the public must be protected from the offender.

3.2. Write the names of the following sentences in the right gap.

Compensation order; Fine; Community sentences; Conditional discharge; Fines and compensation; Absolute discharge; Discharge		
2.	.....	The offender is not kept in custody but is allowed to remain free in the community on certain conditions. There are specific things the offender can, can't and must do while serving their sentence. The sentence can include one or more of 12 requirements on an offender. The magistrate or judge will decide which combination of these requirements will most effectively punish the offender for their crime, while also reducing the risk of them offending again.
3.	.....
	.....	This is the most common criminal sentence given to punish an offender financially. It is usually given for less serious crimes. How much money the offender has to pay to the court depends on how serious a crime is, and the offender's ability to pay.
	.....	The court has the power to order the offender to pay a sum of money by way of compensation to the victim for loss, injury or damage.
4.	.....	When the court decides someone is guilty, but decides not to punish them further at this time.
	.....	It is not a punishment. The offender is released without any conditions and no record will be kept of this order.
	.....	No penalty is imposed on condition that the offender stays out of trouble for the period of time given. If the offender does commit another offence within this time, he or she can be brought back to court and re-sentenced for the original offence.

3.3. Match the remaining penalties with their definitions.

5.	Other penalties	
	Disqualification from driving	A) It is a punishment for foreigners who commit crime in the UK.
	Deportation back to home country	B) It is a punishment for people who commit serious motoring offences.
	Confiscation order	C) This punishment may be imposed for drug possession or carrying a weapon.

(<http://open.justice.gov.uk/how-it-works/>)

3.4. What sentences may be passed by the courts in Hungary?

4. Prisons

4.1. History

a) Read the text about prisons in Britain and answer the following questions.

1. What characterized prisons in the Middle Ages?
2. How did 16-century houses of correction differ from prisons and what was their aim?
3. What were conditions like in prisons in the 18th-19th centuries?
4. What did the "Separate System" and "Silent System" mean?

5. What changes were made to prisons in the first half of the 20th century?
6. What was the cause of prison riots in the second half of the 20th century?

In the Middle Ages expensive punishments, like prison (gaol, as they called it) were not often used. There were gaols, often in the dungeons of castles, but criminals were not routinely sent there. In the late 16th century Houses of Correction were built in many areas. The offender was locked away, as in prison, but not left to rot in a cell, or to learn from other inmates new ways of committing crimes. The inmates had to work, usually spinning or weaving. Those who believed in the purposes of the Houses of Correction, often Puritans, believed in the value of hard work. The purpose of a House of Correction, therefore, was to change people's approaches to life by teaching them this lesson.

18th-19th centuries

Prisons had changed little since medieval times. They were often ancient and unhealthy places, with no fresh water, or sewage disposal. What they called "gaol fever", probably typhus, killed many inmates. Prisoners had to pay fees to their gaolers, so better off prisoners could survive quite well, while poor prisoners lived in squalor and rags. Local control and local rules meant that there was no common treatment policy across the country. There was a crisis as transportation to Australia ended and there were not enough prisons. For a while 70% of prisoners were kept in the "hulks" -disused warships. Then a massive prison-building programme began: 90 prisons were built between 1840 and 1877, at enormous public expense. However, change came only gradually. In 1815 gaolers began to be paid, instead of charging fees. Some new prisons were built to new designs, so that prisoners could be easily guarded, but lived in healthier conditions. To further bring prisons into line, they were all taken out of local control and put under the government, through the Home Office, in 1877.

There was considerable debate over what prisons were for, and this affected how they were run. Two big ideas were borrowed from the United States: the "Separate System" was designed by deeply religious people to reform criminals through continuous solitary confinement. On their own, it was believed, criminals would be forced to think about repentance. The "Silent System" was just as tough in its way, with convicts made to do hard, boring work in total silence.

Ideas of punishment and deterrence dominated government attitudes to prison for the rest of this period. "Hard bed, hard board, hard labour" summed it up.

20th century

By the beginning of the 20th century there was universal education, better housing, the police were an accepted part of British life and the crime rate was lower. British governments in the first two thirds of the 20th century felt able to embark on new penal policies which emphasised reform rather than punishment. Some reforms were designed to make prisons less brutal places, to give prisoners some self-respect. The aim of many of these reforms was to prepare the prisoner to lead a law-abiding life on release. Punitive rules were relaxed so that prisoners could lead more normal lives. In an attempt to deal with unemployment and family breakdown, which often led ex-prisoners back to crime, they were given meaningful work, with pay, and family visits were made easier.

The rise in crime from the 1960s led to a swing back to more punitive prison regimes in the latter part of the 20th century. More offenders and longer sentences led to an increase in the prison population. This brought tremendous over-crowding, a worsening of conditions and less opportunity for education, workshop time and family visits. This situation contributed to serious prison riots in the 1970s and at Strangeways Prison, Manchester in 1990. There was also a return to privately-run prisons, a system phased out in the early 19th century.

(<http://www.nationalarchives.gov.uk/education/candp/punishment/g12/g12cs2.htm>)

b) Find synonyms for the following expressions from the text.

medieval times	disused warships used as prisons
prisons in castles	complying with legal rules
prisoner	made less strict
typhus	revolt, mutiny

4.2. Video about prisons.

a) Watch the following video and sum up what the speaker thinks about prisons as a form of punishment. <http://www.youtube.com/watch?v=M6OUHfrLf8I>

b) Listen to the video once more and fill in the gaps in the close test.

1. The foundation of effective criminal justice is p..... r.....
2. Committing a crime is always a c.....
3. The primary response to crime is p....., meaningful p.....
4. When a crime is serious enough, the only thinkable punishment is a l..... p..... s.....
5. That is what victims and society d.....
6. Victims need to know that the criminal will be h..... to a..... and dealt with.
7. Offenders both deserve and n..... punishment.
8. Punishment says to them: you are a....., your actions have c.....
9. In prisons you'll meet muggers, robbers, b....., but also young people who can't r....., teenagers a..... to drugs.
10. We'll never create a s..... society unless we give people opportunities and chances a..... f..... crime.
11. P..... is the cheapest and most effective way to deal with crime.
12. We should deal with the c..... of crime.

4.3. Another video about the effectiveness of short prison

sentences. http://www.youtube.com/watch?v=HUOHVIFsk_c

Watch this other video and decide if the following sentences are true.

1. Wandsworth prison is the most modern and largest prison in Europe.
2. More than one thousand men can be incarcerated in it at any one time.
3. 50 % of offenders serving short-term prison sentences are likely to re-offend within a year after their release.
4. The government of 2008 wants to reduce the number of people in prison.
5. David Cameron shares their opinion.
6. Kenneth Clarke, the person in charge of prisons, thinks that simply locking up people without seeking to change them is an outdated idea.
7. Former Conservative Leader Michael Howard says that prisons work.
8. Wandsworth prison provides opportunity for inmates to learn working skills.
9. The governor of the prison thinks that short-term sentences are too light punishment.
10. The prisoner interviewed at the prison radio station says that short sentences should be stricter.
11. Only 5% of crimes result in someone going to prison in England.
12. The public wants more people to go to jail.
13. The government wants to reduce the number of prisoners only for ideological reasons.

4.4. Do you think that prison may be an effective form of punishment?

5. Community sentences

The Criminal Justice Act 2003 has replaced the various community orders with a **new single Community Order**. A community sentence combines punishment with activities carried out in the community. It can include one or more of 12 requirements on an offender. Overall, the requirements aim to change offenders' behaviour so they don't commit crime in the future, and to make amends to the victim of the crime or the local community. In 2011, 173,434 offenders were sentenced to a community sentence, representing 13 per cent of offenders sentenced.

5.1. Match the requirements with their descriptions.

Requirement	Description
A. programme requirement	1. Carrying out community service for up to 300 hours, which might include things like removing graffiti or clearing overgrown areas. Its purpose is to punish, but at the same time to benefit the community and give the offender the opportunity to repay society for the wrong he has done as well as a sense of satisfaction resulting from a good job well done.
B. exclusion requirement	2. Developing skills or making amends to their victim.
C. drug rehabilitation requirement with the offender's consent	3. Participating in a programme which will help change offending behaviour, e.g. anger management
D. activity requirement	4. Preventing the offender from doing particular activities or contacting particular persons
E. alcohol treatment requirement with the offender's consent	5. The offender is required to be in a particular place at certain times, which aims to keep him out of trouble. This requirement is largely enforced by means of electronic monitoring (tagging).
F. unpaid work requirement (earlier community punishment order)	6. The offender is not allowed to go to particular places.
G. curfew requirement	7. The offender is obliged to live at a particular address.
H. attendance centre requirement	8. The offender must undergo treatment under a doctor or psychologist.
I. mental health treatment with the offender's consent	9. Specialist treatment for at least six months to solve drinking problems
J. prohibited activity requirement	10. Drug testing and treatment which aims to tackle the reasons why the offender has committed crimes
K. supervision requirement (earlier rehabilitation order)	11. The offender must meet with the supervision officer, who will monitor his progress and assist him with such problems as employment, accommodation and finance.
L. residence requirement	12. Where offenders are under 25, they may be required to go to a centre at specific times where practical activities, such as sports, will be available to occupy offenders for a certain number of hours to keep them out of trouble.

(Based on: <http://sentencingcouncil.judiciary.gov.uk/sentencing/community-sentences.htm>)

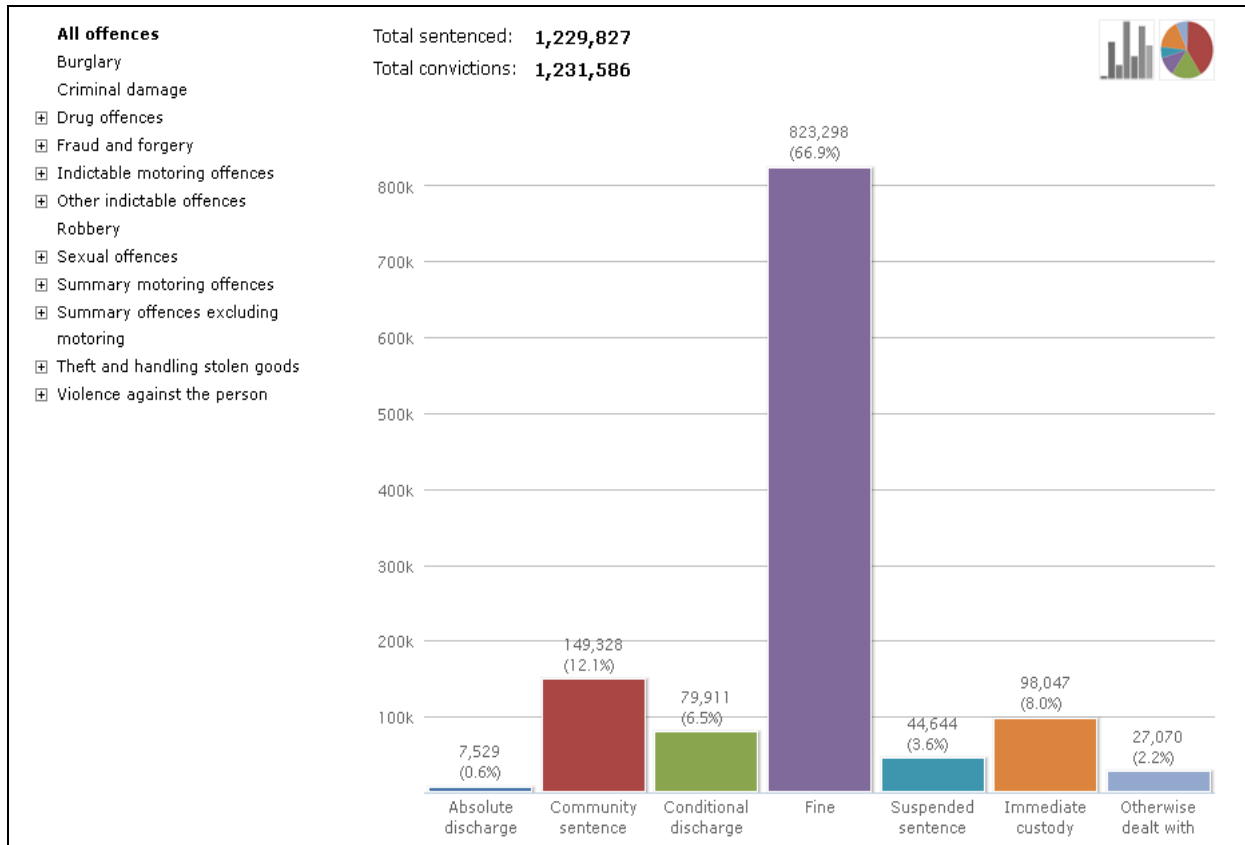
5.2. What requirement do you think the court would impose on someone who

1. regularly gets drunk and picks a fight in pubs;
2. acts as a football hooligan at matches;
3. steals to finance his drug habits;
4. has assaulted his wife and child for the first time?

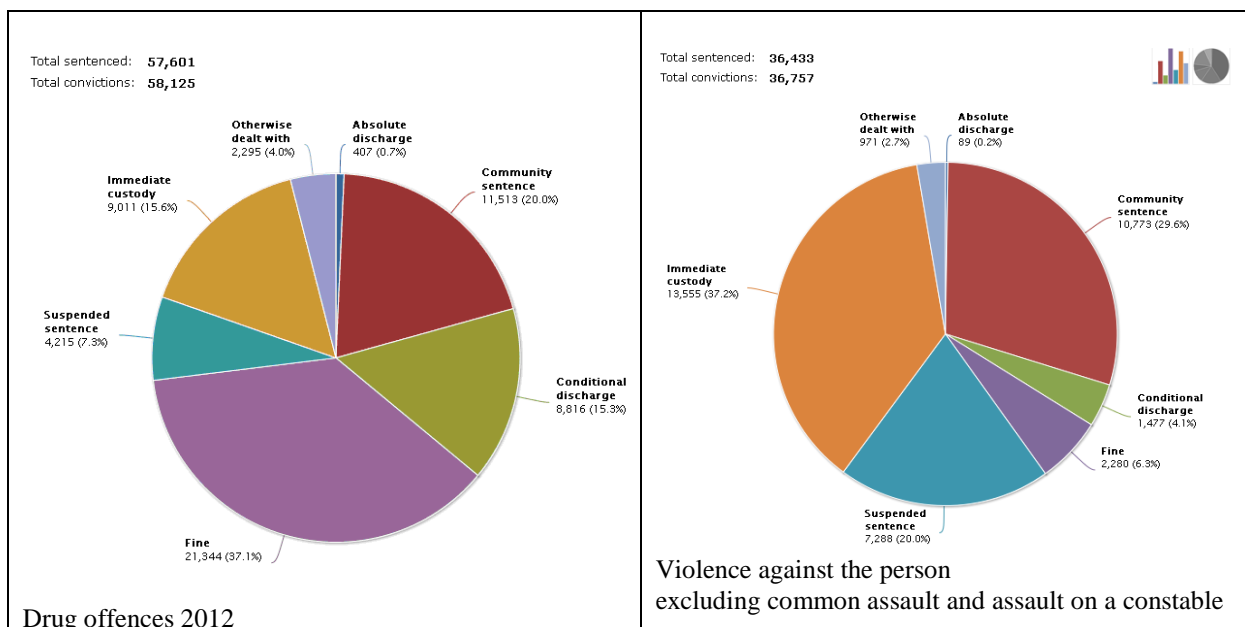
5.3. Do you think that community sentences can turn offenders into useful, non-offending members of society?

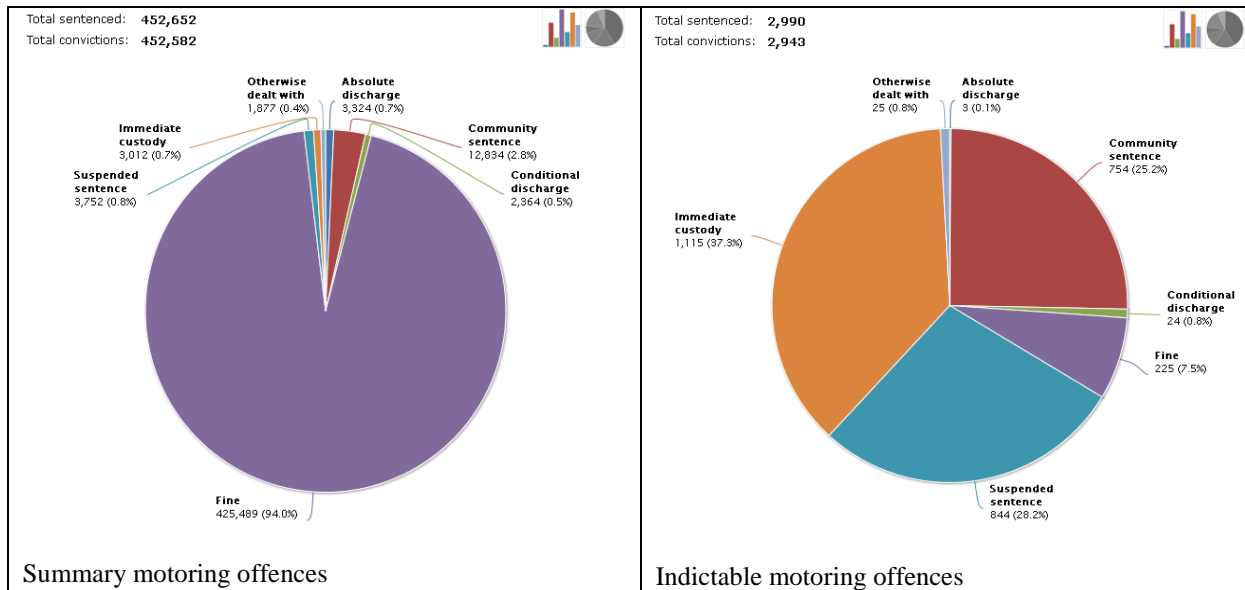
6. Diagrams

6.1. Have a look at the bar chart. What sentences were handed down by the courts in England and Wales in 2012?



6.2. Now compare sentences imposed for the different types of offences. Explain why the different offences were dealt with differently.





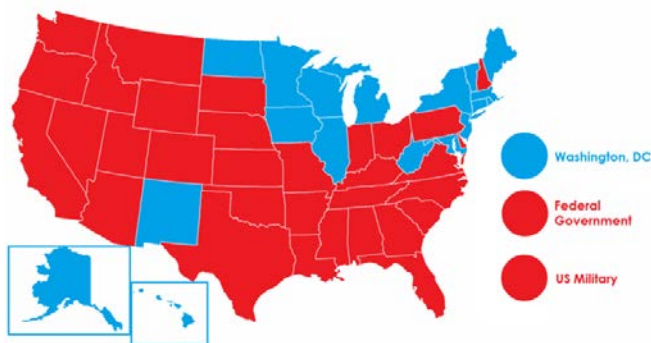
7. Capital punishment

7.1. Do you know:

- when capital punishment was abolished in the UK and Hungary?
- in what form the death penalty was executed?
- which countries retain the capital punishment? Give examples.

7.2. Capital punishment in the USA

Have a look at the map. Which states don't use the death penalty?
 In the states retaining the death penalty, what forms of execution are used?



A map showing the use of capital punishment in the US.

- State uses death penalty
- State doesn't use death penalty

(http://en.wikipedia.org/wiki/Capital_punishment_in_the_United_States)

7.3. Arguments for and against the death penalty

Here are some arguments in support of and against the death penalty.

Put them under the right heading.

Arguments for the death penalty	Arguments against the death penalty

A The death penalty is not only a ‘cruel and unusual punishment’ (a penalty forbidden by the US Constitution), but is also ineffective and unfair.
B Since the death penalty was made legal by the Supreme Court in 1976, murder rates across the country have risen dramatically. This fact shows that capital punishment is not a deterrent and does not help prevent violent crime.
C Death is the only punishment that fits the crime. This idea goes back to ancient traditions of ‘an eye for an eye’ – if you kill someone, then you should be killed.
D Estimates show that it is far more expensive to execute a criminal (\$2,000,000 on average, due to the cost of multiple court trials) than it is to imprison someone for life (\$20,000 per year).
E If people know that the death penalty is a possible punishment for murder, then they are less likely to commit the crime. By executing one person, we can prevent other crimes from being committed.
F By eliminating the convicted criminal, that individual will no longer be able to hurt anyone else.
G Despite the many trials and appeals that people who are accused of a crime go through, the judges and the juries are human and can make mistakes. There may be miscarriages of justice and innocent people may be executed.
H A killing is a killing, no matter how cleanly it is done, and capital punishment is simply state-sanctioned murder. By approving of the death penalty, all of us are stooping to the same level as the murderer and becoming murderers ourselves.

(Based on Current)

Can you add some more arguments?

7.4. Roleplay –pairwork

Role A: You are in favour of the death penalty. Try to convince your partner that the death penalty should be reintroduced.

Role B: You oppose the death penalty. Try to convince your partner.

Here are some useful expressions that you can use when arguing.

Expressing an opinion:	In my opinion... I believe that ... In my view ... I think ... The way I see it
Expressing your disagreement:	I could not disagree more. I’m afraid I don’t share your opinion. I totally disagree. I’m not sure I entirely agree with you. I think you’re wrong.
Showing that you understand the other person’s opinion, but adding a different view:	I can see your point, but... I understand what you mean, but ... That may be true, however, ... I see what you mean, but ... I know, but ...

	Yes, but on the other hand ... You may have a point there, but ...
Illustrating your point by examples:	Let's take, for example, ... Let's consider, for instance, ... To give an example, ... Perhaps the best example is ...
Interrupting:	If I could just come in here... Excuse me for interrupting, but ... Sorry to butt in, but ... Sorry to interrupt, but ...

8. Grammar

Organizing texts, connecting ideas – Linking expressions Prepositions, conjunctions and sentence connectors

8.1. Have a look at the following examples.

Prepositions+ noun/ing form	In addition to receiving a prison sentence of five years, he was also disqualified from driving.
Conjunctions+ clause	In addition to the fact that he was sentenced to five years in prison, he was also disqualified from driving.
Sentence connectors	He was sentenced to five years in prison. In addition , he was also disqualified from driving.

8.2. Complete the text with the missing words.

afterwards	although	apart from	but	in spite of	instead
later	owing to	therefore	while		

The case of Timothy Evans and John Christie

This famous case concerns a serious miscarriage of justice;, it is often cited in argument against the reintroduction of capital punishment.

In 1945 Timothy Evans moved with his pregnant wife Beryl to 10 Rillington Place, Notting Hill. them, there was also a serial killer called John Christie living in the house, they were unaware of this. The couple often had heated arguments their financial difficulties.

....., Beryl became pregnant with a second child. disapproving of it at first, Evans finally agreed to Beryl having an illegal abortion. Christie offered to perform the abortion., he told Evans that Beryl had died during the operation, this was not true. He had strangled her.

In addition to offering to dispose of the body in the sewer, Christie also promised to find foster parents for Evans' child., he strangled the baby as well, Evans was at work.

8.3. Now complete the second part of the text.

after	at the same time	consequently	eventually
including	meanwhile	since	

....., Evans returned to Wales, where he decided to turn himself in for his wife's death. In his confession he said that he had given abortion pills to his wife, which had killed her and

hidden her body in the sewer. the police had found no body in the shaft, Evans realized that Christie had lied to him and decided to tell the police about him. As a result, Christie was questioned for performing an abortion, which he denied. When during a second search the police found the bodies in the wash-house, they arrested Evans for the murders. In court he pleaded not guilty and said that Christie was the murderer, but the jury believed Christie, he had for years been a Special Constable., the jury returned a guilty verdict and Evans was hanged in March 1950. Following Evans' hanging, Christie murdered four more women, his wife.

Later on, a tenant found the corpses of three women in Christie's apartment. Christie confessed to the murders of 7 women altogether, including Beryl Evans....., he denied killing Geraldine, Evans' daughter., Christie was hanged for killing his wife in 1953.

(<http://prezi.com/fufgftydgbsm/the-case-of-timothy-evans-and-john-christie/>)

8.4. Now put the linking expressions in the right place in the table. What idea do they express? Decide if they are prepositions, conjunctions or sentence connectors.

afterwards	although	apart from	but	in spite of	instead	later
owing to	therefore	while	after	at the same time		
consequently	eventually	including		meanwhile		since

	Prepositions+ noun/ing form	Conjunctions+ clause	Sentence connectors
Time			
Giving an explanation			
Purpose and result			
Contrast			
Adding information			
Giving examples			
Summarizing			

8.5. Here is a summary table of linking expressions with some more examples.

	Prepositions+ noun/ing form	Conjunctions+ clause	Sentence connectors
Time	before, until, during, by,	as, when, before, after, until hardly....when, no sooner... than, scarcely... when, as soon as	at the same time, before that, previously, earlier, after that, subsequently,
Giving reasons, explaining a point	because of, due to	as, because	namely, as a matter of fact, as a matter of course, indeed
Purpose and result	in order/so as + to infinitive	in order that/ so that	as a consequence, as a result, so, thus, hence
Contrast	despite	despite the fact that/in spite of the fact that, though, even though, even if while/whilst/whereas	however, in contrast, nevertheless, on the other hand, on the contrary
Adding	in addition to,	and, in addition to the fact	in addition, moreover, besides,

information	besides, even	that, apart from the fact that, besides the fact that	furthermore
Condition		as long as, if, unless, provided that, in case	if not, if so, otherwise
Giving examples and illustrating a point	such as, just like,		in particular, more specifically, namely, in other words, for example, for instance
Making exceptions	except (for) apart from	except (that)	
Choice		whether...or, or, either...or	
Summarizing			finally, in conclusion, on the whole, in summary,

8.6. Writing a short essay about a controversial topic

Linking expressions may also be useful if you want to write a composition or give a presentation on a topic.

An essay should consist of the following parts:

- a) an introduction,
- b) a main part and
- c) a conclusion.

a) Introduction: Start with a sentence or short paragraph introducing the topic. For example,

Capital punishment has always been a hotly debated issue. It has many opponents, but there are also a lot of people who would like to reintroduce it.

b) Here are some expressions that you can use in the **main part**, where you can present the existing views and give your own opinion:

To begin and list points	first of all; firstly, secondly, thirdly...
To add more points	in addition, moreover, besides, furthermore
To show contrast	however, in contrast, instead, nevertheless, on the other hand, on the contrary, at the same time
To give examples	in particular, more specifically, namely, in other words, for example, for instance

c) Expressions for the conclusion:

To sum up and draw conclusions	finally, eventually, in conclusion, on the whole, in summary, all things considered, to sum up,
--------------------------------	-------------------------------------------------------------------------------------------------

Now write an essay of 10-20 sentences about one of the following two topics using some of the above expressions:

The age of criminal responsibility

The effectiveness of prison sentences

account *fn* beszámoló, számla, elszámolási kötelezettség

- **hold to account** felelősségre von

alcohol abuse *fn* alkoholizmus

amends *fn* jóvátétel, kártalanítás

- **make amends** jóvátész

anger management *fn* agressziókezelő foglalkozás/ tréning

- **apology** *fn* bocsánatkérés, mentegetőzés

benefit *ige* hasznot hoz vkinek, előnyös vki számára

- **benefit** *fn* haszon, előny

blameworthy *mn* hibáztható, elítélendő

bring into line *ige* összeegyeztet/összehangol

butt in *ige* közbevág

capital punishment *fn* halálbüntetés

cite in argument *ige* felhoz érvként

community sentence közösségi büntetés

compensation *fn* kártérítés

consent (to) *ige* beleegyeznek

consent *fn* beleegyezés

corpse *fn* holttest

crime rate *fn* bűnözési ráta, bűnözés mértéke

cruel *mn* kegyetlen

death penalty *fn* halálbüntetés

debate *ige* megvitát, vitát

- **hotly debated issue** hevesen vitatott kérdés

dependent *mn* eltartott

deportation *fn* deportálás, kitoloncolás

deserve *ige* megérdemel

deterrence *fn* elrettentés

deterrent *fn* elrettentő eszköz

disapprove (of) *ige* ellenez

discharge *fn* büntetés kiszabása nélküli szabadon bocsátás

- **absolute discharge** feltétel nélküli szabadon bocsátás
- **conditional discharge** próbára bocsátás

dispose (of) *ige* megszabadul vmitől

disqualification *fn* eltiltás

disused *mn* használaton kívüli

drug addiction *fn* kábítószerfüggőség

dungeon *fn* várbörtön

effectively *hat.* (1) hatékonyan, hatásosan, (2) ténylegesen

eliminate *ige* kiküszöböl

embark on *ige* nekikezdd, belevág vmibe

exclusion *fn* kizárás

execute *ige* (1) végrehajt, (2) kivégez

fee *fn* díj

fit *ige* illik hozzá, megfelelő

forbid (forbade/forbad, forbidden/forbid) *ige* megtilt

foster parent *fn* nevelőszülő

gaol *fn* börtön

gaoler *fn* börtönőr

harshly *hat.* kíméletlenül, keményen

hold responsible felelősségre von, felelőssé tesz

Home Office *fn* Belügyminisztérium (brit)

House of Correction *fn* javítóintézet, büntetés-végrehajtási intézmény

hulk *fn* börtönhajó

impose (sentence, penalty) *ige* kiszab (ítéletet, büntetést)

incarcerate *ige* bebörtönöz

ineffective *mn* eredménytelen, hatástalan, nem hatékony

interrupt *ige* félbeszakít

law-abiding *mn* törvénytisztelő, jogkövető

life imprisonment *fn* életfogytig tartó szabadságvesztés

miscarriage of justice *fn* justizmord, alaptalan, jogellenes ítélet, az igazságszolgáltatás tévedése

monitor *ige* figyelemmel kísér, megfigyel

monitoring *fn* megfigyelés

- **electronic monitoring** elektronikus nyomkövetés

mug *ige* utcán kirabol

- **mugger** utcai rabló, útonálló
- **mugging** *fn* utcai rablás

mutiny *fn* lázadás, zendülés

opponent *fn* ellenzője vminek, ellenfél

over-crowding *fn* túlszűfolttság

penal *mn* büntető

- **penal policies** büntetéspolitika

perform *ige* végrehajt

phase out *ige* fokozatosan megszüntet

pick a fight beleköt, kikezdd vkivel

plea *fn* vádra adott felelet

- **guilty plea** bűnösséget beismerő vallomás

possessions (plural) *fn* birtok, vagyon, javak

loss of possessions javak, tulajdontárgyak elvesztése

proportionate *mn* arányos

punitive rule büntető szabály

put off (sy from doing sg) *ige* eltérít vkit vmi megtételétől

rags *fn* rongyok

record *fn* feljegyzés, jegyzőkönyv, nyilvántartás

rehabilitation *fn* rehabilitáció

reintroduction *fn* újrabevezetés

relax (rules) *ige* enyhít (szabályozást)

re-offend *ige* újra bűncselekményt követ el, visszaesik

reparation *fn* jóvátétel

repay *ige* megfizet, visszafizet

repentance *fn* megbánás, bűnbánat

requirement *fn* követelmény
restorative justice helyreállító
igazságszolgáltatás
restriction *fn* korlátozás
retribution *fn* büntetés, megtorlás
sentencing *fn* büntetés kiszabás
serial killer *fn* sorozatgyilkos
sewage disposal *fn* szennyvízcsatornázás
sewer *fn* szennyvízcsatorna-hálózat
solitary confinement *fn* magánzárka
Special Constable *fn* tartalékos rendőr
spinning *fn* fonás
squalor *fn* mocsok, szenny
state-sanctioned *mn* állam által jóváhagyott,
elrendelt
stay out of trouble *ige* kimarad a bajból, nem
keveredik bajba
stoop to *ige* lealacsonyodik, odáig süllyed,
hogy ...
strangle *ige* megfojt
suitable *mn* megfelelő
supervision *fn* felügyelet

Linking expressions

afterwards azután; azt követően
all things considered mindent egybevetve
although habár; annak ellenére, hogy...
apart from azon kívül, hogy...
at the same time ugyanakkor; azonban
besides emellett; mellesleg
consequently következképpen
eventually végül
finally végül
for instance például
furthermore továbbá; sőt mi több
however azonban
in addition ráadásul
in conclusion összegezve
in contrast ezzel ellentétben
in other words vagyis; más szóval
in particular különösen

supervision officer *fn* pártfogó felügyelő
suspended sentence *fn* felfüggesztett
büntetés
swing back *ige* visszalendül, visszatér
tackle *ige* kezel, megbírkózik (problémával)
tagging *fn* nyomkövetővel ellátás
target *fn* célpont
transportation *fn* deportálás, kényszermunka
fegyenctelepen
treatment *fn* kezelés
• **undergo treatment** *ige* eltűr, elvisel
kezelést, átesik kezelésen
turn oneself in *ige* feladja magát
unaware *mn* **be unaware of** *sg* nincs
tudomása vmről, nem ismer vmt; nincs
tudatában vmnek
vulnerable *mn* sebezhető
warship *fn* hadihajó
weaving *fn* szövés
whole life sentence tényleges életfogytiglani
büntetés

in spite of vmi ellenére
in summary összegezve
including köztük; beleértve
instead helyett
meanwhile időközben
more specifically pontosabban; részletezve
moreover ráadásul; sőt mi több
namely nevezetesen; ugyanis
nevertheless azonban; mégis; ennek ellenére
on the contrary ezzel ellentétben;
ellenkezőleg
on the other hand másrészt
on the whole összességében
owing to vmi miatt; vmi következtében
since mivel; mert
therefore ezért; így
to sum up összegezve
while míg

Unit 3

JUVENILE CRIME AND DOMESTIC VIOLENCE

1. Treatment of young offenders in the UK

1.1. The age of criminal responsibility

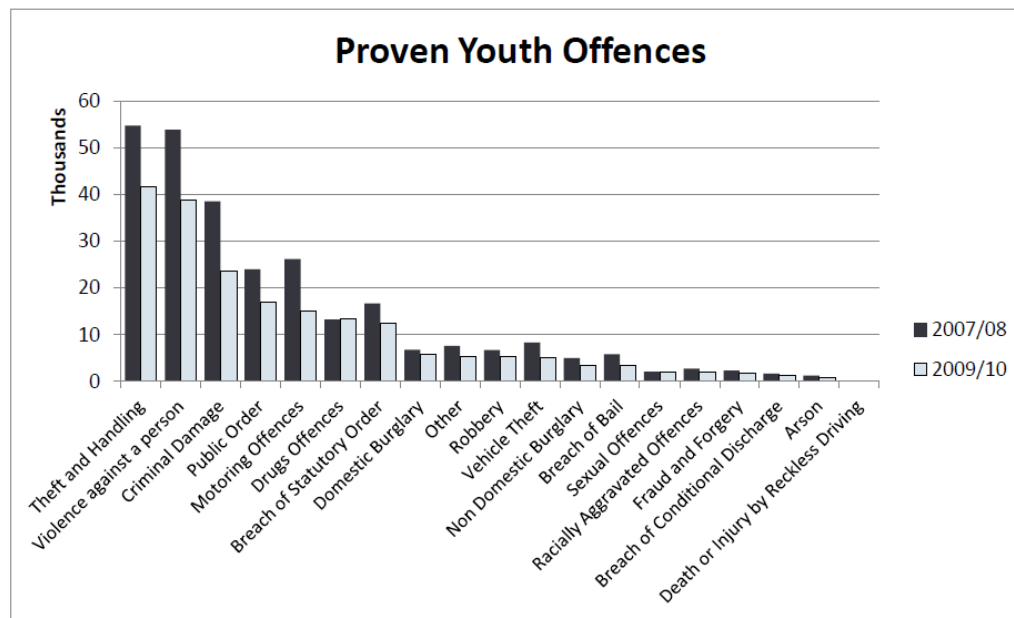
The minimum age of criminal responsibility is set at 10 in England, Wales and Northern Ireland. Scotland since 2011 will not prosecute below 12. In Europe 14 or 15 is more usual, with Belgium and Luxembourg as high as 18. In the USA, not all states have even specified a minimum age and in North Carolina, Maryland, New York and Massachusetts it is as low as 6 or 7.

(www.civitas.org.uk/crime/factsheet-youthoffending.pdf)

From what age do you think young offenders should be punished for committing a crime?

1.2. Youth crime in England and Wales

a) Have a look at the chart and find out what offences are typically committed by young people. How did the figures change from the 2007/2008 to 2009/2010?



(www.civitas.org.uk/crime/factsheet-youthoffending.pdf)

b) What are the causes of juvenile crime?

1.3. Dealing with young people outside the court system

Read the text about how young offenders may be dealt with outside the court system in Northern Ireland and answer the following questions.

- 1. When can a young offender receive a diversionary sentence?*
- 2. What is the difference between an informed warning and a restorative caution?*
- 3. When is the young offender referred for prosecution?*

When a young person commits a first time or minor offence they are often dealt with outside the court system by either the police or the Public Prosecution Service. In these cases a young person could receive a diversionary sentence.

Before reaching a decision they will take into account a number of factors including:

- admission of guilt and cooperation of the offender

- seriousness of the offence
- previous offending history
- vulnerability of the victim
- likelihood of reoffending

There are then three possible outcomes, as outlined below. These are:

Informed Warning

A young person may receive an informed warning for less serious offences. The warning will normally take place in a police station and will be delivered by a trained police officer. The young person will be accompanied by their parents(s)/carer(s). A written record will be taken and all those present will be required to sign it. An informed warning is not a conviction and will only remain on a criminal record for 12 months, unless further offending takes place.

Restorative caution

A young person may receive a restorative caution for more serious offences. The caution will normally take place in a police station and will be delivered by a police officer or a community representative. The caution is an opportunity for the young person and their parents to meet with the victim and anyone else who has been affected by the crime. Everyone will be given a chance to talk about the impact the crime has had on them. There will be a signed written record of the meeting with the young person agreeing to apologise, participate in work to make amends to the victim or community, or attend classes to address their offending behaviour. The restorative caution will only remain on a criminal record for two and a half years unless further offending takes place. It is not a conviction.

Referral for prosecution

A young person may be referred for prosecution for offences when they have committed a serious offence, when they deny the offence, or have two or more previous offences on record.

(<http://www.nidirect.gov.uk/index/information-and-services/crime-justice-and-the-law/the-justice-system/youth-justice/sentencing-and-other-consequences-of-youth-crime/dealing-with-young-people-outside-the-court-system.htm>)

1.4. Dealing with young offenders in court

What differences can you notice between the systems applicable to adults and young people?

- regarding court proceedings
- with regard to sentences

Youth courts are specialist magistrates' courts. They handle all but the most serious charges against people aged at least ten (the age of criminal responsibility) and under 18.

Young offenders can also be tried in an adult magistrates' court or in a Crown Court, depending on the type of offence they have committed. Only Justices of the Peace who have been specially trained for the job can sit in youth courts. Proceedings are held in private.

The main custodial sentence for 12- to 17-year-old people is the detention and training order. This is a two-part sentence that combines a period of custody with a period under supervision in the community. It can last from four months to two years, and the custodial element can be shortened or lengthened depending on the young offender's progress.

10 There are a range of non-custodial penalties for young offenders. Those aged 16 or 17 may also be subject to most of the adult community sentences.

A new sentence, the referral order, was introduced in 2002 for young offenders convicted in court for the first time and pleading guilty. The court refers the young person to a youth offender panel, led by members of the local community, who agree a contract with the young person to repair the harm done

15 and to prevent further offending.

Complementing non-custodial penalties for young offenders are:

- parenting orders, which may require a parent or guardian to attend, for example, counselling and guidance sessions;
- child safety orders, which place a child under ten who is at risk of becoming involved in crime or is behaving in an anti-social manner under the supervision of a specified, responsible officer.

20

<http://www.direct.gov.uk/en/Gtg11/GuideToGovernment/Judiciary>

2. Juvenile crime in the USA

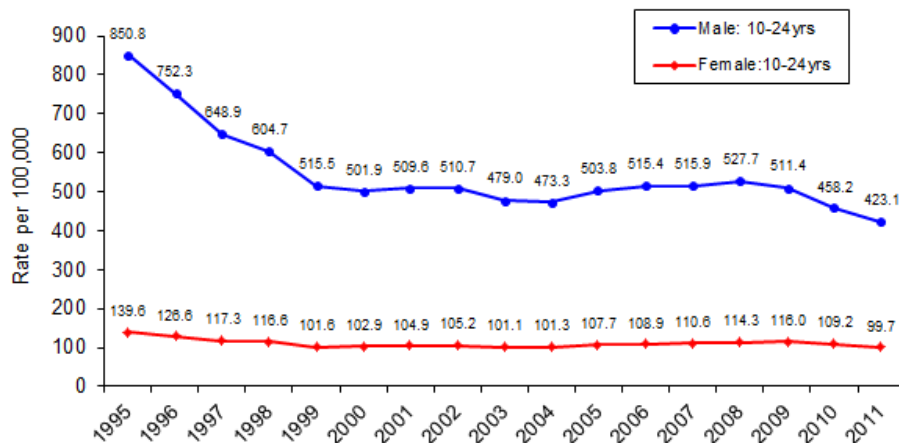
2.1. Youth Violence: National Statistics

Describe the diagram.

- Say one general introductory sentence: What is the diagram about?
- Describe the diagram in detail. Here are some useful expressions you might want to use:

- graph, broken line, vertical axis, horizontal axis
- to fall, decrease, decline, stagnate, fluctuate, rise, increase
- sharply, significantly, slightly, steadily, gradually
- higher than, lower than

- Say one sentence in summary. (On the whole..., In summary..., As a conclusion...)



Violent Crime Arrest Rates Among Persons Ages 10-24 Years, by Sex and Year, United States, 1995-2011

http://www.cdc.gov/violenceprevention/youthviolence/stats_at-a_glance/vca_temp-trends.html

2.2. The Columbine High School massacre – Reading comprehension and vocabulary task

a) Read the text and fill in the missing letters.

The **Columbine High School massacre** occurred on April 20, 1999, at Columbine High School, in the State of Colorado. In addition to shootings, the complex and highly planned attack involved a fire bomb to divert firefighters, propane tanks converted to bombs placed in the cafeteria, 99 explosive devices, and bombs rigged in cars. Two senior students, Eric Harris and Dylan Klebold, **mur**..... a total of 12 students and one teacher. They **inj**..... 24 additional students, with three other people being injured while **att**..... to escape the school. The pair then committed **sui**.....

Although their **mot**..... remain unclear, the personal journals of the **per**..... document that they wished their actions to rival the Oklahoma City bombing.

The massacre sparked debate over gun control laws, the availability of **fire**..... within the United States and gun **vio**..... involving youths. Much discussion also centered on the nature of high school cliques, subcultures and **bul**....., in addition to the influence of violent movies and video games in American society.

b) Fill in the table with the missing data about the crime committed based on the text.

date of the crime	
scene of the crime	
offences committed	
perpetrators	
number of victims	
fate of the offenders	

c) Read the following text about the events leading to the crime and choose the right word for each gap from the following list.

affidavit	anger	attended	deception	diversion	explosives	mischief	notified	obtained
pleaded	probation	regret	threats	warrant				

Preliminary events

In 1996, Eric Harris created a private website to host gaming levels of the video game *Doom*, which he and his friend, Dylan Klebold, had created, primarily for friends. On this site, Harris began a blog, which included jokes and short journal entries with thoughts on parents, school, and friends. By the end of the year, the site contained instructions on how to cause, as well as instructions on how to make explosives, and blogs in which he described the trouble he and Klebold were causing. Beginning in early 1997, the blog postings began to show the first signs of Harris's ever-growing anger against society. Harris's site attracted few visitors, and caused no concern until late 1997. Klebold gave the web address to Brooks Brown, a former friend of Harris. The website contained numerous death directed against Brown: Klebold knew that if Brooks accessed the address, he would discover the content and inform his parents, and likely the authorities would be After Brown's parents viewed the site, they contacted the Jefferson County Sheriff's Office. When the investigator accessed the website, he discovered numerous violent threats directed against the students and teachers of Columbine High School. Other material included blurbs which Harris had written about his general hatred of society, and his desire to kill those who annoyed him. As Harris had posted on his website that he possessed, the investigator wrote a draft, requesting a search of the Harris household. He never filed it. The affidavit was concealed by the Jefferson County Sheriff's Office and not revealed until September 2001, resulting from an investigation by the TV show *60 Minutes*.

On January 30, 1998, Eric Harris and Dylan Klebold stole tools and other equipment from a van parked near the city of Littleton. Both youths were arrested and subsequently a joint court hearing, where they guilty to the felony theft. The judge sentenced the duo to attend a juvenile program. There both boys attended mandated classes, such as management and talked with diversion officers. Harris also began attending therapy classes with a psychologist.

Harris and Klebold were eventually released from diversion several weeks early because of positive actions in the program; they were both on Harris wrote a letter to the owner of the equipment which they stole, apologizing and offering empathy to the owner for his and Klebold's actions.

Shortly after his and Klebold's court hearing, Harris's online blog disappeared. He began to write a paper journal, in which he recorded his thoughts and plans. There he boasted of having faked his letter

of to the owner of the van and praised himself for his

The pair kept videos that documented the explosives, ammunition, and weapons they had illegally. They revealed the ways they hid their arsenals in their homes, as well as how they deceived their parents about their activities. The pair shot videos of doing target practice in nearby foothills, as well as areas of the high school they planned to attack. On April 20, approximately thirty minutes before the attack, they made a final video saying goodbye and apologizing to their friends and families.

(based on http://en.wikipedia.org/wiki/Columbine_High_School_massacre)

d) Answer the following questions.

1. What preliminary signs could have suggested that the two students were preparing for the massacre? Find examples from the text.
2. Do you think it is possible to prevent school shootings?
3. Why do school shootings occur?

3. Solitary confinement in the USA – Watching a video

3.1. Watch the video:

<http://mm.hrw.org/content/growing-locked-down-youth-solitary-confinement-jails-and-prisons-across-united-states#video> or <http://www.youtube.com/watch?v=i7hynBLs1fU>

3.2. Answer the following questions about the video.

1. How old were the interviewed boys when they were held in solitary confinement?
2. Why are young people held in solitary confinement?
3. What effect did solitary confinement have on them?
4. How many hours do they spend in their cells?
5. Do they participate in any programming?
6. What happened to Kevin, who was suffering from bipolar disorder?

3.3. Fill in the missing parts of the words in the text based on the recording.

Human Rights Watch interviewed young people held in solitary confinement in a..... j.....

Young people need i..... with responsible adults and other kids. They should be kept safe without i..... them. Solitary confinement has a d..... effect on young people and they are prevented from meaningful p..... . It should never be used instead of treatment for the m..... i..... . Human Rights Watch wants to b..... solitary confinement of young people. They should be kept in specialized j..... f.....

4. Domestic violence

4.1. Read the text and answer the following questions.

1. How can you define domestic violence?
2. What forms can domestic abuse take?
3. For what offence can the abuser be prosecuted?
4. How common is domestic violence?
5. What effect does domestic violence have on children?
6. Who are the victims of domestic violence?
7. Why is it often a hidden crime?

Domestic violence may be defined as:

“Any incident of **threatening behaviour**, violence or abuse (psychological, physical, sexual, financial or emotional) between adults who are or have been intimate partners or family members, regardless of sexuality.”

Domestic abuse can go beyond actual physical violence. It can also involve emotional abuse, the **destruction of property**, isolation from friends, family or other potential sources of support, control over access to money, personal items, food, transportation and the telephone, and **stalking**. Domestic violence is not a specific **statutory offence**. However, there are a number of possible criminal offences for which perpetrators could be prosecuted, ranging from murder, rape and manslaughter through to threatening behaviour.

In the twenty first century it is shocking to realise that every week, two women die as a result of domestic violence, and that domestic violence accounts for 17% of all violent crime.

Violence will often be witnessed by children and there is an **overlap** between abuse of women and abuse (physical and sexual) of children. The wide **adverse effects** of living with domestic violence for children must be recognised as a child protection issue. They link to poor educational achievement, **social exclusion** and to juvenile crime, **substance misuse**, mental health problems and homelessness from running away. Findings from the British Crime Survey show that the majority of domestic violence is perpetrated by men on women. However, we acknowledge that men and same-sex partners can equally be victims of domestic violence.

Domestic violence is often a hidden crime, and it is difficult to **assess the scale of the problem**. Measuring the extent of domestic violence is **hindered** by the **reluctance** of victims to report their experiences.

(<http://www.judiciary.gov.uk/JCO%2FDocuments%2FFJC%2Fdomestic-violence-guide-march07.pdf>)

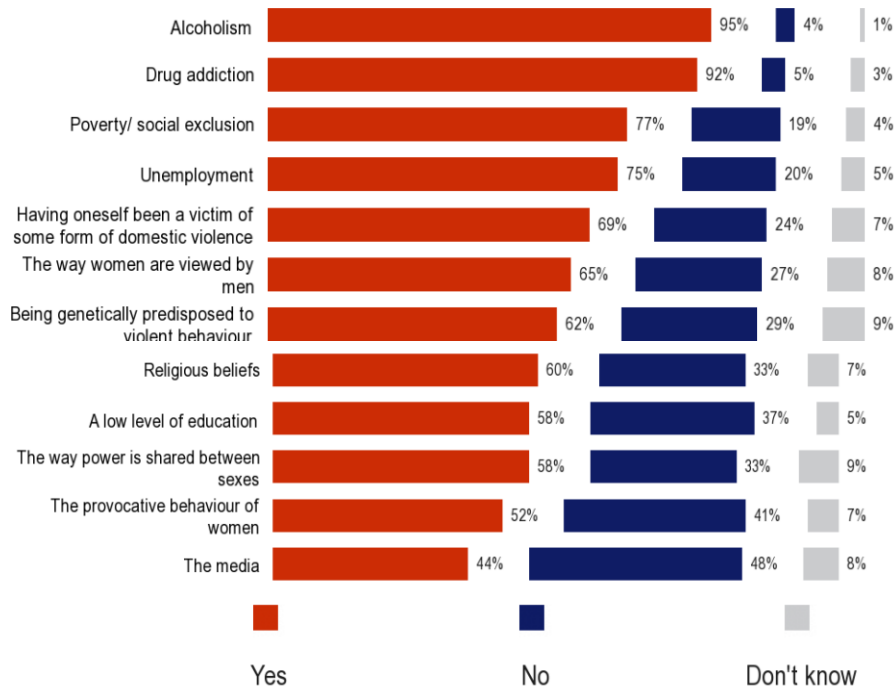
4.2. Match the expressions in bold type with their definitions.

negative impact, disadvantageous influence	
taking drugs	
unwillingness, not wanting to do something	
the crime of following and watching someone in a frightening way	
prevented, hindered	
find out how serious the situation is	
damaging, ruining an object	
crime contained in an Act	
not being accepted by other members of the community, isolation	
conduct that causes fear	
connection, common field	

5. A survey on the causes of domestic violence

Describe the diagram.

QC4. Please tell me whether you consider each of the following to be a cause of domestic violence against women, or not?



EU27

(ec.europa.eu/public_opinion/archives/ebs/ebs_344_en.pdf)

6. Dealing with domestic violence

6.1. Read the text and solve the multiple choice test.

The police

When the police are called to a scene of domestic violence they will typically:

- Carry out an initial investigation and seek to secure all of the available evidence, identify potential witnesses.
- Arrest the offender (they do not need a warrant to arrest someone they suspect has committed or is about to commit a violent offence or breach of the peace).
- Try to obtain a statement from the victim at the time, away from the suspect.
- Sometimes, ask the victim to see the Forensic Medical Examiner. This not only ensures a proper medical assessment for treatment but also obtains medical evidence that can be used as evidence for the court case.
- Advise the victim of other options available to her, for example obtaining an injunction under civil proceedings. The police would also provide her with contact addresses for support organisations, advocacy groups or local refuge services.

Prosecution of domestic violence cases

In 2012/13 there were 88,110 domestic violence cases in England and Wales that were referred to the Crown Prosecution Service. This is not the same as the total number of people arrested for the offence. Between arrest and referral to the CPS the police may decide that no crime has been committed or that there is insufficient evidence to proceed.

Of the cases referred to the CPS the decision to charge was made in 64.6% of cases.

Due to the nature of domestic violence, the victim is often the only witness to the offence and is, therefore, the key witness for the trial. The need for a witness to attend can be avoided only if the defendant pleads guilty or if there is very strong supporting evidence from other sources, such as neighbours, police, or medical staff, which can be put before the court. However, the best evidence comes from the witness in person. Under the provisions of Section 116 of the Criminal Justice Act 2003, a written sworn statement of a person who does not give oral evidence through fear may be admissible.

For the defendant to be convicted of a criminal offence, the jury or magistrates/judge must be sure of the defendant's guilt "beyond reasonable doubt". The number of offenders successfully convicted in 2011/12 was 52,549. This represented 74.3% of completed prosecutions.

Civil remedies

The *Family Law Act 1996* brought in two important civil law remedies – ***non-molestation orders and occupation orders***. Non-molestation orders can prohibit either particular behaviour or general molestation. Occupation orders can define or regulate rights of occupation to the home – for example excluding a perpetrator from the family home, and also possibly from the surrounding area.

Criminal orders

The *Protection from Harassment Act 1997* created two *criminal offences of harassment, and of "putting people in fear of violence"*. It also provided for ***restraining orders***. These would forbid a perpetrator from pursuing further conduct against the victim amounting to harassment, or causing fear of violence. Breach without reasonable excuse is an arrestable offence.

Domestic Violence Protection Orders are a new power that fills a gap in providing protection to victims in the immediate aftermath of a domestic violence incident.

Under section 24 of the *Crime and Security Act 2010*, a senior police officer may issue a Domestic Violence Protection Notice (DVPN) to a person if that officer has reasonable grounds for believing that the person "has been violent towards, or has threatened violence towards, an associated person". The DVPN prohibits the suspected perpetrator from molesting the victim and, where they cohabit, may require the suspected perpetrator to leave those premises. The issue of a DVPN triggers an application for a Domestic Violence Protection Order (DVPO). With this court order, a perpetrator can be banned with immediate effect from returning to a residence and from having contact with the victim for up to 28 days, allowing the victim time to consider their options and get the support they need.

The Orders are used to intervene in cases where police do not have enough evidence to bring a criminal charge. Before these orders, there was a gap in protection, because police couldn't charge the perpetrator for lack of evidence and so provide protection to a victim through bail conditions, and because the process of granting court injunctions took time.

<http://www.parliament.uk/briefing-papers/SN06337/domestic-violence>

<http://www.judiciary.gov.uk/JCO%2FDocuments%2FFJC%2Fdomestic-violence-guide-march07.pdf>

<https://www.gov.uk/domestic-violence-and-abuse>)

6.2. Multiple choice test

Decide which sentence is correct.

1. In a case of domestic violence, the offender

- A can be arrested by the police even without an arrest warrant.
- B can be present when the victim is making a statement.
- C can be asked to see a forensic medical expert.

2. Medical examination

- A is carried out by the police.
- B means that the victim is treated in hospital.
- C can play an important role in obtaining evidence to prove the case.

3. In 2012/13, in domestic violence cases
- A more people were referred to the Crown Prosecution Service than arrested.
 - B if there is insufficient evidence, the police cannot arrest the offender.
 - C the CPS charged with a crime more than half of the persons referred to it.
4. Victims
- A must always give evidence in person in court.
 - B do not have to appear in court if the offender admits committing the crime.
 - C can freely choose between making a written statement or giving oral testimony.
5. In 2011/2012, more than half of prosecuted offenders were
- A successful beyond reasonable doubt.
 - B found guilty.
 - C convicted prisoners.
- 6.
- A Victims are protected by criminal and civil court orders.
 - B Occupation orders prevent general molestation and harassment.
 - C Restraining orders are used in the case of arrestable offences.
- 7.
- A Obtaining a DVPO takes longer than obtaining a court injunction.
 - B A DVPO can ban a perpetrator from returning to his home for some time.
 - C The DVPO is an alternative to bail.

6.3. *Several people and institutions are involved in a domestic violence case. Who does what? Match the activities with the persons that perform them.*

A police B prosecution C court D victim E offender

advise victim of available options		impose bail conditions	
arrest offenders		issue a Domestic Violence Protection Notice	
be violent towards sy		make a sworn statement	
breach a court order		obtain a statement from the victim	
carry out investigation		obtain an injunction	
charge the perpetrator		plead guilty	
convict the defendant of an offence		prohibit molestation	
exclude a perpetrator from the home		prosecute the offender	
forbid a perpetrator from harassment		refer the case to the CPS	
give oral evidence		regulate rights of occupation to the home	
grant an injunction		secure evidence	
identify witnesses		threaten violence towards sy	

7. Grammar

7.1. Relative clauses

Defining relative clauses

These describe the preceding noun in such a way as to distinguish it from other nouns of the same class.

1. Only Justices of the Peace who have been specially trained for the job can sit in youth courts.
2. Domestic violence may be defined as any incident of threatening behaviour, violence or abuse between adults who are or have been intimate partners or family members, regardless of sexuality.

3. This is a two-part sentence that combines a period of custody with a period under supervision in the community.
4. Domestic Violence Protection Orders are a new power that fills a gap in providing protection to victims in the immediate aftermath of a domestic violence incident.
5. In 2012/13 there were 88,110 domestic violence cases in England and Wales that were referred to the Crown Prosecution Service.
6. However, there are a number of possible criminal offences for which perpetrators could be prosecuted, ranging from murder, rape and manslaughter through to threatening behaviour.
7. Young offenders can also be tried in an adult magistrates' court or in a Crown Court, depending on the type of offence they have committed.
8. The Orders are used to intervene in cases where police believe a victim may be at risk from violence
...

Non-defining relative clauses

Non-defining relative clauses are placed after nouns which are definite already. They do not define the noun, but only give more information about it.

1. The court refers the young person to a youth offender panel, (led by members of the local community), who agree a contract with the young person to repair the harm done and to prevent further offending.
2. Complementing non-custodial penalties for young offenders are: parenting orders, which may require a parent or guardian to attend, for example, counselling and guidance sessions and child safety orders, which place a child

7.2. What relative pronoun can be used to refer to:

a person:
an object:
a place:
time:
manner:
possessor:
whole clause:

7.3. Relative clauses tell us more about the noun they describe, and can be divided into two categories: defining and non-defining. Try to sort out which rules apply to which category. Write D for defining and N for non-defining.

1. They give supplementary information.	
2. They identify the noun.	
3. They are not separated by commas.	
4. They are separated by commas.	
5. They always use the relative pronoun.	
6. They may omit the relative object pronoun.	
7. The pronoun 'that' is never used for them.	

7.4. Fill in the missing relative pronouns.

0. The wife, who was afraid of her husband, withdrew her complaint.
1. The husband, committed grievous bodily harm, was arrested.
 2. The police investigated the scene the killing had taken place.
 3. The offender pleaded guilty to the crime he was accused of.

4. The accused had an alibi for the time the crime happened.
5. The suspect phone calls the police secretly recorded was caught easily.
6. Forensic medical experts may provide evidence proves the abuse.
7. A lot of people have been released from prison are likely to reoffend.
8. The prosecutor read out the indictment in a language the accused didn't understand.
9. The punishment, had been too severe, was reduced on appeal.
10. The accused was acquitted, surprised everybody.

7.5. *Translate the following sentences using a relative clause.*

1. Angliában a büntethetőség korhatára a tíz éves kor, amivel sokan nem értenek egyet.
2. Az a fiatalokú bűnelkövető, aki először követ el kevésbé súlyos törvénysértést, megúszhatja rendőri figyelmeztetéssel.
3. A vádlott nem követte el azt a bűncselekményt, amivel vádolják.
4. A rendőrség kihallgatta azt a férfit, akinek a vádlott ellopta az óráját.
5. A halálbüntetést, amelyet sokan elleneznek, még a világ sok országában alkalmaznak.
6. A bűnelkövetőt felelősségre kell vonni azért a bűncselekményért, amit elkövetett.
7. A rendőrség körbevette azt a házat, ahol a terrorista rejtőzködött.
8. Abban az időpontban, amikor a bankot kirabolták, a bankigazgató éppen az uszodában úszott.
9. Brüsszelben, ahol rengetegen élnek, mégsem lopják el a bicikliket az utcáról.
10. A rendőrség keresi azt a festményt, amelyet a Nemzeti Galériából loptak el a múlt héten.

abuse *fn* (1) bántalmazás, (2) visszaélés
access to *fn* hozzáférés
address *ige* kezel (problémát)
 • **address offending behaviour** kezeli a jogsértő magatartást
admission *fn* (1) beismerés, (2) felvétel (állásra, iskolába) (3) elfogadás (bizonyítéké)
adverse *mn* káros, hátrányos, kedvezőtlen
 • **adverse effect** kedvezőtlen, hátrányos hatás
affect *ige* hatással van vmire
affidavit *fn* eskü alatti írásbeli nyilatkozat
aftermath *fn* következmény, utóhatás
amount to *ige* felér vmivel, kitesz valamennyit
annoy *ige* bosszant
anti-social manner antiszociális viselkedés
assess *ige* felbecsül, értékkel
associated person vkivel kapcsolatban álló személy
attempt *fn* kísérlet
attempt *ige* megkísérel
attend (sg) *ige* részt vesz, megjelenik (eseményen, pl. a tárgyaláson)
available *mn* hozzáférhető, elérhető
 • **availability** *fn* hozzáférhetőség, rendelkezésre állás
axis (pl. axes) *fn* tengely
 • **horizontal axis** vízszintes tengely
 • **vertical axis** függőleges tengely
bipolar disorder bipoláris zavar, mániás depresszió
broken line megtört/szaggatott vonal
caution *fn* (1) figyelmeztetés, megrovás, (2) jogokról való tájékoztatás
 • **restorative caution** helyreállító jellegű figyelmeztetés
cohabit *ige* együtt él
conceal *ige* elrejt
contact *fn* kapcsolat, érintkezés
counselling *fn* tanácsadás
criminal record *fn* bűnügyi nyilvántartásban szereplő adat
 • **have a criminal record** büntetett előéletű
criminal responsibility *fn* büntethetőség
custodial *mn* szabadságvesztéssel járó
deceive *ige* megtéveszt
 • **deception** *fn* megtévesztés
decline *ige* (1) hanyatlik, csökken (2) elutasít
destruction of property tulajdontárgy megsemmisítése, tönkretétel
devastating *mn* pusztító, megsemmisítő
diversionary *mn* eltérítő, megtévesztő
 • **diversionary sentence** elterelés
divert *ige* elterel, eltérít

domestic violence családon belüli erőszak
domestic violence protection order távoltartó határozat
draft *fn* vázlat, tervezet
effect *fn* (1) hatás, (2) hatály
 • **with immediate effect** azonnali hatállyal
emotional *mn* érzelmi
exclude (from) *ige* kizár vhonnet
excuse *fn* mentség
 • **reasonable excuse** ésszerű mentség
fake *mn* hamis
firefighter *fn* tűzoltó
fluctuate *ige* ingadozik
Forensic Medical Examiner *fn* igazságügyi orvosszakértő
gap *fn* hiány, rés, szakadék
go beyond *ige* túllép, túlmegy vmin
gradually *hat.* fokozatosan
graph *fn* grafikon
guidance session *fn* tanácsadó, tájékoztató, útmutató foglalkozás
gun violence *fn* fegyveres erőszak
hamper (from) *ige* megakadályoz
hatred *fn* gyűlölet
hinder (from) *ige* megakadályoz
impact *fn* hatás
injunction *fn* bírósági (általában tiltó) végzés
intervene *ige* közbeavatkozik, közbejön
intimate partner bizalmas viszonyban álló társ, közelálló
isolation *fn* elszigetelés
likelihood *fn* valószínűség
mandated *mn* előírt
massacre *fn* mészárlás
mischief *fn* baj, rossz cselekedet, rosszaság, méregkeverés
motive *fn* indíték
non-molestation order *fn* zaklatást tiltó bírósági határozat
occupation order *fn* ingatlanban való tartózkodást szabályozó bírósági határozat
overlap *fn* átfedés
panel *fn* bizottság, tanács
 • **youth offender panel** *fn* közösségi tanács (mely egyeztet a fiatalkorú bűnelkövetővel a jóvátétel módjáról)
perpetrator *fn* elkövető
predisposed to *sg* **genetically** genetikailag hajlamos vmire
preliminary *mn* előzetes
prosecution *fn* vádeljárás, vád, ügyészség
referral *fn* utalás, utasítás, közvetítés vhovva
referral order *fn* közösségi tanács elé utalásról szóló határozat

refer to *ige* utal, irányít vhová
refuge *fn* menedék
regardless (of) tekintet nélkül vmire
regret *fn* sajnálat, megbánás
• **letter of regret** megbánó, bocsánatkérő levél
reluctance *fn* vonakodás, kellelenség
remedy *fn* jogorvoslat, jogkövetkezmény
repair (the harm) *ige* jóvátész (kárt)
restrain *ige* visszatart, korlátoz, féken tart
• **restraining order** távöltartó határozat
reveal *ige* feltár, leleplez
rig *ige* beszerel
rival *ige* versenyre kel
scale *fn* mérték, fok, volumen
sharply *hat.* élesen, hirtelen
significantly *hat.* jelentősen

slightly *hat.* enyhén, egy kicsit
social exclusion *fn* társadalmi kirekesztés
society *fn* (1) társadalom, (2) társaság
stagnate *ige* stagnál
stalking *fn* fenyegető követés, becserkészés
steadily *hat.* egyenletesen, kitartóan
strap down *ige* leszíjaz
substance misuse *fn* tiltott szer fogyasztása
suicide *fn* öngyilkosság
sworn statement *fn* eskü alatt tett kijelentés
threat *fn* fenyegetés
threatening behaviour fenyegető magatartás
trigger *ige* előidéz, kivált
unwillingness *fn* kellelenség, vonakodás
warning *fn* figyelmeztetés
• **informed warning** egyszerű figyelmeztetés

Unit 4

CIVIL AND CRIMINAL PROCEDURE AND THE COURT SYSTEM

England and Wales courts



(http://commons.wikimedia.org/wiki/File:Royal_courts_of_justice.jpg)

The structure of the courts in all three jurisdictions within the United Kingdom tends to be arranged according to the subject-matter of cases brought before the courts.

1. Courts with criminal jurisdiction

First instance proceedings

1.1. Read the text and fill in the gaps using the words from the box.

proven	innocence	jury	indicted	summary	investigated	Crown	evidence
			qualified	proof			

The **more serious criminal cases** are tried on the basis of a document called the indictment - the defendant ison criminal charges specified in the indictment by the prosecutor. In most cases, the prosecution is on behalf of the (the State) and is handled by an official agency called the Crown Prosecution Service, which takes the case over from the police who have alreadymost of the evidence.

The first stage will be to decide whether there is a case to answer. This process, called committal, will be dealt with by a magistrate on the basis ofdisclosed in papers provided by the prosecutor.

If the case proceeds, it is heard in the Crown Court (there is only one Crown Court but it has about 70 centres around the jurisdiction). The trial is before a judge and..... The judge presides over the trial process. He summarises the case to the jury and directs them on the law. The jury decides the facts - whose story is more believable - and applies the law to those facts. So, it is the jury not the judge which reaches a verdict on the guilt or of the defendant. In criminal cases, the prosecution has the burden of - it must prove guilt, rather than the defendant having to prove innocence. The standard (= level) of proof is heavy - guilt must be beyond reasonable doubt. If the jury returns a not guilty verdict, the defendant is acquitted. If the jury returns a guilty verdict, the defendant is convicted of a criminal offence and the court will pass sentence.

In **less serious criminal cases** (which comprise over 90% of criminal cases), the case is sent for summary trial in one of over 400 magistrates' courts. Atrial means there is no committal and no jury. The trial is before a legallyDistrict Judge or a bench of three

lay magistrates. In a Magistrates' Court, the magistrates act as judges of the facts and they are assisted on points of law by the justices' clerk. A magistrate can impose a sentence of imprisonment of up to six months and a maximum fine of £ 5,000.

(adapted from <http://leeds.ac.uk>)

1.2. Answer the questions based on the text.

In which court and by whom are serious criminal cases tried?

In which court are less serious criminal cases tried and by whom?

Who has the burden of proof in a criminal case?

What is the standard of proof?

What does the presumption of innocence mean?

1.3. Match the two parts of collocations.

apply	the trial	A _____
decide	a verdict	B _____
disclose	charges	C _____
preside over	the law	D _____
prove	evidence	E _____
reach	facts	F _____
specify	a fine	G _____
impose	guilt	H _____

1.4. Now answer the following questions using the collocations.

What is an indictment?

Who decides and how whether there is a case to answer?

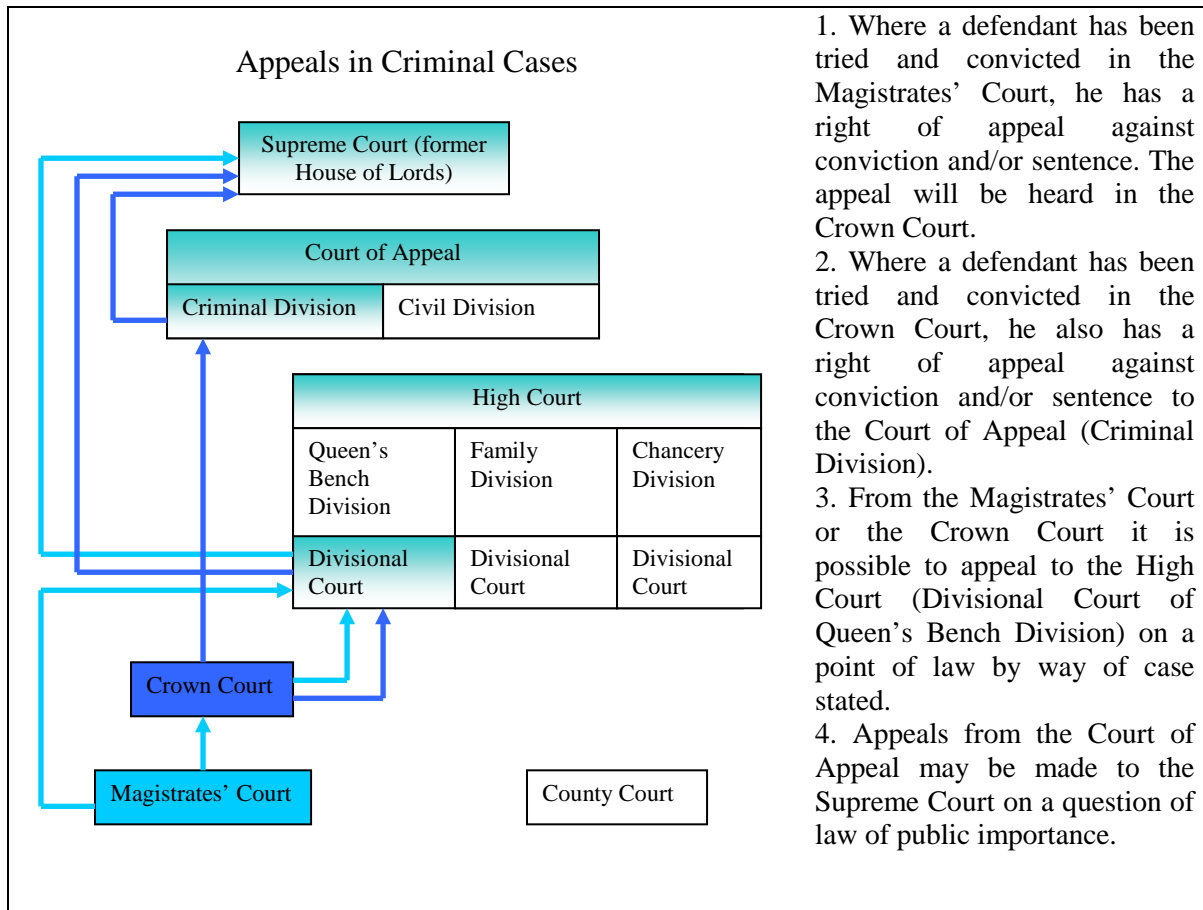
What is the role of the judge in the trial process?

What is the role of the jury?

What is the role of the prosecution?

Appeals in criminal cases

1.5. Have a look at the diagram and read the notes, then describe the system of appeals in case of
 a) offences tried in the Magistrates' Court and
 b) offences tried in the Crown Court.



2. Courts with civil jurisdiction

First instance proceedings

2.1. Read the text and answer the questions.

- Who are the parties in a civil lawsuit?
- Who has the burden of proof and what is the standard of proof in civil cases?
- What are civil claims usually about?
- Which are the civil courts that hear cases at first instance?
- What does the choice of court depend on?
- Who try civil cases?
- How long do civil lawsuits last?
- What happens to a large part of civil claims before trial?

In civil cases, the litigation is commenced by a claimant (a private person or company or a public authority) against a defendant. The claimant must try to prove the liability of the defendant on the balance of probabilities. The sorts of claims arising in the civil courts are typically about contracts (most common of all), torts (civil wrongs such as causing a road accident through negligence, damaging a person's reputation through defamation, or affecting the enjoyment of their property through causing a nuisance such as by pollution) and land disputes. The choice of court depends in most cases on the value of the claim.

Claims of lesser value will start in a **County Court**. There are 250 County Courts around the country. They can also deal with divorce and bankruptcy matters. Relatively small claims (less than about £3,000) can be handled by a Small Claims Procedure. This involves a quick hearing, often without lawyers being present, before a District Judge. The parties can however appeal to a Circuit Judge who also deals with full County Court trials. In 1995, nearly 2.5 million "actions" (cases) were commenced. The Small Claims Procedure dealt with 100,000.

More substantial civil claims (over around £25,000) are heard in the **High Court** (based in London but also with a few regional centres). The action is begun by a claim form, which is accompanied by a statement of claim in which the details of the legal dispute are set out. The High Court is organised according to case type into divisions:

a) The **Family Division** deals with divorce and child welfare matters and also the administration of wills. Divorce is mainly dealt with in the County Courts, but the High Court does hear a small number of complex, contested cases. The Family Division also oversees the uncontested administration of wills - a process called "probate".

b) The **Chancery Division** considers complex matters such as disputes about wills, trusts, bankruptcy, land law, intellectual property (copyright and patents) and corporate laws. Many of the company cases are dealt with in a specialist sub-division, the Companies Court.

c) The **Queen's Bench Division** deals with the remaining business - disputes about contracts or torts or land. The Queen's Bench Division has some specialist sub-divisions, including a Commercial Court (dealing with large and complex business disputes and an Admiralty Court (shipping matters).

Magistrates' Courts have a low level but nonetheless substantial civil jurisdiction. They enforce local taxes and VAT (value added tax). They are also competent concerning many family proceedings. They can make and enforce financial provisions following a family breakdown, as well as make orders relating to children, for example care and supervision orders.

Any civil trial is in the vast majority of cases by a judge alone. Juries are now very rare in civil cases. Another feature to note is that cases are often slow to pass through the system, measured in months or years rather than weeks as for criminal cases. It is also important to realise that a very large proportion of civil claims are "settled" - the parties agree on how they should be resolved and therefore the case never reaches trial.

(adapted from <http://leeds.ac.uk>)

2.2. In which court would the following cases be heard? Match the type of case with the name of the court.

A. Magistrates' Court	1. uncontested divorce
	2. complex contested divorce
B. County Court	3. trusts
	4. intellectual property
C. High Court Family Division	5. small claims
	6. shipping matters
D. High Court Chancery Division	7. child care and supervision orders
	8. disputes relating to title to land
E. High Court Queen's Bench Division	9. landlord and tenant disputes
	10. administration of uncontested wills
	11. contested wills
	12. tort

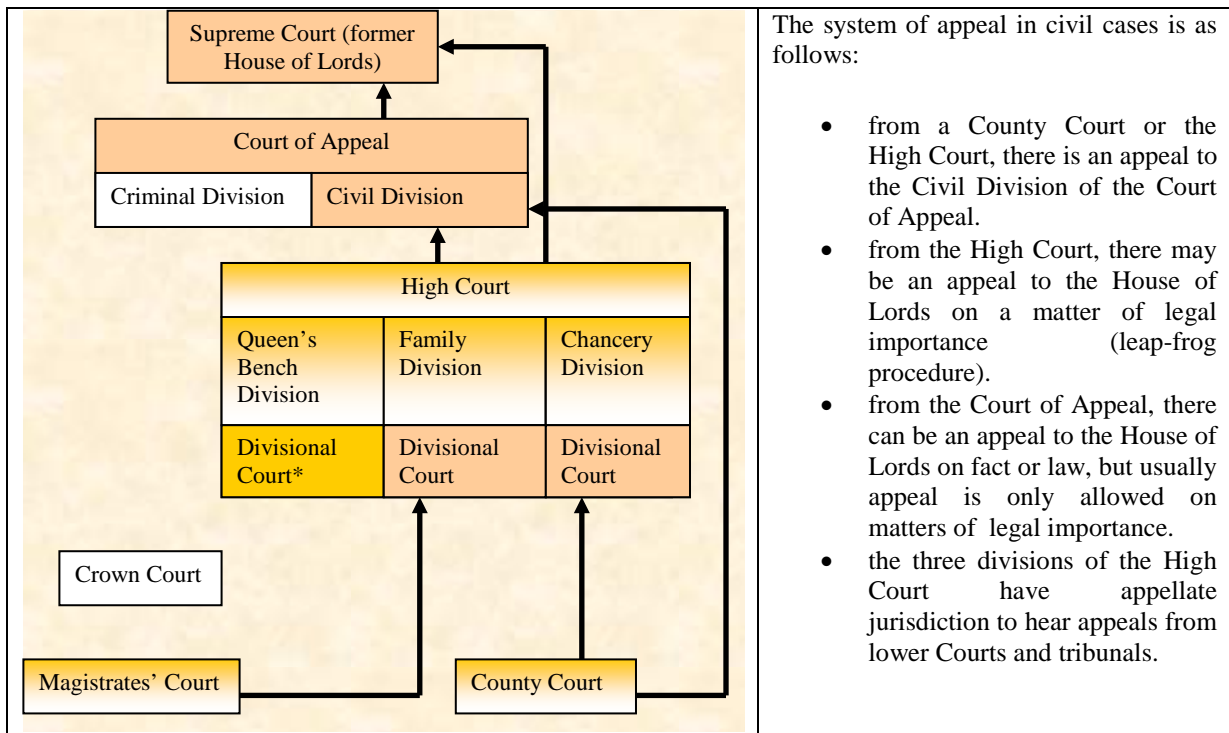
2.3. Find the words for the definitions from the text.

- damaging a person’s reputation
- interfering with the enjoyment of property.....
- a court document setting out the details of the legal dispute
- a legal document commencing the action
- parties agree on how the case should be resolved

Appeals

2.4. Have a look at the diagram and the notes, and answer the questions.

To which courts can you appeal from the County Court?
 To which courts may there be an appeal from the High Court?
 Where does an appeal lie from the Court of Appeal?



The system of appeal in civil cases is as follows:

- from a County Court or the High Court, there is an appeal to the Civil Division of the Court of Appeal.
- from the High Court, there may be an appeal to the House of Lords on a matter of legal importance (leap-frog procedure).
- from the Court of Appeal, there can be an appeal to the House of Lords on fact or law, but usually appeal is only allowed on matters of legal importance.
- the three divisions of the High Court have appellate jurisdiction to hear appeals from lower Courts and tribunals.

*The Divisional Court of the Queen's Bench Division deals largely with certain appeals on points of law from many Courts and tribunals. The Divisional Court of the Queen's Bench Division is called the Administrative Court when dealing with judicial review of administrative actions. Divisional Court of the Chancery Division deals with appeals in bankruptcy matters from the County Court. The Divisional Court of the Family Division deals largely with appeals from Magistrates Courts in matrimonial matters.

(http://sixthformlaw.info/01_modules/mod1/1_1_civil_courts_adr/1_1_1_civil_courts/61_appeals_intro.htm)

3. The Court of Justice of the European Union

In one respect only the Supreme Court is no longer the supreme legal authority in the United Kingdom. This is in matters regarding the interpretation of Union law. The Court of Justice of the EU is the final court of authority in this respect and the English courts are bound by its decisions.

4. Watching a video about the Magistrates' Court

<http://www.youtube.com/watch?v=WeNDacwO5NA>

4.1. Whole group:

Watch the video and make a list of who are present in the court.

4.2. Who does what during the hearing? Watch the video once more and decide which persons the following points refer to.

1. administers witnesses' oaths or affirmations
2. asks the defendant to enter a plea
3. cannot ask leading questions or suggest answers
4. ensures that only admissible evidence is put before the court
5. has a deciding vote if magistrates can't agree
6. passes exhibits around the court when evidence is being given
7. proves to the court that evidence has been gathered in accordance with procedures

4.3. Watch the video once more and in small groups make a list of the tasks of one character in the courtroom. (e.g. magistrates' tasks)

magistrates	clerk	usher	prosecuting solicitor	defence solicitor

5. Differences between civil and criminal law terminology

5.1. Complete the attached text by using each of the following words once only. Write the missing word into the appropriate gap in the text. Look up any words which are unfamiliar to you.

appears, breathalyse, bringing, charged, compensation, convicted, costs, damage, damages, disqualified, fine, fined, heard, liable, loss, negligence, offence, ~~proceedings~~, pursue, remedy, sues, suffered, sustained, victim

The distinction between criminal and civil law does not depend on the nature of the wrongful act, because the same act may give rise to both civil and criminal 1 proceedings.

Consider the consequences of a typical motor cycle accident. Shirley is crossing the road at the zebra crossing when she is knocked down by a motor cycle driven by Jason. An ambulance takes Shirley to a local hospital where it is discovered that she has 2 _____ a broken leg. Meanwhile the police

have arrived at the scene of the accident and they 3 _____ Jason. The result is positive and he is 4 _____ with the criminal 5 _____ of driving with excess alcohol.

Jason 6 _____ before the local magistrates' court and is 7 _____. He is 8 _____ from driving for eighteen months and 9 _____ £400. The 10 _____ is paid to the court: it does not go to the 11 _____ of the criminal act. However, a criminal court now has limited power to order an offender to pay 12 _____ for any personal injury, 13 _____ or 14 _____ caused to the victim of his offence (Powers of Criminal Courts Act 1973). Shirley will be able to 15 _____ a civil action against Jason to 16 _____ the personal wrong she has 17 _____.

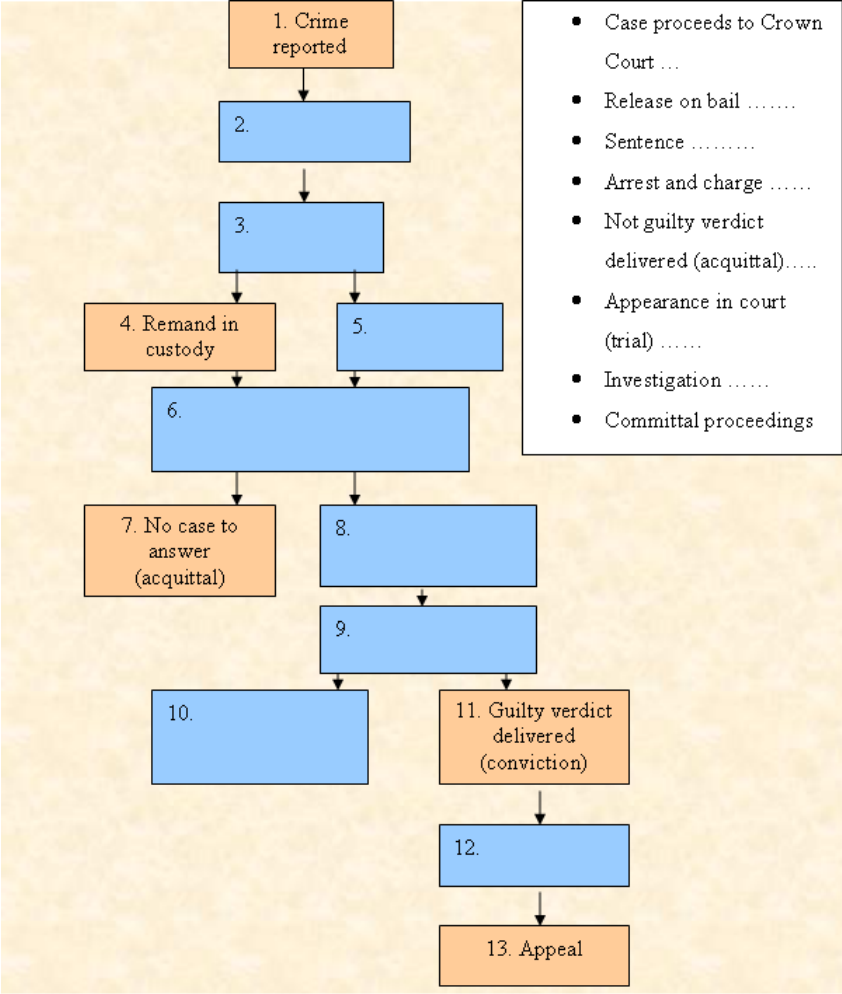
Shirley 18 _____ Jason under the tort of 19 _____, seeking damages for the injuries she has sustained. The case is 20 _____ in the High Court where Jason is found 21 _____. He is ordered to pay £6.000 in 22 _____. Normally, the loser in a civil action pays the winner's 23 _____. So Jason is ordered to pay Shirley's costs in 24 _____ the action.

5.2. Fill in the missing information based on the text above.

	criminal procedure	civil procedure
action taken against the defendant	charged with	sued under
the court where the case is tried	.....	.....
court decision	.....	found liable
sanctions	disqualification, fine	.....
purpose of the action	.....	.....

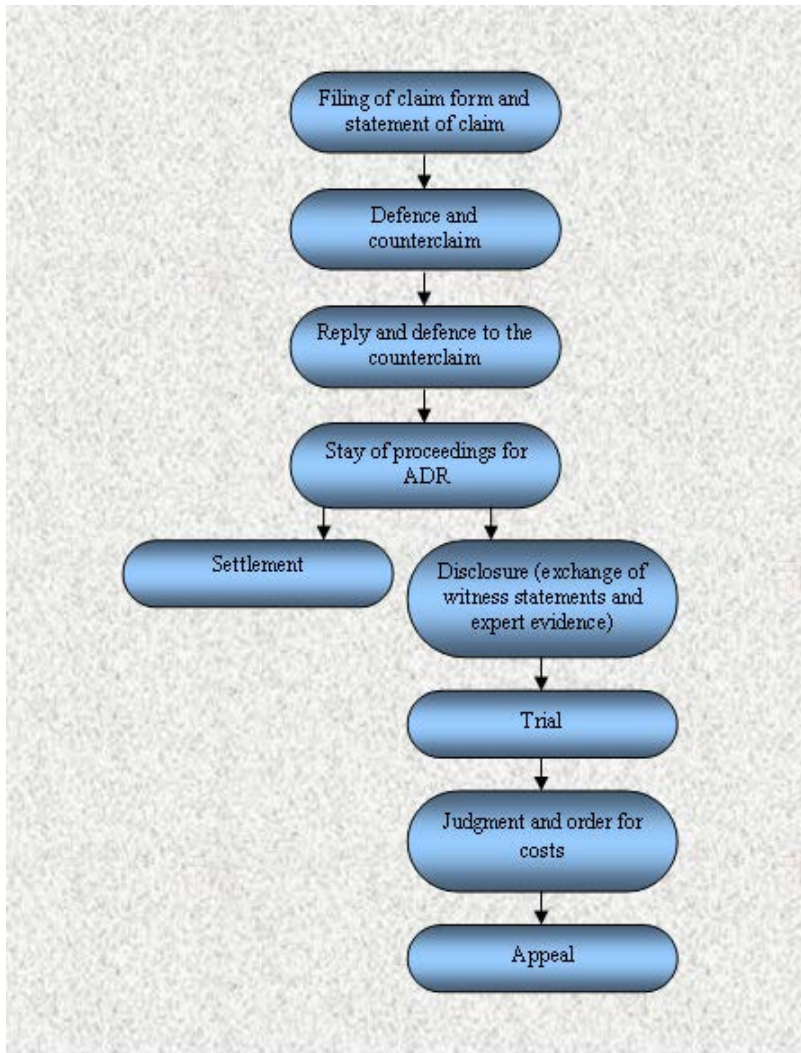
5.3. The criminal process (indictable offence) - a flowchart

Write the missing stages of criminal procedure in the flowchart by putting the listed expressions in the right order.



5.4. Civil Procedure – flowchart

Describe the stages of civil procedure based on the flowchart.



(A stay of proceedings or an offer to settle may be made at any time during proceedings.)

6. The Hungarian Court system



The Curia



The statue of Lady Justice in the Hall of the Curia

(<http://www.kormany.hu/hu/mo/az-igazsagszolgalatas-rendszere/biroi-szervezeti-rendszer>)

Administration of the courts

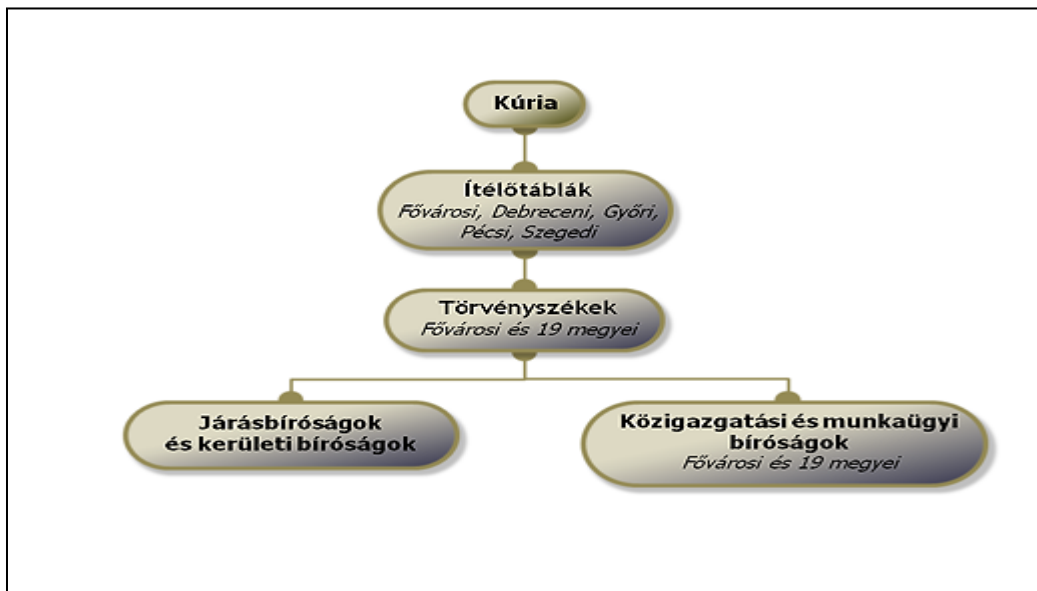
The central administration of the courts is managed by the President of the **National Judicial Office (NJO)**.

The **National Judicial Council (NJC)** is the body that supervises the central administration of the courts. The NJC has its seat in Budapest and consists of 15 members. The President of the *Kúria* (Supreme Court) is a member of the NJC.

(https://e-justice.europa.eu/content_judicial_systems_in_member_states-16-hu-en.do)

6.1. Reading for quick information

- Have a look at the diagram. Scan the text and find the English translations for the names of the courts.
- Also find out about the earlier system and names of Hungarian courts in English.



Organisation of the courts

As a result of the justice reform of 2011, the names of courts have changed in Hungary (Act CLXI of 2011 on the Organisation and Administration of Courts). In addition, the reform has also brought about some structural changes in the court structure.

Thus, beginning from 1 January 2012, the Hungarian court system continues to have four levels.

The lowest level courts are the **district courts** with effect from 1 January 2013. Previously they were called local courts. In the 23 districts of the capital, Budapest, there are six district courts, each serving as proper venue for several districts of the capital.

The second level is constituted by the 19 **courts of justice** and the Metropolitan Court of Justice. Before the justice reform, the courts of justice were called county courts and the Metropolitan Court of Justice Metropolitan Court.

The five **courts of appeal** were inserted in the court system in two stages (in 2003 and 2005) as the third level.

And finally, at the top of the hierarchy is the **Curia**, which replaced the Supreme Court following 1 January 2012.

Cases are tried at first instance by the district courts, the courts of justice or the administrative and labour courts.

District courts have general first instance jurisdiction. Appeals against the first instance decisions of district courts are decided by the courts of justice as courts of second instance.

Despite the fact that the area of jurisdiction (venue) of **administrative and labour courts** extends to a whole county, they exclusively try cases at first instance. The jurisdiction of these specialised courts extends to matters previously falling within the jurisdiction of labour courts (cases arising from employment relations and employment contracts, review of social security decisions and specific administrative decisions relating to employment) and cases of judicial review of administrative decisions. Appeals submitted against the decisions of the administrative and labour courts are tried by the courts of justice.

Cases falling within the first instance jurisdiction of the courts of justice can be appealed to the courts of appeal. Review petitions are heard by the Curia. However, the Curia may also serve as a forum of appeal within a narrow circle of cases. In addition, the Curia ensures the uniformity of judicial practice and, as of 1 January 2012, has a supervisory function over the legislative activities of the local governments (municipalities).

(Based on
[http://www.europarl.europa.eu/RegData/etudes/etudes/join/2012/462478/IPOL-JURI_ET\(2012\)462478\(ANN01\)_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/etudes/join/2012/462478/IPOL-JURI_ET(2012)462478(ANN01)_EN.pdf))

For more information on the Curia, go to <http://www.lb.hu/en/english/jurisdiction-curia>

6.2. Read the text once more and answer the questions.

1. Which courts try cases at first instance in Hungary?
2. What cases fall within the jurisdiction of administrative and labour courts?
3. Which courts have appellate jurisdiction?
4. What is the role of the Curia?

6.3. Now list the main differences between the English and the Hungarian court systems using the prompts.

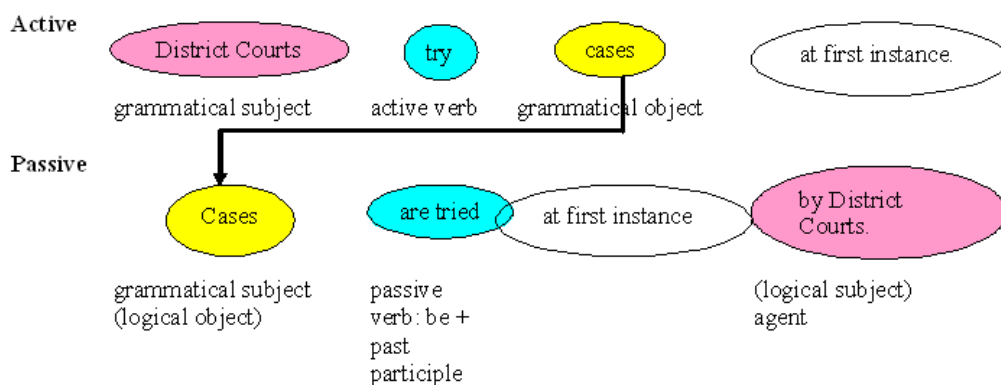
- civil and criminal jurisdiction
- lay elements (judges, jury)
- courts with specialised jurisdiction

7. Grammar: the Passive

7.1. Underline examples of the passive in the text about Hungarian courts.

7.2. Transform them into active sentences.

7.3. Compare the structures of the two sentences:



*The passive of an active tense is formed by putting the verb **to be** into the same tense as the active verb and adding the past participle of the active verb. The subject of the active verb becomes the 'agent' of the passive verb. When the agent is mentioned it is preceded by **by** and comes at the end of the sentence.*

7.4. Transform the following sentences into the passive.

1. The defendant may enter a guilty plea before the trial.
2. The court considers a guilty plea sufficient evidence of guilt.
3. The court calls no witnesses to give evidence.
4. The prosecution presents no other evidence.
5. The prosecutor summarises the facts of the offence.
6. The court hears mitigation from the defence and sentences the defendant.
7. If the defendant pleads not guilty, the court conducts a full trial.
If the defendant pleads not guilty,
8. During the trial the prosecution and defence call witnesses.
During the trial
9. They examine and cross-examine the witnesses.

7.5. Tenses in Passive. Now transform some more sentences in different tenses into the passive.

1. This time tomorrow the Crown Court will be trying a murder case.
This time tomorrow
2. If the accused is innocent, the jury will acquit him.
If the accused is innocent,
3. The defending barrister has made an excellent opening speech.
4. The judge is just directing the jury on the relevant law.
5. The police were interrogating the suspect for a whole hour.
6. By the end of trial the court will have established all the relevant facts of the case.
By the end of the trial
7. The prosecution had already charged the suspect with the offence when the detectives found new clues.

7.6. Translate the following sentences into English using the passive.

1. A pert a felperes indítja.
2. A nagyobb pertárgyértékű kereseteket a High Court tárgyalja.
3. A polgári ügyek jelentős részében a felek egyezséget kötnek.
4. A bíróság meg fogja ítélni a kártérítést a felperesnek.
5. Már többször is eltiltották a járművezetéstől.
6. A Crown Court-on súlyosabb büntetést szabhatnak ki rá, mint a magisztrátusi bíróságon.

acquit *ige* felment (bírótság vádak alól)
action *fn* (1) cselekedet, eljárás, tett (2) per
administration of wills *fn* hagyatéki ügyintézés
administrative actions államigazgatási szervek jogcselekményei
Administrative and Labour Court közigazgatási és munkaügyi bíróság
Admiralty Court tengerészeti bíróság
advisor *fn* tanácsadó
 • **legal advisor** jogi tanácsadó
affirmation *fn* megerősítés, helybenhagyás (ítéleté)
appeal *fn* fellebbezés
appeal *ige* fellebbez
 • **submit an appeal** fellebbezést benyújt
 • **appellate jurisdiction** fellebbezési hatáskör
arise *ige* felmerül, keletkezik, vmiből ered, származik
 • **arising claim** felmerülő követelés, igény
balance *fn* egyensúly, mérleg
 • **prove on the balance of probabilities** valószínűsít
bankruptcy *fn* csőd
behalf *fn* on behalf of sy vk helyett, vk nevében/érdekében, vkért
bench *fn* bíróság, bírói testület
bind sy *ige* köt vkit, kötelező vkire nézve
 • **be bound by** köti vmi, vmi kötelező rá nézve
breathalyse *ige* szondáz
burden of proof *fn* bizonyítási teher
case stated bíróság által megállapított tényállás
 • **by way of case stated** előterjesztett iratok alapján
case to answer megválaszolandó, megalapozott vád
 • **no case to answer** nincs ügy, ejteni kell a vádat
 • **whether there is a case to answer** megállja-e a helyét a vád
challenge (evidence) *ige* kétségbe von, vitat (bizonyítékot)
child welfare *fn* gyermekjólét
claim form *fn* keresetlevél (formanyomtatvány)
clerk of the court *fn* jogi előadó, fogalmazó
commence *ige* elkezd
 • **commence litigation** pert kezdeményez
Commercial Court kereskedelmi bíróság
committal *fn* előzetes meghallgatás, ahol az esküdtszéki tárgyalásra utalásról döntenek
competent *mn* (1) hozzáértő (2) illetékes, hatáskörrel rendelkező

contest *ige* vitat, ellenez, megtámad
 • **contested divorce** másik fél által ellenzett válás
copyright *fn* szerzői jog
corporate laws *fn* társasági jogszabályok
costs (pl) *fn* perköltség
 • **order to pay costs** költségekben marasztal
counter-claim *fn* viszontkereset
County Court *fn* megyei bíróság (magyar)
Court of Justice *fn* törvényszék (magyar)
cross-examine *ige* keresztkérdéseket tesz fel, ellenfél jogi képviselője kérdezi
Curia *fn* Kúria
defence *fn* védekezés, védelem
direct (sy on sg) *ige* kioktat, útmutatást ad
disclose *ige* nyilvánosságra hoz
disclosure *fn* nyilvánosságra hozatal, felfedés
dispute *fn* vita
 • **dispute** *ige* vitat
District Court *fn* járási bíróság (magyar)
division *fn* (1) osztály, tanács (2) felosztás
divorce *fn* válás
driving with excess alcohol alkoholos befolyásoltság alatt vezetés, ittas vezetés
enforce *ige* kikényszerít, végrehajt
 • **enforce local taxes** befizetteti, beszedi a helyi adókat
enjoyment of property *fn* a tulajdon élvezete, használata
exhibit *fn* szemletárgy, tárgyi bizonyíték, bűnjel
expert evidence *fn* szakértői bizonyíték
extend (to) *ige* (1) kiterjed vmire, (2) kiterjeszt, meghosszabbít
family breakdown *fn* család széthullása, családon belüli kapcsolatok megromlása
file *ige* hivatalosan benyújt, iktat
 • **file a claim form** keresetlevelet benyújt
financial provision pénzügyi ellátás elrendelése, pénzügyekről szóló rendelkezés
impose (sentence, penalty) *ige* kiszab (ítéletet, büntetést)
in accordance with *elölj.* összhangban vmivel
insert *ige* belehelyez, közbeiktat, beszúr
instance *fn* bírósági fok
 • **at first instance** első fokon
intellectual property *fn* szellemi tulajdon
investigate *ige* nyomoz, kivizsgál
jurisdiction *fn* (1) hatáskör, joghatóság, illetékesség, (2) igazságszolgáltatás
 • **fall within the jurisdiction of** hatáskörébe tartozik
landlord *fn* bérbeadó, háziúr, földbirtokos
leading question rávezető, befolyásoló kérdés

leap-frog procedure ugró fellebbezés
liability *fn* felelősség, kártérítési felelősség
Local Court városi bíróság (magyar)
matrimonial matters házassági ügyek
Metropolitan Court of Justice Fővárosi Bíróság (magyar)
National Judicial Council Országos Bírói Tanács
National Judicial Office Országos Bírói Hivatal
nuisance *fn* zavarás, birtokháborítás
oath *fn* eskü
oversee *ige* felügyel
pass (sentence) *ige* (ítéletet) hoz (büntetésről)
pass (through the system) *ige* áthalad (a rendszeren)
patent *fn* szabadalom
plea *fn* vádra adott felelet

- **enter a guilty plea** bűnösnek vallja magát
- **enter a plea of not guilty** ártatlannak vallja magát

preside over *ige* elnöki szerepet tölt be, elnököl
probate *fn* hagyatéki eljárás
proceed *ige* (1) eljár (ügyben), (2) előrehalad
public importance *fn* közérdekűség

- **question of law of public importance** közfontosságú jogi kérdés

pursue (an action) *ige* perel
Regional Court of Appeal Ítéltábla (magyar)
replace *ige* lecserél, helyettesít, helyébe lép
reputation *fn* hírnév
resolve *ige* megold
review *fn* felülvizsgálat

- **judicial review** bírósági felülvizsgálat

settle *ige* megold, eldönt, megegyezésre jut

small claim kispertárgyértékű kereset, bagatell ügy
standard (= level) of proof *fn* bizonyítási szint, követelmény
statement of claim *fn* keresetlevél
stay of proceedings *fn* eljárás felfüggesztése
sub-division *fn* alosztály
subject-matter *fn* vmi tárgya
substantial *mn* jelentős
summary trial *fn* sommás eljárás
supervision order *fn* pártfogó felügyeletet elrendelő határozat
supervisory function felügyeleti szerep
Supreme Court *fn* Legfelsőbb Bíróság
sustain an injury *ige* sérülést elszenved
tenant *fn* bérlő
title to land *fn* földtulajdonhoz fűződő jogcím
Treaty of Rome *fn* Római Szerződés
trust *fn* bizalmi vagyongazdálkodási alapítvány
uncontested divorce közös megegyezéssel történő válás
uniformity of judicial practice bírói gyakorlat egységessége
unrepresented defendant jogi képviselővel nem rendelkező alperes
usher *fn* teremszolga
value added tax hozzáadott értékadó, ÁFA
value of the claim *fn* pertárgyérték

- **claim of lesser value** kis pertárgyértékű kereset

venue *fn* (1) helyszín, (2) illetékes bíróság
verdict *fn* (esküdtszéki) döntés bűnösség, ártatlanság kérdésében

- **reach a verdict** döntésre jut
- **return a not guilty verdict** ártatlannak talál (esküdtszék)

Unit 5

ALTERNATIVE DISPUTE RESOLUTION

1. Alternative methods of dispute resolution

1.1. What disadvantages of court proceedings does the text below mention?



Using the courts to resolve disputes can be costly, in terms of both money and time. It can also be traumatic for the individuals involved and may not lead to the most satisfactory outcome for the case. An additional problem is that court proceedings are usually open to the public and the press, so there is nothing to stop the details of the case being published in local or national newspapers. It is not surprising, therefore, that more and more people and businesses are seeking other methods of resolving their disputes. Alternative methods are referred to as 'ADR', which stands for 'Alternative Dispute Resolution', and include any methods of resolving a dispute without resorting

to using the courts. There are many different methods ranging from very informal negotiations between the parties, to a comparatively formal commercial arbitration hearing.

1.2. Can you match the methods of dispute resolution with their explanations?

1	Negotiation	A	Parties with help of neutral third party.
2	Mediation	B	Parties agree to let third party make binding decision.
3	Conciliation	C	Parties themselves, sometimes through solicitors.
4	Arbitration	D	Parties go to court and a judge decides the case.
5	Litigation	E	Parties with help of neutral third party who plays an active role in suggesting a solution.

(Adapted from Martin J.: *The English Legal System*. Hodder & Stoughton, 2002)

2. Arbitration

2.1. Read the text about arbitration and answer the following questions.

1. What happens during arbitration?
2. In what areas is arbitration used?
3. What are the advantages of arbitration over court litigation?

Arbitration is a process for the resolution of disputes outside the courts, where the parties to a dispute refer it to one or more persons (the "arbitrators", "arbiters" or "arbitral tribunal"), by whose decision (the "Award") they agree to be bound. It is a process by which a third party reviews the case and imposes a decision that is legally binding on all parties.

Arbitration is often employed in the resolution of commercial disputes, particularly in the context of international commercial transactions. The use of arbitration is also employed in consumer

and employment disputes. In all these examples arbitration may be mandated by the terms of employment or commercial contracts.

Parties often seek to resolve their disputes through arbitration because of a number of potential advantages over judicial proceedings. When the subject matter of the dispute is highly technical, arbitrators with an appropriate degree of expertise may be appointed whereas one cannot “choose the judge” in litigation. Arbitration is often faster than litigation. Arbitration can be cheaper and more flexible than litigation. Arbitral proceedings and an arbitral award are generally non-public, and can be made confidential. In arbitral proceedings the language of arbitration may be chosen, whereas in judicial proceedings the official language of the country of the competent court will be automatically applied. In most legal systems there are very limited avenues for appeal of an arbitral award, which is sometimes an advantage because it limits the duration of the dispute.

One of the reasons that arbitration is so popular in international trade as a means of dispute resolution is that it is often easier to enforce an arbitration award in a foreign country than it is to enforce a judgment of a national court. Under the New York Convention 1958, an award issued by a contracting state can generally be freely enforced in any other contracting state, only subject to certain limited defences. Virtually every significant commercial country in the world is a party to the Convention but relatively few countries have a comprehensive network for cross-border enforcement of judgments of the court. The other characteristic of cross-border enforcement of arbitration awards that makes them appealing to commercial parties is that they are not limited to awards of damages.

(Adapted from [HTTP://WWW.ADRCHAMBERS.CO.UK/ARBITRATION](http://www.adrchambers.co.uk/arbitration))

2.2. Arbitration – a gap-filling task

Complete the following text about arbitration with words from the box:

adjudication, arbitration, arbitrator, cost, decision-maker, dispute, documentation, duration, expert, hearing, litigation, submissions

The process is similar to the 1 _____ process as it involves 2 _____. However, the parties themselves can choose their 3 _____ and the manner in which the 4 _____ will proceed. If the 5 _____ is fairly straightforward, the parties may agree to waive a formal 6 _____, and provide the arbitrator with written 7 _____ and 8 _____ only.

The advantages of arbitration over litigation can include the following:

- Expertise of the 9 _____: the parties can choose an arbitrator with 10 _____ knowledge of the law and the business or trade in which the dispute has arisen.
- Low 11 _____: arbitration is not expensive if the process is kept simple.
- Short 12 _____: arbitration does not take as long as litigation.

(Adapted from N. Brieger: *Test Your Professional English: Law*. Pearson Education Limited, 2003)

3. Mediation

3.1. Watch a short video about mediation. <http://www.youtube.com/watch?v=oOd69e0hnWQ>

3.2. Read the text and compare arbitration and mediation.

Mediation can be a flexible, speedy and cost effective way to resolve disputes. It is a confidential process that enables both parties to explain and then discuss what their needs and concerns are to each

other in the presence of an independent third party – the mediator – so that they reach an agreement between themselves.

The individuals concerned have greater control and responsibility in resolving disagreements than if they went to court. Mediation empowers parties to control the length of the process, the issues they would like to discuss, and the outcome. Mediation can also be less stressful, particularly for any children involved, and in the long run, can be cheaper than going to court.

Mediation can be used to resolve a whole range of everyday disputes – including housing issues, business disputes, small claims, debt claims, boundary disputes, employment disputes, contractual disputes, personal injury and negligence claims, and community disputes such as nuisance or harassment issues.

Mediation can be particularly beneficial where there will be a continuing relationship following dispute resolution – such as in family cases.

Family mediation can help reduce hostility and improve chances of long-term co-operation between parents and couples, for example in agreeing arrangements for their children and financial matters.

There is currently an expectation, that before applying to the Family Court, people will need to prove they've considered mediation first. They can do this: by showing they are exempt from having to consider mediation, for example, if domestic violence is involved; or by proving to the judge that they have been to a 'mediation information and assessment meeting' with a family mediator but that mediation is not suitable for them.

(Adapted from <http://www.justice.gov.uk/courts/mediation>)

	Arbitration	Mediation
situations when it is used		
the role of arbitrator/mediator		
advantages		
voluntary or mandatory		
settlement binding or non-binding		
possibility of taking the same case before a court		
confidentiality		

3.3. A mediation case study

Read the text and sum up the case in a few sentences.

Type of dispute: Neighbourhood dispute over noise levels.

Time from mediation to result: One day mediation session.

Background: Bill has lived with his wife in the same house for the past 24 years. He is a respected member of the community, but has been having problems with a noisy neighbour that has recently moved in next door. As the new term started at University, Jeremy has moved in next door to Bill and their lifestyles seem to clash, resulting in conflict.

The challenge: Unfortunately Bill and Jeremy have never been on speaking terms, due to their differences in lifestyle. The challenge was therefore to get these two individuals speaking about issues that upset them.

Objectives:

- Get Bill and Jeremy to talk about how the other person's behaviour annoys them
- Ensure a fair mediation process
- Raise the key issues surrounding the conflict
- Reach a workable agreement to suit both parties

Reason for conflict:

Bill's position: Having lived in the neighbourhood for many years, Bill saw himself as a valued member of the community and was a firm believer in the Neighbourhood Watch Scheme. Over the past 24 years of living on the same street, Bill has never had any trouble until Jeremy moved in next door.

Bill was annoyed at Jeremy for play music too loud late at night. This would keep him awake until the early hours and meant that he was not as productive as usual during the working day. Jeremy would also come back from socialising on nights out as late as 4am, which woke Bill up and added to his misery. Bill thinks that Jeremy is becoming a “neighbour from hell.”

Jeremy's position: After starting his second year at University, Jeremy decided to move into a rented house with a couple of friends. As a twenty something year old, he enjoys life to the full and often stays out late at parties, returned in the early hours of the morning. He cannot see a problem with this as many of his friends do the same activities and have had no complaints in the past.

After a while Bill began to deliberately wake Jeremy in the mornings and would turn the television on loud when getting ready for work at 6am. Jeremy began to get annoyed with Bill bothering him about the noise, but did not want to keep persistently upsetting him, so was prepared to talk things through in a civilised way, rather than have Bill call the police, which became a common occurrence.

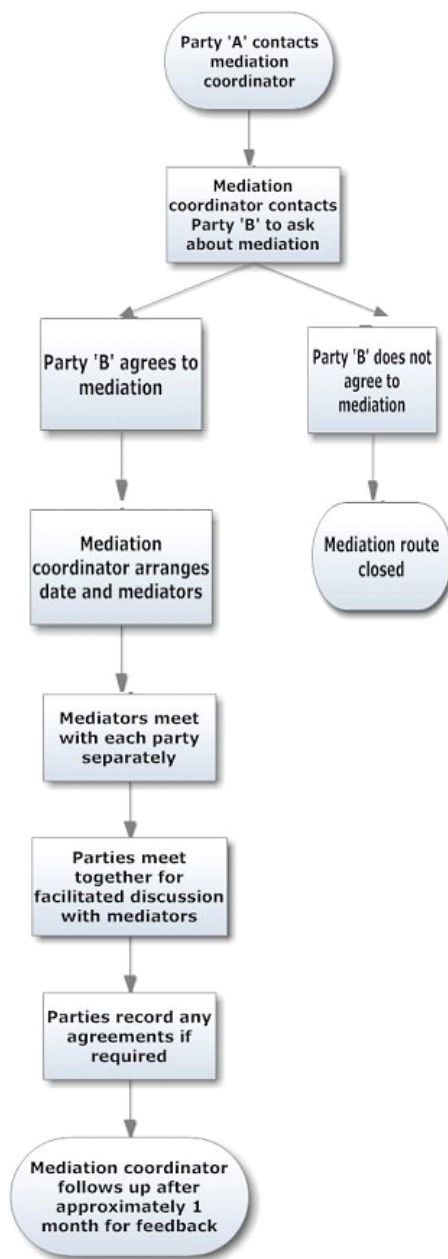
Why mediation? Due to the age gaps between these two individuals, it is apparent that both enjoy life in very different ways. When Bill called the police they suggested that mediation was an alternative option to solve the problem once and for all.

Agreement and settlement: After both neighbours were given the opportunity to express their opinions individually to a mediator, both Jeremy and Bill agreed to make small changes in order to get along. Bill understood that Jeremy was trying to fit in with new friends and living away from home for the first time was a difficult process. Bill then agreed to stop bothering him about the noise level and coming home late, provided that he was not kept awake all night. Jeremy could see how a small action of playing music loudly had a large impact on Bill's life and agreed to play it at a reasonable level and at sensible times of the day. He also agreed not make lots of noise when coming back from bars and clubs during the early hours.

(Please note that the identities of the disputing individuals have been altered, due to the confidentiality element mediation carries.)

<http://www.ukmediation.net/case-studies/case-study-2-neighbourhood-dispute-over-noise-levels>

3.4. A typical mediation will follow the structure shown in the flowchart below.
 Read the comments and describe the mediation process to your partner.



Depending on the type of mediation, the mediator's input will usually begin with individual meetings with each person. These meetings take around 1½ hours each, and are confidential. Parties will be helped to consider how best to proceed with the mediation process. The mediator will treat everybody equally, and will concentrate on what needs to happen for the future, rather than dwelling on the past.

If it seems appropriate, the mediator will aim to set up a joint, face-to-face mediation session, and will invite everyone's participation. The aim of the joint session is for the disputing parties to jointly consider how to create a better relationship. The mediator will use their skills to assist with the negotiations.

At the end of the face-to-face session(s), a brief agreement between the parties will be drafted by the mediator. Agreements are based on trust, are not legally binding, and would usually include a joint plan for what the parties have agreed needs to happen in order to improve future relations. It is the parties themselves, not the mediator, who decide the terms of any agreement that is reached, and the mediator has no authority to make any decision regarding the parties' issues.

<http://www.ukmediation.net/have-you-got-conflict/divorcing-or-separating/what-is-mediation>

(<https://www.york.ac.uk/staff/support/mediation/process/flowchart/>)

4. Writing

Task A: a letter asking for information

You have a noisy neighbour. You do not want to take legal action, you simply want the situation to end. You have heard about the possibility of mediation, but do not know about the details of this process. Write a letter to the Citizens' Advice Bureau asking for more information.

The following expressions may be useful:

I would be grateful if you could send me details of...

It would be also helpful to know...

Please let me know...

I would appreciate it if you could send me further information...

Could you tell me...

Task B: a letter providing information

Write an answer to the letter in task A. Your letter should describe the process of mediation (see the flowchart) and other important information about mediation (a neutral third party helps, the aim is a mutually acceptable solution, it is free, both parties should be willing to take part in mediation).

Some expressions that might be used in your letter:

With reference to your letter....., I can advise you of the following...

I can give you the following information.....

Should you need any further information, do not hesitate to contact me.

I would be glad to provide further assistance.

5. Tribunals

5.1. *Do you know what tribunals are? Read the text below and find out how tribunals differ from law-courts.*

Administrative tribunals

There has grown up over the years a network of administrative tribunals dealing with specific areas of specialism. This has been the consequence of increased state interference into social and economic fields.

Because of the technical and specialised nature of these disputes it is thought that the ordinary courts are ill-equipped to deal with them. The procedure of the ordinary courts is slow and administrative decisions need to be made quickly for efficiency. Delay can cause a claimant severe financial hardship in some cases, and therefore tribunals are favoured over the formal procedures of the courts which are often very expensive.

The workload of the courts is relieved by a large number of administrative tribunals. Tribunals deal with a wide area:

Transport
Land
Social Security
Mental Health Review
Rents
Employment

and many more. As society has progressed, certain areas have developed in which complicated disputes concerning technical matters can arise. These disputes are more often than not between private individuals and government departments, hence the term 'administrative tribunals'.

Tribunals normally consist of a panel of lay members with a chairman who has some legal knowledge. Lack of legal knowledge is not viewed as a drawback, because what is necessary is a cheap, swift, informal method of resolving disputes, and in technical areas cases heard by an expert in that field is more desirable than legal knowledge.

Under the Trade Union Reform and Employment Rights Act 1993 the tribunal chairman will be able to sit alone to hear certain types of cases.

5.2. Control of tribunals by the courts

Courts can exercise some control over tribunals. There is normally a provision for a right to appeal on a point of law to the ordinary courts. The courts can further exercise controls over tribunals by the use of ‘prerogative’ orders, to ensure tribunals apply the rules of natural justice.

Can you match these prerogative orders with their definitions?

1	prohibition	A	used to compel the performance of some duty e.g. to allow an appeal
2	mandamus	B	used to compel a tribunal to inform the High Court of the facts of the case if it has acted <i>ultra vires</i>
3	certiorari	C	used to prevent a tribunal going beyond its jurisdiction or acting wrongfully

(Adapted from English Legal System, Cavendish Law Cards, Cavendish Publishing Ltd., 1997)

6. A case that came before an employment tribunal: Vecto Gray UK Ltd v Garden UKEATS/0025/11/BI

6.1. Read the text and find out why the employee turned to an employment tribunal.

6.2. Read the text once more and fill in the table with the missing information.

forums dealing with the case	decision	decided in favour of whom	reasoning
1. disciplinary hearing	employee was dishonest and guilty of gross misconduct and should be dismissed		
2.			there were no grounds to establish misconduct, the Employee handbook did not prevent the employee from taking driving classes
3.		employer	

Appeal against a finding of unfair dismissal after the claimant was dismissed for undertaking a driving instructor’s training course whilst on sick leave. Appeal allowed and a finding of fair dismissal substituted.

The claimant was absent from work for several months complaining of headaches, neck pain and back pain. During this period of absence, the claimant began taking lessons to train to be a driving instructor. He did not ask the respondent for permission to do so. When the respondent asked him about the lessons, making it clear that if he was driving whilst off sick and receiving sick pay, this would be deemed misconduct, the claimant denied he had taken any during his period of absence. The claimant took further lessons, again not seeking permission from the respondent to do so. The respondent dismissed the claimant after a disciplinary hearing concluded that he had been dishonest and was guilty of gross misconduct. The Tribunal found that the dismissal of the claimant was unfair

because the respondent did not have in mind 'reasonable grounds upon which to sustain the belief of misconduct.' They relied on the wording of the Employee Handbook and said;

'Any plain literal interpretation of these policies did not prevent the claimant undertaking unpaid training to become a driving instructor whilst off on paid sick leave.....The Tribunal were of the view that the policies and procedures did not prevent the claimant undertaking such training whilst off sick and certified as unfit to work.'

The respondent appealed.

The Employment Appeal Tribunal (EAT) held that the Employment Tribunal (ET) had erred in interpreting the handbook as not prohibiting the claimant's conduct and in finding that, in *Burchell* terms, they did not have reasonable grounds on which to sustain a belief in the claimant's misconduct.

(<http://www.employmentcasesupdate.co.uk/site.aspx?i=ed11405>)

7. Taking a case before an employment tribunal

7.1. *Below you can read extracts from a text written to give general information on employment tribunals. Which questions do the parts of the text answer? Make the text complete with the headings in the box.*

How do I start the process? What happens at the hearing? What is an employment tribunal? If you win... Will my claim take place? Do I need to go to an employment tribunal and will it cost me? If you lose... Can the issue be settled before the hearing takes place?

Information for the general public

1

Employment tribunals hear cases where a dispute has arisen in the workplace between employee and employer and it cannot be resolved internally. They are less formal than other kinds of court procedures but you do have to **give evidence on oath** and you can be **prosecuted for perjury** if you lie.

Cases are usually heard by a panel of three people - a legally qualified chairperson and two 'lay members'. The lay members use their own employment experience in judging the facts. Sometimes a chairperson may sit on their own, for example, to hear any legal arguments.

2

Where possible, you should always try to resolve any work related disputes in work itself, either directly with your employer or perhaps via a union representative (if you're a union member) or your HR department. If that's not possible, you should then contact your local Citizen's Advice Bureau for specific advice and to find out if you have reasonable grounds for success. There is no cost for making a claim at a tribunal unless you employ the services of a solicitor who will require payment.

3

You need to complete form ET1 which you can get from your local Jobcentre Plus, an Employment Tribunal office or the Employment Tribunal's website. Alternatively, you can pick one up from your local Citizen's Advice Bureau and a staff member will help you complete it. The form will give information about you, your employer and your complaint and it will confirm that you have followed your employer's internal **grievance procedure**. If you are complaining of **unfair dismissal**, it is not necessary for you to have used the grievance procedure but your employer should have followed the correct **disciplinary procedure**.

You then have to send the form to the Employment Tribunal's central office. They will send a copy to your employer who then has 28 days in which to respond.

4

The tribunal will review all the facts and check whether you can make a claim. If there's any doubt, there will be a **preliminary hearing**, usually in front of the chairperson.

If they think you're unlikely to succeed, they can ask you for a **deposit** of up to £500 which you will lose if you do not win your claim.

5

It's important to remember that you may not win your claim so if you can resolve the issue satisfactorily before the hearing, it may be in your best interests to do so.

6

The tribunal will let you know the date of the hearing. You do not have to **appear in person** but you must tell the tribunal if you want the hearing to take place **in your absence**.

In preparation, remember to take all documentation with you to the hearing in support of your claim. If you're going to use any documents, you must tell the other side and **give them 7 days' notice** that you intend to do this.

At the hearing, you and your employer both put your cases to the panel and answer questions. The panel then comes to a decision.

You are permitted to take witnesses to the hearing to provide evidence in support of your claim. If they refuse to go, the tribunal does have the power to order their attendance.

If you attend the hearing on your own, the panel will try to make things as clear and simple for you to understand as possible. The procedures are quite informal. Unlike other courts, tribunals don't normally order any side to pay costs unless they decide you or your employer acted unreasonably in bringing the case or if any representatives at the hearing behaved unreasonably.

7

The tribunal can order your employer to pay compensation costs which is unlimited for discrimination or dismissal on health and safety grounds.

However, it's important to remember that a successful claim is not to punish the employer but to provide you with **compensation for the loss of earnings** for the time you have been off work. In other words, you don't get awarded additional money for hurt feelings and you may have to try and reduce the loss of earnings by taking another job in the meantime.

8

You can ask the tribunal to review its decision, although grounds for this are limited. It's also possible to appeal to the Employment Appeal Tribunal, which only considers points of law, so you can't appeal if you think the tribunal simply got its facts wrong. In this case, you have the right to **legal aid**.

(Adapted from <http://www.safeworkers.co.uk/EmploymentTribunals.html>)

7.2. Write sentences using the expressions in bold type.

8. Grammar – modal auxiliaries

Modal auxiliaries may express ability, possibility, permission, prohibition, obligation, no necessity, no obligation, advice and criticism, assumptions and deductions, requests, offers and suggestions.

8.1. The following sentences are taken from the text above. What do the auxiliaries express in these sentences?

You **can** be prosecuted for perjury if you lie.

A chairperson **may** sit on their own.

You **should** always try to resolve any work related disputes in work itself.

You **need** to complete form ET1.

A staff member **will** help you complete it.

Your employer **should** have followed the correct disciplinary procedure.

You then **have to** send the form to the Employment Tribunal's central office.
 You **may not** win your claim.
 It **may** be in your best interests to do so.
 You **do not have to** appear in person.
 You **must** tell the tribunal if you want the hearing to take place in your absence.
 You **can't** appeal if you think the tribunal simply got its facts wrong.

8.2. *Transform positive sentences into negative and negative sentences into positive.*

8.3. *One sentence refers to the past: which one? Translate it.*

8.4. *Can you put the remaining sentences into the past?*

8.5. Modal auxiliaries may have different meanings in general English and in legal English.

In everyday English

- **can** expresses possibility, ability or permission (I wonder who this card can be from. I can speak three languages. Students can sit for the same exam only three times.);
- **may** expresses probability (I may come, but I'm not sure);
- **must** expresses obligation or certainty (I must be going now. It must be Tom. He promised to arrive on time.);
- in modern English **shall** is used to make offers (Shall I open the window?).

In legal English

- **may** generally expresses permission (County Courts are staffed by circuit judges who **may** also sit in the Crown Court) and **shall** is used to indicate obligation (The buyer **shall** pay for the goods in euros) or to make a legally binding promise or declaration (I swear by Almighty God that the evidence I shall give **shall** be the truth, the whole truth and nothing but the truth).

8.6. *Put the following auxiliaries into the appropriate box of the chart under the heading Present/Future, and then make the chart complete.*

shall, may, must, cannot, need not, ought to, do not have to, must not, have to, have not got to, should, do not need to, be to

Function	Present/Future	Past
Obligation		
No obligation		
Prohibition		
Necessity		
No necessity		
Permission		
Advice / opinion		

What is the difference between 'did not need to', 'need not have' and 'should not have'?

8.7. Match a sentence in column A to a sentence in column B:

A	
1	You shouldn't have lied to your solicitor.
2	We didn't need to appear in court.
3	The organiser shall be responsible for collecting fees.
4	First you should try to reach an out-of-court settlement.
5	The respondent needn't have asked for a loan.
6	Reporters cannot be present when the parties present their case to the arbitrator.
7	The defendant was not to sell any further equipment.

B	
A	He was entitled to legal aid.
B	It was a big mistake.
C	Litigation is far too expensive and time consuming.
D	Hearings are not open to the public.
E	Our dispute was settled out of court.
F	The injunction prohibited him from doing so.
G	It is specified so in the contract.

absent *mn* távol levő, hiányzó

- **be absent from** távol (van) vholnan, hiányzik vholnét

aid *fn* segítségnyújtás, segély, támogatás

- **legal aid** jogi segítségnyújtás

appear (in court) *ige* megjelenik (a bíróságon)

- **appear in person** személyesen megjelenik

appropriate *mn* megfelelő

arbitral *mn* döntőbírói

- **arbitral proceedings** döntőbírói eljárás

arbitration *fn* döntőbírói, választott bíróság

arbitrator *fn* döntőbíró, választott bírósági elnök

argument *fn* (1) érvelés, érv, (2) vita

arrangement *fn* megállapodás

- **arrangements for the children** gyermekelhelyezésről szóló megállapodás

attend (sg) *ige* részt vesz, megjelenik (eseményen, pl. a tárgyaláson)

- **attendance** *fn* részvétel, jelenlét
- **order sy's attendance** elrendeli a részvételét

avenue *fn* út (átvitt értelemben)

- **avenue for appeal** jogorvoslati lehetőség

award *fn* választott bírósági döntés

- **award** *ige* odaítél

beneficial *mn* kedvező, előnyös, hasznos

bind sy *ige* köt vkit, kötelező vkire nézve

binding *mn* kötelező

boundary disputes *fn* határviták

certiorari *fn* felsőbb bírósági határozat, mellyel peres eljárást az alsóbíróságtól saját hatáskörébe von kizárási ok v. szabálytalanság, stb. miatt

chairman *fn* elnök

clash *ige* ütközik, összeesik

compel *ige* kényszerít

concern *ige* érint vmit, vonatkozik vmire

conciliation *fn* békéltetés

conclude *ige* (1) befejez, (2) következtetésre jut

confidential *mn* bizalmas, titkos

cost effective *mn* költséghatékony

cross-border enforcement határon átnyúló végrehajtás

debt claim *fn* adósság visszafizetésére irányuló követelés

delay *fn* késedelem

deposit *fn* előleg, letét

disciplinary hearing fegyelmi tárgyalás

disciplinary procedure fegyelmi eljárás

drawback *fn* hátrány

duration *fn* időtartam

dwell on *ige* elidőzik vmin (pl. multon)

efficiency *fn* hatékonyság, eredményesség

enable *ige* (1) feljogosít (2) lehetővé tesz, képessé tesz

err *ige* téved

exempt sy from *sg ige* felment, mentesít, mentességet ad (kötelezettség alól)

- **exempt from** *mn* mentes vmilyen kötelezettség alól

expertise *fn* szakértelem

face-to-face *mn* szemtől szembe zajló

facilitate *ige* megkönnyít

favour *fn* kivételezés, kedvezés, részrehajlás

- **favour** (sg over sg) *ige* előnyben részesít

feedback *fn* visszajelzés

finding *fn* megállapítás

jurisdiction *fn* (1) hatáskör, joghatóság, illetékesség, (2) igazságszolgáltatás

- **go beyond one's jurisdiction** túllép a hatáskörén

grievance procedure *fn* panasz eljárás

hardship *fn* nehézség

hurt feelings érzelmi kár

ill-equipped *mn* nem megfelelően felszerelt

interference *fn* beavatkozás

joint *mn* közös, együttes

literal (interpretation) *mn* szó szerinti (értelmezés)

loss of earnings keresetkiesés

mandamus (Latin) azt parancsoljuk; bírói utasítás alsóbb bírói vagy közigazgatási szervnek

mandatory *mn* kötelező

mediation *fn* közvetítői eljárás, mediáció

Mental Health Review elmeállapoti felülvizsgálat

misconduct *fn* helytelen/szabályba ütköző viselkedés

- **gross misconduct** súlyosan szakmai etikába/szabályokba ütköző magatartás

negotiation *fn* tárgyalás

neutral third party semleges harmadik személy

notice *fn* értesítés, közlés, előzetes értesítés

- **give sy 7 days' notice** hét nappal előre értesít

oath *fn* eskü

- **give evidence on oath** eskü alatt tesz vallomást

outcome *fn* eredmény, kifejtés

panel *fn* bizottság, (bírói) tanács

perform *ige* végrehajt

- **performance** (of some duty) *fn* teljesítés, végrehajtás

preliminary *mn* előzetes

- **preliminary hearing** előzetes meghallgatás

prerogative *fn* előjog, kiváltság

qualified *mn* képzett

• **legally qualified** jogilag képzett

relieve *ige* enyhít, könnyít (terhet), mentesít

rent *fn* bérleti díj

resort (to) *ige* igénybe vesz (eszközt),
folyamodik vmihez

seek *ige* kér, követel

• **seek permission** engedélyt kér

session *fn* ülés, összejövetel, találkozó

severe *mn* súlyos, szigorú

sick leave *fn* betegszabadság

straightforward *mn* egyértelmű

subject to *mn* alávetett, kitett vminek

substitute *ige* behelyettesít

sustain a belief *ige* igazol, alátámaszt vmilyen
hitet

swift *mn* gyors, hirtelen

tribunal *fn* törvényszék, bíróság

ultra vires *hat.* (Latin) erőn felül, hatáskörét
túllépve

undertake *ige* belekezd vmibe, vállalkozik
vmire

unfair dismissal jogtalan elbocsátás

unfit to work *mn* alkalmatlan a munkára

waive *ige* lemond (vmilyen jogról)

whilst *hat.* miközben

wording *fn* megszövegezés

workload *fn* munkateher

wrongfully *hat.* jogtalanul

Unit 6

JUDGEMENTS, LAW REPORTS AND CASE SUMMARIES

The UK is a common law country and therefore judgments and case law are particularly important as the doctrine of precedent applies.

1. A case summary: *Woolmington v DPP* [1935] AC 462

Read the text and answer the following questions.

What type of case was it?

What offence was Woolmington charged with?

What was Woolmington's account of the circumstances of the crime?

What was the judgment of the first instance court?

On what grounds did he appeal to the Court of Appeal?

Why did the Court of Appeal reject his argument?

What legal question did the House of Lords have to decide?

What important legal principle was established as a result of the case?

The facts of the case

Reginald Woolmington was a 21-year-old farm labourer from Castleton, Dorset. On November 22, 1934, three months after his marriage to 17-year-old Violet Kathleen Woolmington, his wife left him and went to live with her mother. On December 10 Woolmington stole a double-barrelled shotgun and cartridges from his employer, sawed off the barrel, throwing it into a brook, and then bicycled over to his mother-in-law's house where he shot and killed Violet. He was arrested on January 23 the following year and charged with the wilful murder of his wife.

Woolmington claimed he did not intend to kill her. He wanted to win her back so he planned to scare her by threatening to kill himself if she did not come back. While questioning her about returning, he attempted to show her the gun that he was to use to kill himself. By accident, the gun went off shooting Violet in the heart.

The first instance judgment

The trial judge ruled that the case was so strong against Woolmington that the onus (burden) was on him to show that the shooting was accidental citing the common-law precedent as stated in *Foster's Crown Law* (1762).

"In every charge of murder, the fact of killing being first proved, all the circumstances of accident, necessity, or infirmity are to be satisfactorily proved by the prisoner, unless they arise out of the evidence produced against him; for the law presumeth the fact to have been founded in malice, unless the contrary appeareth...."

At trial the jury deliberated for 85 minutes. On February 14, 1935 Woolmington was convicted and sentenced to death.

The appeal

On appeal to the Court of Criminal Appeal, Woolmington argued that the trial judge misdirected the jury, but his appeal was dismissed. The appeal judge rejected the argument saying

"there can be no question to start with that the learned judge laid down the law applicable to a case of murder in the way in which it is to be found in the old authorities."

Judgment of the House of Lords

The issue brought to the House of Lords was whether the statement of law in *Foster's Crown Law* was correct when it said that if a death occurred, it is presumed to be murder unless proved otherwise.

In articulating the ruling, Viscount Sankey made his famous "Golden thread" speech:

"Throughout the web of the English Criminal Law one golden thread is always to be seen that it is the duty of the prosecution to prove the prisoner's guilt subject to... the defence of insanity and subject also to any statutory exception. If, at the end of and on the whole of the case, there is a reasonable doubt, created by the evidence given by either the prosecution or the prisoner... the prosecution has not made out the case and the prisoner is entitled to an acquittal. No matter what the charge or where the trial, the principle that the prosecution must prove the guilt of the prisoner is part of the common law of England and no attempt to whittle it down can be entertained."

The conviction was overturned, and Woolmington was acquitted. He was released three days before his scheduled execution date.

(http://en.wikipedia.org/wiki/Woolmington_v_DPP)

2. Citations

The case above is cited as follows:

Woolmington v DPP¹ [1935]² AC⁴ 462⁵

Here are some other citations:

Carlill v Carbolic Smoke Ball Company¹ [1893]² 1³ Q.B.⁴ 256⁵

R v Dudley and Stephens¹ (1884)² 14³ Q.B.D.⁴ 273⁵

1. the names of the parties involved in the case (In a civil case the name of the plaintiff comes first, followed by the name of the defendant. In a criminal case R is the abbreviated form for the Latin words "Rex" (King) or "Regina" (Queen). The small letter "v." between the names of the parties to the action is an abbreviation of the Latin "versus" (against). When speaking of a case you say "against" in criminal cases, or "and" in civil cases, but never "v." or "versus.");
2. the year in which the case is reported in (Sometimes, the date will be given in round () instead of square [] brackets. This refers to the date of the hearing.);
3. the volume number, i.e. the fourteenth volume published in 1884;
4. the abbreviation for the name of the law report (Law reports: Queen's Bench Division);
5. the page number on which the case begins.

3. The structure of law reports

Have a look at this two-page extract from a 14-page report of the case in Exercise 1 and try to identify the main structural parts.

(As you can see, the language of law reports is rather complex, but you do not have to understand every sentence to do this task. For the full report of the case, go to: https://www.justis.com/titles/iclr_s3540029.html)

3.1. Which parts do numbers 1-5 indicate?

3.2. Find the following structural elements in the extract and write the right numbers in the gaps. For some elements you can find several matching numbers.

- a) Details relating to the legal proceedings
- b) Further orders of the court
- c) Headnote (a brief statement of the case, the legal issues and the court's ruling)
- d) The judgment (judges' opinions and the court's decision)
- e) Keywords summarising the legal issues involved
- f) List of cases referred to
- g) Names and arguments of counsel.....
- h) Names of the solicitors
- i) Background to the appeal ...

[1935] A.C. 462	
[HOUSE OF LORDS] ¹	
WOOLMINGTON	APPELLANT;
AND	
THE DIRECTOR OF PUBLIC PROSECUTIONS	RESPONDENT. ²
1935 April 5; ³ May 23	VISCOUNT SANKEY L.C., LORD HEWART L.C.J., LORD ATKIN, LORD TOMLIN, and LORD WRIGHT. ⁴
<i>Criminal Law - Murder - Onus of Proof - Accident - Unlawful Intention - Direction to the Jury - Reasonable Doubt of Guilt - Criminal Appeal Act, 1907 (7 Edw. 7, c. 23), s. 4.</i> ⁵	
<p>In a trial for murder the Crown must prove death as the result of a voluntary act of the prisoner and malice of the prisoner. When evidence of death and malice has been given, the prisoner is entitled to show by evidence or by examination of the circumstances adduced by the Crown that the act on his part which caused death was either unintentional or provoked. If the jury are either satisfied with his explanation or, upon a review of all the evidence, are left in reasonable doubt whether, even if his explanation be not accepted, the act was unintentional or provoked, the prisoner is entitled to be acquitted.</p> <p>Statement of the Law in Foster's Crown Law (1762), p. 255, and summing up of Tindal C.J. in <i>Rex v. Greenacre</i> (1837) 8 C. & P. 35 disapproved. Order of the Court of Criminal Appeal reversed.⁶</p>	
<p>APPEAL from an order of the Court of Criminal Appeal refusing leave to Reginald Woolmington, the appellant, to appeal against his conviction of the wilful murder of Violet Kathleen Woolmington, who was his wife.</p> <p>The appellant was convicted on February 14, 1935, at Bristol Assizes before Swift J. and a jury....⁷</p>	
<p>April 4. <i>T. J. O'Connor K.C.</i> and <i>J. D. Casswell</i> for the appellant...."Where, a prima facie case having been made against him, the defendant offers an explanation, the jury must be directed that the onus of proof of guilt is still on the prosecution, and that, if on the whole evidence they are in doubt, they should acquit": Roscoe, <i>Criminal Evidence</i>...⁸</p>	
<p>[The following cases were also referred to: <i>Rex v. Sturgess</i> (1913) 9 Cr. App. R. 120; <i>Rex v. Davies</i> (1913) 29 Times L. R. 350; 8 Cr. App. R. 211; <i>Rex v. Hopper</i> (1915) 11 Cr. App. R. 136; <i>Rex v. Brain</i>. (1918) 13 Cr. App. R. 197]⁹</p>	
<p>April 5. <i>J. G. Trapnell K.C.</i> and <i>Reginald Knight</i> for the respondent. The killing of any human creature is homicide: Blackstone, <i>Commentaries</i>.... If in pursuing a malicious intention a man, even by accident, kills another person, that is murder.</p> <p style="padding-left: 40px;">In that view the case is a proper one for the application of s. 4 of the Criminal Appeal Act, 1907.¹⁰</p> <p>...</p>	
<p>Counsel was not called in reply.¹¹</p> <p>...</p>	
<p>May 23. VISCOUNT SANKEY L.C. My Lords, the appellant, Reginald Woolmington ... was convicted at the Bristol Assizes on February 14 of the wilful murder of his wife on December 10, 1934, and was sentenced to death. He appealed to the Court of Criminal Appeal, substantially upon the ground that the learned</p>	

judge had misdirected the jury by telling them that in the circumstances of the case he was presumed in law to be guilty of the murder unless he could satisfy the jury that his wife's death was due to an accident.

The appeal came before the Court of Criminal Appeal ... The Court said "it may be that it might have been better" had the learned judge who tried the case said to the jury that if they entertained reasonable doubt whether they could accept his explanation they should either acquit him altogether or convict him of manslaughter only; but, relying upon s. 4, sub-s. 1, of the Criminal Appeal Act, 1907, which provides "that the court may, notwithstanding that they are of opinion that the point raised in the appeal might be decided in favour of the appellant, dismiss the appeal if they consider that no substantial miscarriage of justice has actually occurred," they dismissed the appeal.

Thereupon the Attorney-General gave his fiat certifying that the appeal of Reginald Woolmington involved a point of law of exceptional public importance ...

The facts are as follows. ...

... This is the law as laid down in the Court of Criminal Appeal in *Rex v. Davies* 29 Times L. R. 350; 8 Cr. App. R. 211, the headnote of which correctly states that where intent is an ingredient of a crime there is no onus on the defendant to prove that the act alleged was accidental. ...

We were then asked to follow the Court of Criminal Appeal and to apply the proviso of s. 4 of the Criminal Appeal Act, 1907... We cannot say that if the jury had been properly directed they would have inevitably come to the same conclusion.

In the result we decline to apply the proviso and, as already stated, we order that the appeal should be allowed and the conviction quashed. ¹²

My noble and learned friend Lord Atkin, who has to preside at the Privy Council to-day, asks me to say that he concurs in the opinion which I have delivered.

LORD HEWART C.J. My Lords, I concur.

LORD TOMLIN. My Lords, I also concur.

LORD WRIGHT. My Lords, I also concur. ¹³

Order of the Court of Criminal Appeal reversed, and conviction quashed: Further ordered that the cause be remitted back to the Court of Criminal Appeal to do therein as shall be just and consistent with this judgment

Lords' Journals, April 5, 1935. ¹⁴

Solicitors for appellant: *C. Butcher & Simon Burns, for Clarke, Willmott & Clarke, Taunton.*
For the respondent: *The Director of Public Prosecutions.* ¹⁵

Incorporated Council of Law Reporting

Special Issue – 135 Years of The Law Reports and The Weekly Law Reports

4. Law reporting

4.1. A brief history

Read the text and answer the following question:

- 1) *What were the predecessors of modern law reports?*
- 2) *What can you learn about the authors, form, language and content of these sources?*

The history of law reporting begins with plea rolls, the formal parchment records of proceedings, which ran continuously from 1194 until the reign of Queen Victoria. They were written in Latin and they noted the plaintiff's writ, the defendant's reply and subsequent pleadings, the process of summoning a jury, judgement and process. They recorded who won a case but not why it was won, or which arguments prevailed.

The year books (from 1268 to the end of the 16th century) reported what judges actually said in court, and so may be considered the earliest form of law reports. However, the reporter (a clerk of the court, a lawyer or a law student) showed little interest in setting out the facts of a case. Yearbooks contained the opinions of the reporter as well. They were published anonymously in the English version of French known as Anglo-Norman.

The successors of yearbooks were private reports published by individual barristers. They were usually named after the reporter. One of the earliest and greatest reporters was Edmund Plowden.

Plowden can be described as a ‘modern’ reporter in the sense that he gave a full account of the facts of a case, as well as the reasoning of judges.

In 1865 the professional bodies decided to wrest control of law reporting from the private reporters. The Incorporated Council of Law Reporting was established by the Inns of Court in London to supervise the production of official reports.

(Early English law reporting by Michael Bryan, University of Melbourne Collections, Issue 4, June 2009)

(Adapted from <http://www.unimelb.edu.au/culturalcollections/research/collections4/bryan.pdf>)

4.2. The present

Even today a very small percentage of cases are reported within a law report series (either printed or online), only about 2%, due to the sheer number of cases being heard across England and Wales. Those that are likely to be reported are usually cases of legal importance. Since the growth of electronic sources however, there have been unreported transcripts available on all the major legal databases but these consist of the judgment only.

(<http://ox.libguides.com/content.php?pid=141334&sid=1205597>)

5. A case note

5.1. Put the mixed paragraphs of the case note in the given order. Write the letters of the paragraphs in the right gap. What does **aiding and abetting** mean?

1. name of the case	....	a) The Divisional Court upheld the conviction and dismissed the appeal.
2. brief statement of the relevant facts	....	b) Wilcox v. Jeffery (1951) 1 All E.R. 464
3. the charge	....	c) Wilcox was convicted in a Magistrates’ Court and fined £25.
4. the judgment of the first instance court	....	d) The Divisional Court held that the appellant's presence at the concert was not accidental and it was an encouragement to Hawkins to commit an offence. In addition, Wilcox took advantage of the concert by getting “copy” for his paper. Therefore he <i>aided and abetted</i> Hawkins' crime.
5. the appeal	....	e) Hawkins, a musician and a citizen of the United States, was granted permission to land in the United Kingdom under art. 1(4) of the Aliens Order, 1920, on condition that during his stay he would not take any employment, paid or unpaid. Wilcox met the performer at the airport. That night the musician attended a concert in a London theatre, and, on the invitation of the organisers of the concert, he gave a performance on the saxophone with other musicians. Wilcox was present in the theatre, having paid for admission thereto and later he wrote a laudatory commentary on Hawkins' performance in a magazine of which he was owner.
6. the judgment of the Divisional Court	....	f) Wilcox was charged with <i>aiding and abetting</i> Hawkins in contravening the Aliens Order 1920.
7. the reasoning given for the judgment by the Divisional Court	....	g) He appealed by way of case stated to the Divisional Court.

(Text of case note based on http://www.vanuatu.usp.ac.fj/courses/la205_criminal_law_and_procedure_1/cases/Wilcox_v_Jeffery.html)

5.2. Answer the following questions:

1. What offence was Wilcox charged with?
2. Which courts heard his case?
3. What were their decisions?
4. What was the reasoning underlying the decisions?

5.3. *Underline all expressions connected with criminal procedure.*

6. A present day case

6.1. *Read the press summary published by the Supreme Court about a recent judgment and decide which sentence is correct in the multiple choice task. There is always only one correct solution.*

R v Hughes (Appellant) [2013] UKSC 56

BACKGROUND TO THE APPEALS

This case concerns the scope of the new offence created by section 3ZB of the Road Traffic Act 1988 (“the 1988 Act”). This new section was added by section 21(1) of the Road Safety Act 2006 (“the 2006 Act”). It provides: “A person is guilty of an offence under this section if he causes the death of another person by driving a motor vehicle on a road and, at the time when he is driving, the circumstances are such that he is committing an offence under- (a) Section 87(1) of this Act (driving otherwise than in accordance with a licence); (b) Section 103(1)(b) of this Act (driving while disqualified), or (c) Section 143 of this Act (using a motor vehicle while uninsured or unsecured against third party risks).” On conviction on indictment, this offence carries imprisonment for up to two years.

On a Sunday afternoon in October 2009 the appellant was driving his family home in a campervan along the A69 towards Newcastle. Road conditions were normal and the appellant’s driving was faultless. The speed limit was 60 mph and the appellant was travelling at a steady speed of 45-55mph. At the same time Mr Dickinson was driving in the opposite direction. Mr Dickinson was driving erratically- his car was veering all over the road, twice crossing into the wrong lane before smashing into the appellant’s campervan as it rounded a bend. The appellant and his family survived. However, Mr Dickinson suffered injuries as a result of the impact that proved to be fatal.

Mr Dickinson was found to have had a significant quantity of heroin in his system and was a drug user. He was also overtired, having worked a series of 12 hour nightshifts in a power station in Largs, on the west coast of Scotland. He had already driven to Largs that day and had completed approximately 230 miles of his 400 mile return journey when the collision happened. At the time of the collision the appellant did not have a driving license and was not insured, both of which are offences under the Road Traffic Act 1988. Neither offence carries a sentence of imprisonment.

It was accepted by the prosecution that the appellant was in no way at fault for the accident and could not have done anything to prevent it. The blame was entirely with the driving of Mr Dickinson, yet the appellant was prosecuted under section 3ZB of the 1988 Act for causing the death of Mr Dickinson whilst driving uninsured and without a license. At trial the judge directed the jury that they could only find the appellant guilty if they found he had contributed in a substantial way to Mr Dickinson’s death i.e. in a way that was more than minimal. The prosecution appealed this ruling and the Court of Appeal, which felt itself bound by the decision in *R v Williams* [2010] EWCA Crim 2552, held that the prosecution did not have to prove any element of fault on the part of the appellant, his mere involvement in the fatal collision would be sufficient to commit the offence.

JUDGMENT

The Supreme Court unanimously allows the appeal. Lord Hughes and Lord Toulson jointly give the judgment of the court.

REASONS FOR THE JUDGMENT

If the Court of Appeal were correct, then in this case the appellant would be criminally responsible for Mr Dickinson’s death despite not being at fault at all for the collision. ...

It would plainly have been possible for Parliament to legislate in terms which left it beyond doubt that a driver was made guilty of causing death whenever a car which he was driving was involved in a fatal accident, if he were at the time uninsured, disqualified or unlicensed. It did not and instead used

expression “causes...death...by driving”. This imports the concept of causation. This is not a case where the concept of a deliberate intervening act applies to break the chain of causation. Mr Dickinson did not deliberately set out to kill himself. This is a case where there are potentially multiple causes of the death. The question is whether the appellant’s driving was in law a cause. It was not; it was simply an event “but for” which the collision would not have happened. That would be much the same as saying, if the other driver had hit a tree rather than the defendant’s vehicle, that whoever planted the tree caused the death. The law draws a distinction between things which are ‘but for’ circumstances which are just the background to an event, and things which truly cause that event.

In *R v Williams* it was held that s.3ZB must catch cases that did not fall under s.2B (causing death by careless driving) but that case did not focus on the meaning of “causes...death...by driving”. It does not follow from the fact that section 3ZB contains no requirement that the defendant driver should have committed the offence of careless or inconsiderate driving that he is not required to have done or omitted to do something in the driving of the car which has contributed to the death, before he can be held to have caused it by his driving. The gravity of a conviction for homicide, for which the sentence may be a term of imprisonment, is such that if Parliament wishes to displace the normal approach to causation recognised by the common law, and substitute a different rule, it must do so unambiguously. There is no logical or satisfactory intermediate position between holding (a) that the law imposes guilt of homicide whenever the unlicensed motorist is involved in a fatal accident and (b) that he is guilty of causing death only when there is some additional feature of his driving which is causative on a common sense view, and the latter entails there being something in the manner of his driving which is open to proper criticism. The statutory expression cannot, the Court concludes, be given effect unless there is something properly to be criticised in the driving of the defendant, which contributed in some more than minimal way to the death. ...

The trial judge’s ruling is reinstated and the matter returned to Newcastle Crown Court.

(http://www.supremecourt.gov.uk/decided-cases/docs/UKSC_2011_0240_PressSummary.pdf)

6.2. Multiple choice task

1. The new offence created in 2006 covers the offence of
 - a) causing death by careless driving
 - b) driving while disqualified
 - c) causing death by driving while driving without a driving licence.
2. The new offence
 - a) carries a minimum penalty of two years’ imprisonment
 - b) is an indictable offence
 - c) is punishable either by fine or imprisonment
3.
 - a) Both the victim’s and the appellant’s driving was faultless.
 - b) The appellant exceeded the speed limit of 60mph.
 - c) The victim was driving erratically.
4.
 - a) Two people were killed in the accident.
 - b) More than two people were involved in the accident.
 - c) Mr Dickinson died while overtaking the appellant’s car.
5.
 - a) The victim was a drug addict.
 - b) The victim was driving to Largs when the collision took place.
 - c) The victim wasn’t driving under the influence of drugs at the time of the accident, he was simply too tired.
6.
 - a) The appellant did not commit any offence.
 - b) The appellant committed two minor offences.
 - c) The appellant committed the offence he was charged with, because he did not prevent the accident.

7. a) The prosecution accepted that the appellant was not at fault for the accident, but prosecuted him for causing death while uninsured and without a driving licence.
 b) The prosecution considered that the appellant was at fault for the accident and prosecuted him.
 c) The prosecution blamed both the victim and the appellant for the accident.
8. The jury
 - a) convicted the appellant.
 - b) acquitted the appellant.
 - c) was misdirected by the judge.
9. a) Hughes appealed to the Court of Appeal.
 b) The prosecution appealed to the Court of Appeal.
 c) The Court of Appeal dismissed the appeal.
10. a) The Supreme Court agreed with the Court of Appeal.
 b) The Supreme Court criticized the driving of the appellant, because it contributed in more than a minimal way to the victim's death.
 c) The Supreme Court held that the appellant's driving was not the cause of the victim's death, just the background to it.

6.3. *Some expressions are marked in the text. Match them with the corresponding definitions and write them in the gaps.*

1. interrupting an ongoing event
2. the connection of cause and effect between two things, one thing makes the other thing happen
3. to be blamed for sg, responsible for sg bad happening
4. wilful, intentional
5. range of things dealt with or covered by something
6. distinguishes between things, shows the difference between two things clearly
7. so that everybody decides or votes in the same way
8. a prescribed condition for sg
9. not giving enough thought to others
10. seriousness
11. applied, enforced
12. put aside, replace something
13. restored to its previous status
14. replace something with another thing

15. involves, means
16. clearly, not giving opportunity for misunderstanding

7. Writing and speaking about cases

a) Write a case note on the above case. (You can use the note about Wilcox and Jeffery as a sample.)

Your case note should be made up of the following components:

- name and nature of the case;
- a brief statement of the relevant facts;
- a concise summary of the issue(s) (the question(s) the court had to answer);
- the ruling of the court (the answer the court gave to the question);
- judgement (legal reasoning of the decision – majority and minority opinions if relevant);
- the result as far as the parties are concerned.

b) Give an oral summary of the case based on your note.

Here are some useful expressions you might want to use:

1) Explaining the background of the case:

The case concerns a _____
The case arose out of a _____

2) Giving the details of what happened:

What happened was _____
_____ and then _____
_____ with the result that _____
_____ and as a consequence _____
_____ after _____
Finally _____

3) Explaining the point of law:

The question arose as to whether _____
The interesting point is that _____
The important question is whether _____
The relevant part of the statute states that _____
In evidence, the prosecution held that _____
The defence submitted that _____
The judge ruled that _____

4) The outcome:

The result of the case was that _____
The appeal was dismissed/upheld
The sentence was upheld/reduced/quashed

5) Some useful phrases:

As a result of _____
The legal question involved was _____
It was argued _____
The judge held that _____
The ratio of the decision was that _____
It was established that _____
This argument was rejected by the court on the grounds that _____

8. Miranda v. Arizona (1966)

8.1. Gap-filling task:

As you are reading the text, fill in the gaps using the words in the given form.

charged	upheld	counsel	reversed
	ruled	admitted	confession
		convicted	sentenced

In *Miranda v. Arizona* (1966), the Supreme Court ruled that detained criminal suspects, prior to police questioning, must be informed of their constitutional right to an attorney and against self-incrimination. The case began with the 1963 arrest of Phoenix resident Ernesto Miranda, who waswith rape, kidnapping, and robbery. Miranda was not informed of his rights prior to the police interrogation. During the two-hour interrogation, Miranda allegedly **confessed to committing** the crimes, which the police apparently recorded. Miranda, who had not finished ninth grade and had a history of mental instability, had no present. At trial, the prosecution's case consisted solely of his Miranda was convicted of both rape and kidnapping and to 20 to 30 years in prison. He appealed to the Arizona Supreme Court, claiming that the police had unconstitutionally obtained his confession. The court disagreed, however, and the conviction. Miranda appealed to the U.S. Supreme Court, which reviewed the case in 1966.

The Supreme Court, in a 5-4 decision written by Chief Justice Earl Warren, that the prosecution could not introduce Miranda's confession as evidence in a criminal trial because the police had **failed to first inform** Miranda of his right to an attorney and against self-incrimination. The police duty to give these warnings is compelled by the Constitution's Fifth Amendment, which gives a criminal suspect the right to **refuse "to be** a witness against himself," and Sixth Amendment, which guarantees criminal defendants the right to an attorney. Because none of these rights was afforded to Ernesto Miranda and his "confession" was thus unconstitutionally at trial, his conviction was Miranda was later retried and without the admission of his confession.

(http://www.pbs.org/wnet/supremecourt/rights/landmark_miranda.html)

8.2. Which verbs can go with which nouns? Write the numbers and verbs in the gaps. (You can find help in the above text.)

admit	afford	convict	detain	inform of	introduce	
	obtain	question	retry	reverse	review	sentence
uphold		guarantee	interrogate			

Verbs	Nouns
	a suspect
	rights
	a confession/evidence
	a case
	an accused
	a conviction

8.3. Speak about the case using the above collocations.

9. Grammar I : -ing and infinitive

Consider the following structures marked in the above case summary:

a) confessed to committing

**b) failed to (first) inform
refuse to be**

- a) is an example for a **verb** followed by a **preposition** and the **-ing** form
- b) contains examples for a **verb** followed by **to + infinitive**

In the following section we are going to deal with various grammatical structures where the **-ing** form or the infinitive is used.

9.1. Verb + infinitive or -ing form

Some verbs are followed by the infinitives of other verbs e.g. 'want'. Some verbs are followed by the -ing forms of other verbs e.g. 'enjoy'. Put in the correct form of the verbs:

1. The witness pretended not (hear) _____ the question.
2. She stole two bottles of perfume but managed (get) _____ away with it.
3. The victim refused (give) _____ evidence.
4. I can't help (laugh) _____ whenever I see him wearing a wig.
5. He seems (regret) _____ what he has done.
6. Would you mind (repeat) _____ your name?
7. The solicitor postponed (meet) _____ the client.
8. Our tax consultant could advise us how to avoid (pay) _____ high taxes.
9. The police expected (get) _____ some useful information from the neighbours.
10. He promised his wife not (mix) _____ with criminals again.

9.2. Verb+ object + infinitive

Some verbs can be followed by object + infinitive e.g. want, tell, ask.

Change the sentences below according to the example:

The solicitor told Mr Brown 'I think you should stop telling lies to me'. (advise)

The solicitor advised Mr Brown to stop telling lies.

1. She said to me 'Do try the Bar Examination'. (encourage)
2. 'Don't forget to lock the office when you leave', the barrister told his pupil. (remind)
3. 'You mustn't discuss the case with anyone', the judge told the jurors. (warn)
4. The driver said to the policemen 'Please let me go this time'. (ask)
5. 'You can call your solicitor', the officer told the suspect. (allow)

9.3. Verb + infinitive and -ing form both possible

After some verbs (e.g. begin, can't bear, continue, intend, propose, and start) both -ing forms and infinitives are possible without much difference of meaning.

Some verbs can be followed by both -ing forms and infinitives with important differences of meaning.

Supply the correct form of the verb in brackets, and then discuss the differences of meaning.

1. I still remember (take) _____ my first exam.
2. Remember (submit) _____ your application today.
3. I'll never forget (meet) _____ my boss the first time.
4. I forgot (send) _____ a hard copy of my presentation in advance.
5. He regrets (leave) _____ university some months before graduation. It was a big mistake.
6. We regret (say) _____ that we are unable to help you.

7. Being a solicitor means (do) _____ lots of paper work.
8. I didn't mean (hurt) _____ you.
9. He stopped for a few minutes (rest) _____ .
10. He stopped (annoy) _____ his neighbours after he had been sued for nuisance.
11. He tried (send) _____ her emails and (call) _____ her, but it had no effect.
12. He tried (convince) _____ the members of the committee, but all his efforts were in vain.
13. Do you really like (work) _____ as a notary?
14. Would you like (work) _____ as a notary?
15. I saw the defendant (pick up) _____ the parcel, (open) _____ it and (take out) _____ a pistol.
16. I saw him (walk) _____ down the street towards the bus station.
17. I heard him (shout) _____ 'I'll kill you' several times.
18. As I passed the school, I could hear the children (shout) _____ .

9.4. Prepositions + -ing forms

Make sentences from the table. You can use the same preposition in more than one sentence.

I've always been good	of on at about in spite of for with	inviting me to this conference.
He passed his exams		this exercise.
I'm not capable		being appointed a judge, but I doubt it.
He insisted		writing briefs.
Thank you		murdering his wife.
I'm bored		listening to the same lies every day?
He was found guilty		not doing too much work.
She talked		taking silk.
I'm thinking		taking an action against his colleague.
Aren't you tired		answering these questions. They're too difficult.

10. Grammar II: The Causative

The causative is a common structure in English. It is used when one thing or person causes another thing or person to do something. There are three basic causative structures.

- 10.1. Active causative structure:** *have/make sy do sg*
get sy to do sg

Subject	Causative verb	Agent	Action verb	Object
The police had		the suspect	sign	his statement. (=The police arranged for/ caused
The police made		the suspect	sign	his statement. the suspect to sign his statement.)
The police got		the suspect	to sign	his statement.

Have is neutral, **make** means compelling, and **get** gives the idea of persuasion.

- 10.2. Passive causative structure I:** *have/get sg done*

Subject	Causative verb	Object	Action verb
The police had		the statement	signed. (=The police arranged for/ caused the
The police got		the statement	signed. statement to be signed.)

There is not much difference in meaning between *have* and *get* in this structure.

The **agent** is usually **missing**, we are more interested in the **result** of the activity, but the agent may be added using “by”:

The police had/got the statement signed by the suspect.

10.3. Passive causative structure II: *be made to do sth*

(Logical) Agent moved to the position of subject	Causative verb in the passive	Action verb	Object	
The suspect	was made	to sign	his statement.	(= It was arranged for the suspect to sign the statement.)

The **subject** (person causing the action) is usually **missing**, but it may be added using “by”:

The suspect was made to sign his statement by the police.

10.4. Read the text below and choose the best answer.

Yesterday Joe had a really bad day. He **1** _____ at half past five, because he had to leave home early. He had to take his car to the repairman to **2** _____ because he had had an accident the previous day. He couldn't **3** _____ the children to school, because they had had a row in the morning. He did not care too much about his family but the children **4** _____ them some breakfast. He should have **5** _____ long ago, but somehow he neglected it. His wife kept complaining that he could never **6** _____. They were running short of time and the situation became worse and worse. The weather forecast warned them that it would be cold but still he **7** _____ light clothes. His wife couldn't find her favourite pullover and it **8** _____. She **9** _____ the whole wardrobe upside down to find it, but Joe had thrown it into the dustbin the day before. When they finally left, in the car his son asked him if he had **10** _____. Certainly, he had not. This might **11** _____ that he is a careless father, but he is much more than that: he hates everyone but himself. Then her daughter tried to **12** _____ faster because she enjoys speed. He drove with extra speed but only till the next corner, where he **13** _____ by a police car. They **14** _____ a breath test and fined him for speeding. It was the last straw for him. After work he beat his wife and two children, his wife reported him to the police and he was accused of violence within the family.

1. [a](#)) made the kids to get up [b](#)) got the kids get up [c](#)) made the kids get up [d](#)) had the kids to get up
2. [a](#)) have serviced it [b](#)) have it serviced [c](#)) serviced it [d](#)) make it serviced
3. [a](#)) get his wife take [b](#)) make his wife to take [c](#)) get his wife to take [d](#)) get his wife taken
4. [a](#)) got him prepare [b](#)) made him prepare [c](#)) had him to prepare [d](#)) made him to prepare
5. [a](#)) had the micro repaired [b](#)) got repaired the micro [c](#)) made the micro repaired [d](#)) had repaired the micro

6. a) have done anything b) make anything do c) get anything to do d) have anything done
7. a) made the children put on b) made the children to put on c) had the children to put on d) got the children put on
8. a) made her to cry b) made her crying c) got her cry d) made her cry
9. a) got the family turning b) got the family turn c) got the family to turn d) had the family to turn
10. a) had his watch repaired b) made his watch repair c) got his watch repair d) got his watch repairing
11. a) make you to believe b) get you believe c) have you believing d) make you believe
12. a) get him to drive b) get him drive c) had him to drive d) had him driving
13. a) was made to stop b) was made stopping c) was made stop d) was got stopped
14. a) got him taking b) forced him take c) had him to take d) had him take

10.5. *Translate the following causative sentences into English.*

1. A bántalmazott nő megvizsgáltatta a sérüléseit.
The abused woman
2. Az idézés arra szólította fel a gyanúsítottat, hogy jelenjen meg a rendőrségen.
The summons
3. Az ügyvéd szabadlábra fogja helyezetteti a vádlottat.
The lawyer
4. A férj meggyilkoltatta a feleségét.
The husband
5. A fiatalokú elkövetővel speciális körülmények között tetetnek vallomást.
The young offender
6. A rendőr eldobatta a bűnözővel a fegyverét.
The policeman

accidental *mn* véletlen
account *fn* beszámoló, számla, elszámolási kötelezettség
 • **give a full account of** *sg* teljeskörűen beszámol, számot ad vmiről
aiding and abetting *fn* bűnsegédlet és felbujtás, bűnrészség
alien *fn* idegen, külföldi
 • **allegedly** *hat.* állítólag
allow *ige* (1) engedélyez, (2) helyt ad (fellebbezésnek)
 • **allow an appeal** helyt ad fellebbezésnek
apparently *hat.* (1) látszólag, (2) nyilvánvalóan
appeal *fn* fellebbezés
 • **appellant** *fn* fellebbező
barrel *fn* (puska)cső
 • **double-barrelled shotgun** kétsövű puska
carry a punishment *ige* milyen büntetést von maga után
cartridge *fn* töltény, patron
causation *fn* ok-okozati összefüggés
 • **break the chain of causation** megszakítja az egymással ok-okozati összefüggésben lévő események láncát
collision *fn* összeütközés, karambol
contravene *ige* (1) megsért (törvényt) (2) szembeáll, ellenszegül
contribute (to) *ige* hozzájárul vmihez
counsel *fn* ügyvéd (ügyfelet bíróság előtt képviselő barrister)
deliberate *mn* szándékos
deliberate *ige* megfontol, megtárgyal
dismiss *ige* elutasít
 • **dismiss an appeal** fellebbezést elutasít
displace *ige* helyettesít, lecserél, felvált
distinction *fn* megkülönböztetés, különbség
 • **draw a distinction** megkülönböztet, különbséget tesz
effect *fn* (1) hatás, (2) hatály
 • **give effect to** *ige* hatályba/életbe léptet (törvényt/rendelkezést); végrehajt (döntést); foganatosít (intézkedést)
encouragement *fn* bátorítás
entail *ige* maga után von, jelent vmit, jár vmivel
entertain *ige* (1) szórakoztat, (2) elfogad, kedvezően ítél meg (kérést)
erratically *hat.* összevissza, szabálytalanul
fatal *mn* halálos
fault *fn* hiba, vétek
 • **be at fault** hibás, vétkes, felelős
faultless *mn* hibátlan, feddhetetlen, kifogástalan

go off (gun) *ige* elsül
grant *ige* megad (engedélyt)
gravity *fn* súlyosság, komolyság
headnote *fn* bevezető megjegyzés, jogi irat első lapjának tetején található összefoglaló
inconsiderate *mn* (1) tapintatlan, másokat semmibe vevő (2) megfontolatlan, elhamarkodott
infirmity *fn* gyengeség, betegség
insanity *fn* elmebaj, őrültség
intend *ige* szándékozik
intermediate *mn* közbenső, közbelépő, közvetítő
jointly *hat.* közösen, együttesen
latter *mn* utóbbi
laudatory *mn* dicsérő
make out (the case) *ige* bizonyítani
malice *fn* rosszindulat, rossz szándék
 • **in malice** (rossz) szándékkal
mental instability szellemi labilitás
misdirect *ige* helytelen összefoglalást ad az esküdteknek, tévútra vezet
necessity *fn* szükség, szükségszerűség
omit (to do sg) *ige* elmulaszt vmit megtenni
onus *fn* teher
overtired *mn* agyonfáradt, túlhajszolt
parchment *fn* pergamen
plea roll *fn* perirat-csomó, perbeli indítványok aktája
pleading *fn* perbeli előterjesztés
prevail (over sg) *ige* érvényesül, előnyben van vmivel szemben
reasoning *fn* érvelés, indokolás
reinstate *ige* visszaállít, visszahelyez
 • **reinstate a ruling** visszaállít döntést
reject (an argument) *ige* elutasít, elvet (érvelést)
reverse *ige* hatályon kívül helyez, visszavon, megsemmisít
round (a bend) *ige* bevesz (kanyart)
scheduled *mn* ütemezett, tervezett, előirányzott
scope *fn* hatókör, tér
set out (the facts of a case) *ige* ismerteti (az eset tényeit)
smash into *ige* beleütközik
solely *hat.* kizárólag, egyedül
state *ige* kimond, kijelent
steady (speed) *mn* egyenletes (sebesség)
submit *ige* (1) előterjeszt, benyújt, (2) állít
transcript *fn* átírat, szövegeknyv
unambiguously *hat.* egyértelműen
unanimously *hat.* egyhangúan
underlie *ige* alapul szolgál

uninsured *mn* nem biztosított, biztosítással nem rendelkező

unsecured *mn* nem biztosított

• **unsecured against third party risks**

felelősségbiztosítással nem rendelkező

uphold (the conviction) *ige* helybenhagyja (az elítélést, a bűnösséget kimondó ítéletet)

veer (all over the road) *ige* irányt változtat, össze-vissza megy

wilful murder *fn* szándékos emberölés

wrest from *ige* kiragad vmit vki kezéből

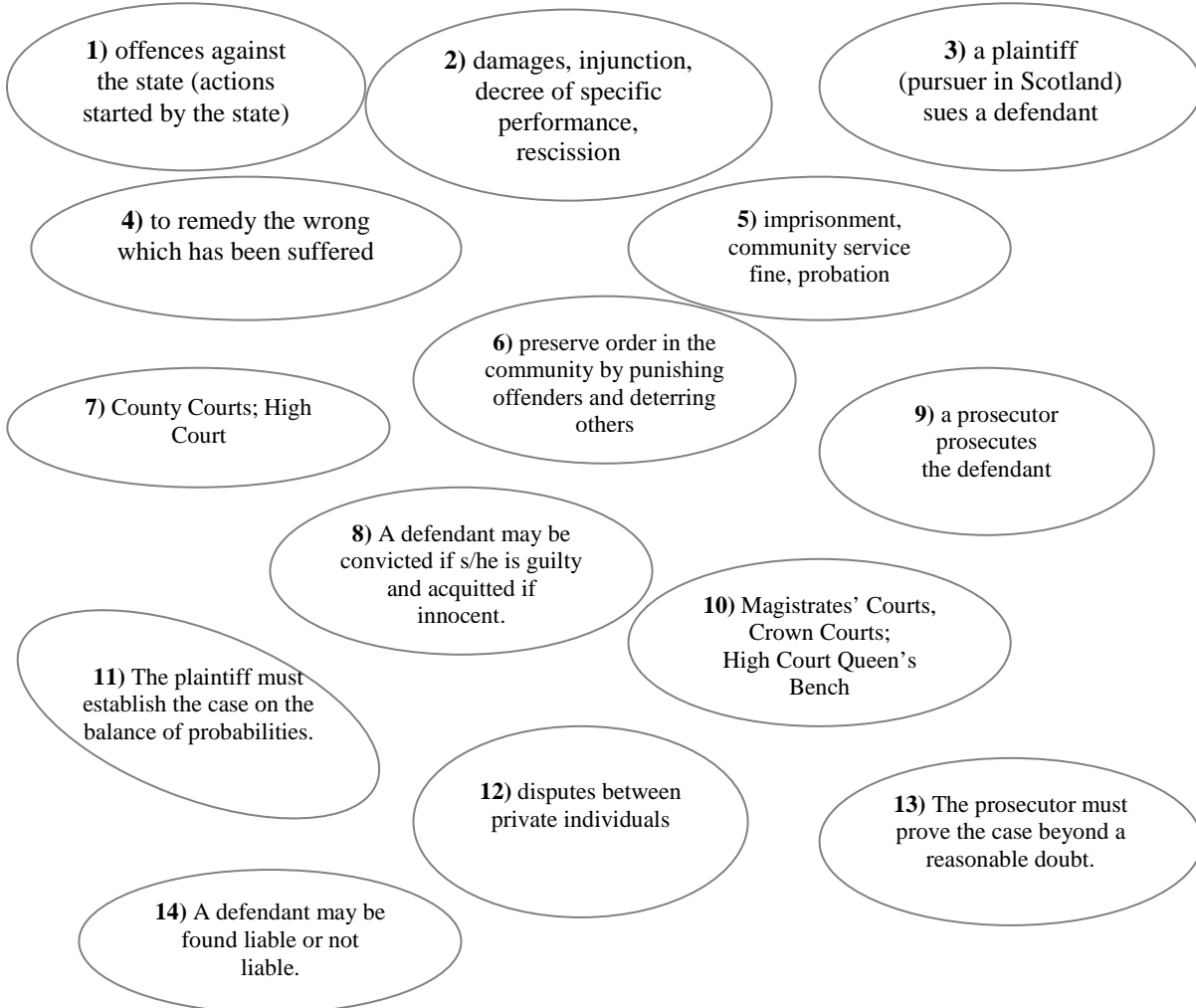
yearbook *fn* évkönyv

Unit 7

REVISION

1. Terminology of civil and criminal cases

1.1. Fill in the chart with the expressions given below:

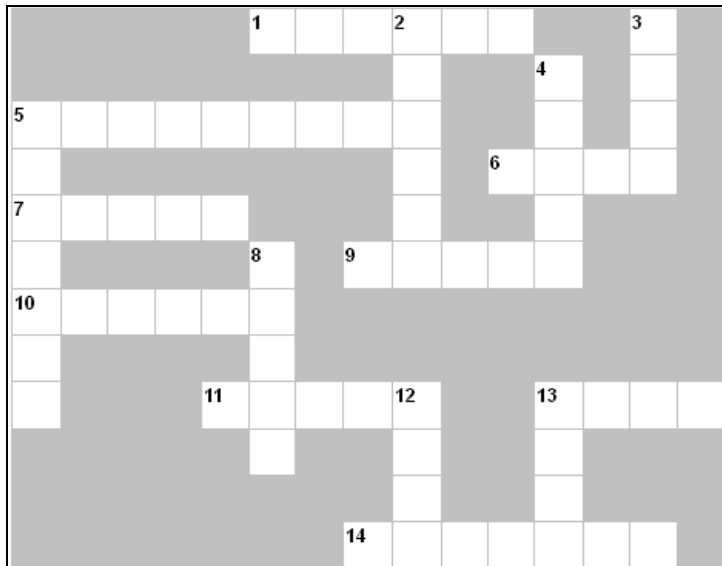


Features	Criminal law	Civil law
CONCERN		
PURPOSE OF THE ACTION		
THE PARTIES		
WHERE THE ACTION IS HEARD		
STANDARD OF PROOF		
DECISION		
SANCTIONS		
EXAMPLES (of your own)		

(Adapted from Bradney, Fisher, Masson, Neal, Newell: How to Study Law. Sweet & Maxwell, 1991)

1.2. A crossword

Write the missing verbs.



- Across: 1: ... a guilty verdict
 5: ... the facts of the case
 6: ... action against someone
 7: ... damages
 9: ... evidence
 10: ... a sentence of imprisonment
 11: ... a guilty verdict
 13: ... the defendant liable for the injury
 14: ... an argument
- Down: 2: ... a judgment
 3: ... the accused for speeding
 4: ... exemption from costs
 5: ... witnesses
 8: ... a case to a higher court
 12: ... an appeal
 13: ... a statement of claim

2. La Cosa Nostra

2.1. Fill in the missing expressions choosing from the given list of words.

dubbed	evolved	extradited	headquartered	included	indicted
intimidated		involved		murdering	
operating	pursuing		resolving		shot

La Cosa Nostra

La Cosa Nostra is the foremost organized criminal threat to American society. Literally translated into English it means “this thing of ours.” It is a nationwide alliance of criminals—linked by blood ties or through conspiracy—dedicated to crime and protecting its members.

La Cosa Nostra, or the LCN as it is known by the FBI, consists of different “families” or groups that are generally arranged geographically and engaged in significant and organized racketeering activity. It is also known as the Mafia, a term used to describe other organized crime groups.

The LCN is most active in the New York metropolitan area, parts of New Jersey, Philadelphia, Detroit, Chicago, and New England. It has members in other major cities and is in international crimes.

History of La Cosa Nostra

Although La Cosa Nostra has its roots in Italian organized crime, it has been a separate organization for many years. Today, La Cosa Nostra cooperates in various criminal activities with different criminal groups that are in Italy.

Giuseppe Esposito was the first known Sicilian Mafia member to emigrate to the U.S. He and six other Sicilians fled to New York after the chancellor and a vice chancellor of a Sicilian province and 11 wealthy landowners. He was arrested in New Orleans in 1881 and to Italy.

New Orleans was also the site of the first major Mafia incident in this country. On October 15, 1890, New Orleans Police Superintendent David Hennessey was murdered execution-style. Hundreds of Sicilians were arrested, and 19 were eventually for the murder. An acquittal generated rumors of widespread bribery and witnesses. Outraged citizens of New

Orleans organized a lynch mob and killed 11 of the 19 defendants. Two were hanged, nine were, and the remaining eight escaped.

The American Mafia has over the years as various gangs assumed—and lost—dominance over the years: the Black Hand gangs around 1900; the Five Points Gang in the 1910s and ‘20s in New York City; Al Capone’s Syndicate in Chicago in the 1920s. By the end of the ‘20s, two primary factions had emerged, leading to a war for control of organized crime in New York City.

The murder of faction leader Joseph Masseria brought an end to the gang warfare, and the two groups united to form the organization now La Cosa Nostra. It was not a peaceful beginning: Salvatore Maranzano, the first leader of La Cosa Nostra, was murdered within six months. Charles “Lucky” Luciano became the new leader. Maranzano had established the La Cosa Nostra code of conduct, set up the “family” divisions and structure, and established procedures for disputes. Luciano set up the “Commission” to rule all La Cosa Nostra activities. The Commission bosses from six or seven families.

Luciano was deported back to Italy in 1946 based on his conviction for a prostitution ring. There, he became a liaison between the Sicilian Mafia and La Cosa Nostra.

http://www.fbi.gov/about-us/investigate/organizedcrime/italian_mafia

2.2. Find the corresponding expressions from the text for the given definitions.

1. a secret plan by a group of people to do something illegal
2. making money through dishonest or illegal activities
3. verdict of the court finding the accused not guilty
4. giving money to an official person to persuade him to help you by doing something dishonest
5. a crowd of people who think that somebody is guilty, they capture this person and do not let him have a lawful trial, but execute him
6. small groups of people within a larger group whose members have a different opinion from the larger group
7. a set of rules regulating behaviour within a profession
8. relationship between two organizations

2.3. Choose the correct sentence. There is always only one correct solution.

1. La Cosa Nostra is a criminal organization
A that has members all over the US.
B all the members of which are close relatives.
C dedicated to helping the FBI in the pursuit of crime.
2. La Cosa Nostra is
A the name used instead of the Mafia in the US.
B divided into geographical groups.
C engaged in joint racketeering activity with other crime groups all over the world.
3. The LCN
A carries out its criminal activities mainly in Chicago.
B carries out most of its criminal activities abroad.
C participates in both US and foreign criminal activities.
4. La Cosa Nostra
A has one of its headquarters in Italy.
B consists of several criminal groups in Italy.
C originates from and has links with Italy.

5. Giuseppe Esposito

A committed several murders.

B was arrested by the Sicilian authorities.

C emigrated to the US and lived there for the rest of his life.

6. In 1890 in New Orleans,

A 19 Sicilians were charged with the murder of David Henessy.

B the murderers of the police superintendent all managed to escape.

C the persons accused of David Henessy's murder bribed and intimidated witnesses.

7. In the 1920s,

A the whole American Mafia was controlled by Al Capone.

B there was one dominant gang in the US.

C there were wars going on between mafia gangs to gain control.

8. Joseph Masseria

A was one of the leaders of La Cosa Nostra.

B was murdered before the murder of Salvatore Maranzano.

C was murdered, which led to long-lasting peace for La Cosa Nostra.

9. Charles "Lucky" Luciano and Maranzano

A worked together on setting up divisions for the La Cosa Nostra.

B managed to resolve their dispute based on the code of conduct.

C both contributed to developing the internal organization of La Cosa Nostra.

10. In 1946 Luciano was found guilty

A of operating a prostitution ring in the US.

B of operating prostitution rings in the US and Sicily.

C and deported to Sicily to act as a liaison officer.

3. Writing a summary

Read the following shortened extract from an article on domestic violence in Hungary published on the website of Human Rights Watch. Then write a summary of the text in English. You should discuss the following points in your summary. Your summary should consist of 15-20 sentences composed into a text.

1. A Human Rights Watch jelentése hiányosságokat állapított meg a családon belüli erőszak kezelésével kapcsolatban Magyarországon.
2. A jelentés alapja.
3. Magyarország emberi jogi kötelezettsége és teendői.
4. A családon belüli erőszak büntetőjogi kategorizálása 2013 előtt.
5. A családon belüli erőszak büntetőjogi kategorizálása 2013 után.
6. A törvénymódosítás nem hozott változást a gyakorlatban.
7. A rendőrség magatartása.
8. A bíróság hozzáállása.
9. Az orvosokkal és szociális munkásokkal kapcsolatos problémák.
10. A gyermekvédelmi szolgálatok szerepe.
11. A krízisközpontokkal kapcsolatos problémák.
12. Egységes nemzeti stratégia hiánya.

Védtelesség a családon belüli erőszak ellen Magyarországon

A rendőrségi tétlenség, a kellő hatékonyságot nélkülöző távoltartó határozatok, a krízisközponti férőhelyek alacsony száma, **valamint** a jogi és iránymutatásbeli hiányosságok mind további bántalmazások veszélyének teszik ki a családon belüli erőszakot elszenvedő nőket Magyarországon, áll a Human Rights Watch ma nyilvánosságra hozott jelentésében.

A jelentés **egyrészt** 29 olyan magyarországi nővel készített interjún alapul, akik még a 2013. év közepén lezajlott jogszabály-módosítás előtt kerestek védelmet bántalmazó társuk ellen, **másrészt** pedig jogászokkal, bírakkal, női szervezetekkel, szociális munkásokkal, kormányhivatalnokokkal és egyéb szakemberekkel folytatott beszélgetéseken. A Human Rights Watch 4 további nőt **is** megkérdezett a jogszabály-módosítások hatálybalépését követően, ezek a vallomások **azonban** még nem szerepelnek a jelentésben.

Magyarországnak egyértelmű emberi jogi kötelessége, hogy mindent megtegyen a nők jogainak védelme érdekében, és azért, hogy a nők erőszak- és megkülönböztetés-mentes életet élhessenek, ami magában foglalja a hatékony bírósági jogorvoslat biztosítását is. A Human Rights Watch álláspontja szerint **annak érdekében, hogy** Magyarország eleget tudjon tenni e kötelezettségének, a magyar parlamentnek módosítania kell a 2009. évi, a hozzátartozók közötti erőszak esetén elrendelhető távoltartásról szóló törvényt, valamint a Büntető Törvénykönyvben a családon belüli erőszakra szóló tényállást, **hogy** a vonatkozó törvények ne zárjanak ki bizonyos női csoportokat a hatályuk alól és azért, hogy a jelenlegi iránymutatásbeli és gyakorlati kérdések terén tapasztalható hiányosságok orvoslásra kerüljenek. Magyarországnak fejlesztenie kell a rendőrök, ügyészek, bírák, szociális munkások és orvosok számára szervezett képzések rendszerét, és növelnie kell a családon belüli erőszak áldozatait befogadó krízisközpontok kapacitását. Magyarországnak **továbbá** ratifikálnia kell az Európa Tanácsnak a nők elleni erőszak és a családon belüli erőszak megelőzéséről és felszámolásáról szóló egyezményét.

Egészen 2013. július 1-ig a családon belüli erőszak Magyarországon még különálló bűncselekmény sem volt. A családon belüli erőszakot a testi sértés egyik formájának tekintették, és a nyolc napon belül gyógyuló sérüléseket vétségként kezelték, ami azt jelentette, hogy a jogi lépéseket a rendőrség és az ügyészség helyett az áldozatnak kellett kezdeményeznie.

Az új, júliusban törvénybe iktatott családon belüli erőszakra vonatkozó tényállás az erőszakos cselekmények elkövetését szigorúbban bünteti, és az áldozat helyett az ügyész feladatává teszi, hogy megindítsa a büntetőeljárást. **Ugyanakkor** az új tényállás is csak a családon belüli erőszakos magatartás legalább kétszeri megismétlődése esetére nyújt védelmet, és csak abban az esetben biztosít védelmet a bántalmazó társától különálló nőnek, amennyiben van a bántalmazóval közös gyermeke.

Az új, önálló büntetőjogi tényállás nem ad megoldást a Human Rights Watch által feltárt hiányosságokra. A július 1-e utáni bántalmazásaikkal kapcsolatban megkérdezett négy nő tapasztalatai arra engednek következtetni, hogy a gyakorlatban nem sok minden változott. A megkérdezett nők beszámoltak a rendőrök tétlenségéről, valamint a szociális munkások és orvosok körében elterjedt, a védelmet kereső áldozatot hibáztató hozzáállásról.

A Human Rights Watch **kutatása eredményeképpen** úgy találta, hogy a rendőrség gyakran elriasztja a nőket a feljelentéstételtől és nem él kellő hatékonysággal a 2009. évi törvényben számára biztosított távoltartó határozat-kibocsátási jogkörrel. **Sőt**, a rendőrség sokszor az áldozatok kérelmétől teszi függővé a határozatok kibocsátását, előfordul, hogy a bántalmazó társ jelenlétében teszik fel a nőnek a kérdést, hogy szeretné-e a távoltartás elrendelését, ez pedig sok áldozatot elrettent a panasztételtől a bosszútól való félelem miatt.

A Human Rights Watch továbbá úgy találta, hogy a bíróságok sem nyújtanak megfelelő védelmet az érintett nőknek. A bíróságok a távoltartó határozatok meghozatalának feltételül gyakran túlzott mértékű bizonyítékokat kívánnak meg, csak rövid időtartamra rendelik el a távoltartást, vagy egyszerűen nem hozzák meg a határozatot a bántalmazó távollétében, **még annak ellenére sem, hogy** ezt a törvény szerint megtehetnék.

Az orvosok és szociális munkások gyakran nem nyújtanak megfelelő segítséget, vagy nem adnak megfelelő tanácsot az érintett nőknek. Az orvosokat nem látják el országos szintű iránymutatásokkal arra vonatkozólag, hogy hogyan kezeljék a családon belüli erőszakra utaló gyanús eseteket. Számos esetben a nők és a krízisközpontok dolgozói arról számoltak be, hogy az orvosok nem dokumentálták megfelelően a bántalmazási eseteket, ami akadályozza a bíróságok munkáját.

Ahelyett, hogy a legegyszerűbb támogatást nyújtanák, a gyermekvédelmi szolgálatok néha tovább rontanak a helyzetet. Nyolc nő nyilatkozott a hatóságokkal való korábbi tapasztalatai alapján úgy, hogy azért nem tett a családon belüli erőszak kapcsán feljelentést, mert félt attól, hogy a gyermekjóléti szolgálat elvinné a gyermekeit.

A krízisközpontok a családon belüli erőszak áldozatai számára létrehozott állami védelmi rendszer elengedhetetlen részét képezik, **de** egész Magyarországon mindössze 122 krízisközponti férőhely áll rendelkezésre. **Ráadásul** a nők alapszabályként csak maximum 60 napig maradhatnak a krízisközpontokban és csak a gyermekes anyák kérhetik ennek az időnek a meghosszabbítását. Sok nő mondta azt, hogy bevételi forrás és lakóhely hiányában nem volt más választása, **mint** hogy visszatérjen bántalmazójához.

Magyarországon mostanáig még nem alakítottak ki nemzeti stratégiát a családon belüli erőszak elleni küzdelemre és a jelenség megelőzésére.

November 6, 2013, Human Rights Watch

How would you translate the linking expressions in bold type in the above text?

Here are some useful expressions that you might use in your composition:

police inaction, ineffective restraining orders, insufficient shelter spaces, legal and policy gaps, seek protection, abusive partner, effective judicial remedies, issue temporary restraining orders, human rights obligation, rectify shortcomings, increase the capacity of shelters, ratify the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, wounds that heal within eight days, initiate legal action, two separate instances of domestic violence, discourage women from reporting domestic abuse, fear of reprisals, hostile responses, too high a standard on the evidence, issue an order in the absence of the abuser, lack of guidelines for prosecutors and judges, provide adequate advice and assistance, document abuse adequately, aggravate the situation, threaten to remove children, comply with international standards, eligible to apply for a further stay, lack a national strategy

4. Reading Comprehension: DNA evidence The case of Kirk Bloodsworth

4.1. Read the text and insert the missing paragraphs in the right place in the text.

A Initially, the available evidence in the case — traces of semen in the victim's underwear — was thought to have been destroyed; however, when eventually located (in a paper bag in the judge's chambers), testing proved that the semen did not match Bloodsworth's DNA profile.

B A month after the 1984 murder, Ruffner had been sentenced to 45 years for an unrelated burglary, attempted rape and assault with intent to murder, and had in fact been incarcerated in a cell one floor below Bloodsworth's own cell.

C Even though five eyewitnesses had placed him with the victim, he continued to maintain his innocence throughout his trial and subsequent incarceration.

Kirk Noble Bloodsworth (born October 31, 1960) is the first American sentenced to death row who was exonerated by DNA, although his death sentence had already been commuted to two consecutive life sentences by the time his exoneration based upon DNA evidence was in the works.

An honorably discharged former Marine and Maryland resident, Bloodsworth was convicted in 1985 of sexual assault, rape, and first-degree premeditated murder for the 1984 rape and murder of a nine-year-old girl in Rosedale, Maryland.

In 1992, while in jail, Bloodsworth read an account of how DNA fingerprinting had led to the conviction of Colin Pitchfork in the killings of Dawn Ashworth and Lynda Mann; hoping to prove his innocence, he pushed to have the evidence against him tested by the then-novel method.

In 1993, Bloodsworth was released; by that time, he had spent almost nine years in prison, two of them on death row.

Though released from prison, Bloodsworth was not formally exonerated. In 2003, nearly a decade after Bloodsworth's release, prisoner DNA evidence added to state and federal databases identified the real killer, Kimberly Shay Ruffner.

In light of the new evidence, Ruffner was charged with the crime for which Bloodsworth had been wrongfully convicted, and in 2004 Ruffner pled guilty to the 1984 murder.

While in prison, Bloodsworth converted to the Catholic Church from Protestantism. Today, Bloodsworth is a Program Officer for The Justice Project, and he has been an ardent supporter of the Innocence Protection Act (IPA) since its introduction in Congress in February 2000. The IPA established the Kirk Bloodsworth Post-Conviction DNA Testing Program, a program that will help states defray the costs of post-conviction DNA testing.

http://en.wikipedia.org/wiki/Kirk_Bloodsworth

4.2. What events happened in the following years?

- 1960
- 1984
- 1985
- 1992
- 1993
- 2000
- 2003
- 2004

4.3. Find expressions from the text for the definitions.

1. the part of the prison where convicts sentenced to capital punishment are held	.....
2. declared innocent after first having been convicted	.....
3. (penalties) to be served one after the other	.....
4. released from service	.....
5. planned in advance	.....
6. keep saying the he is not guilty	.....
7. will, desire to do something	.....
8. imprisoned	.....
9. found guilty by the court while being innocent	.....
10. confessed that he had committed the crime	.....

5. Grammar Revision

5.1. Transform the following sentences into the passive.

1. The law treats children under 10 differently from adults or youths under 18 who commit a criminal offence.
 from adults or youths under 18 who commit a criminal offence.
2. The police cannot charge children under 10 with committing a criminal offence.
 with committing a criminal offence.
3. The police can ban children from being in a public place between 9pm and 6am, unless accompanied by an adult.
 from being in a public place between 9pm and 6am, unless accompanied by an adult.
4. If a child breaks the curfew, the court can give them a Child Safety Order.
 If.....
5. If a child has committed an offence, the court can place them under the supervision of a youth offending team.
 If.....

5.2. Ask questions about the marked parts in the sentences.

1. A teenager (convicted of stabbing a schoolboy to death in a packed railway station) is facing years behind bars. (You can omit the part in brackets.)
.....

2. Junior Bayode was just 16 when he joined a 20-strong mob that hunted down Sofyen Belamouadden.
..... when he joined a 20-strong mob that hunted down Sofyen Belamouadden?

3. The schoolboy died after suffering fatal wounds to his heart and right lung.
.....

4. The massacre had been planned the night before using Facebook and BlackBerry instant messaging.
..... the night before?

5. Bayode was convicted of manslaughter at the conclusion of a trial last October.
..... at the conclusion of a trial last October?

6. He will be sentenced at the Old Bailey on a date to be fixed later this year.
.....

(sentences from <http://www.mirror.co.uk/news/uk-news/sofyen-belamouadden-killing-teenager-junior-1852064#ixzz2tW0ckEQH>)

5.3. Write the missing auxiliaries in the sentences.

may must cannot had to needn't shouldn't couldn't

1. In order to make a decision, the court first establish the facts of the case.

2. The accused be acquitted, because the prosecution prove his guilt beyond reasonable doubt.

3. Intimidated witnesses appear in court personally.

4. Youhave eaten the food, it have been poisoned.

5. The police keep a suspect in detention for more than 36 hours without charge.

absence *fn* távollét
 • **in sy's absence** vki távollétében
adequate *mn* megfelelő
aggravate *ige* súlyosbít
apply (for) *ige* (1) jelentkezik (állásra), (2) pályázik vmire, (3) kérvényez, kér
assault with intent to murder *fn* emberölés szándékával elkövetett testi sértés
assume *ige* feltételez
combat *sg* *ige* küzd, harcol vmi ellen
commute *ige* átváltoztat
comply with *ige* teljesít (kötelezettséget), megfelel (követelményeknek), betart (törvényt)
consecutive *mn* egymást követő, folyamatos
conspiracy *fn* összeesküvés, szövetkezés
convert (to) *ige* (1) áttér (pl. más vallásra), (2) átvált (pénzt), (3) átalakít
curfew *fn* kijárási tilalom
death row *fn* halálbüntetésre ítélt cellasora
defray (costs) *ige* fedez, visel (költségeket)
discharge *ige* leszerel
 • **honorably discharged** kitüntetéssel leszerelt
dominance *fn* uralkodó szerep, fölény, dominancia
dubbed *mn* vminek nevezett
eligible *mn* (1) választható, (2) alkalmas, követelményeknek megfelelő
exemption from costs *fn* perköltségmentesség
exonerate *ige* tisztáz (vád alól)
extradite *ige* kiad (más országnak bűnözőt)
faction *fn* csoport, frakció
flee (fled, fled) *ige* elmenekül
gang warfare *fn* bandaháború
guideline *fn* irányvonal
headquartered *mn* vhol székhellyel rendelkező
heal *ige* gyógyul

inaction *fn* be nem avatkozás, tétlenség
 • **police inaction** *fn* rendőri tétlenség
intimidate *ige* megfélemlít
lack (of) *fn* vmi hiánya
lynch mob *fn* lincselő tömeg
murder *fn* szándékos emberölés
first-degree premeditated murder előre kitervelt emberölés
organized crime *fn* szervezett bűnözés
prostitution ring *fn* prostitúciós hálózat
pursue *ige* folytat (vmilyen tevékenységet)
 • **pursue crime** bűncselekményeket követ el, bűnöző tevékenységet folytat
racketeering *fn* gengszterség, megzsarolás (üzletembereké)
ratify *ige* ratifikál
rectify (shortcomings) *ige* kijavít (hibákat), pótol (hiányosságokat)
reprisal *fn* megtorlás, megtorló intézkedés, szankció
rescission *fn* érvénytelenítés, felbontás
semen *fn* sperma
sexual assault *fn* szemérem elleni erőszakos bűncselekmény
specific performance szerződés szerinti teljesítés
 • **decree of specific performance** szerződés teljesítésének bírósági elrendelése
standard *fn* szabvány, előírás
 • **international standard** nemzetközi szabvány, előírás
superintendent *fn* felügyelő, ellenőr, igazgató
 • **Police Superintendent** *fn* (kerületi), megyei rendőrfőnök (USA)
syndicate *fn* szindikátus
youth offending team *fn* fiatalok elkövetőkkel foglalkozó munkacsoport

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