CONVERSATION AND DISCUSSION

COURTS AND TRIALS

THEMATIC VOCABULARY

1. **Courts:** trial courts, common pleas courts, municipal and county courts, mayors' courts, courts of claims, courts of appeals, the State Supreme Court.

The Federal courts, district courts, the US Supreme Court, juvenile court.

- 2. Cases: lawsuit, civil cases, criminal cases, framed-up cases.
- 3. Offences: felony, misdemeanour, murder, manslaughter, homicide, rape, assault, arson, robbery, burglary, theft/larceny, kidnapping, embezzlement, bribery, forgery, fraud, swindling, perjury, slander, blackmail, abuse of power, disorderly conduct, speeding, petty offence, house-breaking, shoplifting, mugging, contempt of court, subpoena.
- 4. Participants of the legal procedure: 1) parties to a lawsuit: claimant/plaintiff (in a civil case); defendant, offender (first/repeat); attorney for the plaintiff (in a civil case); prosecutor (criminal); attorney for defence; 2) jury, Grand jury, to serve on a jury, to swear the jury, to convene; 3) witness a credible witness; 4) a probation officer: 5) bailiff.
- 5. Legal procedure: to file a complaint/a countercomplaint, to answer/challenge the complaint; to notify the defendant of the lawsuit; to issue sinb a summons; to issue a warrant of arrest (a search warrant); to indict smb for felony; to bring lawsuit; to take legal actions; to bring the case to court; to bring criminal prosecution; to make an opening statement; the prosecution; the defence; to examine a witness direct examination, cross-examination; to present evidence (direct, circumstantial, relevant, material, incompetent, irrelevant, admissible, inadmissible, corroborative, irrefutable, presumptive, documentary); to register (to rule out, to sustain) an objection; circumstances (aggravating, circumstantial, extenuating); to detain a person, detention; to go before the court.
- 6. **Penalties or sentences:** bail, to release smb on bail; to bring in (to return, to give) a verdict of guilty/not guilty; a jail sentence; send smb to the penitentiary/jail; to impose a sentence on smb; to serve a sentence; a penitentiary term a term of imprisonment (life, from 25 years to a few months imprisonment); hard labor, manual labor; probation, to be on probation, to place an offender on probation, to grant

probation/parole; parole, to release smb on parole, to be eligible for parole.

7. **A court-room:** the judge's bench, the jury box; the dock, the witness' stand/box; the public gallery.

Crime and Punishment

1. CRIME. Put each of the following words and phrases into its correct place in the passage below.

bigamy	civil	classes	community
countries	crimes	criminal law	felony
fine	forgery	laws	life imprisonment
misdemeanour	offences	penalty	person
prison	state	term	treason

Crime

Crime violates the laws of a community,.....or nation.

It is punishable in accordance with these......

The definition of crime varies according to time and place, but the laws of most.....consider as crimes such..... as prison....., burglary,....., murder, and

Not all offences against the law are The laws that set down the punishments for crimes from the

This law defines as crimes those offences considered most harmful to the On the other hand, a may wrong someone else in some other way that offends the..... law.

The common law recognizes three of crime: treason, and misdemeanour. Death or is the usual ... for treason. Laws in the United States, for example, define a felony as a crime that is punishable by a of one year or more in a state or federal A person who commits a may be punished by a or a jail term of less than one year.

2. LAW BREAKERS. Give the name of the defined law breaker.

1.	steals	a	
2.	steals purses and wallets	a	_ k
3.	gets money by threatening		
	to disclose personal information	a	k

5. 6. 7. 8. 9. 10.	paying kills peop steals fro steals fro takes peo steals gov willfully	ngs from a shop withouses or offices m houses or offices m banks or trains ople hostage for a ransvernment secrets destroys property llegally while being	2 2 3 3 5 6 7 8 8 8 8 8 8 8 8 8 8 8 8 8 8 8 8 8 8	ii nr ng nb
3. 1	3. TRIAL. If you commit a crime you may be:			
arr cha con int pan ser sus tric Pu	t these act	n ions in the correct orde E NT . Put each of the follo		phrases into its correct
aco con juo leg	cused urt lge islature nel	acquit cross-examinations jurors	civil suits fault jury money swear	counsel guilty legal disputes officer testimony

Trial by Jury

A jury is a selected group of laymen that hears the in and decides the facts. A courtroom trial in which a decides the facts is called a by jury.

Before each term, a jury commissioner or another public prepares a panel, or large initial of qualified jurors. For each trial, are selected by lot from this Before the trial begins, the jurors to decide the facts fairly. They hear the given by witnesses for both sides, including Then for each side sum up, or summarize the case, and the explains the applicable law in his instructions to the jury.

In for financial damages, the jury must decide who is at and must determine the amount of to be paid. In criminal cases, the jury must decide whether or not the is guilty "beyond a reasonable doubt", and then either return a verdict of guilty, or the defendant by a verdict of not guilty. If the verdict is the judge imposes the ,or punishment, within limits that have been fixed by the

Law Breakers. Choose the right answer.

- 1. The spy the desk in an attempt to find the secret documents.

 a) invaded b) kidnapped c) looted d) ransacked
- 2. The safe deposit box a high-pitched sound when it was moved.
 - a) ejected b) emitted c) expelled d) excluded
 - 3. He his fist and threatened to hit me.
 - a) clenched b) clutched c) grabbed d) gripped
 - 4. Thieves got away with a of jewellery worth thousands of pounds.
 - a) catch b) haul c) loot d) snatch
 - 5. The burglar's presence was betrayed by a floorboard.
 - a) cracking b) creaking c) crunching d) groaning
 - 6. Smugglers consistently import regulations.
 - a) break b) flaunt c) float d) flout
 - 7. Luckily my wallet was handed in to the police with its contents
 - a) contained b) intact c) missing d) preserved
 - 8. The intruder was badly by the guard dog in the palace garden.
 a) damaged b) eaten c) mauled d) violated
 - 9. When the police examined the house they found that the lock had been... with.
 - a) broken b) hindered c) tampered d) touched
 - 10. The hooligan the money out of my hand and ran away.
 - a) grasped b) gripped c) snatched d) withdrew

5. POLICE AND CRIME

break in/break into sthg	Burglars <i>broke in</i> while we were out and stole \$1000.
break out/break out of sthg	Six prisoners managed to break out and run off.
bump sbdy off (slang)	Who do the police think <i>bumped</i> Mr Big <i>off</i> ?
eatch sbdy out	The police <i>caught</i> him <i>out</i> when he said he was at the cinema: it was
do away with sbdy (slang)	closed at the time. Someone's <i>done away with</i> him: he's been shot.
do sbdy in (slang)	Ted couldn't have <i>done</i> him <i>in.</i> He didn't have a gun.
do sbdy out of sthg	Katie was <i>done out of</i> \$20 by the dishonest salesman.
get away with (a crime, etc.)	'You'll never <i>get away with</i> it,' Tom told the kidnapper.
get off with (a warning, etc.)	He's lucky to get off with a warn-
give oneself up	ing and not be fined. The criminals <i>gave</i> themselves <i>up</i>
go for sbdy	to the police. I was so angry that I <i>went for</i> the burglars with a stick.
hold sbdy up	The gang took out their guns and held us up.
let sbdy off	The judge <i>let</i> Mary <i>off</i> as no one
look into sthg	had proved her guilty. The police are <i>looking into</i> the case
make off with sthg	of the missing ring. The thieves opened the safe and made off with \$1000.

1 Read the sentences below. Inspector Sharp is talking to a newspaper reporter.

Inspector Sharp

Someone has murdered Mr Sims.

We have no definite knowledge of who killed him.

However, Mr Sims cheated Bill Low out of a large amount of money. If it's Bill Low, we don't expect he'll surrender to the authorities without a fight.

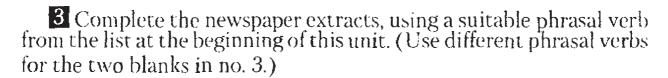
He attacked a policeman once.

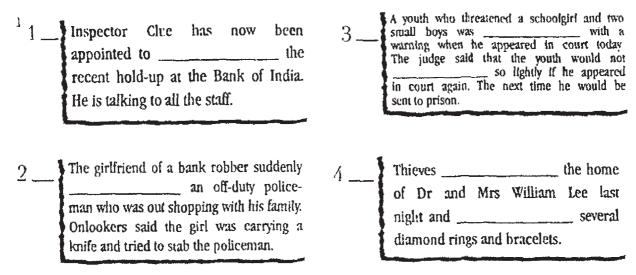
Rig Ing

He even escaped with the policeman's gun.

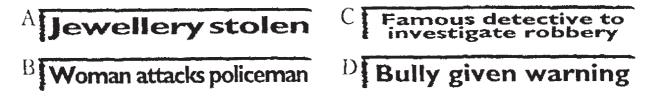
Now read the following sentences. Big Joe, a well-known criminal, is talking to one of his friends. Although Big Joe gives the same information as the inspector, he uses slang and colloquial English. Complete the longer blanks with appropriate verbs and the shorter blanks with particles.

D	18J00					
I' B It E H	ve got n But old S f it's Bill Ie ⁵ Ie even ⁶ _	io idea who sims³ , he won't⁴_ a pol	iceman once. the police	n elf eman's g		
tenc	What es, using	do y <mark>ou thi</mark> r ga phrasal v	nk is happeni erb from the	ng in e a list belo	ach picture? Wi ow.	rite sen-
b	reak in	hold up	break out	make	off with	
1	200	BA NOW YOU				
2	STORE .					
G.C.	C E					
4	PO CO	C Sol				





Now match the headlines with the extracts. Write the letter of the headline in the space by each article.



6. Study the following text. a) Extract the necessary information about law enforcement in the USA:

A criminal case begins when a person goes to court and files a complaint that another person has committed an offence. This is followed by issuing either an arrest warrant or a summons. A criminal case is started when an indictment is returned by a grand jury before anything else happens in the case. Indictments most often are felony accusations against persons who have been arrested and referred to the grand jury. After an accused is indicted, he is brought into court and is told about the nature of the charge against him and asked to plead. He can plead guilty, which is the admission that he committed the crime and can be sentenced without a trial. He can plead not guilty and be tried.

As a general rule the parties to civil suits and defendants in criminal cases are entitled to trial by jury of 12 jurors. But a jury is not provided unless it is demanded in writing in advance of the trial; in this case a civil or a criminal case is trial to the judge alone, greater criminal cases are tried to a three-judge panel.

In trial by the jury the attorneys for each party make their opening statements. The prosecution presents its evidence based on the criminal investigation of the case.

The attorney for the defence pleads the case of the accused, examines his witnesses and cross-examines the witnesses for the prosecution. Both, the prosecution and the defence, try to convince the jury. When all the evidence is in, the attorneys make their closing arguments to the jury with the prosecutor going first. Both attorneys try to show the evidence in the most favourable light for their sides. But if one of them uses improper material in his final argument the opponent may object, the objection may be ruled out by the judge who will instruct the jury to disregard what was said or may be sustained. After this the judge proceeds to instruct the jury on its duty and the jury retires to the jury room to consider the verdict. In civil cases at least three-fourths of the jurors must agree on the verdict. In a criminal case there must not be any reasonable doubt as to the guilt of the accused, the verdict must be unanimous.

The next stage is for the judge to decide, in case of a verdict of guilty, what sentence to impose on the convict.

- b) Use the material of the text and the thematic vocabulary in answering the following questions:
- 1. Who are the participants in the legal procedure? 2. In what way does a legal procedure start a) in civil cases, b) in criminal cases? 3. Describe the procedure of the trial in the American court of common pleas. 4. What kind of offences are known to you? Specify the felony and misdemeanor. 5. What penalties and sentences are imposed in the US courts?
- 7. Juvenile delinquency is an issue about which people all over the world are concerned.
- a) Read the extracts given below which present information on the gravity of the problem:
- a) Youth gangs have been a part of Los Angeles since the fifties. Back then their activities were largely confined to petty crimes and small-scale marijuana dealing. But lately the numbers of gangs have become staggering totalling from about 5,000 members lo 10,000. Almost all the gangs are involved in the cocaine trade. "A typical gang

might have 200 kids from 13 to 26 years of age." says Steven Strong, the L.A. Police department's detective. "Two weeks ago 30-year-old David Thompson and his wife were stopped by three armed teenagers, who rushed the couple, robbed them and then casually shot Thompson in the head. The gang members pushed the dying man's wife out of the car, got in and drove away."

- b) Every night and in many areas day and night, thousands of police cars patrol the streets of American towns. The list of crimes starts with petty crimes, goes through house-breaking, shoplifting, mugging to be topped by homicide. Entire neighbourhoods are terrorized by mobsters and thugs, many of them are quite young.
- c) Just think about how teenagers run away from homes, their own, from caring as it seems mothers, fathers, grandmothers. Why do they choose to look and act aggressive and tough? Take rockers who startle passers-by by the flashing lights of their roaring night motorbikes. Why do they, with their high-school background, have such a lack of thoughtfulness? Self-assertion? Then why at other people's expense?
- b) Pair work. Team up with another student, work out the reasons for juvenile delinquency as they are presented in the extract and discuss the extracts in pairs.
- c) Speak about the social background of juvenile delinquency and its role in contributing to the crime rate. Consider the following:
- 1. Are juvenile offenders usually found among children from broken homes or large unhappy poor families? 2. Is being unemployed an important enough reason to push somebody onto the path of crime? 3. What would you say about disillusionment, loss of faith in the surrounding grown-up world as a possible reason for juvenile delinquency? 4. Speak on the vital role of drug addiction and alcohol consumption in the growing crime rate in general and in juvenile delinquency in particular.
- 8. Below is an interview with a judge on crime and punishment. The judge says why he gives help in some cases and punishment in others.
- a) Work in groups of 3 or 4 and assign different opinions on the problem of the punishment to each member of the group:

Interviewer. Are there ever times when you just feel desperate, you know, you realize there's absolutely nothing that can be done for this person?

Judge: Oh, yes, very often.

Interviewer. And what do you do in such cases?

Judge: Well, it depends how anti-social their action has been. If a person needs help one wants to give it to him or her, but on the other hand you always have to consider at the same time: the effect on society in general of too much kindness to too many people.

Interviewer: You mean if such a person were let free he might cause far more trouble to other people than he could cause to himself while he's inside prison.

Judge: Yes, indeed. And also if people were never punished I think undoubtedly crime would increase.

- b. Now discuss the issue with other members of the small group using the arguments you have prepared. Do your best to support those who share a similar point of view and try to dissuade those who don't agree with you. (Use clichés of persuasion, agreement/disagreement.)
- 9. In arguments involving suggestions, partial agreement and disagreement certain functional phrases of attack and response are used. The tactics of attack may be tentative or direct.
- a) As yoy read the extracts below pay attention to the difference between the two:
- Isn't it just possible that new evidence will throw quite a different light on the case?
- Might it not be true that the boy didn't mean any harm. (*tenta-tive*)
- Surely you'd admit that the offender has violated the basic principle. (*direct*)
- Don't you think that the prosecutor has built his case on the erroneous assumption? (direct)
 - All of these things are racial slurs, aren't they? (direct)
- b) Complete each of the following conversations below by supplementing the appropriate tactics of attack of the first speaker:
 - 1. ... Possibly (may be so) I'd agree with you to a certain extent.
 - 2. ... I see your point.

- 3. ... That may well be.
- 4. ... I see what you mean, but...
- c) As you read the text below note down the functional phrases of attack and response:
- Juror 1: It's a tough decision to make, isn't it? Don't you think that it's an awful responsibility to have the future of that lad in our hands? I feel so sorry for him, he's not yet 21.
- Juror 2: Come off it! You can't be serious! He didn't just take the money, he also beat up the old lady. He's guilty, it's written all over his face. It's our social duty to keep our streets safe at night.
- Juror 3: I agree with your last statement, but surely you admit the evidence for convicting this young man is rather flimsy? Wouldn't you say that we need something more definite?
- Juror 2: Ideally that's quite true, but there weren't any other witnesses. As I see it he had the motive, he has no alibi and the old lady recognized him...
- Juror 1: Hang on a minute. I'd like to point out that she only thought she recognized him. Isn't it just possible that a scared old lady of 76 could have been mistaken?
- Juror 2: Fair enough, but it's all we have to go on. All the fingers seem to point at him.
- Juror 3: That may well be, but strong suspicion isn't enough to put someone away in prison. If you ask me, even if he is guilty, the shock of arrest and coming to trial will be enough to stop him making the same mistake again.
- Juror 4: I see what you mean, but the punishment's not our problem. We're here only to decide whether he's guilty or not. And the point is he was carrying a knife when the police picked him up, wasn't he?
- d) Act out the situation similar to the one given above. Use various tactics of attack and response.

10. Panel discussion:

Suppose the fundamentals of a new criminal code of Russia are being worked out. Six experts are invited to a panel discussion to your University. They are Dr. Kelina (LL.D.), a leading researcher with the Institute of State and Law of the Russian Academy of Sciences, Dr. Orlov (LL.D.), the same Institute, Dr. Stern (LL.D.), professor of the Cincinnati University, Mr D. Fokin, a people's assessor, Mr S. Panin, a people's judge and a criminal reporter for the national newspaper.

- a) Open group discussion. Describe the members of the panel and elect the chairperson.
 - b) Split Into groups of 5-6 students and assign the roles of the panel.
- c) Before the beginning of the panel read the following selections carefully and extract the necessary information:
- It's a time-honoured misconception that the stricter the punishment, the lesser the crime rate. This misconception has long been debated by history and science. Law cannot, and must not take revenge: punishment is not an end in itself, but a means of restoring social justice. It's a tool for re-education. This concept should form the guidelines of the new legislation.
- Law is developing: it has no impunity in the court of time. A number of offences should be altogether excluded from the criminal law since administrative measures are quite sufficient against them. Say a driver violates some traffic regulations, and in the accident no one is hurt...
- Unjust law warps and handicaps a nation's morale. Remember when in the not-so-distant past families of the "enemies of the people" hurriedly renounced their relations fully aware that the charges were false.
- We used to say that we had neither drug addiction nor prostitution. As long as there were no such problems any legal responsibility was out of the question. Now it is widely claimed that we need criminal laws against both drug addiction and prostitution.
- Could we make, say, prostitution a criminal offence? What could the evidence be? Who could bear witness?
- The violation of law would be extremely difficult to prove and the punishment would necessarily be selective.
- Some would be charged, others would be spared, and a selective application of law is arbitrary rule.
- But the real problem is elsewhere. Is immorality a breach of law? Don't we have to distinguish between a moral and a criminal

code? I think we must be weary of the naive desire to make law relieve us of the pains of responsible choice. If every act were dictated by an article of the Criminal Code, rather than one's conscience and moral sense, human beings would become legal objects.

- Prostitution should be fought but the judges should be kept out of it.
- Drug addiction should not entail legal prosecution. Otherwise we may be in for disastrous consequences. People would be afraid to solicit medical help; it would be an impenetrable wall between the drug addicts and those who are able to save them.
 - Are changes to come in the types of punishment?
- The reformatory function of jail is little more than fiction. Rather the opposite is true. The first "jolt" makes an inveterate criminal who won't stay in society for long.
- Even in an ideal penitentiary if such could be imagined serving one's time causes serious problems. A cooped-up individual loses friends, family, profession, familiar environment and finds himself or herself a member of a group that is anything but healthy.
- But that's not the whole story. Imprisonment, particularly if it is prolonged, undermines one's capacity to make decisions, to control oneself. Set free after long years in jail, one is unfit for freedom, normal life seems incomprehensible and unbearable. One might be unconsciously drawn to the habitual way of life. Around 30 per cent of former inmates are brought back behind bars after new offences, and half of them during their first year at large.
- According to sociologists, less than 5 per cent of those sentenced for the first time consider their life in the colony as "normal", whereas the correspondent figure for those serving a second sentence (or more) is 40 per cent.
- New penitentiary principles must be introduced. It is real as well as imperative. I believe the solution lies with a differentiation between convicts and separate confinement according to different categories. First time offenders should be kept separately from those with long "case histories"; convicts serving time for particularly grave crimes must not mix with petty delinquents.
- Another urgent problem is that of the maximum term of confinement. Scholars propose that the maximum serving time envisaged by the code and by each article be reduced.
- The legal profession and sociologists know that the arrest itself, the curtailing of personal freedom, is increasingly perceived as the greatest shock by the offender. It is a traumatic, shameful psycholog-

ical experience. Hence, petty delinquency, such as hooliganism, should entail not a year or two in jail but up to 6 months in a detention home.

11. Get ready to act out a scene from the film Witness For The Prosecution

WITNESS FOR THE PROSECUTION

(The extract below is taken from the script "Witness for the Prosecution" which is an adaptation of Agatha Christie's story of the same name.)

Characters

Leonard Stephen Vole: a handsome young man of about thirty, Sir Wilfred Rohart: Leonard Vole's Counsel for the Defence, one of the finest and most experienced barristers¹ in London

Mayherne: Leonard Vole's solicitor2

- 1. **barrister** In England and Wales, a barrister is a lawyer who represents clients in the higher courts of law
- 2. **solicitor** In Britain, a solicitor is a lawyer who gives legal advice, prepares legal documents and cases, and represents clients in the lower courts of law.

Scene One

(In Sir Wilfred's office. Mr. Mayherne and his client, Leonard Vole. come to Sir Wilfred's office. Mr. Mayherne urges Sir Wilfred to take up the case of Leonard Vole, who may be arrested any minute on the charge of murdering Mrs. Emily French. Mrs. Emily French, a wealthy widow, was murdered two days ago. Mrs. French left 80,000 to Leonard Vole. Leonard Vole had visited Mrs. French earlier in the evening on the night of the murder. It is quite obvious that he is regarded as the principal and logical suspect in the case.

Sir Wilfred hesitates — he has not yet recovered from a serious heart attack, with which he has been laid up in hospital for two months. The doctors have forbidden him to take up criminal cases. Miss Plimsoll, a trained nurse, sees to it that he follows the doctors' instructions. There-

fore Sir Wilfred refuses to take Leonard Vole's case. He starts to go up to his bedroom — he has to have an after-lunch nap. Suddenly he sees two cigars in Mr Mayherne's vest pocket. He is tempted — he is not allowed to smoke. He returns and invites Mayherne into his study. saying he would like to give him a word of advice.)

Mayherne: It's the case of Mrs Emily French. You've probably seen the reports in the press. She was a middle-aged widow, rather well-off, living with a housekeeper at Hampstead. Mr Vole had been with her earlier in the evening. When the housekeeper returned from her day off, she found her mistress dead, struck on the back of the head and killed.

Sir Wilfred: I see.

Mayherne: Vole seems a harmless chap caught in the web of circumstantial evidence. Perhaps if I were to give you more of the details you might suggest the strongest line of defence.

Sir Wilfred: Probably I'd think better if you gave me one of those cigars.

Mayherne (giving him a cigar): Of course, there are no previous convictions naturally. He's a man of good character with an excellent war record. You'd like him a lot.

Sir Wilfred: Give me a light, please.

Mayherne: I am sorry I haven't got any matches. Let me get you some. (Starting for the door): Mr Vole may have some matches.

Sir Wilfred: Lord, no. You don't know Miss Plimsoll. This will take all our cunning. (Opening the door, to Leonard Vole): Young man, come here, please. Your solicitor and I feel you may be able to enlighten me on a rather important point.

(Vole comes in.)

Sir Wilfred: Give me a match.

Vole: Sorry, I never carry them.

Sir Wilfred: What? (To Mayherne): You said I'd like him.

Vole: But I do have a lighter.

Sir Wilfred: You are quite right, Mayherne, I do like him. (Returning the lighter): Thank you. Can you imagine Miss Plimsoll's face if she saw me now!

Vole: Then let's make absolutely sure that she doesn't. (He turns the key in the lock.)

Sir Wilfred: Splendid! All the instincts of a skilled criminal.

Vole (smiling): Thank you, sir.

Sir Wilfred: Sit here. Young man, you may or may not have murdered a middle-aged widow, but you've certainly saved the life of an elderly barrister.

Vole: I haven't murdered anybody. It's absurd! Christine, tha't's my wife, she thought I might be implicated and that I needed a law-yer. That's why I went to see Mr Mayherne. Now he thinks he needs a lawyer and now I have two lawyers. It's rather silly, don't you think?

Mayherne: Vole, I am a solicitor. Sir Wilfred is a barrister.

Only a barrister can actually plead a case in court.

Vole: Oh, I see. Well, I saw in a paper that poor Mrs French had been found dead with her head bashed in. It was also said in the papers that the police were very anxious to interview me since I visited Mrs French that evening. So naturally I went along to the police station.

Sir Wilfred: Did they caution you?

Vole: I don't quite know. They asked me if I'd like to make a statement and said they'd write it down and that it might be used against me in court. Were they cautioning me?

Sir Wilfred: Well, it can't be helped now.

Vole: They were very polite. They seemed quite satisfied.

Mayherne: They seemed satisfied. Mr Vole, you think you made a statement and that's the end of it. Isn't it obvious to you, Mr Vole, that you will be regarded as the principal and logical suspect in this case? I am very much afraid you'll be arrested.

Vole: But I 've done nothing. Why should I be arrested?

Mayherne: Relax, Mr Vole. I am putting you in the hands of the finest and most experienced barrister in London.

Sir Wilfred: No, Mayherne, let's get this straight. I may have done something highly unethical. I've taken your cigar. I am not taking your case. I can't, it's forbidden. My doctors would never allow it. (To Vole): I am truly sorry, young man. However, if you'd like the case handled by someone of these chambers I recommend Mr Brogan-Moore. (To Mayherne): You know Brogan-Moore?

Mayherne: Yes, I do, a very able man. I second Sir Wilfred's recommendation.

Vole: All right, sir, if you say so.