

**МІНІСТЕРСТВО ОСВІТИ І НАУКИ УКРАЇНИ  
ЧЕРНІГІВСЬКИЙ НАЦІОНАЛЬНИЙ ТЕХНОЛОГІЧНИЙ УНІВЕРСИТЕТ**

**English for Law Enforcement**

Методичні вказівки до практичних занять  
з англійської мови (за професійним спрямуванням)  
для студентів спеціальності 262 «Правоохоронна діяльність»

II частина

Затверджено на засіданні  
кафедри іноземних мов  
професійного спрямування  
*Протокол №7*  
*від “19” грудня 2018 р.*

Чернігів 2018

## Іноземна мова за професійним спрямуванням

English for Law Enforcement. Методичні вказівки до практичних занять з англійської мови (за професійним спрямуванням) для студентів спеціальності 262 «Правоохоронна діяльність» II частина / Укл.: Шевченко Ю.В. – Чернігів: ЧНТУ, 2018. – с. 57

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## ВСТУП

Методичні вказівки призначені для проведення практичних занять зі студентами спеціальності 262 “Правоохоронна діяльність” та укладені відповідно до чинної робочої програми з дисципліни “Іноземна мова (за професійним спрямуванням)”.

Мета методичних вказівок – сприяти формуванню професійно-орієнтованої іншомовної компетенції в читанні, усному і писемному мовленні, що здійснюється в межах ситуативного професійного контексту.

Методичні вказівки містять 6 модулів, в які входять 12 тем із текстами для читання, завданнями для перевірки прочитаного, лексичними та граматичними вправами, завданнями на розвиток умінь усного мовлення та письма. Граматичні вправи розроблені на лексичному матеріалі з фаху. Підібраний текстовий матеріал є органічним компонентом професійної підготовки студентів спеціальності 262 “Правоохоронна діяльність”. Різноманітність та варіативність завдань сприятимуть реалізації диференційованого та індивідуального підходів до студентів. Фахові тексти та система вправ допоможуть майбутнім правоохоронцям оволодіти відповідною термінологічною лексикою, підготують їх до спілкування іноземною мовою у професійному середовищі.

## Module 7. Constitutional Law

### Unit 1. The Nature of Constitutional Law

#### 1.1 Read the definition given below and add one sentence of your own

*Constitution is defined as a set of basic laws and principles that a country is governed by.*

#### 1.1.1 Match the following English words and expressions with their Ukrainian equivalents:

|                          |                           |
|--------------------------|---------------------------|
| 1) implementation        | a) трактування            |
| 2) interpretation        | b) впровадження           |
| 3) to maintain           | c) впливати               |
| 4) mandatory             | d) законодавство          |
| 5) citizen               | e) здійснювати правосуддя |
| 6) to administer justice | f) обов'язковий           |
| 7) legislature           | g) забезпечувати          |
| 8) to influence          | h) громадянин             |
| 9) circumstances         | i) умови                  |
| 10) conformity           | j) відповідність          |

#### 1.1.2 Read the text to understand what information is of primary importance or new for you

### CONSTITUTIONAL LAW: OUTLINE OF HISTORY AND DEVELOPMENT

We may begin by asking the question: "What is constitutional law and what part does it play in our constitution?" One motive for seeking a definition of constitutional law is simply to settle conventional questions of usage within the legal system for purposes of exposition: to mark, for example, the boundaries of constitutional law and administrative law, or public law and private law. Another point of asking this question is to establish the existence of clear distinction between

rules of strict law and rules established by political practice or constitutional convention.

So, constitutional law is the law which establishes, empowers and regulates institutions of government. Simple as it may seem, there is a complication because constitution has three meanings. First, it means all the laws regulating government. From this first meaning comes a second meaning where constitution refers to a system of government. Finally, constitution is used in a narrow sense to mean a document or statute, called “Constitution” containing basic constitutional rules.

The concept of constitution was first outlined in Aristotle’s classification of governments identified with constitution. He believed that the best form of constitution is the combination of monarchy, aristocracy and democracy so that citizens could realize their rights and carry out the duties for the benefit of the whole society.

The modern ideological roots of the idea of constitutional law are connected with the names of Thomas Hobbes, John Locke and other scholars who claimed the concept of concentration of powers and separation of powers and developed the notion of social contract. According to the above-mentioned notion, people in society willingly give up absolute freedom for sake of security and prevention of rule of “the law of the jungle” (the principle that only the strongest will survive).

The works of these philosophers influenced upon the authors of the US Constitution and the French Declaration of the Rights of Man and the Citizen.

As the constitution is the framework for government then constitutional law is the study of foundational laws of nation states. Constitutions may limit or define the authority and procedure of political bodies to provide for enforcement of new laws and regulations.

Constitutional law is the body of law governing the implementation and interpretation of the constitution. It defines the range and application of the terms of the Constitution and covers fundamental aspects of the application of government authority in the nation states. It is a field of law that is both complex and broad. Some constitutional lawyers maintain that the Constitution purposely remains vague and subject to interpretation so that it may be adopted to the circumstances of a changing society. Other constitutional scholars however, maintain that the provisions of the Constitution should be strictly construed and their provisions applied in a very literal manner.

Constitution is usually understood as the main formal document of the state but, of course, dealing with constitutional law the constitutional lawyer must not only consider constitutional history and political practice but also conventions of various kinds that are closely linked with the constitution itself.

**1.1.4 Answer the questions:**

1. What are the motives for seeking the definition of constitutional law?
2. What form of government was the best possible, according to Aristotle?
3. Why is this field of law broad and complex?
4. What two points of view of the constitution are mentioned in the text?
5. Why does a constitutional lawyer have to take into consideration the existing conventions and extralegal rules?

*Vocabulary practice*

**1.2 Translate into Ukrainian:**

the boundaries of constitutional law, distinction between rules, political practice, classification of forms of governments, the notion of social contract, “the law of the jungle”, foundational laws of nation states, enforcement of new laws and regulations, application of the terms, subject to interpretation, the main formal document of the state.

**1.2.1 Define the meaning of the word combinations:**

Legal provision

Legal system

**1.2.2 Choose the word on the right that is associated with the word on the left:**

Definition – term, exposition, custom

Constitution – work, document, tradition

Democracy – convention, custom, government

Provision – article, subject, influence

Enforcement – authority, court, regulation

Scholar – school, scientist, circumstances

**1.2.3 State the part of speech for the following words and use them in the word combinations of your own:**

to constitute, constitution, constitutional, unconstitutional, constitutionally, constitutionality.

**1.2.4 Put in the missing prepositions:**

1. These provisions of the Constitution are not subject ... amendment. 2. The main sources ... English constitutional law are statutes and judicial precedents. 3. According ... the Constitution, the Prime Minister carries ... the domestic policy of the state. 4. The procedure ... conducting elections of the President of Ukraine is established ...law. 5. The Verkhovna Rada of Ukraine assembles ... its first session no later than ... the thirtieth day... the official announcement ... the election results.

*Speaking*

**1.3 Work in pairs and discuss the following**

1. How does constitutional meaning shift with other changes in political structure?
2. In what ways are rights and freedoms of people embodied in constitutions?

*Grammar Focus*

**1.4 Open the brackets putting the verbs in the appropriate form (Present Indefinite, Present Continuous, Past Indefinite, Future Indefinite, Future Continuous)**

1. They (to want) to be judges. 2. Experts (to examine) the fingerprints now. 3. The police (to make) inquires every day. 4. Look, the suspect (to enter) the shop now. 4. He often (to interview) the suspects. 5. She (to work) as a lawyer. 6. When we (to come) into the room, the last meeting of the Supreme Court had already finished. 5. He had accepted any possible penalty when the officer (to start) to tell him of his rights. 6. If you need to contact the Dean he (to stay) in the office until nine. 7. Tomorrow afternoon we are going to the Prosecutor's Training Institute. Thus at 3.30 we (to take) an entrance examination. 8. Next year he (to become) a postgraduate student. 9. This year there (to be) 2,500 graduates of the National Law Academy. 10. After the graduating from the Academy I (to pass) an individual procedure to become a defense lawyer.

## **Unit 2.Types and Functions of Constitutions**

### **2.1 Answer the questions:**

1. What is the role of the constitution in establishing state and legal structure?
2. What is the role of the constitution in protection human rights?
3. What types of constitutions do you know?

### **2.1.1 Match the following English words and expressions with their Ukrainian equivalents:**

|                                |                            |
|--------------------------------|----------------------------|
| 1) authority                   | a) змінювати               |
| 2) to alter                    | b) повноваження            |
| 3) unrestricted authority      | c) необмежені повноваження |
| 4) mandatory                   | d) визначати               |
| 5) to identify                 | e) судочинство             |
| 6) judiciary                   | f) обов'язковий            |
| 7) law-enforcement authorities | g) правоохоронні органи    |
| 8) lawful authority            | h) законна влада           |

### **1.1.2 Read the text to understand what information is of primary importance or new for you**

#### **TYPES AND FUNCTIONS OF CONSTITUTIONS**

Constitutions are the framework for government and may limit or define the authority and procedure of political bodies to execute new laws and regulations. Not all nation states have codified constitutions though all law-governed states have law of land consisting of various imperative and consensual rules. They may include common law, conventions, statutory law and international rules.

Codified constitutions are considered rulemaking fundamentals, or rules about making rules to exercise power. They govern the relationships among the judiciary, the legislature and the executive bodies. One of the key tasks of constitutions within this context is to indicate hierarchies of power. For example, in a unitary state the constitution will vest ultimate authority in the central administration and legislature, and judiciary, though there is often a delegation of authority to local or municipal

bodies. When a constitution establishes a federal state it will identify several levels government coexisting with exclusive or shared areas of jurisdiction over lawmaking, application and enforcement.

Human rights or liberties for citizens form a crucial part of a country's constitution and govern the rights of the individual against the state. Most jurisdictions, like the United States, Ukraine and France, have a single codified constitution. A recent example is the Charter of Fundamental Rights of the European Union, which was intended to be included in the Treaty establishing a Constitution of Europe.

Some countries, like the United Kingdom, have no entrenched document setting out the fundamental rights – in this jurisdiction the constitution is composed of statute, case law and convention. Inspired by a famous philosopher John Locke, the fundamental constitutional principle is that the individual can do anything but that is forbidden by law, while state may do nothing but that is which authorized by law.

The function of codified constitution is also to describe the procedure by which parliaments may legislate. For instance, special majorities may be required to alter the constitution. In two-chamber legislatures there may be a process laid out for second or third readings of bills before a new law can be passed.

### **1.1.3 Answer the following questions:**

1. Do all state nations have codified constitutions?
2. In what way does a constitution defend human rights?
3. What is jurisdiction of the UK composed of?
4. What is one of the fundamental constitutional principles?
5. How can you describe the role of the constitution in establishing central-local relations of authorized bodies in a unitary state?

### ***Vocabulary practice***

#### **1.2 Match the words:**

|                |           |
|----------------|-----------|
| To interpret   | state     |
| Appellate      | of powers |
| Constitutional | law       |
| Legal          | Court     |
| Bill           | courts    |

|            |               |
|------------|---------------|
| The form   | of Rights     |
| Rights     | provision     |
| Separation | and freedoms  |
| Nation     | branch        |
| Judicial   | of government |

**1.2.1 Join the English expressions containing the term “authority” with their Ukrainian equivalents:**

|                             |                               |
|-----------------------------|-------------------------------|
| Law-enforcement authorities | влада парламенту              |
| Lawful authority            | підривати авторитет           |
| To abuse one’s authority    | законна влада                 |
| The authority of Parliament | передавати повноваження       |
| To delegate one’s authority | правоохоронні органи          |
| Unrestricted authority      | з надійних джерел             |
| On good authority           | посилатися на надійні джерела |
| To quote one’s authority    | необмежені повноваження       |

**1.2.2 Translate into Ukrainian. Use these word combinations in sentences of your own:** key task, statutory law, special majorities, crucial part, forbidden by law, authorized by law, setting out the rights, imperative and consensual rule.

**1.2.3 Open the brackets choosing a suitable word**

1. Ukraine has a (democratic, federal) political system. 2. A President can (make, issue) orders without the (approval, adoption) of the Verkhovna Rada in some matters. 3. The people elects a president to a (four-year, five-year) term. 4. Ukrainian (16,18) years old or older may vote. 5. Ukraine is divided into (24,25) regions and the Crimea. 6. Rukh was established in (1989, 1990) and includes (several, two) political parties. 7. Citizens of Ukraine (perform, are free of) military services. 8. The amount of taxes and duties are determined by the (law, courts of general jurisdiction). 9. Citizens are equal before (the law, regional courts). 10. A president is elected (directly, secretly). 11. A president is elected by (the votes, the people’s deputies). 12. The constitution of Ukraine consists of 161 (chapters, articles).

### **1.2.5 Render the following text in English:**

Конституція – це головний закон держави, який визначає її суспільний устрій, порядок та принципи утворення представницьких органів влади, виборчу систему, основи права та обов'язки громадян. Конституція – це основа чинного законодавства.

Конституція – це сукупність актів та конституційних звичаїв, які проголошують права та свободи людини та громадянина, визначають форму керування та територіального устрою, основи організації центральних та місцевих органів влади.

Конституція є головним джерелом права у державі. Конституції розрізняють за формою на кодифіковані, некодифіковані та конституції змішаного типу; за засобом внесення змін на гнучкі та жорсткі; за терміном дії на постійні та тимчасові.

### ***Speaking***

#### **1.3 Comment the following saying by Friedrich Hayek**

*Liberty not only means that the individual has both the opportunity and the burden of choice; it also means that he must bear the consequences of his actions...Liberty and responsibility are inseparable.*

### ***Grammar focus***

#### **1.4 Make the following sentences interrogative and negative. Pay attention to Present Perfect**

Example: *I have received some information about the suspect. — Have I received any information about the suspect? — I have not received any information about the suspect.*

1. The expert has just examined his fingerprints.
2. I have questioned three witnesses but I do not have any useful information.
3. He has worked as a police officer here all his life.
4. The Parliament has passed an important law.
5. The police have found stolen things.
6. I have known the witness for a long time.

**1.4.1 Put questions to the words in italics:**

1. The police officer has not told *the criminal* of his right to remain silent.
2. *The Congress* has divided the country into 95 federal judicial districts.
3. The party has failed to carry out *its legal duty*.
4. If the parties have chosen a jury trial, *it begins with the selection of jurors*.
5. The judge has made an error *in interpreting the law*.
6. The parties have settled their civil case *out of court*.
7. They have considered *the sources of international law*.

**1.4.2 Choose the correct form (Present Perfect or Past Simple):**

1. The jury (did not determine/ hasn't determined) yet that he committed a crime.
2. The plaintiff (filed/ has filed) a complaint against the defendant a week ago.
3. The attorney (told/ has told) already a grand jury about the evidence.
4. The grand jury (issued/ has issued) a formal accusation the day before yesterday.
5. The defendant already (presented/ has presented) his most persuasive arguments.

**1.4.3 Open the brackets in appropriate form of the verb (Past Perfect or Past Indefinite) and open the brackets:**

1. The judges (to reach) a decision after he (to discuss) the case privately.
2. They (to finish) the examination when the chief expert (to ask) for the results.
3. By the time the train (to reach) the city, he (to receive) five calls informing him of robbery from the bank.
4. When we (to come) into the room, the last meeting of the Supreme Court (to finish).
5. He (to accept) any possible penalty when the police officer (to tell) him of his rights to address to a defense lawyer.

## Module 8. Judiciary

### Unit 1. Judicial System in Ukraine

#### 1.1 Answer the following questions:

1. What is a role of judicial system in any country?
2. What types of courts in our country do you know?
3. What people take part in judicial proceedings in Ukraine?

#### 1.1.1 Match the following English words and expressions with their Ukrainian equivalents:

|                          |                           |
|--------------------------|---------------------------|
| 1) appointment           | a) судові рішення         |
| 2) court decisions       | b) призначення            |
| 3) issues                | c) питання                |
| 4) mandatory             | d) обов'язковий           |
| 5) citizen               | e) здійснювати правосуддя |
| 6) to administer justice | f) обов'язковий           |
| 7) obligatory            | g) профспілки             |
| 8) trade unions          | h) громадянин             |
| 9) to resolve disputes   | i) вирішувати спори       |
| 10) conformity           | j) відповідність          |

#### 1.1.2 Think of the definition of the word 'judiciary' and decide in what meaning it can be used in the text

- a) judicial power
- b) judicial system
- c) court organization
- d) all the judges in a country who form part of the system of government.

#### 1.1.3 Read the text to understand what information is of primary importance or new for you

### JUDICIAL SYSTEM

Judicial power in Ukraine is based on the Constitution. It is an independent branch of state power created to solve legal problems between the state and citizens,

citizens and legal persons; to supervise over constitutionality of laws; to defend citizens' rights in their relations with bodies of state power and officials; to supervise citizens' rights in the course of investigating crimes and conducting operational search activity; to establish the most significant legal facts. Judicial power is realized by judges in the form of civil, criminal, economic, administrative as well as constitutional legal proceedings. Thus, judicial system is an aggregate of all existing courts in Ukraine. They have jurisdiction over all legal relations that appear in the state. The system provides availability of justice for every person. The courts interpret and apply the laws created according to the Constitution of Ukraine. Their decisions are made on behalf of Ukraine and are obligatory for enforcement on the entire territory of the country. Judicial proceedings are administered by the Constitutional Court of Ukraine and courts of general jurisdiction. The Constitutional Court of Ukraine is the sole body of constitutional jurisdiction. It decides on issues of conformity of laws and other legal acts with the Constitution and provides their official interpretation.

Courts of general jurisdiction form the common system of courts united by aims, tasks, principles of organization and activity, and are headed by the Supreme Court of Ukraine. They are set up according to principles of territoriality and specialization. General courts are local, appellate, Highest Specialized Courts, and the Supreme Court. Economic, administrative and some other courts are defined as specialized. The lowest courts are local which are courts of first instance or trial courts, decide different types of cases. The appellate courts hear appeals from the local ones. The Highest Specialized Courts deal with cassations and determine the legality and reasoning of the previous court judgments. The Supreme Court, the highest court in their system, administers justice, ensures equal application of legislation by all courts of general jurisdiction. The specialized courts of general jurisdiction consist of administrative and economic courts resolving disputes in the sphere of administrative and economic legal relations. Justice is administered by professional judges and, in cases determined by law, people's assessors and jurors. Judicial proceedings are administered by a judge personally, a board of judges or a jury.

A citizen of Ukraine of at least 25 years old, who has higher legal education and work experience in the sphere of law for not less than 3 years, has resided in Ukraine at least 10 years and speaks state language may be recommended by the

qualification commission for the position of a judge. The first appointment is made by the President for a five-year term. All other judges, except for judges of the Constitutional Court, are elected by the Verkhovna Rada for a lifetime. Professional judges must not belong to political parties and trade unions, occupy any other paid positions, and perform other paid work except scientific, teaching and creative activity.

**1.1.4 Read the following statements and decide if they are true or false.**

**Prove your answer with the information from the text above**

1. The judicial system consists of courts of general jurisdiction.
2. Court decisions are binding for everybody in Ukraine.
3. Trial courts can hear some types of appeal.
4. President appoints all judges.
5. Judges are allowed to take part in political activity.
6. Professional judges must not belong trade unions.

**1.1.5 Answer the following questions:**

1. What are the tasks of the judicial system?
2. What does the judicial system consist of?
3. What are the functions of courts?
4. Who can administer justice?
5. Who can become a judge?

***Vocabulary practice***

**1.2 Find in the text 1.1.3 legal terms which have the following meanings:**

1. A person with authority to hear and decide disputes brought before a court;
2. An application to a higher court to examine a case decided by a lower court;
3. The power of a court to hear and decide cases;
4. The process of settling a dispute by referring it to an independent third party for decision as an alternative to court proceedings;

**1.2.1 Read the sentences and fill in the gaps with the words and phrases given in the box. There are two extra ones you do not need to use**

court decision, jury, dispute, arbitration, trial judge, appeal, people's assessor, apply, punishment

1. The...was reduced to three years
2. She is not happy with the ..., and plans to appeal.
3. The dispute is going to ....
4. Both sides in the ... have agreed to binding arbitration.
5. The problem was settled out of ....
6. The ... determines the number of years to be spent in prison.
7. The ... plays an important role in the legal system of many countries.

**1.2.2 Render into English:**

Загальні суди забезпечують захист прав і свобод громадян шляхом розгляду цивільних, кримінальних, адміністративних та інших справ, їх система будується за принципами територіальності і спеціалізації. Принцип територіальності означає, що до системи цих судів входять районні/міські, міжрайонні, обласні і Верховний Суд України. Принцип спеціалізації передбачає спеціалізацію суддів вказаних судів, запровадження відповідних організаційних структур - галузевих судів для розгляду окремих категорій справ, зокрема кримінальних, цивільних, сімейних, як це передбачено Концепцією судово-правової реформи в Україні.

**Writing**

**1.3 Work in pairs. Write notes in the chart, discuss the results in small groups and write your reports about the following courts and their competences**

**The System of Judicial Power in Ukraine**

| Name of a Court          | Competence |
|--------------------------|------------|
| The Constitutional Court |            |
| The Supreme Court        |            |
| Court of appeal          |            |
| Local Court              |            |

### *Speaking*

**1.4 Imagine that you are a judge. Choose a court you work in and describe your job (types of cases, rights and duties, advantages and disadvantages, etc).**

### *Grammar focus*

#### **1.5 Open the brackets using the verbs in correct forms of Passive Voice**

1.The criminal code (to read) now. 2.The criminal code (to read) now.  
3.Criminal law typically (to enforce) by the government. 4. The Greeks believed that laws (to make) by the people for the people. 5. He (to punish) already for being drunk while driving a car. 6. The principle of limited government (to establish) by the Magna Carta. 7. The final version of the Magna Charter (to draft) by John in 1215. 8. The famous criminal already (to arrest). 9. The verdict (to announce) when he came in the court room.10. The opening statement (to announce) five minutes ago. 11. Our relations with one another (to govern) by many rules of conduct.

## **Unit 2. Judiciary in the UK and the USA**

### **2.1 Answer the questions:**

1. What do you know about the court system of the UK?
2. In what way does it differ from the Ukrainian one?

**2.2 Match the following English words and expressions with their Ukrainian equivalents:**

|                        |                          |
|------------------------|--------------------------|
| 1) inferior court      | a) комітет               |
| 2) domestic issue      | b) вести, керувати       |
| 3) debt collection     | c) визнання              |
| 4) preliminary hearing | d) обвинувачений         |
| 5) to commit for trial | e) достатньо доказів     |
| 6) sufficient evidence | f) віддати до суду       |
| 7) accused             | g) попереднє слухання    |
| 8) recognition         | h) стягнення боргу       |
| 9) to conduct          | i) сімейна справа        |
| 10) committee          | j) нижчий, підлеглий суд |

**2.2.1 Read the following text to understand what information is new for you and do the tasks below:**

**Notes:**

Queen's Bench Division — відділ Королівської лави

Chancery Division — канцелярський відділ (Високого суду)

Divisional Court — Апеляційний суд відділу Королівської лави

Master of the Rolls — голова апеляційного суду та хранитель судових архівів

### **ADMINISTRATION OF JUSTICE IN ENGLAND AND WALES**

**Crown Courts** have an exclusively criminal jurisdiction. It is staffed by High Court judges (who try the most serious cases), full-time circuit judges and part-time practicing barristers and solicitors called recorders and assistant recorders. A jury of 12 lay persons selected at random determine whether the defendant is found guilty or not guilty. They also act as appeal courts for people convicted of an offence in the magistrates' court. A person found guilty in a magistrates' court can plead against either conviction or sentence, although if he has pleaded guilty in the lower court he may only appeal against sentence. Appeals from the Crown courts go to the Criminal Division of the Court of Appeal, and in some cases from there to the House of Lords.

**County Courts.** There are about 300 county courts through England- and Wales hearing smaller civil cases staffed by county court judges (who also sit as circuit judges in criminal cases) and district judges for smaller claims.

**The High Court of Justice** is made up of three Divisions, the Queen's Bench Division, the Chancery Division and the Family Division. The Family Division deals with all jurisdiction in domestic issues. The Chancery Division deals primarily with company work, trusts and estates and intellectual property. Within the Queens Bench Division there is also a specialized Admiralty Court, a Commercial Court and the Divisional Court, which reviews decisions of governmental and other public bodies.

**The Court of Appeal** is for most cases the court of final appeal. It has 28 lords Justices presided over by the Master of the Rolls. The Criminal Division of the Court of Appeal sits as a specialized section of the Court of Appeal dealing only with criminal matters. The cases are generally heard by a Lord Justice and two judges from the Queen's Bench Division. There is normally only one judgment of this court, although each judge may give a separate judgment. A case which has been dismissed by the Appeal Court can be taken to the House of Lords.

**The House of Lords** is the highest court in the court hierarchy. It hears a small number of cases a year of particular legal importance. It is staffed by the Lord Chancellor, and ten Lords of Appeal in Ordinary who are members of the Upper House of the legislature. Cases are heard by a panel of at least three Law Lords and usually by a Bench of five. Each Law Lord is entitled to express his own opinion in the form of what is called a speech. When the House of Lords appeals from Scotland there is a convention that at least one Scottish law lord will sit on an appeal.

**2.2.2 Find the answers to the following questions in the text above:**

1. What jurisdiction does the Crown Court have?
2. How many county courts are there in England?
2. Who determines whether the defendant is guilty or not guilty?
3. When do Crown Courts Act as appeal courts?
4. Where do appeals from the crown courts go to?
5. What cases do the county courts hear?

***Vocabulary practice:***

**2.2.3 Give the Ukrainian equivalents of the following words and word combinations:**

to administer justice, to select a jury at random, to find a person guilty, to find the defendant not guilty, to convict a person of an offence, to plead against a conviction, to appeal against a sentence, circuit judge, small claim, to dismiss a case.

**2.2.4 Give the English equivalents of the following words and word combinations, make up your sentences with some of them:**

розглядати справу в суді, укомплектувати штати суддів, штатний суддя, суддя-сумісник, Високий суд, окружний суддя, практикуючий баристер, визнати особу винною у вчиненні злочину, суд магістрату, суд графства, окружний суд, подати апеляцію на вирок, визнати себе виним.

**2.2.5 Explain the following in English:**

domestic issues, barrister, solicitor, to appeal, pleaded guilty, magistrates' court, to keep in custody, to free on bail, to detain in custody, warrant.

**2.2.6 Fill in the gaps with the following word phrases:**

*to make an arrest, by the police, in custody, ninety six hours, freed on bail*

Although it is possible for any private citizen to institute criminal proceedings, in practice prosecutions are usually initiated 1.\_\_\_. Arrests are usually made by police officers — although in law any citizen is empowered 2.\_\_\_— with or without a warrant. A person can be detained 3.\_\_\_without charge for up to 4.\_\_\_. Once charged a defendant can be 5.\_\_\_, although if the police consider that he or she might disappear they are entitled to object to bail, and ask that the defendant be kept in custody. The decision however, is left to the magistrate. If a person is freed on bail, securities must be given, either by the accused or by someone acting for him or her.

***Speaking***

**2.3 Imagine that you are a lecturer in a law school. Prepare your presentation on the Court System of the UK and get ready to give a lecture to your students**

***Writing***

**2.4 Write a letter to your pen friend who studies in a law school in England asking him about some peculiarities of judiciary in the UK**

**2.5 Answer the questions:**

1. What branch exercises judiciary in the USA?
2. What form of government has the USA?
3. What do you know about the court system of America?
4. What is the highest court in the USA?

**2.5.1 Match the following English words and expressions with their Ukrainian equivalents:**

|                        |                               |
|------------------------|-------------------------------|
| 1) executive branch    | a) окружний суд               |
| 2) to enforce the laws | b) впроваджувати закони в дію |
| 3) circuit court       | c) забезпечувати правосуддя   |
| 4) legislative branch  | d) звільняти з посади         |
| 5) to resolve disputes | e) на розсуд                  |

|                          |                            |
|--------------------------|----------------------------|
| 6) to ensure justice     | f) голосувати              |
| 7) to remove from office | g) законодавча гілка влади |
| 8) at discretion         | h) права та свободи        |
| 9) to vote               | i) вирішувати спори        |
| 10) rights and liberties | j) виконавча гілка влади   |

**2.5.2 Read the following text to understand what information is new for you**

**THE USA COURT SYSTEM**

Being the federal republic, the USA has both a federal and a state court system. The federal court system is responsible for interpreting and applying the laws created by the federal government under the authority of the US Constitution. Article III of the US Constitution requires the establishment of a Supreme Court and permits the US Congress to create other federal courts, and place limitations on their jurisdiction.

The Supreme Court is the highest judicial body, the court of last resort and leads the federal judiciary. It meets in Washington, D.C. It is mainly an appellate court and hears only federal appeals which it has chosen. Most of the cases involve the interpretation of the Constitution. It also has the «power of judicial review», i.e. the right to declare laws and actions of the federal, state, and local governments unconstitutional. Besides, the Court has limited original jurisdiction in cases involving foreign diplomats and in those, in which a state is a party. In practice, the only original jurisdiction cases heard by the Court are disputes between two or more states. It consists of the Chief Justice and eight Associate Justices, who serve «during good behaviour», that is while they obey the law. Cases are decided by majority vote of the Justices.

The federal Courts of Appeals (or circuit courts) are the intermediate appellate courts, and must hear all appeals from the district courts within their federal judicial circuits, and in some cases from other designated federal courts and administrative agencies. Now there are thirteen judicial circuits with one court of appeals. They review decisions of trial courts for errors of law and their decisions are binding precedents. An appeal is almost always heard by a panel of three judges who are selected from the available judges but in some cases all judges decide an appeal.

The District Courts are the federal trial courts. They hear both civil and criminal cases, and often decide claims based on state law. There are 94 federal

judicial districts with at least one district court for each state, the District of Columbia and Puerto Rico. There is a US bankruptcy court as a unit of the district court.

Besides, some federal courts of special jurisdiction, such as the Tax Court, the Court of International Trade, Courts of Federal Claims and others administer justice in the country.

All federal judges are appointed for life by the President with the approval of the Senate. Each state has an independent system of courts operating under the constitution and laws of the state. The names and jurisdiction of the courts differ from state to state but as a rule they have general jurisdiction. The highest court is the state supreme court, which hears appeals of legal disputes. In most states the lowest courts are the magistrates' courts or police courts.

### **2.5.3 Answer the following questions:**

1. What are the tasks of the federal court system?
2. What types of courts were created according to the US Constitution?
3. What body created other federal courts?
4. What types of cases does the US Supreme Court hear?
5. What do the federal Courts of Appeals do?
6. What is the jurisdiction of the federal District Courts?
7. What is the highest court in the USA?

### ***Vocabulary practice***

**2.5.4 Choose the meaning of the following words in the meaning used in the text 2.5.2**

1. state

- a) the physical or mental condition that someone or something is in;
- b) a country considered as a political organization;
- c) one of the areas with limited law-making powers that together make up a country controlled by a central government.

2. justice

- a) the system by which people are judged in courts of law and criminals are punished;
- b) the fair treatment of people;
- c) a judge in a law court.

3. case

- a) a question or problem that will be dealt with by a law court;
- b) a special box used as a container for holding or protecting something;
- c) all the reasons that one side in a legal argument can give against the other side.

4. precedent

- a) an official action or decision that can be used to give support to later actions or decisions;
- b) something of the same type that has happened or existed before;
- c) the way that things have always been done.

**2.5.5 What nouns can be used with the following adjectives:**

judicial, appellate, federal, original, highest, civil, criminal, fair, unconstitutional, domestic, illegal.

*Speaking*

**2.6 Work in small groups and compare the court system of Ukraine, the UK and the USA**

*Grammar focus*

**2.7 Choose the appropriate form of the verb. Pay attention to active and passive voice**

1. In the USA sheriff (is chosen/ chooses) for the service. 2. The prosecutor (presented/ is presented) the case yesterday. 3. They (carried out/ were carrying out) the expert examination an hour ago. 4. She (studied/ was studying) the report of the policeman when he came in. 5. The prisoner (was telling/ told) about the circumstances of the crime when his mother came to see him. 6. The judge (was calling/ called) the witnesses of the defence after the testimony of the plaintiff's witness. 7. After the direct examination the defendant's lawyer (was having/ had) a chance to question the witness.

**2.7.1 Open the brackets using the verbs in correct forms of active or passive**

1. The law (to determine) principles of judicial proceedings in courts of specific judicial jurisdiction. 3. The jurisdiction of courts (to extend) to all legal relations that arise in the State. 4. Ukraine's judicial system (to make up) of courts of general jurisdiction and the Constitutional Court of Ukraine. 5. The unified system of courts general jurisdiction (to form) in accordance with the territorial principle and the principle specialization. 6. The Constitutional Court of Ukraine (to decide) on the issues of conformity of laws and other legal acts with the Constitution. 8. When we (to come) into the room, the last meeting of the Supreme Court (to finish).

**Module 9. Administrative Law**

**Unit 1. The nature of Administrative Law**

**1.1 Answer the following questions:**

1. What sphere of law does administrative law belong to?
2. What is the main task of administrative law?
3. What offenses can be called administrative ones?
4. What administrative bodies do you know?

**1.1.2 Match the following English words and expressions with their Ukrainian equivalents:**

|                          |                               |
|--------------------------|-------------------------------|
| 1) rulemaking            | a) винесення судового рішення |
| 2) adjudication          | b) Урядові установи           |
| 3) regulatory agenda     | c) оподаткування              |
| 4) taxation              | d) нормотворчість             |
| 5) government agencies   | e) судовий перегляд           |
| 6) judicial review       | f) суттєвий для оцінки        |
| 7) vital in appreciating | g) регулятивна програма       |
| 8) common law            | h) впроваджувати              |
| 9) to implement          | i) політика                   |
| 10) policy               | j) звичаєве право             |

### **1.1.3 Read the text to understand what information is of primary importance or new for you**

#### **ADMINISTRATIVE LAW**

Administrative law is the body of law that governs the activities of administrative agencies of government. Government agency action can include rulemaking, adjudication, or the enforcement of a specific regulatory agenda.

Rulemaking is an agency process for formulating, amending, or repealing a rule. A rule in turn is the whole or a part of an agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy.

Adjudication is an agency process for the formulation of an order. An order in turn is the whole or part of a final disposition of an agency in a matter other than rule making but including licensing.

Administrative law is considered a branch of public law. As a body of law, administrative law deals with the decision-making of administrative units of government (e.g., tribunals, boards or commissions) that are part of a national regulatory scheme in such areas as police law, international trade, manufacturing, the environment, taxation, broadcasting, immigration and transport.

Administrative law expanded greatly during the twentieth century, as legislative bodies world-wide created more government agencies to regulate the increasingly complex social, economic and political spheres of human interaction.

While administrative decision-making bodies are often controlled by larger governmental units, their decisions could be reviewed by a court of general jurisdiction under some principle of judicial review based upon due process (United States) or fundamental justice (Canada).

Judicial review of administrative decision, it must be noted, is different from an appeal. When sitting in review of a decision, the Court will only look at the method in which the decision was arrived at, whereas in appeal the correctness of the decision itself will be under question. This difference is vital in appreciating administrative law in common law countries.

**1.1.4 Answer the following questions using the information from the text:**

1. What can government agency action include?
2. What does administrative law deal with?
3. When did administrative law expand greatly? Why?
4. Why could the decisions of administrative decision-making bodies be reviewed by a court of general jurisdiction?
5. How does judicial review of administrative decision differ from an appeal?

**1.1.5 Complete the following sentences according to the information from the text:**

1. A rule is the whole or a part of an agency statement of general or particular applicability and ....
2. While administrative decision-making bodies are often controlled by larger governmental units,...
3. When sitting in review of a decision, the Court will only look at the method in which the decision was arrived at, whereas ...

***Vocabulary practice***

**1.2 Explain the following in English:** administrative law, rulemaking, a rule, adjudication, an order, review of administrative decision, administrative unit

**1.2.1 The verbs below can be used to form nouns. Find in the text the words which have similar meanings. Pay special attention to the stress**

Example: *To govern (verb) – government (noun)*

To act, to enforce, to state, to adjudicate, to formulate, to broadcast, to immigrate, to decide, to review.

**1.2.2 Give the English equivalents for the following word combinations and make up your own sentences with them:**

Адміністративне право, урядова установа, регулятивна програма, винесення судового рішення, оподаткування, нормотворчість, судовий перегляд, формулювати норму, здійснювати, виконавча влада, державне управління.

### **1.2.3 Render into English:**

Адміністративне право — одна з галузей публічного права, яка регулює суспільні відносини, що виникають у сфері організації, а також діяльності органів публічної адміністрації, спрямованої на забезпечення та захист прав і свобод громадян. Адміністративне право має декілька кодифікованих законів: Кодекс України про адміністративні правопорушення, Кодекс адміністративного судочинства України, Митний Кодекс України. Джерелами адміністративного права є постанови Верховної Ради України, Укази Президента України, акти Кабінету Міністрів України, накази міністерств та інших центральних органів виконавчої влади, розпорядження голів місцевих державних адміністрацій, рішення органів місцевого самоврядування, накази керівників державних підприємств, установ, організацій.

### *Speaking*

**1.3 Imagine that you are a lecturer in a law school. Prepare your presentation on Administrative law and get ready to give a lecture to your students**

### *Grammar focus*

#### **1.4 Choose the correct option. Pay attention to Sequence of Tenses**

1. I knew he .... as a Prosecutor.  
a) works b) is working c) worked
2. The solicitor said that his case .... difficult.  
a) was b) is c) had been
3. He asked me what types of legal profession in the UK I ....  
a) knew b) knows c) know
4. The judge said that the suspected man ... guilty.  
a) had been found b) is found c) has been found
5. He said that he ....a barrister the next week.  
a) had hire b) will hire c) would hire
6. He said that he ....the suspect the next week.

- a) had interrogate b) will interrogate c) would interrogate  
7. He wondered if the policeman ...already.... the suspect.  
a) had interrogated b) is interrogate c) has interrogated  
8. He wondered if the judge ...already.... the sentence.  
a) had passed b) is passing c) has passed  
9. She asked him who .... the responsibility of writing police report.  
a) has b) had c) is having  
10. He said that Nick ....to become a police officer.  
a) was going b) is going c) has been going

## **Unit 2. Administrative Offenses and Responsibility**

### **2.1 Answer the following questions:**

1. What do administrative violations mean?
2. What is the task of administrative judiciary?
3. What is administrative offense?
4. What document provides legal provision regarding administrative offenses and administrative responsibility in Ukraine?

### **2.1.1 Match the following English words and expressions with their Ukrainian equivalents:**

|                             |                              |
|-----------------------------|------------------------------|
| 1) deprivation of the right | a) розрізняти                |
| 2) to be vested with        | b) законність                |
| 3) validity                 | c) мати право                |
| 4) contested cases          | d) позбавлення права         |
| 5) administrative offense   | e) спірні справи             |
| 6) to distinguish           | f) підлягати                 |
| 7) incur                    | g) адміністративні порушення |
| 8) adjudication             | h) судові рішення            |
| 9) penalties                | i) відповідальність          |
| 10) responsibility          | j) покарання                 |

## **2.2.2 Read and translate the articles of the Code of Ukraine**

### **Chapter 2. Administrative offense and administrative responsibility**

#### **Article 9. Concept of administrative offense**

Administrative offense (offense) action or failure to act for which the law provides the administrative responsibility is recognized encroaching on public order, property, the rights and freedoms of citizens, on established procedure of management illegal, guilty (intentional or careless).

The administrative responsibility for the offenses provided by this Code comes if these violations in character do not involve according to the law of criminal liability.

#### **Article 10. Making of administrative offense is intentional**

The administrative offense is recognized committed intentionally if person who made it, realized illegal nature of the action or failure to act, provided its harmful effects and wished them or consciously allowed approach of these effects.

#### **Article 11. Making of administrative offense on imprudence**

The administrative offense is recognized committed on imprudence when person which made it expected possibility of approach of harmful effects of the action or failure to act, but thoughtlessly expected their prevention or did not expect possibility of approach of such effects though it shall and could provide them.

#### **Article 24. Types of administrative punishments**

For making of administrative offenses such administrative punishments can be applied:

- 1) prevention;
- 2) penalty;
- 3) paid withdrawal of subject which became the tool of making or direct object of administrative offense;
- 4) confiscation: subject which became the tool of making or direct object of administrative offense; the money received owing to making of administrative offense;

5) deprivation of the special right granted to this citizen (the rights of control of vehicles, the hunting rights).

Deprivation of the right to hold certain positions or to be engaged in certain activities;

5-1) social jobs;

6) corrective works;

6-1) socially useful works;

7) administrative detention;

8) arrest with content on guardroom.

### **Article 25. Main and additional administrative punishments**

Paid withdrawal, confiscation of objects and deprivation of the right of control of vehicles can be applied as the main, and additional administrative punishments; deprivation of the right to hold certain positions or to be engaged in certain activities - only as additional, other administrative punishments specified in Article part one 24 of this Code can be applied only as the main.

### **Article 26. Prevention**

The prevention as measure of administrative punishment is taken out in writing. In the cases provided by the law the prevention is fixed by other established method.

### **Article 27. Penalty**

The penalty is cash collection which is imposed on citizens, official and legal entities for administrative offenses in the cases and the size established by this Code and other laws of Ukraine.

(from <https://cis-legislation.com/document.fwx?rgn=8653>)

### ***Vocabulary practice***

#### **2.3 Give the definitions for the following terms and expressions :**

administrative justice, administrative agency, administrative courts, administrative offenses, administrative tribunals, administrative proceeding, administrative detention, administrative punishment.

**2.3.1 Think about possible word combinations with the following words:**

agency, legislative, regulations, courts, government, tribunals, penalties, powers, punishment, jurisdiction.

**2.3.2 Give the English equivalents for the following word combinations.**

**Make up your own sentences with some of them:**

адміністративне правосуддя, адміністративні органи, судова влада, законодавча влада, адміністративні норми, адміністративні правопорушення, бездіяльність, протиправна дія, матеріальна або моральна шкода, адміністративний делікт, попередження, адміністративна відповідальність.

**2.3.3 Render into English:**

Адміністративне правопорушення - протиправна умисна або необережна дія чи бездіяльність, яка посягає на державний або громадський порядок, власність, права і свободи громадян, на встановлений порядок управління і за яку законодавством передбачено адміністративну відповідальність.

Адміністративним деліктом визнається протиправна, умисна або необережна дія чи бездіяльність, яка скоєна особою, наділеною владними повноваженнями (державним службовцем), унаслідок якої було заподіяно матеріальну або моральну шкоду особі (фізичній, юридичній) або суспільству. Особливістю профілактики та попередження вчинення адміністративних деліктів у громадянському суспільстві є публічність органів державної влади, яка виражається, перш за все, у доступності для населення інформації щодо діяльності органів державної влади, а також можливості для громадян і громадських організацій впливати на їх діяльність.

***Speaking***

**2.4 Imagine that you are at the exam applying for the post of a police officer and the members of the exam commission ask you to tell them about administrative offenses and administrative responsibility in Ukraine**

## ***Grammar focus***

### **2.5 Change into Indirect Speech:**

1. She claimed: "I know the criminal" 2. The defendant said "I am not guilty" 3. The foreman said "I can read the verdict" 4. The policeman ordered: "Don't move!" 5. A student asked a teacher: "Tell me about criminal procedures, please" 6. The prosecutor asked the defendant: "What street have you seen the car?" 7. A teacher asked students: "Have you read the text about court trial at home?"

#### **2.5.1 Translate into English paying attention to indirect speech**

1. Вона запитала, чи хочу я стати прокурором. 2. Він запитав, хто розслідує його справу. 3. Вона сказала, що не знає свідка. 4. Слідчий запитав, чи є свідки вбивства. 5. Поліцейський наказав не рухатись. 6. Поліцейський наказав підняти руки вгору. 7. Слідчий повідомив, що він знайшов докази вбивства. 8. Поліцейський запитав, чи є свідки злочину. 9. Поліцейський запитав підозрюваного, чи є у нього алібі.

## **Module 10. Criminal Law**

### **Unit 1. The Nature of Criminal Law**

#### **1.1 Read and comment on the quotation by Edmund Burke**

***"Bad laws are the worst sort of tyranny"***

*Edmund Burke, British statesman*

#### **1.2 Answer the questions:**

1. What is the main task of criminal law?
2. How do criminal and civil law cases differ in the way they are initiated?

#### **1.2.1 Match the following English words and expressions with their Ukrainian equivalents:**

|  |   |
|--|---|
| 1. to be tempted to                          | a) типовий злочин                       |
| 2. to threaten with punishment               | b) забороняти                           |
| 3. conduct                                   | с) на відміну від                       |
| 4. archetypal crimes                         | d) намагатись розв'язати правові спори  |
| 5. disturbance of the public peace and order | e) призвести до шкідливих наслідків     |
| 6. to forbid                                 | f) бути схильним до чогось              |
| 7. lead to harmful results                   | g) бути ув'язненим                      |
| 8. unlike                                    | h) загрожувати покаранням               |
| 9. to seek to resolve legal disputes         | i) поведінка                            |
| 10. to be incarcerated                       | j) порушення суспільного миру й порядку |

### 1.2.2 Make up your sentences with words and expressions from 1.2.1

**1.2.3 Read the following text to understand what information is new for you and do the tasks below**

#### CRIMINAL LAW

Criminal law is the body of law that deals with crime and the legal punishment of criminal offenses. It seeks to protect the public from harm by inflicting punishment upon those who have already done harm and by threatening with punishment those who are tempted to do harm. The harm that criminal law aims to prevent varies. It may be physical harm, death, or bodily injury to human beings; the loss of or damage to property; disturbance of the public peace and order; or injury to the public health. Criminal law also often tries to avoid harm by forbidding conduct that may lead to harmful results.

Criminal punishment, depending on the offense and jurisdiction, may include execution, loss of liberty, government supervision (parole or probation), or fines. There are some archetypal crimes, like murder, but the illegal acts are not wholly the same between different criminal codes, and even within a particular code lines may be blurred, as civil law violations sometimes give rise also to criminal consequences. Criminal law typically is enforced by the government, unlike the civil law, which may be enforced by private parties.

Criminal law involves prosecution by the government of a person for an act that has been classified as a crime. Civil cases, on the other hand, involve individuals and organizations seeking to resolve legal disputes. In a criminal case, the state, through a prosecutor, initiates the suit, while in a civil case the victim brings the suit.

**1.2.4 Answer the following questions using the information from the text**

1. What does the term “criminal law” denote?
2. What way does criminal law seek to protect the public from harm?
3. What can criminal punishment include?
4. Are illegal acts the same in different criminal codes?
5. What is criminal law / civil law usually enforced by?
6. Who initiates the suit in the civil case / criminal case?

***Vocabulary focus***

**1.3 Give the English equivalents for the following word combinations and make up your sentences with some of them:**

кримінальний кодекс, злочин, правопорушення, покарання, призначати покарання, загрожуючи покаранням, запобігати злочину, тілесні ушкодження, забороняти, втрата свободи, нагляд, умовне покарання, типові злочини, призвести до шкідливих наслідків, бути схильним до чогось, бути ув'язненим, порушення громадського порядку.

**1.3.1 Find synonyms for the following words and word combinations:** criminal offense, civil offence, damage, penalty, prohibited, human being, disagreement, to be imprisoned, responsible, criminal code, control, to be found guilty, to appeal, to release, convicted, legal action.

***Grammar focus***

**1.4 Rewrite the following sentences paying attention to Participle I:**

A. Example: *The men who work in the Procurator's Office are my colleagues.*  
– *The men working in the Procurator's Office are my colleagues.*

1. The man who steals from pockets is a pickpocket. 2. The lawyer who is announcing the sentence is a judge. 3. The criminal who was escaping from Winston prison was rather dangerous. 4. The burglar who broke into their house at night was not alone, somebody helped him.

B. Example: *When she heard the strange noise, she turned around. – Hearing the strange noise she turned around.*

1. When an aggrieved party starts criminal proceedings it usually sues for compensation. 2. When he questioned the witness he thought about his own family. 3. When they recognized his voice on the cassette, they became suspicious. 4. When they pass a law they always think if it violates the Constitution. 5. When I realized what had happened, I called the police.

C. Example: *I read the article about notary of the USA and made notes. – I read the article about notary of the USA making notes.*

1. The inspector looked at me and smiled. 2. The victim spoke and trembled. 3. The suspect spoke about his youth and showed old pictures with blood on them. 4. He turned over the pages of the criminal case and looked at the photos. 5. The man ran about and shouted.

#### **1.4.1 Make up sentences using Participle II according to the model**

Model: *To present to the lawyers/ to be not sufficient/ documents.*

*The documents presented to the lawyers were not sufficient.*

1. To charge with shoplifting/ to listen to the person/ they. 2. To accuse of kidnapping/ may be cross-examined/ Mr.Simpson. 3. Martha Black/ to convict by the court/ to be imprisoned. 4. To be going to appeal the court decision/ William/ to sentence to ten years. 5. The offender/ to bring before a court/ to release on bail.

## **Unit 2. Crimes and Criminals**

### **2.1 Answer the following questions**

1. What action can be considered as a crime?
2. What is the main difference between a tort and a crime?
3. What crimes are the gravest from the point of view of the Ukrainian law?

**2.1.1 Match the following English words and expressions with their Ukrainian equivalents:**

|                         |                              |
|-------------------------|------------------------------|
| 1. mens rea             | a) бездіяльність             |
| 2. actus reus           | b) на відміну від            |
| 3. injurious to society | c) намір                     |
| 4. as distinguished     | d) злочинний намір           |
| 5. be accomplished by   | e) злочинна дія              |
| 6. omission             | f) шкідливий для суспільства |
| 7. intent               | g) супроводжуватися (чимось) |

**2.1.2 Read the following text to understand what information is new for you and do the tasks below**

**CRIME IN ENGLISH LAW**

In English legal tradition crime is defined as an act or omission that violates the law and is punishable by the state. Crimes are considered injurious to society or the community, as distinguished from torts and breach of contract.

As defined by law, a crime includes both the act, or actus reus, and the intent to commit the act, or mens rea.

Actus reus is Latin for "guilty act" and is the physical element of committing a crime. It may be accomplished by an action, by threat of action, or exceptionally, by an omission to act. For example, a parent's failure to give food to a young child also may provide the actus reus for a crime.

Where the actus reus is a failure to act, there must be a duty. A duty can arise through contract, a voluntary undertaking, a blood relation with whom one lives, and occasionally through one's official position.

Mens rea is another Latin phrase, meaning "guilty mind." A guilty mind means an intention to commit some wrongful act. Intention under criminal law is separated from a person's motive. If Mr. Hood robs a rich Mr. Nottingham because his motive is to give the money to poor Mrs. Marion, his "good intentions" do not change his criminal intention to commit robbery.

Unless the act of which a defendant is accused is defined by statute as a crime, no indictment or conviction for the commission of such an act can be legally sustained.

**2.1.3 Answer the following questions using the information from the text**

1. What is a crime?
2. What does a crime include?
3. What is actus reus / mens rea?
4. Give an example of actus reus / mens rea.

**2.1.4 Complete the sentences using the information from the text**

1. Crimes are considered injurious to ...
2. Actus reus may be accomplished by ...
3. Where the actus reus is a failure to act...
4. A guilty mind means ...
5. Unless the act of which a defendant is accused is expressly defined by statute as a crime...

***Vocabulary focus***

**2.2 Match words on the left with the appropriate definition on the right**

- |                   |  |
|-------------------|--|
| 1) an arsonist    | a) attacks and robs people, often in the street                  |
| 2) a shop-lifter  | b) sets fire to property illegally                               |
| 3) a mugger       | c) is anyone who breaks the law                                  |
| 4) an offender    | d) breaks into houses or other buildings to steal                |
| 5) a vandal       | e) steals from shops while acting as an ordinary customer        |
| 6) a burglar      | f) kills someone   |
| 7) a murderer     | g) deliberately causes damage to property                        |
| 8) a kidnapper    | h) steals things from people's pockets in crowded places         |
| 9) a pickpocket   | i) gets secret information from another country                  |
| 10) an accomplice | j) buys and sells drugs illegally                                |
| 11) a drug dealer | k) takes away people by force and demands money for their return |

- |                     |  |
|---------------------|--|
| 12) a spy           | l) helps a criminal in a criminal act                                  |
| 13) a terrorist     | m) uses violence for political reasons                                 |
| 14) an assassin     | n) causes damage or disturbance in public places                       |
| 15) a hooligan      | o) hides on a ship or plane to get a free journey                      |
| 16) a stowaway      | p) takes control of a plane by force and makes the pilot change course |
| 17) a thief         | q) murders for political reasons or a reward                           |
| 18) a hijacker      | r) is someone who steals   |
| 19) a forger        | s) makes counterfeit (false) money or signatures                       |
| 20) a robber        | t) is a member of a criminal group                                     |
| 21) a smuggler      | u) steals money, etc. by force from people or places                   |
| 22) a traitor       | v) marries illegally, being married already                            |
| 23) a gangster      | w) is a soldier who runs away from the army                            |
| 24) a deserter      | x) brings goods into a country illegally without paying tax            |
| 25) a bigamist      | y) illegally carries drugs into another country                        |
| 26) a drug smuggler | z) betrays his or her country to another state                         |

**2.2.1 Give the English equivalents for the following word combinations and make up your sentences with some of them:** контрабандист, вбивця, терорист, правопорушник, грабіжник, підпалювач, фальшивомонетник, насилля, підробити підпис, вбити за винагороду, найманий вбивця, кишеньковий злодій, скоїти злочин, суб'єкт злочину, бездіяльність, суспільно небезпечна поведінка.

### **2.2.2 Render into English:**

Злочини в кримінальному праві підлягають класифікації в залежності від ступеня вини, мети, покарання, яке може бути за нього призначено, стадії скоєння злочину тощо. Відповідно до ч.1 ст. 11 КК України, злочином є суспільно небезпечне винне діяння (дія чи бездіяльність), вчинене суб'єктом злочину. Під дією розуміється активна, свідома та суспільно небезпечна поведінка, а під бездіяльністю — невчинення винною особою певних дій, які вона мала вчинити за даних обставин.

### *Speaking*

#### **2.3 Discuss the following questions in small groups**

1. What is the difference between criminal and civil law?
2. What does the term "eluding a police officer" mean?
3. In which of the following circumstances can a police officer arrest a person?
  - a) a police officer personally observes a crime
  - b) a police officer has a reasonable belief, based on facts and circumstances, that a person has committed or is about to commit a crime
  - c) a police officer suspects but is not sure that a person has committed or is about to commit a crime

### *Grammar focus*

#### **2.4 Find the Infinitives and translate the sentences:**

1. I would like to see the witness.
2. I expect him to be always fair in presenting evidences.
3. Their duty is to detain criminals.
4. He has just finished his speech to read the text on criminal law.
5. We asked to be given convincing evidence.

##### **2.4.1 Fill in the gaps with the participle to where necessary:**

1. Have you ever heard him ... break the law?
2. She seems ... know a great deal about criminal law in the USA.
3. Let him ...help you with the presentation about methods of crime identifications.
4. Have you enough information ...sue for compensation.
5. He would rather die than ... betray his country.

##### **2.4.2 Translate into English using Infinitive and Infinitive Complexes:**

1. Він почув як суддя говорив латиною.
2. Вони раді, що їх визнали невинними.
3. Здається, його оштрафували, тому що він був у стані сп'яніння за кермом.
4. Він вимагав, щоб йому надали поговорити з адвокатом.
5. Бачили, як він грабував банк.
6. Свідків попросили дати письмові показання.
7. Повідомили, що вбивцю знайшли.
8. Припускають, що він не сам скоїв злочин.
9. Повідомили, що терористи захопили літак вчора.

## **Module 11. Crime Investigation**

### **Unit 1. Forensic Science**

#### **1.1 Answer the following questions:**

1. What is meant by investigation?
2. What is the main task of forensic science?
3. What methods of forensic science do you know?

#### **1.2 Match the following English words and expressions with their Ukrainian equivalents:**

|                            |                                   |
|----------------------------|-----------------------------------|
| 1. Subdivision             | a) свідчення свідків              |
| 2. DNA profiling           | b) аналіз ДНК                     |
| 3. crime lab               | c) аналіз за допомогою мікроскопа |
| 4. testimonial             | d) криміналістична                |
| 5. evidence                | e) лабораторія                    |
| 6. microscopic examination | f) підрозділ, сфера               |
| 7. court appearance        | g) виступ в суді                  |

#### **1.2.1 Read the text to understand what information on crime investigation is new for you**

### **FORENSIC SCIENCE**

Forensic science and scientific expertise serves the administration of justice by providing scientific support in the investigation of crime and providing evidence to the courts.

When a crime is reported to the police, patrol officers are usually the first to arrive at the scene. They perform the initial investigation; fill out the forms, such as the complaint; interview witnesses; make an arrest if there is a suspect. If a crime requires expert investigation, detectives are called in. The detective's first task usually is to examine the facts in order to determine whether a crime has actually been committed and whether further investigation is required. If a full investigation is initiated, detectives collect evidence, interview witnesses and victims, contact informants. After an arrest is made, investigative work is extremely important to the

outcome of a court case. Case preparation includes reviewing and evaluating all evidence and reports on the case; re-interviewing witnesses and assisting in their preparation for court appearances; and preparing the final report.

Legal detectives and investigators in common-law countries have a wide variety of techniques available in conducting investigations. However, the majority of cases are solved by the interrogation of suspects and the interviewing witnesses, which takes time. Besides interrogations, detectives may rely on a network of informants they have processed over the years. Informants often have connections with persons a detective would not be able to approach formally. The best way is to obtain a confession from the suspect, usually this can be done in exchange for entering plea bargain for a lesser sentence. Evidence collection and preservation can also help in identifying a potential suspect.

Criminalistics as a subdivision of forensic science is the application of various sciences to answer questions relating to examination and comparison of different types of evidence in criminal investigations. Typically, evidence is examined in a crime lab.

A Crime Laboratory (Crime Lab), is a scientific laboratory where scientists examine evidence from a criminal case. A typical crime lab has two sets of personnel. These are the investigators who go to crime scenes and collect evidence and process the scene. The second type of personnel in a crime lab is the people who run experiments on the evidence once it is brought to the lab.

Each type of evidence has a specific value in an investigation. Evidence used to resolve an issue can be split into 2 areas. The testimonial evidence refers to any witnessed records of an incident. The physical evidence is any material item that is on the crime scene. How will evidence collected at a scene do for the investigation:

- May prove that a crime has been committed.
- Establish any key elements of a crime.
- Link a suspect with a scene or a victim.
- Establish the identity of a victim or suspect.
- Confirm verbal witness testimony.
- Release the innocent.

Among the identification methods there are fingerprinting, DNA profiling and microscopic examination.

**1.2. 2 Answer the following questions using the information from the text**

1. What is the principle objective of forensic science and scientific expertise?
2. What does an initial investigation include?
3. What may detectives rely on?
4. What is a crime laboratory?
5. What are two types of evidence? What is physical evidence?
6. In what way does evidence help in an investigation?

**1.2.3 Complete the following sentences**

1. Forensic science serves...
2. Majority of criminal cases are solved by...
3. When a detective has a suspect in mind the next step is...
4. Evidence from a criminal case is usually examined in...
5. In a crime laboratory staff there are investigators who... and...
6. Evidence collected at a scene of a crime helps to...

***Vocabulary focus***

**1.3 Give the English equivalents for the following word combinations and make up your own sentences with some of them:**

затримати, арештувати, допит свідків, скоїти злочин, підтвердити свідчення, звільнити невинного, встановити ідентичність, місце злочину, представити речові докази, перевірити докази, підозрюваний, визнати виним, звинуватити в, оголосити вирок, ув'язнити, звільнити

**1.3.1 Insert one of the following words into the text:**

*instinct, competent, search, intelligence,  
field-criminalist, witnesses, fingerprints, evidence*

Investigation means a 1.\_\_\_\_ That's why the duty of an investigator is to search for the truth, for the offender, for 2.\_\_\_\_ who help to reconstruct the event and will present evidence of it in court.

The duties of the investigator together with the 3.\_\_\_\_ are to find, to collect and to protect evidence, such as 4.\_\_\_\_, fingerprints, and other traces of the criminal act.

Every good investigator should be intelligent, 5.\_\_\_\_, patient, tactful, composed, and persistent, but he should be firm if it is necessary. He must also possess special investigative aptitudes and professional 6.\_\_\_\_ The quick and accurate solution of crime depends largely on the personal efforts. It also depends on his education, his 7.\_\_\_\_ and his decision-making judgments.

### *Speaking*

**1.4 Work in small groups and discuss what the necessary aspects are to be considered in the investigation of a crime.** Use key words: *scene, evidence, witness, informant, to rely on, to collect, to arrest, to question, to search, fingerprints*

### *Grammar focus*

**1.5 Open the brackets using the appropriate forms of the verbs. Pay attention to Conditionals of 0, I and II types**

1. If you (to approach) a barrister directly you will be sent to a solicitor. 2. If he passes the examination set by the Council of legal Education he (to become) a barrister. 3. If he (to have) money he (hire) a good barrister. But he doesn't have enough money. 4. If the case (to hear) in a higher court the solicitor will brief a barrister on the client's behalf. 5. When you (to become) a solicitor you (to deal) with such matters as litigation, convincing of property, general business advice. 6. If you (to approach) a barrister directly you (to be sent) to a solicitor. 7. If he (to pass) the examination set by the Council of legal Education he (to become) a barrister.

## **Unit 2. Methods of Criminal Identification**

### **2.1 Answer the question:**

1. What methods of criminal identifications do you know?
2. Have you ever witnessed the scene of a crime? What was it?

### **2.2 Read the text and find the information about**

- a) types of evidence at the scene of a crime;
- b) methods of identification of crimes
- c) lineup identification

## IDENTIFICATIONS

Most police investigations begin at the scene of a crime. There are some types of evidence that is located and recovered at a scene: 1) Impression evidence includes fingerprints, tool marks, footwear, fabric impressions, tire marks and bite marks. 2) Biological evidence includes blood, body fluids, hair, nail. 3) Trace evidence includes paint, glass and fibres. 4) Firearms include weapons, gun powder patterns, casings, projectiles, and cartridges. Experts are particularly adept in the microscopic examination of spent bullets and cartridge cases.

The use of DNA profiling is regarded as reliable as fingerprinting to check the unique characteristics of an individual. Fingerprints (also includes palm prints and bare footprints) are the best evidence to place an individual at the scene of a crime. The identifying fingerprint pattern dusted with powder could be seen and photographed or digitally recorded. By comparing fingerprints at the scene of a crime with the fingerprint record of suspected persons, absolute proof of the presence or identity of a person can be established.

If using the method of DNA analysis, then blood can be matched back to an individual with a high degree of probability. DNA profiling can positively identify an individual from a specimen of blood, hair roots etc.

Police often ask eyewitnesses to identify a suspect from a lineup or an array of photos. A lineup or photo array involves placing a suspect or a photo of a suspect among people who are not suspected of committing the crime (fillers) and asking the eyewitness to identify the perpetrator.

Misidentification by eyewitnesses has played a role in a high number of wrongful convictions and has led criminal justice experts to look more closely at the effectiveness of identifying suspects from live and photographic lineups.

Most U.S. law enforcement agencies use the simultaneous lineup, in which the eyewitness views a lineup of individuals or a photo array; that is, all individuals are viewed at the same time. However, some research has indicated that a sequential lineup, in which photographs are presented to the witness one at a time, produces fewer false identifications as well as fewer true identifications

The two types of lineups require different mental processes from the witness: For sequential lineups, witnesses must exercise "absolute judgment," comparing each photograph or person only to their memory of what the offender looked like.

In simultaneous lineups, witnesses must use "relative judgment" to compare lineup photographs or members to each other.

**2.2.1 Complete the following sentences according to the information from the text:**

1. To obtain a position of an investigator one has to pass an examination on such legal subjects as...
2. Investigator's job includes...
3. At a scene of a crime some types of physical evidence may be recovered such as...
4. Fingerprinting is a method of....
5. A lineup or photo array involves.....

**2.2.3 Render into English:**

Для розслідування справи слідчі та детективи використовують різні методи і засоби. Для розкриття злочину необхідно враховувати багато аспектів. Важливим завданням є збір свідчень та доказів і пошук потенційного підозрюваного. В процесі допиту свідків слідчий може отримати важливу інформацію щодо винності особи, присутності підозрюваного на місці злочина. Цей факт може бути підтверджений чи навпаки завдяки перевірці фізичних доказів. Існують спеціальні методи встановлення ідентичності особи: аналіз відбитків пальців та ДНК. Шляхом порівняння відбитків пальців на місці злочину та відбитків підозрюваного можна встановити абсолютний доказ присутності або ідентичності особи.

*Speaking*

**2.3 Explain why recovering and collecting physical evidence is important in the investigation of a crime**

*Grammar focus*

**2.4 Open the brackets using the appropriate form of the verb. Pay attention to conditional sentences of Type III**

1. If he (to have) a university degree in law he would have been provided exemption from certain examinations while he was applying for a job.
2. If he had

passed the Law Society examination he (to qualify) as a solicitor. 3. If I (see) the robbery yesterday I (to call) the police. 4. If the criminal (to leave) his fingerprints on the scene of the crime last night he (not to be found). 5. If he (not to commit) that crime last week he (not to be arrested). 6. She has lost the case yesterday. But if she (to go) to a defense lawyer she would have not lost it.

### 2.4.1 Translate into English using conditionals

1. Якщо ми дізнаємось щось про цей злочин, ми зателефонуємо слідчому. 2. Якщо суд присяжних визнає її винною, суддя винесе вирок. 3. Вона говорить правду. 4. Якби я був присяжним, я б визнав її невинною. 5. Коли вона зайде до зали суду, вступні промови вже було проголошено. 6. Якби вона не залишила відбитків пальців, її б не знайшли і не заарештували. 7. Якщо обвинуваченого визнають невинним, його звільняють. 8. Якби він не їхав на такій високій швидкості, поліцейський патруль не зупинив би його і не оштрафував.

## Module 12. Criminal Justice and Punishment

### Unit 1. Court Trial

#### 1.1 Answer the following questions:

1. Have ever been at court trial? What case was it?
2. What people can take part in a court trial?

1.2 Match the following English words and expressions with their Ukrainian equivalents:

|                          |                       |
|--------------------------|-----------------------|
| 1. opening statements    | a) заперечення        |
| 2. selection of the jury | b) докази             |
| 3. to testify            | c) підсумовувати      |
| 4. physical exhibits     | d) судовий пристав    |
| 5. bailiff               | e) речові докази      |
| 6. to summarize          | f) свідчення          |
| 7. evidence              | g) добір присяжних    |
| 8. objection             | h) вступні промови    |
| 9. to be impartial       | i) бути неупередженим |
| 10. to disregard         | j) не брати до уваги  |

**1.2.1 Read the following text to understand what information is of primary importance or new for you:**

**What Happens During the Trial**

Events in a trial usually happen in a particular order, though the order may be changed by the judge. The usual order of events is set out below.

Step 1. Selection of the Jury.

Step 2. Opening Statements. The lawyers for each side will discuss their views of the case that you are to hear and will also present a general picture of what they intend to prove about the case. What the lawyers say in their opening statements is not evidence and, therefore, does not help prove their cases.

Step 3. Presentation of Evidence. All parties are entitled to present evidence. The testimony of witnesses who testify at trial is evidence. Evidence may also take the form of physical exhibits, such as a gun or a photograph. On occasion, the written testimony of people not able to attend the trial may also be evidence in the cases you will hear.

Many things you will see and hear during the trial are not evidence. For example, what the lawyers say in their opening and closing statements is not evidence. Physical exhibits offered by the lawyers, but not admitted by the judge, are also to be disregarded, as is testimony that the judge orders stricken off the record.

Many times during the trial the lawyers may make objections to evidence presented by the other side or to questions asked by the other lawyer. Lawyers are allowed to object to these things when they consider them improper under the laws of evidence. It is up to the judge to decide whether each objection was valid or invalid, and whether, therefore, the evidence can be admitted or the question allowed. If the objection was valid, the judge will sustain the objection. If the objection was not valid, the judge will overrule the objection. These rulings do not reflect the judge's opinion of the case or whether the judge favours or does not favour the evidence or the question to which there has been an objection.

It is your duty as a juror to decide the weight or importance of evidence or testimony allowed by the judge. You are also the sole judge of the credibility of witnesses, that is, of whether their testimony is believable. In considering credibility, you may take in account the witnesses' opportunity and ability to observe the events

about which they are testifying, their memory and manner while testifying, the reasonableness of their testimony when considered in the light of all the other evidence in the case, their possible bias or prejudice, and any other factors that bear on the believability of the testimony or on the importance to be given that testimony.

Step 4. The Instructions. Following presentation of all the evidence, the judge instructs the jury on the laws that are to guide the jury in their deliberations on a verdict. A copy of the instructions will be sent to the jury room for the use of jurors during their deliberations. All documents or physical objects that have been received into evidence will also be sent to the jury room.

Step 5. Closing Arguments. The lawyers in the closing arguments summarize the case from their point of view. They may discuss the evidence that has been presented or comment on the credibility of witnesses. The lawyers may also discuss any of the judge's instructions that they feel are of special importance to their case. These arguments are not evidence.

Step 6. Jury Deliberation. The jury retires to the jury room to conduct the deliberations on the verdict in the case they have just heard. The jury first elects a foreman who will see to it that discussion is conducted in a sensible and orderly fashion, that all issues are fully and fairly discussed, and that every juror is given a fair chance to participate.

When a verdict has been reached, the foreman signs it and informs the bailiff. The jury returns to the courtroom, where the foreman presents the verdict. The judge then discharges the jury from the case.

### **1.2.2 Decide if the statements are true or false according to the text.**

#### **Correct the false ones:**

1. Potential jurors are interviewed only by defense attorney.
2. In opening statements a judge summarizes the problems of the case.
3. The written testimony of people who are not able to attend the trial may be taken as evidence.
4. Closing arguments are not evidence.
5. The jury decides whether each objection was valid or invalid.
6. If the objection was not valid, the judge will sustain the objection.
7. In closing arguments the prosecutor and the defense lawyer summarize the case from their point of view.

8. The jury and the prosecutor retires to the jury room to conduct the deliberations on the verdict.

**1.2.3 Answer the following questions according to the text:**

1. What is the purpose of interviewing the prospective jurors?
2. What is the purpose of open statements?
3. Who are entitled to present evidence?
4. In what case can written testimony be considered as evidence?
5. Who instructs the jury on the laws?
6. Why does jury go to the jury room?
7. What is the task of a foreman?

***Vocabulary practice:***

**1.2.4 Find in the text the English equivalents of the following words and word combinations:**

присягати, відповісти на всі питання правдиво, особистий інтерес у справі, підсумовувати, базуватися виключно на фактах, мати право подавати докази, показання свідків, речові докази, заперечувати, впливати, відповідальний за вирішення справи, обвинувачення, проводити обговорення вердикту, інформувати судового розпорядника.

**1.2.5 Fill in the blanks using the correct word there are two extra ones you do not need to use:**

*lies / protocols / addressing / All rise/ put your hands up/ do not move*

There are a large number of 1.\_\_\_\_\_when appearing in court. For example, when the clerk says 2.\_\_\_\_\_ everyone stands up. After being sworn in, a person is then under oath. If a person 3.\_\_\_\_\_under oath, he or she risks being charged with perjury. There are also rules for 4.\_\_\_\_\_the judge.

**1.2.6 Render into English**

Судовий етикет - це сукупність правил поведінки суб'єктів судового процесу, регулюючих взаємини між судом і особами, що беруть участь в справі. Головуючому надано право видалити порушника порядку із залу судового засідання, а в деяких випадках може штрафувати. Під час проголошення

вироку всі присутні в залі судового засідання, не виключаючи складу суду, вислуховують вирок стоячи.

### *Speaking*

**2.3 Imagine that you are a teacher of a law college tell your students about steps and procedures of criminal court trial as you were a teacher of a law college**

### *Grammar Focus: Construction “I wish”*

#### **2.4 Open the brackets using “I wish”**

1. She wishes (to be) a wonderful advocate. 2. He wishes (not to rob) last week. 3. I wish I (to know) Patent Law of the USA. 4. He wishes he (not to drink) alcoholic drinks before going to the party yesterday. 5. He wishes (not to break) the American Law. 6. They wished they (not to see) that horrible scene. 7. The unfortunate student wished he (not to forget) to study the court system of the USA. 8. He wishes he (to appeal) that case last winter. 9. I wish I (to consult) a defense lawyer yesterday. 10. He is a tractor driver. He wishes he (to be) a defense lawyer.

## **Unit 2. Punishment**

### **2.1 Answer the following questions:**

1. What types of punishment do you know?
2. Which of them are implemented in Ukraine?

**2.2 Match the following English words and expressions with their Ukrainian equivalents:**

|                        |                              |
|------------------------|------------------------------|
| 1. fine                | a) правопорушення, проступок |
| 2. corporal punishment | b) штраф                     |
| 3. confinement in jail | c) покарання                 |
| 4. substitute          | d) заміщувати                |
| 5. punishment          | e) страта                    |
| 6. revenge-based       | f) тілесне покарання         |
| 7. misdemeanour        | g) заснований на помсті      |

8. execution

h) ув'язнення

**2.2.1 Read the text to understand what information is new for you****PUNISHMENT**

Criminal punishment is a penalty imposed by the government on individuals who violate criminal law. People who commit crimes may be punished in a variety of ways. Offenders may be subject to fines or other monetary assessments, the infliction of physical pain (corporal punishment), or confinement in jail or prison for a period of time (incarceration). In general, societies punish individuals to achieve revenge against wrongdoers and to prevent further crime—both by the person punished and by others contemplating criminal behaviour. Some modern forms of criminal punishment reflect a philosophy of correction, rather than (or in addition to) one of penalty. Correctional programs attempt to teach offenders how to substitute lawful types of behaviour for unlawful actions.

Throughout history and in many different parts of the world, societies have devised a wide assortment of punishment methods. In ancient times, societies widely accepted the law of equal retaliation (known as *lex talionis*), a form of corporal punishment that demanded “an eye for an eye.” If one person’s criminal actions injured another person, authorities would similarly maim the criminal. Certain countries throughout the world still practice corporal punishment. For instance, in some Islamic nations officials exact revenge-based corporal punishments against criminals such as amputation of a thief’s hand. Monetary compensation is another historic punishment method. In England during the early Middle Ages payments of “blood money” were required as compensation for death, personal injury, and theft.

Although some societies still use ancient forms of harsh physical punishment, punishments have also evolved along with civilization and become less cruel. Contemporary criminal punishment also seeks to correct unlawful behaviour, rather than simply punish wrongdoers.

Certain punishments require offenders to provide compensation for the damage caused by their crimes. There are three chief types of compensation: fines, restitution, and community service.

A fine is a monetary penalty imposed on an offender and paid to the court. However, fines have not been widely used as criminal punishment because most

criminals do not have the money to pay them. Moreover, fining criminals may actually encourage them to commit more crimes in order to pay the fines.

The term restitution refers to the practice of requiring offenders to financially compensate crime victims for the damage the offenders caused. This damage may include psychological, physical, or financial harm to the victim. In most cases, crime victims must initiate the process of obtaining restitution from the offender. Judges may impose restitution in conjunction with other forms of punishment, such as probation (supervised release to the community) or incarceration.

Alternatively, restitution may be included as a condition of an offender's parole program. Prisoners who receive parole obtain an early release from incarceration and remain free, provided they meet certain conditions.

Offenders sentenced to community service perform services for the state or community rather than directly compensating the crime victim or victims. Some of the money saved by the government as a result of community service work may be diverted to a fund to compensate crime victims.

The most serious or repeat offenders are incarcerated. Criminals may be incarcerated in jails or in prisons. Jails typically house persons convicted of misdemeanours (less serious crimes), as well as individuals awaiting trial. Prisons are state or federally operated facilities that house individuals convicted of more serious crimes, known as felonies.

The most extreme form of punishment is death. Execution of an offender is known as capital punishment. Like corporal punishment, capital punishment has been abolished in Ukraine.

### **2.2.2 Read the statements and decide if they are true or false**

1. A fine is a kind of a monetary assessment.
2. Confinement in jail or prison for a period of time is called incarceration.
3. At present societies widely accept the law of equal retaliation.
4. No societies use the forms of harsh physical punishment nowadays.
5. Community service is one of the three types of compensation for the damage caused by their crimes.
6. Fines are often used as criminal punishment.
7. Restitution may be included as a condition of an offender's parole program.
8. The most serious or repeat offenders are incarcerated.

### ***Vocabulary focus***

#### **2.3 Complete the text with the following words:**

*criminal/ punished/ rehabilitate/ revenge / wrongdoing / impose /crime*

#### **Goals of Criminal Punishment**

The major driving force underlying all punishment is 1) \_\_\_\_\_, also referred to as retribution. The word retribution derives from a Latin word meaning “to pay back.” In retaliation for 2) \_\_\_\_\_, societies seek to punish individuals who violate the rules. Criminal punishment is also intended as a deterrent to future criminality. Offenders who are 3) \_\_\_\_\_ may be deterred from future wrongdoing because they fear additional punishment. Others who contemplate 4) \_\_\_\_\_ may also be deterred from 5) \_\_\_\_\_ behaviour. Societies also 6) \_\_\_\_\_ punishments in order to incapacitate dangerous or unlawful individuals by restricting their liberty and to 7) \_\_\_\_\_ these wrongdoers and correct their behaviour.

#### **2.3.1 Give the English equivalents for the following word combinations and make up your sentences with some of them:**

накладати покарання; порушувати закон; скоїти злочин; тілесне покарання; запобігти злочину; правомірна поведінка; неправомірні дії; грошова компенсація; суворе фізичне покарання; громадські роботи; штрафування злочинців; для того щоб сплатити штраф; компенсувати шкоду жертвам злочину; страта злочинця, смертна кара.

#### **2.3.2 Render into English:**

Коли до засудженого застосовується покарання, то обов'язковою складовою є кара. Кара засудженого становить зміст покарання – позбавлення або обмеження прав і свобод особи, засудженої за вчинення злочину.

Щодо самої кари, то важливо, щоб вона відповідала принципіві справедливості. Тобто винний повинен зрозуміти, що він відплачує за вчинені ним протиправні дії і відплачує справедливо, відповідно до шкоди, яку він своїми діями завдав суспільству. Обмеження прав та свобод засудженого повинно бути належно обґрунтованим.

*Speaking*

**2.3 Prepare your presentation “Types of punishment in different countries”**

*Writing*

**2.4 Write your essays on “Capital punishment: Pros and Cons”**

*Grammar focus*

**2.5 Choose the correct variant:**

1. He .....the evidence when the chief inspector came to the place of crime.  
a) has collected    b) was collecting    c) will be collecting.
2. A defense-lawyer..... the accused.  
a) is represented    b) was represented    c) represents
3. I knew he .... as a Prosecutor.  
a) works    b) is working    c) worked
4. The woman asked him who .... the responsibility of certifying a contract.  
a) has    b) had    c) is having
5. He said that Nick ...to take part in the conference.  
a) was going    b)is going    c) has been going
6. Since long ago it ...the function of the police to enforce laws.  
a) was    b) is    c) has been

**2.5.1 Open the brackets using the verbs in correct forms**

1. Probation (to use) for minor offences.
2. Magistrates (to guide) on points of law by a clerk.
3. The house (to search) when the chief investigator called.
4. He (to find) innocent and the case (to close) last week.
5. The burglar (to break) into the house and (to steal) a new TV set.
6. The famous criminal (not to arrest) the day before yesterday.
7. The verdict (to announce) by the time he came in the court room.
8. A defense-lawyer (to represent) the accused in five minutes.
9. A drug dealer (to sell) drugs when a police caught him.
10. Experts (to examine) the fingerprints by noon yesterday.

### **2.5.2 Translate into English paying attention to sequence of tenses**

1. Слідчий сказав, що знайшов речові докази вбивства. 2. Поліцейський наказав не рухатись. 3. Поліцейський наказав злочинцю підняти руки вгору. 4. Слідчий проінформував, що підозрюваний пограбував банк. 5. Поліцейський запитав, коли було викрадено автомобіль. 6. Суддя оголосив, що підсудного визнали невинним. 7. Слідчий запитав, коли було пограбовано банк.

### **2.5.3 Open the brackets using the infinitive or the ing-form of the verb in correct form. Translate the sentences into Ukrainian**

1. I've never heard him (to start) legal proceedings. 2. They want him (to plead guilty) in committing a grave crime. 3. The most offence (to involve) criminal law are those against the state. 4. They'll look forward to (to charge) him for the second time. 5. The offence turned out (to be) committed while sleepwalking, and this act can't be qualified as a crime. 6. She seems (to investigate) the case for two weeks. 7. The criminal is sad (to catch) by the police. 8. He is known (to be) a good defence lawyer. 9. She is believed (to be innocent). 10. He is said (to rob) the bank two years ago.

### **2.5.4 Translate into English using Conditionals or “I wish”:**

1. Якби вона не скоїла злочин, її б не заарештували. 2. Шкода, що ти не розповів поліцейському всю правду. 3. Я б хотів, щоб він погодився піти до поліцейського відділку та написати заяву про крадіжку. 4. Він шкодує що скоїв злочин. 5. Якби він не влаштував бійку на футбольному майданчику, поліція не заарештувала б його вчора. 6. Якби я був присяжним, я б визнав його невинним. 7. Якщо свідок впізнає підозрюваного, його заарештують.

## References

1. Гурманова Ю. Л. Just English. Английский для юристов. Базовый курс / Гурманова Ю. Л., Королева-МакАри В. А., Свешникова М. Л. – М.: ИКД "Зерцало-М", 2002. – 256 с.
2. Зернецький П. В. Англійська мова для правників / Зернецький П. В., Орлов М. В. – К.: Вид. дім «КМ Академія», 2003. – 182 с.
3. Завдання студентам-юристам для самостійного опрацювання розмовних тем / О.М.Бровіна О.В.Гончар Н.В.Карцева та ін. За заг. ред.проф. В.П.Сімонок. – Х.: Право, 2005. – 60 с.
4. Мізецька В. Я. Практичний курс англійської мови для юристів: підручник. – Х.: «Одіссей», 2003. – 240 с.
5. Сімонок В.П. «English for Lawyers» / Сімонок В.П., Лисицька О.П., Семьонкіна І.А., Сергєєва Г.А. та ін./ За заг. ред. проф. Сімонок В.П. – Х.: Право, 2011. – 648 с.
6. Черноватий Л. М. Буква закону: навчальний посібник з англійської мови для навчання професійного спілкування майбутніх правників / Черноватий Л. М., Липко І. П., Романюк С. М. та інш. – К.: Право, 2011. – 526 с.
7. Черноватий Л. М. Переклад англійської юридичної літератури: навчальний посібник / Черноватий Л. М., Карабан В. І., Іванко Ю. П., Липко І. П. – Вінниця: Нова Книга, 2006. – 656 с.
8. J. Taylor Career Path: Police. Virginia Evans, Jenny Dolley. Express Publishing, 2011. – 116 p.
9. English for Law Enforcement. Copyright MacMillan Education, 2009. – 214 p.