

KEY - CRIMINAL LAW 1

1. Brainstorm in small groups what might be considered as a crime in different countries of the world.

2. Reconstruct a crime definition below.

A **crime** is an illegal act which may result in prosecution and punishment by the state if the accused is convicted. Generally, in order to be convicted of a crime, the accused must be shown to have committed an unlawful act (actus reus) with a criminal state of mind (mens rea).

Based on: Peter Collin Publishing, *Dictionary of Law*, 1999.

Crime (N) (a) an act which is against the law and which is punishable by the law, e.g. *there has been a 50% increase in crimes of violence*; (b) illegal acts in general, e.g. *crime is on the increase; there has been an increase in violent crime*.

3. What is the difference between “a crime” and “crime”?

4. Name the crime vocabulary. Match the terms with their definitions.

arson *žhářství*, **assassination** *úkladná nájemná vražda veřejně známé osoby*, **assault** *napadení*, **bigamy** *bigamie*, **blackmail** *vydírání*, **bribery** *úplatkářství*, **burglary** *vloupaní*, **embezzlement** *zpronevěra*, **defraudace**, **espionage** *špionáž*, **extortion** *vydírání, neoprávněné a násilné vynučení*, **forgery** *padělání*, **fraud** *podvod, lest, uvedení v omyl*, **libel** *písemná pomluva*, **nactiutrání**, **manslaughter** *zabití člověka v afektu nebo z nedbalosti*, **murder** *úkladná vražda*, **perjury** *křivé svědectví, křivá přísaha*, **piracy** *pirátství – 1. Air piracy, 2. Porušení autorských práv*, **robbery** *loupež*, **slander** *ústní pomluv, urážka na cti, nactiutrání*, **smuggling** *pašeráctví*, **theft** *krádež, odcizení*, **treason** *vlastizrada*

1. **Assault** acting in such a way as to make someone believe he or she will be hurt
2. **Treason** betraying your country to a foreign power
3. **Piracy** copying patented inventions or copyrighted works
4. **Burglary** entering a building illegally and stealing things
5. **Blackmail** getting money from people by threatening to publicise facts they do not want revealed
6. **Extortion** getting money from people by using threats
7. **Fraud** getting property or money from people by making them believe untrue things
8. **Bigamy** going through a ceremony of marriage when you are still married to someone else
9. **Assassination** killing a public figure illegally and intentionally
10. **Murder** killing someone illegally and intentionally
11. **Manslaughter** killing someone unintentionally or in mitigating circumstances
12. **Forgery** making an illegal copy of a banknote or document
13. **Bribery** offering money corruptly to get someone to do something to help you
14. **Slander** saying something which damages someone's character

- | | |
|-------------------------|---|
| 15. Arson | setting fire to a building |
| 16. Robbery | stealing something by using force or threatening to use force |
| 17. Theft | stealing, taking property which belongs to someone else |
| 18. Smuggling | taking goods illegally into or out of the country |
| 19. Perjury | telling lies when you have sworn an oath to say what is true in court |
| 20. Espionage | trying to find out secrets by illegal means |
| 21. Embezzlement | using illegally or stealing money which you are looking after for someone else |
| 22. Libel | writing, publishing or broadcasting a statement which damages someone's character |

Source: Check your Vocabulary for Law, Peter Collin Publishing 1-901359-21-6, <http://www.petercollin.com>

5. Read the first part of the text on Criminal Law and answer the questions in Exercise 6.

Criminal law may seem pretty straightforward as it is an area of law which the ordinary members of the public are most familiar with through countless TV series and newspaper reports from courtrooms. Everyone knows it: you do something that is banned by the law and you are facing a term in jail, eventually. But as we have already seen in previous chapters there are two kinds of legal responsibility, i.e. liability, namely, civil and criminal, and it is necessary to distinguish between these two. So, what is it that makes someone criminally liable?

Well, for the start it should be noted that this varies from country to country. What is criminally punishable in one country need not be punishable in another one. For example, littering is a crime in Singapore or an infraction (the least serious offence) in California, but dropping rubbish in a street in the Czech Republic is not a big deal even if it may be frowned upon by passers-by. Smoking marijuana has been a hotly debated issue for a long time in various parts of the world but as of date there is probably only one country where it is tolerated by the police in certain places (the Netherlands). Also, having more than one wife is socially inappropriate even if it is taken by some men as acceptable (in the form of having a mistress). They rely on the distinction between the terms wife and woman as the law only prohibits going twice through the wedding ceremony while being married, which is the legal definition of the crime of bigamy. However, men in Islamic countries may legally have several wives even if in reality this is constrained by the condition to have enough resources to cover expenses. Nevertheless, for those uncertain about what is universally allowed or not, it should be pointed out that stealing, physically attacking someone or damaging property is punishable all over the world and the perpetrator gets criminally prosecuted for that.

In criminal law, all the prosecution tries to do is to prove that the defendant was at a certain place at a certain time and did something against the provisions of the Penal Code (where they have it; in common law jurisdictions the crimes are defined mostly in case law). This is called proving Actus Reus, i.e. the crime itself. In addition, it is also necessary to find out and prove the state of mind of the perpetrator at the time when he (mostly, as women form a better part of the humankind) committed the crime he is charged with. This is referred to as Mens Rea, which should not, when pronounced, be confused with the designation of the male posterior. To be found guilty of a crime one has to be proven to possess both, so people lacking Mens Rea, i.e. insane persons, can get away even with murder. Needless to say, instead of prison they end up in a mental hospital, which is no better choice. There are various kinds of Mens Rea, which is important for distinguishing, for example, murder from manslaughter. The former is defined, under English law, as "unlawfully killing someone, with malice aforethought, under the Queen's peace, so that the victim dies within a year and a day", whereas the latter amounts to "killing a human being without malice aforethought (bad intention) or due to recklessness". (Try to explain the three elements of the definition of murder paying special attention to the third one taking into account the progress of the medical science!) In England, all criminal cases start in a magistrates court where most of them (less serious crimes),

are “tried summarily”, i.e. without unnecessary delay, and the more serious crimes are referred to the higher court (Crown Court) to be “tried on indictment” (with a formal accusation). Some offences are triable either way but the defendant can choose if he wishes to be tried by a bench of magistrates who pass sentence or by a Crown court jury which only decides the question of fact, i.e. whether the defendant is guilty or not. On the basis of the verdict of the jury the judge either sentences or acquits the defendant. This is one of the questions of law which he or she is engaged in. These also include conducting the trial, summarizing the evidence and explaining legal matters to the jury who are ordinary members of the public so they may need such explanation. In fact, no one connected with the world of law may serve on a jury. The principle behind the jury system (and the system of lay judges – justices of the peace) is that one should be judged by his own peers not by experts standing above him.

Created by the team of authors.

6. Comprehension tasks

Which acts that may/may not be crimes are mentioned in the text?

Explain the difference between Actus Reus and Mens Rea in your own words.

Explain the elements of murder under English law.

Explain the difference between dealing with less serious and more serious crimes in England.

What is the difference between the questions of law and the questions of fact?

7. Read the following speech. Who is speaking to whom? In each numbered blank a word is missing. Predict what the missing word is and check with a partner.

“You’ve listened to a long and complex case. .. murder in the first 1.**degree** ... a 2.**pre-meditated** murder is the most serious 3. **charge** tried in our courts... you’ve listened to the 4.**testimony**... you’ve heard the law read to you and interpreted as it applies in this case ... it’s now your job to sit down and separate the facts from the 5.**fantasy**... one man is deadanother man’s life is at 6. **stake** ... if there’s a reasonable doubt in your minds 7.**as** to the guilt of the accused... a reasonable doubt... then you must 8.**bring** me the 9. **verdict** of not guilty ... if however there’s no reasonable 10.**doubt** then you must in good 11.**conscience** find the accused 12.**guilty** ... however you decide your verdict must be 13.**unanimous** in the event that you find the accused guilty the 14.**bench** will not entertain a recommendation for 15.**mercy** ... the death sentence is 16.**mandatory** in this case... you’re faced with a 17.**grave** responsibility ... thank you gentlemen.”

...

“...the jury will now 18.**retire**“

Source: <https://www.youtube.com/watch?v=Kwd2dYZbjVw>

8. Listen to the speech and complete the blanks in the Exercise 7.

9. Speaking: Exam Practice

Compare the advantages and disadvantages of the jury system.

KEY - CRIMINAL LAW 2

1. Name the crime activity

BELOW ARE 10 STATEMENTS BY DEFENDANTS. Read the statement and say what crime has each one been accused of.

1. "I arrived home late and found that I'd forgotten my keys. I didn't want to wake my wife up, and I saw there was a ladder in the garden of the house next door. I got the ladder and climbed in. We've just moved house and I didn't realize I was in the wrong street ...**burglary**
2. "I was walking my dog when I saw the gun lying on the ground. I picked it up – it was still warm – and at that moment I saw the body lying in the long grass. I went across to look and it was my business partner. That's when the police arrived ... **murder**
3. "I opened the bank account in a false name as a way to help my employer pay less tax. It's perfectly legal. I kept meaning to tell him, but somehow I just forgot. I bought the villa in France with my own money. It was an inheritance ... **embezzlement or fraud**
4. "OK, so there are a hundred and twenty-three copies of Harry Potter and the Deathly Hallows. That's perfectly true, but I had no intention of selling them. I'm a collector. **piracy**
5. "Well this obviously isn't my suitcase, I've never seen these things before in my life. The monogram? Well, they are my initials, but that must be a coincidence. That's probably how the two cases got mixed up. After all, JA aren't very unusual initials. A photograph with me in it? My word, that's incredible! It must be someone who knows me ...**smuggling**
6. "I didn't know she was still alive, I thought she'd died in a car accident. I couldn't believe it when I saw her walk into the room. Surely you don't think I did this just to get your money...?**bigamy**
7. "You misunderstand me. When I offered him the money I meant this as a gift. I know that life can be difficult for a young man on a police salary, especially if he has a family, young children etcetera. It isn't easy and I know that. I just wanted to help. I didn't expect him to do anything in return...**bribery**
8. "After leaving the office I realized I'd forgotten my umbrella. I went back in to get it. When I went in I noticed that the photocopier was still turned on. It had been working very badly all day, and I decided to quickly see what was wrong with it before going home. I made a few test copies that were in the office. I didn't even look at what I was copying. The machine seemed to be working much better. I put the copies in my briefcase – intending to use the other side as notepaper. I don't believe in wasting paper. At that moment Mr. Sanders came out of his office ...**espionage**
9. "I painted them for pleasure. I had no intention of deceiving people. I never said they were by other people. Yes, I did include the signatures of other artists but that's because I wanted them to be perfect copies ... **forgery**
10. "Mr. Wills sent me the money to help me in my business venture – I'm trying to start a design agency. He sent me cheques every month for £ 1,200- A couple of times he sent extra when I had special expenses. It was always understood that he would participate in the profits of the business when it was running. We didn't write anything down, it was an oral agreement. The photographs I have of him with his secretary have no connection with these payments.

...blackmail

Source: Check your Vocabulary for Law, Peter Collin Publishing 1-901359-21-6,
<http://www.petercollin.com>

Based on the *Dictionary of Law*, 2nd Ed. 1994, ISBN 0-948549-33-5

2. Criminal procedure: Decide the order of individual steps in a criminal procedure.

- 1 crime is reported
- 2 investigation by police
- 3 apprehension of suspect
- 4 charge of suspect
- 5 plea-taking
- 6 remand in custody
- 7 release on bail
- 8 trial:
- 9 opening statements by counsel
- 10 interrogation - direct/cross
- 11 closing statements by counsel
- 12 verdict by jury
- 13 judgment of judge
- 14 acquittal of accused
- 15 conviction of accused
- 16 sentence by judge
- 17 appeal against judgment

Source: Brieger, Nick. *Professional English Law*. Pearson Education Limited: 2002.

3. MISSING ARTICLES. The following summary of criminal procedure is without any articles. Fill the text with "a/an" or "the" at appropriate places:

Criminal Procedure deals with **the** set of rules which govern how **the** court will process criminal cases. **A** criminal case begins when **a** suspect is arrested by **the** police and taken into custody. **The** suspect is charged with **a** crime and can be either released on bail, or can remand in custody. **The** trial starts by reading **an** indictment which details **the** charges. If **the** defendant pleads "guilty", he or she will be sentenced by **the** judge. If **the** defendant pleads "not guilty", **the** trial continues by selecting **the/a** jury. After **the** prosecutor's opening statement, **the** defence counsel may also address **the** jury. **The** prosecutor then calls witnesses to give evidence. **The** defence counsel can cross-examine **the** witnesses.

After all **the** evidence has been presented, **the** prosecution and **the** defence review their cases in closing statements. **The** jury leaves **the** courtroom

to consider **the** evidence and to reach **a** verdict. If **the** verdict is “not guilty”, **the** defendant is acquitted. If **the** jury’s verdict is “guilty”, **the** defendant is convicted of **the** crime and sentenced by **the** judge.

Source: <http://www.supremecourt.wa.gov.au/>

4. Fill in prepositions.

- He was charged **with** murder.
- He was sentenced **to** 12 years.
- He was suspected **of** committing an offence.
- He was taken **into** custody.
- He was arrested **on** warrant.
- He was released **on** parole.
- He was convicted **of** an offence.
- He appealed **against** the sentence.
- He was arrested **for** an offence.
- He was released **on** bail.
- He was found guilty **of** the charge.

Created by the team of authors.

5. Video – Arrest and Plea – Boston Legal, Season 02, Episode 24

1st viewing

When a defendant is arrested, s/he must be read his rights (Miranda Warning, US), the wording varies from state to state, fill in the gaps in the example of Miranda Warning below:

1. You have the **right** to remain **silent** .
2. Anything you say **can** and will be **used** against you in **court**.
3. You have a right to an **attorney**.
4. If you are unable to hire an attorney one will be **provided** for you.
5. If you **waive** these rights and furnish information, you have the right to **stop** at any time.

<p>MIRANDA WARNING</p> <ul style="list-style-type: none"> • Differs from state to state but ... 	<p>CAUTION – England and Wales version (as modified by the 1994 Criminal Justice Act)</p>	<p>CAUTION - Scotland</p>
<p><i>You have the right to remain silent. Anything you say can and will be used against you in a court</i></p>	<p><i>You have the right to remain silent: but it may harm your defence if you do not mention, when</i></p>	<p><i>You do not have to say anything. But anything you say may be noted in evidence.</i></p>

<i>of law. You have the right to speak to an attorney, and to have an attorney present during any questioning. If you cannot afford a lawyer, one will be provided for you at government expense.</i>	<i>questioned, something that you later rely on in Court. Anything you say may be given in evidence.</i>	
<i>In some states the following is added: Do you understand the rights I have just read to you? With these rights in mind, do you wish to make a statement?</i>		

Translate Miranda Warning into Czech? Poučení o právech zadržené osoby

/policejní oznámení osobě, že může být obviněna z tr.činu a že cokoliv řekne ...

What is the defendant in the movie being charged with? Tick the crimes mentioned in the scene.

2nd viewing

Type of crime	Yes		Translation
Aiding and abetting a fugitive			Spolupachatelství, napomáhání tr.činu
Assault			Napadení
Tax evasion			Vyhýbání se placení daní
Breach of the peace			Porušení veřej.pořádku/výtržnictví
Driving while intoxicated (DWI)			Řízení pod vlivem alkoholu
Grievous bodily harm			Těžké ublížení za zdraví

Conspiracy to aid a defendant to avoid prosecution			Plánování napomáhat obviněnému, aby se vyhnul tr.stíhání
Handling stolen goods			Prodej kradeného zboží
Contempt of court			Pohrdání soudem/Úmyslné nedostavení se k soudu
Obstruction of justice			Maření/bránění výkonu spravedlnosti

Part 2 – Plea

The next stage in the criminal procedure in the Plea. The charge is read and then the judge asks the defendant how he pleads. What can s/he answer?

<p>Guilty _____</p> <p><i>How do you plead?</i></p> <p>guilty _____</p>	<p>Not</p> <p><i>Nolo contendere (no contest)</i></p>
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How would you define a 'plea'?

Plea	A statement made by a person accused in court in answer to the charge (Collins Dictionary of Law)
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How does the defendant in the movie plea? Fill in the gaps.

Transcript:

How do you plead?

Not guilty by reason of the district attorney's insanity.

That's not a real plea!

_____ then.

What happens to the defendant now?

He can be remanded in _____ or he can be released on _____.

Was a bail set? What does ROR stand for?

Transcript:

Bail?

I ask to be released on my own recognizance.

I assure you I will not flee.

No objection.

Fine. ROR is granted.

We'll resume at 10:00 tomorrow. We're adjourned.

5. Read the second part of the text on Criminal Law in pairs, each summarizing one paragraph. Choose the most relevant information.

*examples of opening sentences: The first paragraph deals with defences which mean ...
The second paragraph describes types of sentences ...*

When being judged, apart from asserting that he was not at a particular place at a particular time, which is called "having an alibi", the defendant may state reasons for being excused for committing the crime he is charged with. The reasons for being exempt from criminal liability are called defenses and include duress, insanity and self-defense. Duress means being forced to commit a crime by threats that I or someone close to me will be harmed if I do not do that. This kind of defense may be used, for example, by an accessory to a crime, which has nothing to do with fashion or cars, the meaning of the word being an accomplice. The defense of insanity may seem quite simple to be proved as most people manifest its symptoms from time to time but in fact it requires careful proving and a doctor's opinion is needed. The defendant then ends up in a lunatic asylum, nowadays being labeled politically correctly "mental hospital". Self-defense might seem even simpler but, again, the practice varies from country to country, or, more precisely, from the USA and the rest of the world. Shooting an unarmed burglar is perfectly all right in some states of the USA but in Europe it would be seen, and judged, as using unreasonable force. One might also argue that intoxication, i.e. being drunk or under influence of drugs, should be taken into consideration when speaking about defenses as such a person does not know what he is doing thus lacking Mens Rea. Sad news for those who would like to take this kind of precaution is that nowadays it is considered an aggravating circumstance rather than a mitigating one.

The final part of the trial is sentencing the defendant who has been found guilty. The judge has a number of sentences at his disposal. These include fine, imprisonment, community service, or, in some countries also death penalty. A fine, or a financial penalty, is imposed, for example, on drivers committing crimes such as speeding or parking offences. Imprisonment may take various forms, ranging from a short-term in jail to life imprisonment, or being imposed straightaway or

conditionally. The defendant who has been given a conditional, or suspended, sentence is required to keep out of trouble for a specified period of time and if he does not, he is sentenced for the original crime as well as for the new one. There is also a modern achievement of alternative punishments such as community service order which consists in doing a specified amount of work for the benefit of the community and, of course, for free. In various parts of the world there are also other types of punishment such as house arrest, when one is not allowed to leave his home, or probation, which is a kind of conditional sentence, when the defendant, typically, a young delinquent, is left at large but he or she is under supervision of a probation officer. This also applies to some convicts who have been released on parole, i.e. before the end of their term in jail.

Created by the team of authors.

6. Listening – defenses

Listen and fill in the gaps in the definitions you hear.

1. **To have a Defense** - a reason the court {should excuse} one's act.
2. **Duress** – being {forced} to {commit} a {crime} because of threats that you or someone else will be {harmd} if you do not.
3. **Insanity** – in a doctor's opinion the defendant cannot have been {responsible} for his {actions} because of {mental illness}.
4. **Intoxicated** – {drunk} or under the {influence} of {drugs}."
5. **Self-defense** – defendant can avoid guilt for {injuring} someone if he can {convince} the {court} that the force he used was {reasonable} to {protect} himself.
6. **Mitigation** – reasons your {punishment} should not be {harsh}. It is not a defense.
7. **Crime of passion** – your act was {directly caused} by the {unreasonable} behavior of your lover. It is not a defense.

Powell, U7, defenses

Source: Powell, Richard. *Law Today*, Longman: 1993

CRIMINAL LAW 3

1. Video – Trial by Jury

Source: BBC documentary recorded from television in late 1990s. While all attempts have been made to find the source, it was not possible.

- a) **First, Ss watch the introduction without sound. What is the video about? (murder, staged burglary, prowler pobuda) up to 1:15**

b. Watch the interrogation of witnesses and answer the questions.

Prosecution X Defendant: 1:15-3:00

- What does the prosecution want the defendant to admit? *that he killed his wife*

- What does the prosecution suggest Mark did between 10.30 and 10.40? *stangled his wife with a pair of ties, opened bedroom drawers and staged a burglary to cover his tracks*
- What does Mark say he did between 10.30 and 10.40?

Defence X Lover: 7:26-10:52

- Reconstruct the oath. *I swear by almighty God that the evidence I shall give shall be the truth, the whole truth and nothing but the truth.*
- When did the relationship start? *when she was 18*
- When did Mark leave and how does she know? *10pm, TV program*

Prosecution X Lover: 14:07-17:00

- What did you learn about the issue of divorce? *she discussed it with her sister, not with Mark*
- Has she had any contact with Mark since the murder? *no*

c. Listen and fill in the missing words.

Judge's speech: 19:45-20:51

I'll sum up. A word first about our respective functions. Yours and mine. The **law** is for me, the **facts** are for you. The defendant is **charged with** murder. The **indictment** could hardly be simpler. Mark Fay on 3 January 1998 murdered Mary. So all the elements of murder are there **proved** and **admitted** except one. He says I was not there, I did not do it. And that's what the **prosecution** have to prove in this case. That he was there and did do it. That he **did strangle** his wife.

The jury has a question: 24:28-25:55

- If Mark killed his wife in the course of **struggle** even though he never intended to kill her is that murder?
- A man is guilty if he **unlawfully** and **deliberately** causes the death of a person with the intention to kill that person or cause that person really **serious harm**. You may think that anybody who **choked** somebody to death must have intended at least to cause really serious harm. Does that assist you?
- We can't consider an **alternative** charge?
- No, it must be murder, murder or **acquittal**.

d. What did the prosecution offer to the defendant? What do you think the verdict will be? 37:12
The prosecutor offers to drop the murder charge if he pleaded guilty to manslaughter.

2. Language practice

All the verbs in the box relate to legal matters. Use the past tense forms to complete the sentences. The first one has been done for you as an example.

accuse	acquit	arrest	award	confess	charge
drop	engage	fine	grant	imprison	
plead	release	seize	serve		

1. After six hours of questioning the accused confessed.
2. The government granted an amnesty to all political prisoners.
3. He boss accused her of stealing £250.
4. The secret police imprisoned him for six months in a high security jail.
5. We engaged the best commercial lawyer we could find to represent us but we still lost the case.
6. The prisoner pleaded guilty to all charges.
7. On 12 August they charged him with murder.
8. The policeman stopped the car and arrested the driver.
9. The president released the opposition leader from prison.
10. The court fined him £2,500 for obtaining money by false pretenses.
11. After consideration, the plaintiff dropped the case against his neighbour.
12. The customs seized the shipment of books.
13. He served six months in a local prison.
14. The Crown Court awarded the plaintiff £75,000 in damages plus costs.
15. Two of the men were sent to prison, but the judge acquitted the third.

16. Source: Check your Vocabulary for Law, Peter Collin Publishing 1-901359-21-6, <http://www.petercollin.com>

3. Speaking activity – You the jury (work in groups of 3)

Explain the underlined expressions below:

- a. To do the dirty on someone
- b. To do away with someone
- c. He went to the bookies. He'd had a bet the day before and his horse had come in.
- d. He got £ 110 – there was an extra tenner by mistake.

Read the text. Each student in a group reads only one text 1, 2 or 3. Discuss the main points of the text in your groups. Which four crimes has Billy committed?

Text 1:

Billy Barnes was more than a little apprehensive as he considered Pat Parton's offer of work. 'My accountant has done the dirty on me', said Pat, 'and I'll pay you £25,000 if you do away with him for me.'

It didn't take Billy long to accept – he needed the money desperately. He and Pat sat together until the wee small hours of the morning planning – with military precision – how, when and where Billy would kill Pat's accountant. Finally, at 4am, Billy was issued with a gun and instructions on where to find the accountant's house.

Pat knew that Billy didn't have a car, so he gave him the keys to a red BMW which Pat had stolen.

Billy was suspicious that the car might be stolen, but he decided to take it anyway. Billy's first port of calls was the bookies. He'd had a bet the day before and his horse had come in. He stood to collect £100. Billy grinned as he slapped his winning ticket down on the counter. The bookie grumpily handed Billy his winnings. Billy took it and counted it. The was £110. The bookie had given him an extra tenner by mistake.

Text 2:

Billy's grin grew even wider and, saying nothing about the bookie's error, he strolled out of the shop. He reached into his pocket for some cigarettes but all he found was a hole. He cursed, but then noticed a newsagent's shop on an adjacent road. It was only a couple of minutes' walk if he took short-cut through some private property. The entrance gate bore a sign stating: 'TRESPASSERS WILL BE PROSECUTED'. Billy ignored the sign and took the short-cut to the newsagent.

Having purchased his cigarettes he absent-mindedly put his bundle of money into the pocket with the hole in it and strolled back to the car, not noticing the money slip through the hole and fall to the floor. He stopped on the way to the accountant's house for petrol, and filled up the tank with £30 worth. It wasn't until he was standing in front of the cashier at the till that he realized he'd lost his money. He wrote down his name and address on a piece of paper and handed it to the cashier. 'I've got no money,' he told her, 'but here's my name and address. I'll send it to you tomorrow.' 'Oh no you won't,' replied the cashier. 'That car doesn't leave the forecourt until you've paid for the petrol.'

'I've no time to argue,' said Billy. 'Like I've told you, I'll send it to you tomorrow.' He ran back to the car and drove away.

Text 3:

The garage was only a few miles from the accountant's house and, as Billy made his way there, he began to panic. The incident with the petrol meant he could easily be traced. If anyone saw this car at the accountant's house, he'd be caught for sure. He decided to abandon his mission, and come back the next day in a different car.

Wearily he turned the BMW around and set off for home. He had a photo of the accountant that Pat had given him in the glove compartment and he reached over to get it.

'This mission is just postponed,' he snarled, staring at his target's picture, 'not cancelled. I'll get you tomorrow.'

His eyes were only off the road for a couple of seconds as he looked at the photo, but it meant he hasn't noticed the zebra-crossing in the road ahead.

He had almost reached it as he looked up from the photo and saw the figure of a pedestrian halfway across it, but even though he was travelling within the speed limit it was too late to stop. There was a sickening crunch as the heavy BMW smashed into the pedestrian and threw him 20 feet up the road. Billy leapt from the car and ran towards the injured man, but a passing doctor had got there first and was kneeling over him. 'Too late,' said the doctor, 'he's dead.' He stepped away giving Billy a view of the corpse. Billy's mouth dropped wide open in amazement as he saw the dead man – it was Pat's accountant.

Solution: You the jury

The offences are as follows: **1. Conspiracy to murder.** His discussions with Pat had been more than merely preparatory – they had conspired to murder the accountant.

2. Possession of a firearm with intent to endanger life. He intended to shoot the accountant with the gun.

3. Theft. He knew he wasn't entitled to the £10 overpayment by the bookie and that it was the other man's mistake to give it to him. That constitutes theft.

4. Driving without due care and attention. His driving clearly fell below the standard expected of a competent and careful driver, but it would be difficult to argue that it fell far below such a standard and hence wouldn't constitute dangerous driving.

... and the crimes he didn't commit?

1. Handling the stolen BMW. His suspicion that it's a stolen car isn't enough, To be guilty of handling he has to know or believe it to be stolen

2. Trespass. The 'TRESPASSERS WILL BE PROSECUTED' sign has no force. There is a crime of criminal trespass but it's only for mass trespass by such groups as ravers or anti-roads demonstrators. Billy has committed no crime in taking a short cut across private property.

3. Theft of petrol. Billy intended to pay when he filled his car with petrol. He was not acting dishonestly at the time he took the petrol and did not act dishonestly by leaving his name and address and offering to send it on. The cashier had no right to demand he leave his car.

4. Murder. He didn't murder the accountant. He killed him by accident.

Source: Adapted from: *MENSA QUEST*, May 1998, p. 43