

A. 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. _____ ... a 2. _____ murder is the most serious 3. _____ tried in our courts... you’ve listened to the 4. _____ ... 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. _____ ... one man is deadanother man’s life is at 6. _____ ... if there’s a reasonable doubt in your minds 7. _____ to the guilt of the accused... a reasonable doubt... then you must 8. _____ me the 9. _____ of not guilty ... if however there’s no reasonable 10. _____ then you must in good 11. _____ find the accused 12. _____ ... however you decide your verdict must be 13. _____ in the event that you find the accused guilty the 14. _____ will not entertain a recommendation for 15. _____ ... the death sentence is 16. _____ in this case... you’re faced with a 17. _____ responsibility ... thank you gentlemen.”

...

“...the jury will now 18. _____ “

B. Speaking: Exam Practice

Compare the advantages and disadvantages of the jury system.

Advantages	Disadvantages

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

investigation by police	acquittal of accused	charge of suspect
conviction of accused	verdict by jury	plea-taking
closing statements by counsel	sentence by judge	opening statements by counsel
appeal against judgment	release on bail	

1 crime is reported

2 _____

3 apprehension of suspect

4 _____

5 _____

6 remand in custody

7 _____

8 trial:

9 _____

10 interrogation - direct/cross

11 _____

12 _____

13 judgment of judge

15 _____

16 _____

17 _____

14 _____

D. Fill in prepositions.

He was charged _____ murder.

He was sentenced _____ 12 years.

He was suspected _____ committing an offence.

He was taken _____ custody.

He was arrested _____ warrant.

He was released _____ parole.

He was convicted _____ an offence.

He appealed _____ the sentence.

He was arrested _____ an offence.

He was released _____ bail.

He was found guilty _____ the charge.

E. Video – Arrest and Plea

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 _____ to remain _____.
2. Anything you say _____ and will be _____ against you in _____.
3. You have a right to an _____.
4. If you are unable to hire an attorney one will be _____ for you.
5. If you _____ these rights and furnish information, you have the right to _____ at any time.

Translate Miranda Warning into Czech? _____

Read the text:

The **Miranda warning** is a police warning that must be given to criminal suspects in police custody in the United States before they can be asked questions relating to the commission of crimes. Police may request biographical information such as name, date of birth and address without reading suspects their Miranda warnings. Confessions will not constitute admissible evidence unless suspects have been made aware of and waived their Miranda "rights".

The Miranda warnings were mandated by the 1966 United States Supreme Court decision in the case of Miranda v. Arizona as a means of protecting a criminal suspect's Fifth Amendment right to avoid coercive self-incrimination (see right to silence). However, since its creation by the Warren Court, the Supreme Court has indicated that the *Miranda* decision imposes "prophylactic" or preventative safeguards rather than protections mandated by the Fifth Amendment privilege.

Miranda v. Arizona

In 1963, Ernesto Miranda was arrested for robbery. When questioned by police, he also confessed to kidnapping, and rape. At trial, prosecutors offered only his confession as evidence and he was convicted. The Supreme Court ruled (Miranda v. Arizona, 384 U.S. 436 (1966)) that Miranda was intimidated by the interrogation, and that he did not understand his right not to incriminate himself, nor his right to counsel. On this basis, they overturned his conviction. Miranda was later convicted in a new trial, with witnesses testifying against him, and other evidence presented. He served 11 years. In 2000, the issue of Miranda rights came up before the Supreme Court once again. The justices re-affirmed the role of the earlier precedent.

Miranda rights

The Supreme Court did not specify the exact wording to be used when informing a suspect of his or her rights. However, they did set down a set of guidelines which must be followed. The ruling states:

...The person in custody must, prior to interrogation, be clearly informed that he has the right to remain silent, and that anything he says will be used against him in court; he must be clearly informed

that he has the right to consult with an [attorney](#) and to have that attorney present during interrogation, and that, if he is [indigent](#), an attorney will be provided at no cost to represent him.

As a result, [American English](#) has acquired the [verb *Mirandize*](#), meaning to read to a suspect his or her Miranda rights (when that suspect is taken into custody for the purpose of interrogation).

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

Part 1 What is the defendant in the movie being charged with? Tick the crimes mentioned in the scene.

Type of crime	Yes	No	Translation
Aiding and abetting a fugitive			
Assault			
Tax evasion			
Breach of the peace			
Careless and reckless driving			
Grievous bodily harm			
Conspiracy to aid a defendant to avoid prosecution			
Handling stolen goods			
Misuse of drugs			
Obstruction of justice			

Part 2 – Plea

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

<p>How do you plead?</p>	<p>G _____ Not _____</p>
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How would you define a 'plea'?

How does the defendant in the movie plea? Fill in the gaps.

Transcript:

How do you plead?
Not guilty by reason of _____
That's not a real plea!
_____ then.
We'll resume at 10:00 tomorrow. We're adjourned.

What happens to the defendant now?

<p>He can be remanded in _____ or he can be released on _____.</p>
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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.