

Criminal Procedure

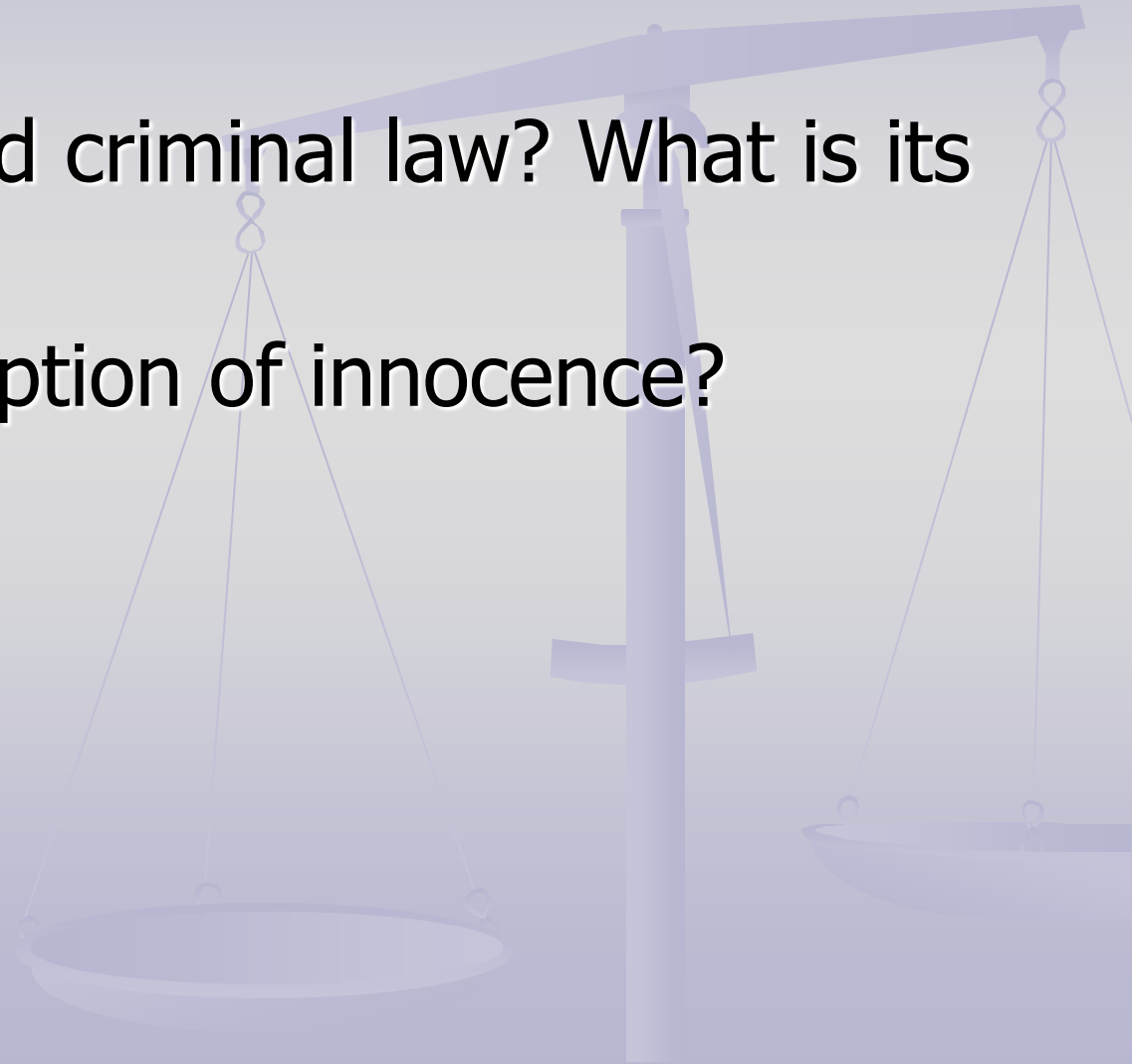
English for Lawyers I.4

HW: Powell U19

Czech	English
vyšetřovat trestné činy	investigate crimes
zatknout a prohledat podezřelé	arrest and search suspects
uložit pokutu	impose a fine
odradit lidi od páčání trestných činů	deter people from committing crimes
padělat důkazy	falsify evidence
přijímat úplatky	accept bribes
shromažďovat důkazy	gather evidence
veřejně prospěšné práce	community service
podmíněný trest	suspended sentence
cela smrti	death row
tělesný trest	corporal punishment

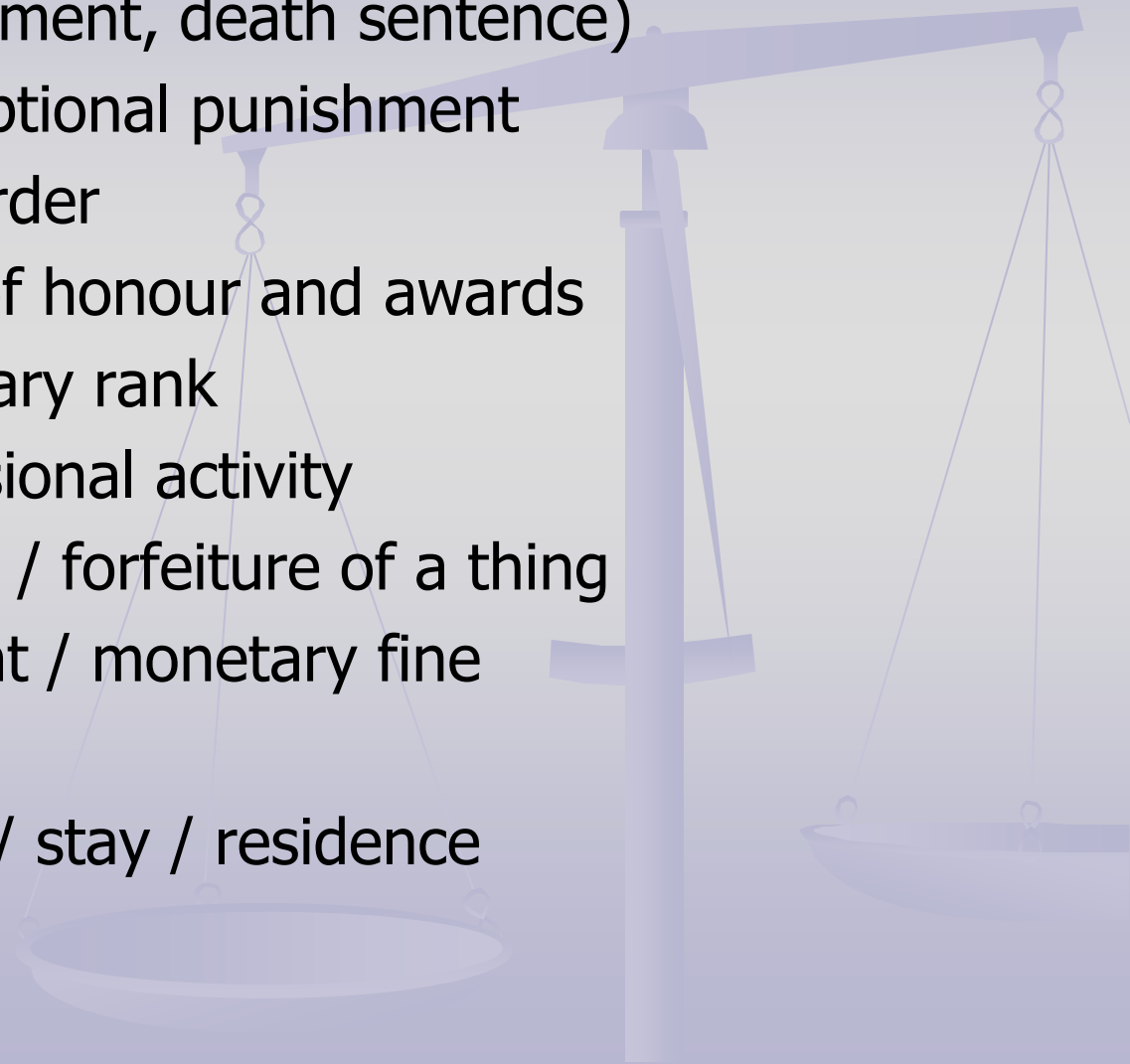
Criminal Law

- Definition? 😊
- Why do we need criminal law? What is its basic function?
- What is presumption of innocence?
- Punishment
 - Groups of 4-6



Punishment

- death (capital punishment, death sentence)
- imprisonment / exceptional punishment
- community service order
- deprivation of titles of honour and awards
- deprivation of a military rank
- prohibition of professional activity
- forfeiture of property / forfeiture of a thing
- pecuniary punishment / monetary fine
- banishment
- prohibition of abode / stay / residence



Quick revision: Crime vocabulary



Pachatel trestného činu

- Synonyms:
 - an offender
 - a criminal
 - a felon
 - a perpetrator



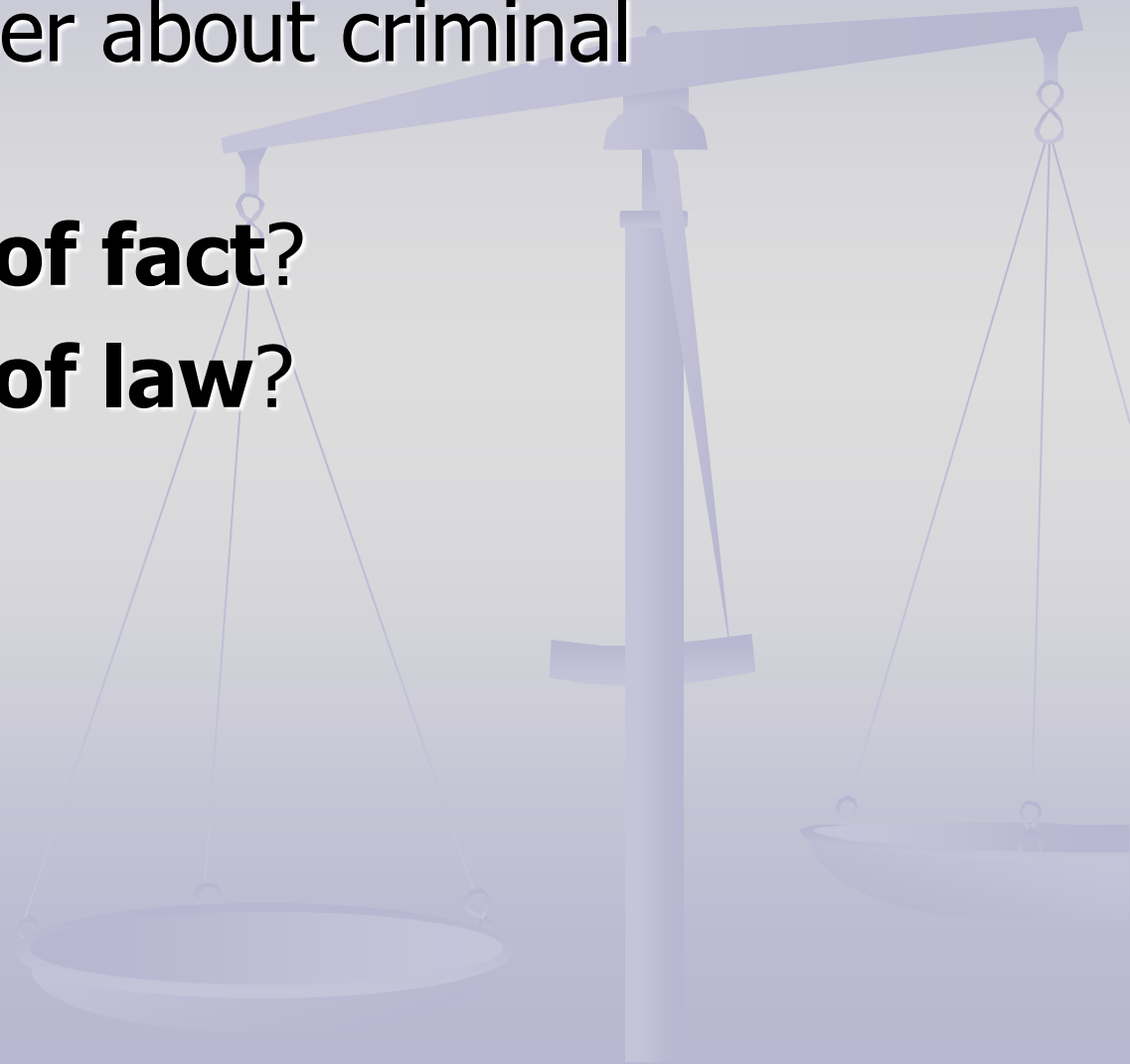
Criminal Procedure

- Definition?
- What are the parties to criminal proceedings?
 - prosecutor / prosecution
 - defendant



What ...

- do you remember about criminal procedure?
- are **questions of fact?**
- are **questions of law?**



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.**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**"

B. Speaking: Exam Practice

Compare the advantages and disadvantages of the jury system.



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

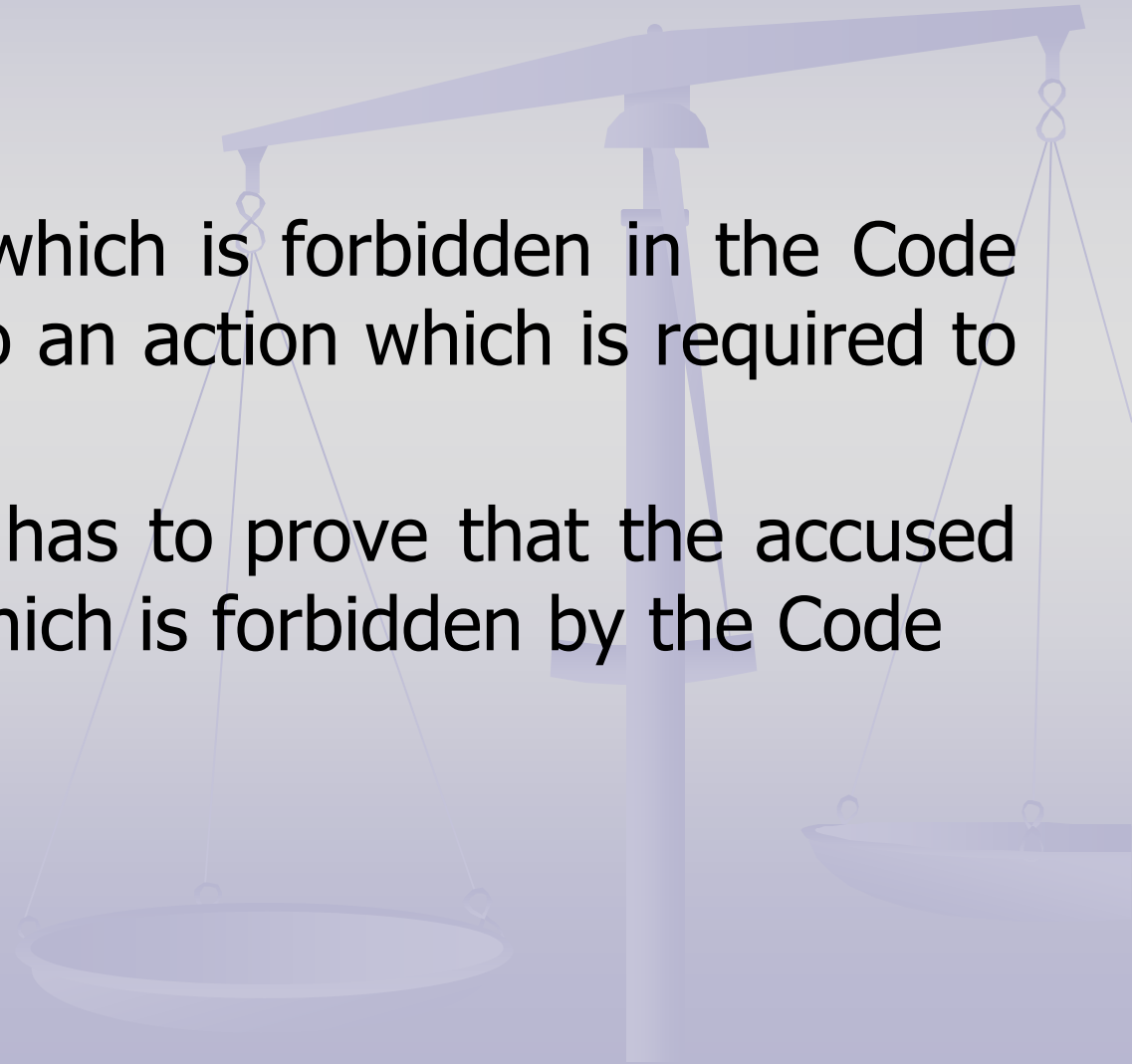
1. **crime is reported**
2. **investigation by police**
3. **apprehension of suspect**
4. **charge of suspect**
5. **plea-taking**
6. **remand in custody**
7. **release on bail**
8. **trial**
9. **opening statements by counsel**
10. **interrogation - direct/cross**
11. **closing statements by counsel**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



What does the **prosecutor** have to prove?

■ Actus Reus

- „guilty act“
- it's the action which is forbidden in the Code (or failure to do an action which is required to be done)
- the prosecutor has to prove that the accused did the deed which is forbidden by the Code

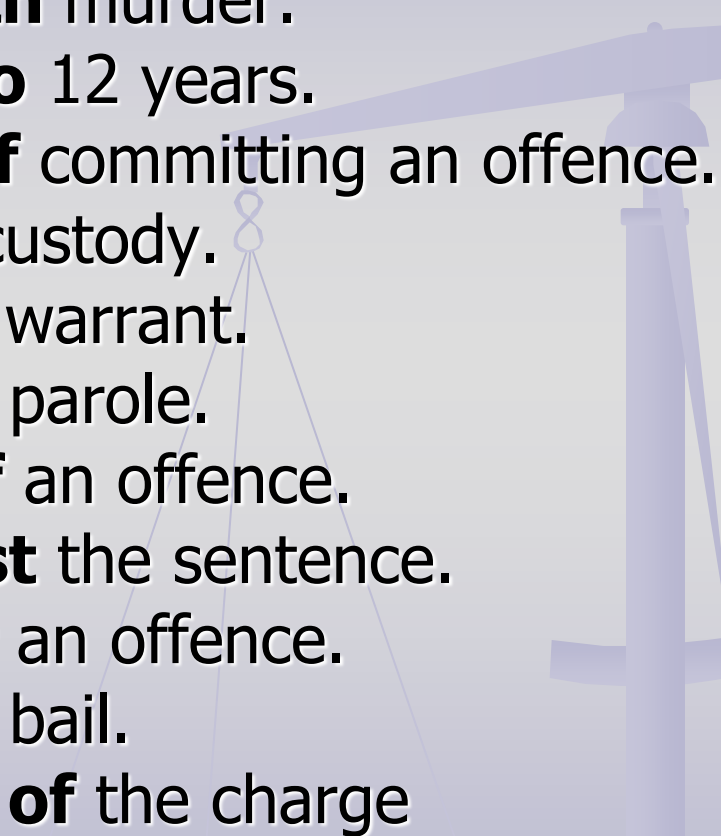


What does the prosecutor have to prove?

■ Mens Rea

- <http://www.youtube.com/watch?v=uvrHS7KdZ64>
- „guilty mind“
- not only must the accused have done the deed, he must have had a criminal mind
- he must have intended to do it
 - knowingly
 - recklessly

D. 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
- 

E. Video – Arrest and Plea

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.

- Translate Miranda Warning into Czech?

Poučení o právech zadržené osoby

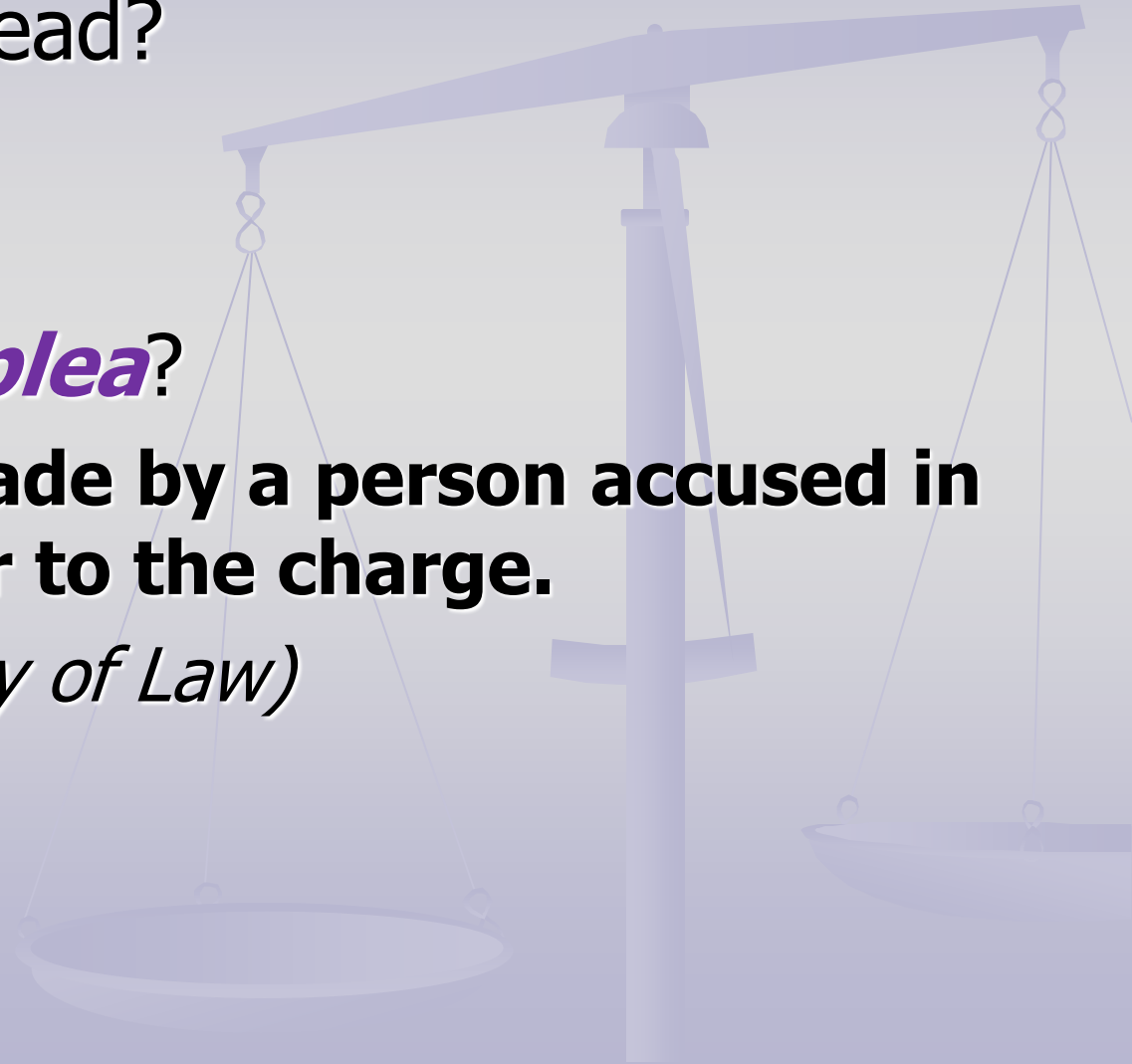
Plea

- How can you plead?
 - guilty
 - not guilty

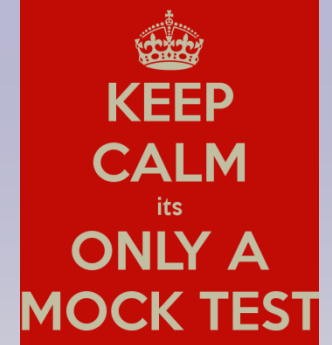
- Definition of a *plea*?

A statement made by a person accused in court in answer to the charge.

(Collins Dictionary of Law)

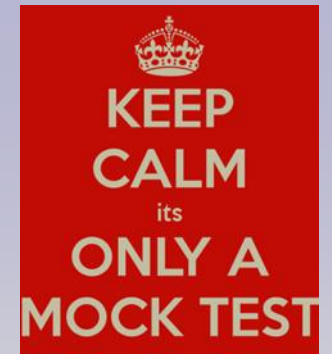


Test



1. **drug trafficking**
2. zadržela na širém moři
3. **claimed to have been victims**
4. svévolné zbavení svobody
5. vzhledem k zadržení
6. **police custody**
7. **right to liberty and security of person**
8. které byli vystaveni byla nezákonná
9. **to be brought before a judge**
10. oprávněného ze zákona
11. **to exercise judicial power**
12. **in accordance with procedure**
13. **prescribed by law**
14. **concerned prosecution of Mr. K**
15. pro údajné spáchání válečného zločinu
16. **criminal investigation**
17. **Criminal Code**
18. **found guilty of**
19. mohou být odsouzeni k ...
20. nepodléhá promlčení

Test



21. **charged with crimes against humanity**
22. umístěn do vazby v přípravném řízení
23. **entered a not guilty plea**
24. **acts which he had been accused of**
25. ani podle národního ani podle mezinárodního práva
26. **no punishment without law**



Definitions



- community service

- *punitive sentence requiring a convicted person to perform unpaid work for the community in lieu of imprisonment*

- suspended sentence

- *a sentence of imprisonment that is not served by an offender unless he commits a further offence during its currency*

Definitions



- corporal punishment
 - *punishment of a physical nature, such as caning, flogging, or beating*
- capital punishment
 - *the penalty of death for the commission of a crime*
- death row
 - *the part of a prison for housing inmates who have received the death penalty. Also called death house.*

References

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