

**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 dead ....another 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 \_\_\_\_\_ 14 \_\_\_\_\_

16 \_\_\_\_\_

17 \_\_\_\_\_

**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](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?

How do you plead?	G _____ Not _____
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How would you define a 'plea'?

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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 \_\_\_\_\_  
That's not a real plea!  
\_\_\_\_\_ then.  
We'll resume at 10:00 tomorrow. We're adjourned.

What happens to the defendant now?

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