



## **JUDICIAL COOPERATION IN CRIMINAL MATTERS**

### **RIGHTS OF SUSPECTED AND ACCUSED PERSON**

#### **TEXT 6**

### **RIGHTS OF SUSPECTED AND ACCUSED PERSON**

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## JUDICIAL COOPERATION IN CRIMINAL MATTERS

### RIGHTS OF SUSPECTED AND ACCUSED PERSON

**Before you start** studying the lesson it is recommended:

- to have intermediate knowledge of general English;
- to have knowledge of key terms.

**AIM:** After studying the text you will be able in English:

- to understand key terms used in judicial cooperation in criminal matters;
- to use key terms of rights of suspected and accused person;
- to identify and use English terminology related to different rights of suspected and accused person.

#### RIGHTS OF A SUSPECT

##### Ex. 1

I. Add an appropriate prefix to form the negatives

	<i>negative</i>	<i>noun</i>
<b>ADMISSIBLE</b>		
<b>AUTHORISED</b>		
<b>CONDITIONAL</b>		
<b>CUSTODIAL</b>		
<b>LAWFUL</b>		
<b>LEGITIMATE</b>		
<b>PARTIAL</b>		
<b>RESPONSIBLE</b>		
<b>SOUND</b>		
<b>SUFFICIENT</b>		

##### Ex. 2



Fill in the column “noun” with the words given below to form meaningful collocations.

BAIL; BEHAVIOUR; BUSINESS; DETENTION; ENTRY;  
EVIDENCE; GROUNDS; JURY; MIND; SENTENCE

### Ex. 3

Complete the sentences with the appropriate collocations from exercise II.

1. Damages claims for \_\_\_\_\_ are now frequently brought on the basis of both false imprisonment and section 7 HRA alleging an infringement of article 5 ECHR.
2. A contract may not be enforceable if one of the parties was of \_\_\_\_\_ at the time the agreement was entered into.
3. Both men were released on \_\_\_\_\_ after the case was adjourned until April 14.
4. His attorney challenged the tape *as* \_\_\_\_\_ from illegal eavesdropping.
5. Nine thousand potential jurors – one of the largest pools in American history – have been summoned for the case. The court has summoned so many people because of the difficulty expected in appointing an \_\_\_\_\_ for such a high-profile case.
6. Although others have been convicted on Mr Putnam's evidence, it was decided there were \_\_\_\_\_ *to prosecute* Mr Davidson
7. French prosecutors are now seeking his extradition so he can face charges for facilitating \_\_\_\_\_ of aliens into France
8. Except in the case of normal wear and tear, the resident will be responsible for making good any damage to the room or its contents which has occurred due to the negligence, wilful damage or \_\_\_\_\_ on the part of those occupying the room or their guests.
9. On a first offence, the vast majority of drink-drivers receive a \_\_\_\_\_ usually consisting of a fine and driving ban.
10. Nigel Wilde, 36, illegally established a tattoo parlour in his flat in Dukinfield, Tameside. He operated his \_\_\_\_\_ between July and October 2006.

### Ex. 4

Find the one word that can be used appropriately in all three sentences

A.

1. Ottawa police say a 13-year-old girl who went missing Thursday afternoon has *been found safe and* \_\_\_\_\_.
2. That *may* \_\_\_\_\_ *good on the surface*, but it doesn't work in real life.
3. Anyone making a legal document, such as a will, must *be of* \_\_\_\_\_ *mind* when that document is signed.

B.

1. The inquest heard the 21-year-old told the dad *it* “ \_\_\_\_\_ *him right*” when he punched him so hard that it killed him.
2. P.C. Mapley said that when he had \_\_\_\_\_ the summons on the defendant, she had said that she would not pay any fine but would go to prison instead.
3. Nadal broke him again and then \_\_\_\_\_ *to win the match*.

C.

1. Sex Offenders Act 1997, which requires offenders convicted of or cautioned for certain serious sex offences to *keep the police* \_\_\_\_\_ of their whereabouts.



2. An \_\_\_\_\_ decision is a voluntary, well considered decision that an individual (or a couple) make on the basis of different options, knowledge, information and understanding.
3. A well-\_\_\_\_\_ source confirmed that the jury reached the verdict.

D

1. Please note that failure to provide the fullest information possible in the letter of request may result in delays or in a request not being \_\_\_\_\_ in whole or in part.
2. IN WITNESS WHEREOF, the parties have \_\_\_\_\_ the agreement on the dates set forth first above, with full knowledge of its content and significance and intending to be legally bound by the terms thereof.
3. In May, Mohammad Sarfraz was \_\_\_\_\_ despite concerns about the conduct of his trial and allegations that he was a juvenile at the time of the crime

E

1. During the course of the twentieth century Italy *changed beyond* \_\_\_\_\_ from a rural, agricultural society to one of the world's largest economies.
2. If the sentenced person is in the issuing State, he or she shall be transferred to the executing State at a time agreed between the competent authorities of the issuing and the executing States, and no later than 30 days after the final decision of the executing State on the \_\_\_\_\_ of the judgment and enforcement of the sentence has been taken.
3. *Voice* or speech \_\_\_\_\_ is the ability of a machine or program to receive and interpret dictation, or to understand and carry out spoken *commands*

Ex. 5

**ARREST AND DETENTION IN ENGLAND AND WALES**

A. Listening exercise (“*English For Law Enforcement*” CD 2, track 12)

**Listen to a custody sergeant booking in a suspect and complete the sentences.**

1. When booking in a person the custody officer (CO) needs to consider whether the arrest was ..... and whether the person needs to be ..... at the police station.
2. As a rule, the person can be held in a cell for up to ..... hours.
3. Assessing if the person is fit to be detained, the custody officer considers the ..... and ..... of the suspect, e.g. if the suspect present any risk to themselves or others.
4. The book describing the rights of a person in custody is called .....
5. The custody officer can decide to delay informing the suspect of their rights if the person is ....., for example drunk or violent or if they need urgent .....
6. All decisions taken by the custody officer need to be .....

**B. The equivalent of the American “Miranda Warning” used in England and Wales is called “a caution” and the person who is informed of their rights prior to an interview by the police is said to be “cautioned”.**

**The words in the text of the caution are mixed up. Put the words in the correct order.**

*do say you anything to not have*



*not you defence but court rely may something your later if mention when which it harm you on do questioned in*

*be may in anything you given do evidence say*

C. Listening exercise (“*English For Law Enforcement*” CD 2, track 17)

**Listen to the text about police interviewing and find 3 different synonyms of the word “give” used in the recording.**

- 1.....
- 2.....
- 3.....

D. Read the text. Use the words/phrases in the sentences below

Once a person has been arrested, they must normally be taken to a police station **as soon as practicable**. On arrival at a police station, the arrested person must be taken before a **custody officer (CO)** who must decide whether or not the person should be detained. Detention without charge should be authorised only if there is not, at the initial stage, sufficient evidence to charge the arrested person with a criminal offence and if the officer believes that detention is necessary to secure or preserve evidence or to **obtain evidence** by questioning.

Once the decision to detain a person has been made, the CO will take down their details and inform the suspect of their rights – a right to have someone informed of their arrest, a right to free, independent, legal advice and a right to consult the PACE Codes of Practice. The suspect must be given a written notice setting out those rights.

The CO must ask the suspect whether they want someone informed of their arrest, whether they want legal advice, and also determine whether the suspect **requires medical attention**, whether they require an appropriate adult, and whether they need an interpreter.

All people who are arrested and **held in custody** by police are entitled to consult a solicitor in private at any time during their detention. This means that, in addition to consulting a solicitor at the police station prior to a **police interview**, a suspect is also entitled to have a solicitor present when they are being interviewed by the police. Legal advice is available free to people arrested and held in police custody. The costs of legal advice at the investigative stage cannot be recovered from the suspect even if they are subsequently prosecuted and **convicted of** an offence. A suspect may choose their own solicitor, but to cater for suspects who do not know of a solicitor, or where their own chosen solicitor is not available, there is a national police station **duty solicitor** scheme designed to ensure that legal advice is always available.

It is a general principle that the police must explain to the suspect the reasons for their arrest, and if they fail to do so the arrest is rendered unlawful. This information need only provide an indication of the offence and where and when it was committed, and the police are not required to **disclose** the basis for their suspicion or any details on the evidence which the police hold against the suspect.

The police have a right to photograph a suspect they have arrested, and take their fingerprints and **non-intimate samples** (e.g. **mouth swabs**). Even if the suspect is not charged with an



offence, the police can retain the samples. Usually they are added to a police database and may be used to check for evidence of the suspect's involvement in other crimes.

Interviews of suspects must normally only be conducted at a police station and, in practice, in a formal **interview room**. Most interviews must be recorded on audio-tape, and when these facilities are not available, must be recorded in writing. At trial, the prosecution will frequently **adduce** transcript of the tape-recorded interview as evidence, and either prosecution or defence can apply to have the tape-recording itself played to the court.

After a suspect has been interviewed, one of the following can happen:

- The suspect is **released without charge**;
- The suspect is issued with a **caution (warning)** and then released. A caution is given when a minor offence has been committed. The suspect must admit the offence and accept the caution. The caution is kept in police records.
- The suspect is charged with a criminal offence and **remanded in custody**.
- The suspect is **released on bail** – they are free to leave the police station but have to agree to return to the police station on a future date or to come to court at a time and date given by the police. (If the suspect is released on police bail and does not return on the date and at the time required, they may be charged with a separate criminal offence. This is called '**failure to surrender**')

Bail may be **denied** if the custody officer has doubts about the identity or address of the suspect or has reasonable grounds for believing that detention is necessary to prevent them, committing further offences or interfering with the administration of justice, or is necessary to ensure that they appear in court. Bail may be unconditional but police do have the power to **grant** bail subject to a **security** (e.g. that the suspect hands over their passport, driving licence, money, or something of value) or subject to a **surety** (in effect, a promise by another person that they will forfeit a certain sum of money if the suspect **failed to attend court**) and/or subject to conditions such as residence at a specified address, keeping away from witnesses, a curfew.

*(the text is based on the articles of Ed Cape and Jacqueline Hodgson in "Suspect in Europe. Procedural Rights at the Investigative Stage of the Criminal Process in the European Union")*

1. The prosecution decided that they did not want to \_\_\_\_\_ the evidence of what was said in interview.
2. A convicted drug dealer who was on the run for more than a year has been \_\_\_\_\_ after being arrested in Spain on a European Arrest Warrant.
3. Two men arrested in connection with the suspected murder of a missing man have been \_\_\_\_\_. They will have to report back to police in late September.
4. Although Mr and Mrs Krafft \_\_\_\_\_ *attend court*, they were found guilty in their absence.
5. A "reckless" Indian restaurant owner has been \_\_\_\_\_ the manslaughter of a customer with a nut allergy after he supplied him with a curry containing peanuts.
6. The 31-year-old is charged with 12 counts each of human trafficking and forced labour. Bail was \_\_\_\_\_ due to concerns he may flee or interfere with the investigation if released.
7. There is a duty on the prosecution to \_\_\_\_\_ certain types of material to the defence so that they can be prepared to meet that case
8. Cannabis can be detected by the use of a saliva drug test also known as a \_\_\_\_\_ drug test
9. It is the suspect's right to remain silent during the course of a \_\_\_\_\_. Some suspect answer questions by stating that they have no comment to make.
10. A \_\_\_\_\_ is not a criminal conviction, but it could be used as evidence of bad character if you go to court for another crime.





E. Given the text of ‘Notice of rights and entitlement: a person’s rights in police detention’ in your own language, translate it into English.

1.

2.

3.

4.

5.

6.

7.

8.

9.

10.

11.

F. Find the one word that can be used appropriately in all three sentences

I.

1. He appeared at the court and admitted to a variety of offences but denied the most serious \_\_\_\_\_
2. The rooms are really spacious and clean. For the *price they* \_\_\_\_\_ *for a standard room*, it is definitely worth it.
3. The officer in \_\_\_\_\_ of the investigation is responsible for directing an investigation.

II.

1. The divorce court awarded \_\_\_\_\_ to the child’s mother.
2. An investigation has been launched after a 24-year-old man died after being *taken into police* \_\_\_\_\_.



3. The Money Laundering Regulations 2007 require businesses that offer safe \_\_\_\_\_ services to take steps to detect and prevent money laundering and the finance of terrorism.

III.

1. He gave a detailed \_\_\_\_\_ of what happened in the club.
2. What documents do I need to submit to open a bank \_\_\_\_\_?
3. The judge *took into* \_\_\_\_\_ *her personal circumstances*, in particular the fact that she is the mother of four children. .

IV.

1. The next summer Olympic Games will be \_\_\_\_\_ in Tokio.
2. The Court \_\_\_\_\_ that the defendant was not liable for the death.
3. The woman – who is originally from Malawi – was questioned and \_\_\_\_\_ in police custody overnight before being released without charge on Sunday after what is understood to be a case of mistaken identity

V

1. Police objected to a bail application on the grounds of *risk of* \_\_\_\_\_ and risk of reoffending.
2. I called the front desk at midnight and luckily we were able to *move one* \_\_\_\_\_ *up* where sounds of the dj below were still audible
3. You should wear warm, loose clothing *during the* \_\_\_\_\_, as the plane may be quite cool.

Ex. 6

GRAMMATICAL EXERCISES 1– Expressing purpose

purpose is expressed with:

<b>to / in order to / so as to + do sth.</b>	He is practising hard <b>to</b> become the champion. A desperate mother will do anything <b>in order to</b> save her child. The court allowed the witness to consult his notes <b>so as to</b> refresh his memory.
<b>so that + can / will / present tense</b> (ref. to the present) <b>so that + could / would / past tense</b> (ref. to the past)	He wears contact lenses <b>so that</b> he can practise sports. She changed the colour of her hair <b>so that</b> they <i>wouldn't</i> recognise her
<b>with a view to + doing sth</b> <b>with the aim of + doing sth.</b>	The parties agreed on mediation <b>with a view to</b> finding an amicable solution.
<b>for + noun / doing sth</b>	The A/C wasn't working and I had to open the window <b>for</b> some fresh air.
<b>in case + present</b> (present/future reference) <b>in case + past</b> (past reference)	I'll wait at home <b>in case</b> the dog finds its way home on its own





NOTE!!! <i>will/ would</i> are <b>never</b> used after <b>in case</b>	They left early <b>in case</b> the traffic was heavy on the motorway.
--------------------------------------------------------------------------	-----------------------------------------------------------------------

negative purpose is expressed with:

<b>in order not to / so as not to + <u>do</u> sth.</b>	He opened the door quietly <b>so as not to</b> wake the baby
<b>so that + <i>can't / won't / present tense</i> (ref. to the present)</b> <b>so that + <i>couldn't / wouldn't / past tense</i> (ref. to the past)</b>	The students have to leave their mobile phones outside the classroom <b>so that</b> they <i>can't</i> contact anybody during the exam. They locked him in the cellar <b>so that</b> he <i>wouldn't</i> escape.
<b>for fear (that) + <i>might / should / would</i> (very formal)</b> <b>for fear of + <i>sth / doing sth</i></b> <b>lest + (<i>might / should</i>) + <i>do</i> (very formal)</b>	Julian Assange refuses to go back to Sweden <b>for fear of</b> being extradited the US/ extradition to the US. MacDonald added that he lied, and then disappeared <b>lest</b> he <i>might be convicted</i> of perjury.
<b>prevent + <i>noun/pronoun + (from) + doing</i></b>	His passport was taken away from him to <b>prevent</b> him <b>from</b> fleeing the country.
<b>avoid + <i>doing</i></b>	She wore dark glasses to <b>avoid</b> being recognised.

#### A. STRUCTURAL CONVERSION

**Complete the second sentence so that it has a similar meaning to the first sentence, using the word given.**

Example:

1. John took up judo. He wanted to get fit and strong. **VIEW**

- John took up judo .... WITH A VIEW TO GETTING .... fit and strong.

2. He was refused bail for fear he might try to intimidate witnesses. **PREVENT**

- He was refused bail ..... witnesses.

3. *He fled his homeland to avoid* being captured and made into a child soldier, **THAT**

- He fled his homeland ..... into a child soldier.

4. They conducted an autopsy in order to ascertain the cause of death . **AS**

- \* They conducted an autopsy..... the cause of death.

5. She deleted the message so that nobody could see it. **FEAR**

- She deleted the message..... see it.

6. We requested their assistance in order to determine his whereabouts. **VIEW**

- We requested their assistance ..... his whereabouts.

7. He checked that twice to avoid making a mistake. **AS**

- He checked that twice..... a mistake.

8. He might have hidden the gun in the house. We will need to search it. **CASE**



- We will need to search the house ..... the gun there,
9. He didn't go there as he didn't want to meet her new husband. **AVOID**
- He didn't go there ..... her new husband
10. She kept all her money in the bank because she was afraid of being burgled. **FEAR**
- \* She kept all her money in the bank ..... burgled.
10. They took away any sharp objects as they were afraid he might try to harm himself. **CASE**
- \* They took away any sharp objects ..... to harm himself.
11. He was taken to the police station to be interviewed **VIEW**
- \* He was taken to the police station .....interviewed.
12. The evidence was secured so as not to be destroyed. **PREVENT**
- \* The evidence was secured ..... destroyed.

## Ex. 7

### DOUBLE JEOPARDY

#### A. Listening Exercise (<https://www.youtube.com/watch?v=xqmP5E2UaqU>)

##### Answer the questions and fill in the gaps.

1. The double jeopardy clause is included in the .....
2. In short, the principle of double jeopardy means that NO PERSON MAY .....
3. Why was double jeopardy violated in the case Ashe v. Swenson?
  - Because he was tried in relation to the fact that has once been determined by a ..... judgment.
4. In Green v. United States, when the appeal court reversed Green's conviction of second degree murder and the defendant was tried again he was found guilty of the first degree murder. This was a violation of double jeopardy as "no one should have to risk ..... due to an appeal."
5. In Fong Foo v. United States, the Supreme Court ruled that retrying the defendant would be a violation of the double jeopardy clause regardless of .....
6. After Benton v. Maryland, States can only violate double jeopardy clause in the following circumstances:
  - When the person is tried separately by ..... and .....
  - (this is called .....)
  - When there was .....involved
  - When the person is tried for similar but not .....

#### B. Read the text and find the words defined below

(<https://www.theguardian.com/uk/2009/may/21/killer-convicted-double-jeopardy>)

#### *Killer convicted in first double-jeopardy case*

A man prone to "extreme violence" today became the first person in the UK to be convicted at a retrial for the same crime after the scrapping of the "double jeopardy" law.



Mario Cellaire had been acquitted of the murder of his ex-girlfriend, Cassandra McDermott, in 2002 after she ended their four-year relationship. He was then charged for a second time after senior judges quashed that jury verdict.

Cellaire since carried out a hammer attack which left another woman permanently brain-damaged.

At the Old Bailey, Cellaire, now 31, of Sydenham, south-east London, admitted the manslaughter of McDermott in October 2001 and the attempted murder of Kara Hoyte in February 2007. They were both aged 19.

The 800-year-old legal principle that stopped people being tried for the same offence was repealed in England and Wales in April 2005, allowing the appeal court to order a retrial if there is compelling evidence.

The court heard Cellaire was prone to "extreme violence" and had a history of abusing McDermott, leaving her bruised to the body and face.

She was killed while house-sitting in Norbury, south London, for her mother Jennifer, a senior probation officer, who was on holiday in the West Indies.

Cellaire had either punched her or pushed her head into furniture, knocking her out and leaving her to choke on a Chinese takeaway. At his original trial he claimed she was alive and safe when he left the house.

Simon Denison QC, prosecuting, said the new investigation included fresh evidence of Cellaire's previous violence towards her and others.

Cellaire later admitted McDermott's killing to Hoyte after she found case papers from his trial and challenged him about it during their own relationship.

Hoyte suffered brain injuries and is barely able to communicate after Cellaire attacked her with a hammer after she, too, ended their relationship.

Special arrangements were put in place at the Old Bailey to allow Hoyte to give her main testimony via a recorded interview and face questions through a videolink.

Cellaire, a former Maidstone United footballer, was told by Judge Paul Worsley that he faced a "very significant" jail term when sentenced on 3 July after a psychiatric report.

The trial marks the end of a seven-year fight by McDermott's family who were in court to see prosecutors accept Cellaire's pleas.

McDermott's sister, Andrea, 30, said: "We knew Mario killed Cassie. Today we have been vindicated.."

1. that convinces you that something is true or that something should be done  
.....
2. formally decided not to have committed the crime they had been accused of  
.....
3. annulled, overturned  
.....
4. a formal statement by a witness in court of what happened  
.....
5. likely to suffer from sth or to do something bad  
.....
6. tried to do  
.....
7. proved that somebody was right, especially when other people had a different opinion  
.....



8. an electronic facility that enables audiovisual communication between people in different locations  
.....
9. revoked or annulled (legislation)  
.....
10. illegal killing of a person by someone who did not intend to kill them  
.....

**C. Listening** (<https://www.youtube.com/watch?v=Tgjjp92-ZMg>)

Watch the video and mark the sentences TRUE or FALSE

1. In no country in Europe can a man be charged twice for the same offence.
2. In the United States, under dual sovereignty doctrine a person can be tried twice for the same offence before state and federal courts.
3. In the United States a criminal defendant can often be retried when a mistrial is declared.
4. In Canada, the concept of dual sovereignty is applied by federal courts.
5. In England and Wales, criminals who were charged with any offences and acquitted may be retried if new and compelling evidence is brought to light.
6. In Australia, *ex post facto* criminal laws (i.e laws that act retroactively) are prohibited.
7. In New Zealand, a serious offence is a one that attracts a penalty of over 20 years in prison.
8. In Scotland, the judges have limited power with regard to retrial.

True	False

**Ex. 8**

**ILLEGALLY OBTAINED CONFESSIONS**

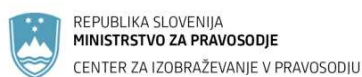
**A. Put the words in their correct form.**

(the text from the article of Ed Cape and Jacqueline Hodgson in “Suspect in Europe. Procedural Rights at the Investigative Stage of the Criminal Process in the European Union” p.74)

The general rule regarding the ..... at trial of evidence that has been obtained ..... or in an unfair way is that it is admissible. However, this is subject in particular to two evidential rules. First, although evidence of a confession made by the accused is normally admissible at trial, if the accused suggests that it was obtained by oppression or in circumstances likely to render it ....., then it is not admissible unless the court is satisfied beyond

ADMIT  
LEGAL

RELY





.....doubt that it was not so obtained. This potentially provides a powerful safeguard against police .....in securing confessions, although courts are sometimes reluctant to exclude evidence of confessions under these provisions. Confession evidence has, for example, been excluded where the police interviewed a man with learning ..... for 13 hours spread over five days in a manner that was bullying and verbally ....., but not in a case where the police where ‘rude and discourteous.’ The mere fact that a suspect was withdrawing from the effects of drugs at the time of the police interview may not be treated by the courts as rendering a confession unreliable. But such a confession may be excluded if the police deliberately denied such a suspect access to a doctor.

The second major ..... rule gives judges a discretion to exclude any prosecution evidence (including evidence of confession) if, having regard to all the circumstances including the circumstances in which it was obtained, they are satisfied that the admission of the evidence would have such an adverse effect on the ..... of the proceedings that it ought not to be admitted. Judicial approaches to this rule vary considerably, but generally prosecution evidence should be excluded if it was obtained as a result of a significant and substantial ..... of procedural rules and admission of the evidence would have a serious adverse effect on fairness of the trial. For example, evidence has been excluded where a suspect was ..... denied access to legal advice before being interviewed by police, but in a similar case the Court of Appeal decided that the trial judge was right not to exclude evidence where the accused knew what their rights were.

REASON  
CONDUCT  
DIFFICULT  
THREAT  
EVIDENCE  
FAIR  
BREAK  
WRONG

## Ex. 9

### GRAMMATICAL EXERCISES 2 – Conditional sentences

#### 1) REAL PRESENT/ FUTURE

IF + Present tense || Future/ Imperative/ Present/ modal verb + bare infinitive

If you require any further assistance from UK Central Authority in relation to this case, please send a supplementary letter of request.

If we do not receive a response by October 1, 2016, we will assume that Polish authorities no longer require our assistance and will close our files in this matter.

#### 1) UNREAL PRESENT – Type 2 conditional

IF + Past Simple\* //Past Continuous || WOULD/COULD /MIGHT + bare infinitive (“II column” / was/were + ing)

If I knew what to do it, I wouldn’t be asking you.

They could call her as a witness if they knew her whereabouts.

If he were innocent, he wouldn’t be so scared.



2) UNREAL PAST – Type 3 conditional

IF + Past Perfect //Past Perfect Continuous || WOULD + HAVE + past participle  
(HAD+ “III column” / HAD BEEN + ing) || (could/might) +HAVE + “III column”)

If she hadn't provided him with an alibi, he would have been convicted.  
They would have found the evidence if they had searched his house.  
They could have called her as a witness if they had known her whereabouts.

3) MIXED – unreal situation in the past, different effect now (Type 3 + type 2)

IF + Past Perfect //Past Perfect Continuous || WOULD/COULD /MIGHT + bare infinitive

If he hadn't been pardoned, he would still be in prison.  
We wouldn't be searching for him now if he had left his contact details.  
If it had not been for his victim's mum and her incredible battle to change the double jeopardy law, evil killer Billy Dunlop could still be walking our streets.

Other expressions that may be used instead of 'IF':

**UNLESS** (= if not, except if)

The prosecutor is obliged to drop the case unless there are reasonable grounds for suspicion.

**PROVIDED (THAT) / PROVIDING (THAT)**

In certain circumstances it may be possible to complete the trial notwithstanding the absence of the defendant, **provided that** the defendant's counsel's instructions were sufficient to see the trial through to its conclusion.

**AS LONG AS**

You may record confidential communications under California privacy laws, *as long as you obtain the consent* of all parties to the conversation,

**ON CONDITION (THAT)**

He agreed to talk **on condition that** he was granted anonymity.

Omission of “IF”

Type 1

If he should win the case, he will not lose his house. →

**Should** he win the case, he will not lose the house

Type 2

If I were not sure, I would not be accusing him →

**Were** I not sure, I would not be accusing him.

Type 3

If he had confessed at the earliest possibility, he would have been given greater credit for his guilty plea →

**Had** he confessed at the earliest possibility, he would have been given greater credit for his guilty plea.

---

**A. Rewrite the sentences using the words given.**





1. If you need any further details, please do not hesitate to contact me. SHOULD  
\*
2. *If the prosecutor* does not object to the filing of the petition, the court may grant the petition without a hearing. UNLESS  
\*
3. OJ Simpson was acquitted only because the jury was biased in his favour.  
WOULDN'T  
\*
4. An appeal to the Supreme Court can only be made where the case involves a point of law of general public importance. UNLESS  
\*
5. The prosecution needs to provide new evidence, otherwise the case will not be reopened.  
PROVIDED THAT  
\*
6. Canada's highest court has ruled that two Canadian men wanted on murder charges in Washington state cannot be extradited without assurances they will not face the death penalty.  
ON CONDITION THAT  
\*
7. A *custodial sentence* must not be imposed unless the offence 'was so serious that neither a fine alone nor a community sentence can be justified for the offence'. ONLY IF  
\*
8. They were able to charge him with other offences only because he expressly renounced speciality rule. HAD HE NOT  
\*
9. Article 81 of the statute adopts the rule that the *ne bis in idem principle* does not apply until all appeals are exhausted. IF  
\*
10. They would have to pay him EUR 25,000 if they were to lose the case.  
\*WERE .....

**B. Find the one word that can be used appropriately in all three sentences**

I.

1. Bailey continued to \_\_\_\_\_ *his right to remain silent* and gave no evidence at the hearing.
2. The most common excuses for inability to \_\_\_\_\_ *regularly* are lack of time or boredom.
3. Anaconda 2016 was the biggest ever military \_\_\_\_\_ since the Cold War.

II.

1. **You agree to be bound by the Agreement and \_\_\_\_\_ responsibility for any violation of its provisions.**
2. The general rule with regard to litigation costs is that the unsuccessful party will \_\_\_\_\_ *the costs of the proceedings*
3. A surrogacy arrangement is one in which one woman ("the Surrogate Mother") agrees to \_\_\_\_\_ a child for another woman or a couple ("the Intended Parent(s)") and surrender the child at birth.

III.

1. Failure to \_\_\_\_\_ the court on the date and time notified on the summons or leaving the court thereafter without permission is punishable by a fine of up to £1000.
2. If your problem requires urgent attention we will try to \_\_\_\_\_ *to your needs* within an appropriate time.



3. If a registered pupil of compulsory school age fails to \_\_\_\_\_ *school* regularly the parent could be guilty of an offence

#### IV.

1. Supreme Court Justice Anita Allen said she was reluctant to order a new trial but had to do so "in the \_\_\_\_\_ *of justice*".
2. An \_\_\_\_\_ *rate* is the cost of borrowing money. Or, on the other side of the coin, it is the compensation for the service and risk of lending money.
3. The natural father of the child took *no* \_\_\_\_\_ *in his child* and did not maintain her.

#### V

1. A man who breached a court \_\_\_\_\_ by visiting the home of his ex-girlfriend has been jailed for eight months.
2. Donald Trump called Thursday's attack on Dallas police officers "an attack on our country" and said that "we must *restore law and* \_\_\_\_\_."
3. The witness was asked to recount the events in the \_\_\_\_\_ in which they occurred.

#### C. Fill in the correct prepositions.

1. *The court failed to take* \_\_\_\_\_ *account* defendants' claims that they had been tortured or coerced into making false statements.
2. If the police are conducting an investigation they will invariably want to interview those \_\_\_\_\_ suspicion and any interview will be \_\_\_\_\_ "caution".
3. No one shall be *subjected* \_\_\_\_\_ *torture* or \_\_\_\_\_ *cruel, inhuman or degrading treatment or punishment*
4. More than 400 motorists in South West Wales were caught driving \_\_\_\_\_ *the influence of alcohol* or drugs over the Christmas period.
5. Enclosed \_\_\_\_\_ this letter you will find a copy of the police report concerning the matter
6. A confession obtained by improper means must still be excluded \_\_\_\_\_ evidence even if the court considered it to be true.
7. Where the judge issues a warrant, the person may be arrested and, if the person is arrested, he or she must *be brought* \_\_\_\_\_ *the judge* as soon as practicable
8. Police, acting on intelligence, told Bell he was going to be detained for a drug search and he was handcuffed to *prevent him* \_\_\_\_\_ *disposing* of anything
9. A person who stalks or intimidates another person with the intention of causing the other person to fear personal injury is *liable* \_\_\_\_\_ *imprisonment* \_\_\_\_\_ 5 years
10. The owner of an Indian takeaway restaurant in North Yorkshire has been convicted \_\_\_\_\_ manslaughter after a customer died \_\_\_\_\_ an allergic reaction to a curry. On 23 May Zaman was found guilty \_\_\_\_\_ manslaughter after a trial at Teesside Crown Court and has been sentenced \_\_\_\_\_ six years in prison.
11. The judge permitted the change of bail conditions and warned the accused that if he failed to comply \_\_\_\_\_ the order he would likely face being remanded \_\_\_\_\_ custody.
12. Two teenage were charged \_\_\_\_\_ kidnapping a three-year-old girl from a branch of Primark in Newcastle City centre on the 13th of April.
13. The prosecutor at the centre of the OJ Simpson murder trial 17 years ago claims a lead defence lawyer tampered \_\_\_\_\_ a vital piece of evidence.
14. A wealthy man, who owed more than £78,000 in arrears of child maintenance, has had an order served \_\_\_\_\_ him by the court which prevents him \_\_\_\_\_ selling his house unless the arrears are settled.
15. As a victim \_\_\_\_\_ crime, you have the right to ask \_\_\_\_\_ information \_\_\_\_\_ your case, including if the offender is released \_\_\_\_\_ bail.
16. Depending \_\_\_\_\_ the nature of the crime, a person is likely \_\_\_\_\_ be released from custody once they've had their photographs, fingerprints and DNA samples taken



17. The law says that someone is innocent \_\_\_\_\_ proven guilty. This means they shouldn't be kept \_\_\_\_\_ police custody unless there's a good reason to do so.

## KEY TO EXERCISES

### RIGHTS OF A SUSPECT

#### Ex. 1 & 2

	<i>negative</i>	<i>noun</i>
<b>ADMISSIBLE</b>	<b>INADMISSIBLE</b>	<b>EVIDENCE</b>
<b>AUTHORISED</b>	<b>UNAUTHORISED</b>	<b>ENTRY</b>
<b>CONDITIONAL</b>	<b>UNCONDITIONAL</b>	<b>BAIL</b>
<b>CUSTODIAL</b>	<b>NON-CUSTODIAL</b>	<b>SENTENCE</b>
<b>LAWFUL</b>	<b>UNLAWFUL</b>	<b>DETENTION</b>
<b>LEGITIMATE</b>	<b>ILLEGITIMATE</b>	<b>BUSINESS</b>
<b>PARTIAL</b>	<b>IMPARTIAL</b>	<b>JURY</b>
<b>RESPONSIBLE</b>	<b>IRRESPONSIBLE</b>	<b>BEHAVIOUR</b>
<b>SOUND</b>	<b>UNSOUND</b>	<b>MIND</b>
<b>SUFFICIENT</b>	<b>INSUFFICIENT</b>	<b>GROUND</b>

#### Ex. 3

1. unlawful detention
2. unsound mind
3. unconditional bail
4. inadmissible evidence
5. impartial jury
6. insufficient grounds
7. unauthorised entry
8. irresponsible behaviour
9. non-custodial sentence
10. illegal business

#### Ex. 4

- A. SOUND
- B. SERVED
- C. INFORMED
- D. EXECUTED
- E. RECOGNITION





## Ex. 5

### ARREST AND DETENTION IN ENGLAND AND WALES

A.

1. lawful; detained
2. 24 hours
3. physical and mental health
4. The Code of Practice
5. Incapable of understanding ; medical attention
6. written down

B.

*You do not have to say anything. But it may harm your defence if you do not mention when questioned something which you later rely on in court. Anything you do say may be given in evidence*

C.

1. state      2. confirm      3. announce

D.

1. adduce
2. remanded in custody
3. released on bail
4. failed to
5. convicted of
6. denied
7. disclose
8. mouth swab
9. police interview
10. caution (warning)

E.

Notice of rights and entitlements: English version

([https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/332266/CodeC-NoRE.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/332266/CodeC-NoRE.pdf))

F.

- I. CHARGE
- II. CUSTODY
- III. ACCOUNT
- IV. HELD
- V. FLIGHT



## Ex. 6

### GRAMMATICAL EXERCISES 1– Expressing purpose

1. He was refused bail TO PREVENT HIM FROM INTIMIDATING witnesses.
2. He fled his homeland SO THAT HE WOULD NOT BE CAPTURED AND MADE into a child soldier.
3. They conducted an autopsy SO AS TO ASCERTAIN the cause of death.
4. She deleted the message FOR FEAR SOMEBODY MIGHT see it.
5. We requested their assistance WITH A VIEW TO DETERMINING his whereabouts.
6. He checked that twice SO AS NOT TO MAKE a mistake.
7. We will need to search the house IN CASE HE HAS HIDDEN the gun there,
8. He didn't go there TO AVOID MEETING her new husband
9. She kept all her money in the bank FOR FEAR OF BEING burgled.
10. They took away any sharp objects IN CASE HE TRIED to harm himself.
11. He was taken to the police station WITH A VIEW TO BEING interviewed.
12. The evidence was secured TO PREVENT IT FROM BEING destroyed.

## Ex. 7

### DOUBLE JEOPARDY

#### A.

1. Fifth Amendment
2. Be tried twice for the same crime/offence
3. valid and final
4. worse consequences
5. judicial error
6. federal , state court ; dual sovereignty / bribery / identical offences

#### B.

1. compelling
2. acquitted
3. quashed
4. testimony
5. prone
6. attempted
7. vindicated
8. videolink
9. repealed





C.

	True	False
9. In no country in Europe can a man be charged twice for the same offence.		✓
10. In the United States, under dual sovereignty doctrine a person can be tried twice for the same offence before state and federal courts.	✓	
11. In the United States a criminal defendant can often be retried when a mistrial is declared.	✓	
12. In Canada, the concept of dual sovereignty is applied by federal courts.		✓
13. In England and Wales, criminals who were charged with any offences and acquitted may be retried if new and compelling evidence is brought to light.		✓
14. In Australia, <i>ex post facto</i> criminal laws (i.e laws that act retroactively) are prohibited.	✓	
15. In New Zealand, a serious offence is a one that attracts a penalty of over 20 years in prison.		✓
16. In Scotland, the judges have limited power with regard to retrial.		✓

### Ex. 8

#### ILLEGALLY OBTAINED CONFESSIONS

A.

ADMISSION; ILLEGALLY; UNRELIABLE; REASONABLE;  
MISCONDUCT; DIFFICULTIES;  
THREATENING; EVIDENTIAL; FAIRNESS; BREACH; WRONGLY

### Ex. 9

#### GRAMMATICAL EXERCISES 2 – Conditional sentences

A.

11. Should you need any further details, please do not hesitate to contact me
12. UNLESS *prosecutor* objects to the filing of the petition, the court may grant the petition without a hearing.
13. OJ Simpson wouldn't have been acquitted if the jury hadn't been biased in his favour.
14. An appeal to the Supreme Court cannot be made unless the case involves a point of law of general public importance.
15. The case will be reopened provided that the prosecution provides new evidence
16. Canada's highest court has ruled that two Canadian men wanted on murder charges in Washington state can be extradited on condition that it they will not face the death penalty.



17. A *custodial sentence* must not be imposed unless the offence 'was so serious that neither a fine alone nor a community sentence can be justified for the offence'. ONLY IF
18. HAD HE NOT expressly renounced speciality rule, they wouldn't have been able to charge him with other offences
19. Article 81 of the statute adopts the rule that the *ne bis in idem principle does not apply* if all appeals have not been exhausted.
20. Were they to lose the case, they would have to pay him EUR 25,000

B.

- I. EXERCISE
- II. BEAR
- III. ATTEND
- IV. INTEREST
- V. ORDER

C.

1. into
2. under; under
3. to; to
4. under
5. with
6. from
7. before
8. from
9. to; for
10. of; of; of; to
11. with; in
12. with
13. with
14. on; from
15. of; for; about; on
16. on; to
17. until; in