

### Unit 2

Objectives	
	<ul> <li>Structure short argumentative texts</li> </ul>
Ø	Identify different crime types
	Compare penalties

#### 1. Criminal law

A crime is any act, or omission of an act, in violation of a public law. There are many different crimes, or offences.

a. How many of the offences in the box do you know?

### b. Choose four and tell a partner what you think they are. Then look up any words you don't know in a dictionary.

armed robbery / arson / assault / battery / bribery / burglary / domestic violence / drug trafficking / drunk driving / embezzlement / extortion / forgery / fraud / homicide / insider dealing / joyriding / kidnapping / larceny / manslaughter / money laundering / obstruction of justice / rape / shoplifting / stalking / tax evasion / theft / vandalism

## c. With a classmate, choose two of the previous concepts and explain them to the class providing examples

Concept 1:	
Example	
Concept 2:	
Example	



#### d. Discuss the following questions with your classmates

- i. Do lawyers need English more for civil law or criminal law? Why?
- ii. Why might a lawyer in Chile need English for criminal law? Think of examples
- iii. What sorts of crimes and criminals do lawyers in Chile deal with in English?
- e. Look at these numbers from the OECD. What do you think of these numbers? Do you agree? Do you feel safer or less safe than what these numbers indicate?

#### **Key Findings**

Personal security is a core element for the well-being of individuals. Do you feel safe out walking, alone at night, for example? In Chile, 51% of people say that they feel safe walking alone at night, less than the OECD average of 69%. The homicide rate (the number of murders per 100 000 inhabitants) is a more reliable measure of a country's safety level because, unlike other crimes, murders are usually always reported to the police. According to the latest OECD data, **Chile's homicide rate is 4.5**, higher than the OECD average of 3.6.

#### More Resources

How's Life?: Measuring Well-being



Source: http://www.oecdbetterlifeindex.org/topics/safety/



LEGAL ENGLISH III

#### f. Watch the following video about common crimes



- g. Make a list of the most common crimes in Chile
- h. Report your findings to the class
- i. Prepare a written report about this topic
- j. Ask your teacher for help on the structural organization for your report



#### 2. Crime Vocabulary

### • Match the following concepts and their definitions

1Murder	a) To enter a building to steal money and objects.
2Kidnapping	<ul> <li>b) To bring illegal goods, like drugs, into a country, without paying taxes.</li> </ul>
3Burglary	c) To steal from someone's pocket, purse, etc. without them realizing.
4Mugging	d) To steal things while pretending to shop
5Pickpocketing	e) To sexually attack someone.
6. <u> </u>	f) Killing someone by accident through a careless or dangerous act.
7. <u> </u>	g) Unlawfully and deliberately killing someone
8Hijacking	h) To take something by force from someone, often in the street.
9Fraud	i) To deceive or cheat someone to get money
10Theft	<ul> <li>j) Taking someone by force and demanding money or conditions to free that person</li> </ul>
11. Manslaughter	k) To use force to take control of a plane, ship, train, etc.
12Shoplifting	l) To set fire to a building illegally.
13Smuggling	m) Stealing secretly and without violence



#### 3. WHAT CRIME DID THEY COMMIT?

# • Name these crime descriptions (a-m) using the concepts from the CRIME VOCABULARY EXERCISE

	David Smith got drunk one night and decided to drive home. As he turned
a	a corner he crashed into another car and killed the driver.
	John James pretended to start a business and persuaded some people to
b.	lend him some money. He used the money to go on a holiday to the
	Caribbean.
	Ronnie Tyler pulled out a gun from his pocket and shot the bank guard
c	five times in the head.
d	Peter Short stole a computer from the company he worked for.
e	Vincent Tapper took a pistol and ordered the pilot to fly to Miami.
f	Johnnie Smeghurst set fire to his school after failing all his exams.
g	Joe Sykes forced his ex-girlfriend to have sex with him.
	Paul Winters and Jennifer Summers stopped millionaire William Gates
h	outside his home and forced him to go with them. They demanded 30
	million dollars from the family to free him.
	Nigel Handy waited until night, he carefully forced the window and
i	climbed into the house. He took the TV and a lot of money.
	Pete Murphy often went to the shopping center and took wallets from
j	the people shopping. They never realized it!
	Anne Clinton walked around the department store and, making sure
k	nobody was watching, she put two expensive watches in her bag.
	Harry Lee waited on a dark corner until the young woman turned into the
I	street. Then he jumped out, hit her in the faceand ran off with her leather
	handbag.
	John Bottomless was caught at the customs with \$500,000 worth of
m	cocaine hidden in the doors of his car.



#### 4. Read the text and answer these questions.

Read the questions first, to locate the information.

- How do criminal law cases and civil law cases differ in the way they are initiated?
- > Name the four most common categories of criminal offence.
- In what way is the standard of proof different for criminal and civil cases?
- What is the difference between a felony and a misdemeanor? Does your jurisdiction make such a distinction?

Criminal law, sometimes (although rarely) called penal law, involves the **prosecution** by the state of a person for an act that has been classified as a **crime**. This contrasts with civil law, which involves private individuals and organizations seeking to resolve legal disputes. Prosecutions are initiated by the state through a **prosecutor**, while in a civil case the **victim** brings the suit. Some **jurisdictions** also allow private criminal prosecutions.

Depending on the offence and the jurisdiction, various punishments are available to the courts to punish an **offender**. A court may **sentence** an offender to **execution**, **corporal punishment**, or **loss of liberty** (imprisonment or incarceration); suspend the sentence; impose a fine; put the offender under government supervision through **parole** or **probation**; or place them on a **community service order**.

Criminal law commonly **proscribes** — that is, it prohibits — several categories of offences: offences against the person (e.g., assault), offences against property (e.g., **burglary**), **public-order crimes** (e.g., **prostitution**) and business, or corporate, crimes (e.g., **insider dealing**).

Most crimes (with the exception of **strict liability crimes** such as statutory rape<sup>1</sup> and certain traffic offences) are characterized by two elements: a criminal act (*actus reus*) and criminal intent (*mens rea*). To secure a conviction, prosecutors must prove that both actus reus and mens rea were present when a particular crime was committed.

In criminal cases, the **burden of proof** is often on the prosecutor to persuade the trier (whether judge or jury) that the **accused** is guilty beyond a **reasonable doubt** of every element of the crime charged. If the prosecutor fails to prove this, a verdict of **not guilty** is rendered. This standard of proof contrasts with civil cases, where the **claimant** generally needs to show a **defendant** is liable on the balance of probabilities (more than 50% probable). In the USA, this is referred to as the **preponderance of the evidence**.

Some jurisdictions distinguish between **felonies** (more serious offences, such as **rape**) and **misdemeanors** (less serious offences, such as **petty theft**). It is also worth noting that the same incident may sometimes lead to both a criminal prosecution and an **action in tort**<sup>2</sup>.

**<sup>1</sup>** In many jurisdictions, it is illegal for anyone to have sexual intercourse with a minor. This is a strict liability crime: the offender will still be guilty of a crime even if he or she believed the partner was of legal, consenting age.

<sup>2</sup> The OJ Simpson case, for instance, is a famous example of this.