

**АНГЛИЙСКИЙ ЯЗЫК**  
**ДЛЯ СТУДЕНТОВ**  
**2 КУРСА**  
**ДНЕВНОГО ФАКУЛЬТЕТА**

**4 СЕМЕСТР**

Рекомендовано кафедрой иностранных языков и редакционным советом Оренбургского института МГЮА

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Настоящее пособие предназначается для студентов второго курса дневного и вечернего факультетов ОИ МГЮА. Цель данного пособия – последовательное обучение студентов грамматике и правовой лексике на основе образовательных текстов, адаптированных для студентов-юристов. Пособие состоит из языкового материала четвертого академического семестра.

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## Предисловие

Настоящее пособие предназначается для студентов второго курса (четвёртый семестр) дневного и вечернего факультетов ОИ МГЮА. Цель данного пособия – последовательное изучение грамматики и правовой лексики на основе образовательных текстов, объединенных в шесть тематических блоков: "беловоротничковые преступления", "уголовное наказание", "полиция", "расследование", "судебная система", "присяжные".

Виды заданий, предлагаемых в учебном пособии:

**BEFORE READING** - задание выполняется до прочтения тематического текста

**SCANNING** - подробное изучение текста

**LEXIS** - лексический минимум, который необходимо усвоить при изучении текста

**QUESTIONS** - вопросы к прочитанному тексту

**AGREE OR DISAGREE** - задание предполагает оценку соответствия предложений содержанию изученного материала; если предложение не соответствует действительности, то необходимо внести соответствующие изменения и дать исправленный вариант предложения

**DEBATES** - спорные суждения, выносимые для детального обсуждения темы и для обоснования студентами своей точки зрения

**KEY WORDS** - ключевые слова по изученной теме; необходимо дать толкование каждого из них, используя материал прочитанных текстов

## Unit 7. White-Collar Crime



**7.1. BEFORE READING** learn the following words and phrases which are essential on the topic:

**actor** = con-man = con artist = swindler = trickster = fraudster = rogue - жулик, мошенник, аферист, плут

**corrupter** - лицо, пытающееся подкупить или склонить другого к совершению преступления либо проступка;

**corruption** - 1) продажность, коррупция 2) получение взятки 3) склонение к получению взятки или к совершению другого должностного преступления 4) казнокрадство, взяточничество

**defraud** - мошенничать, обманывать, обманом лишать чего-л. (собственности, прибыли или недвижимости); надувать, морочить, вводить в заблуждение

**fraud** - 1) мошенничество, обман, жульничество 2) подделка (подписей, документов и т. д.) 3) фальшивка, что-либо поддельное, ненастоящее 4) обманщик, мошенник 5) афера 6) сомнительная сделка

**white-collar crime** - "беловоротничковая преступность"; преступления в экономической сфере (впервые выражение было употреблено криминалистом Э. Сазерлендом в 1939)



### 7.2. SCANNING

#### White-Collar Crime

The term "white-collar crime" refers to illegal acts committed through the use of non-physical, nonviolent means by individuals, groups, or corporations for financial *gain*. White-collar crimes include but are not limited to the following types and schemes:

- Advanced fee schemes: Actor induces victim to give him some type of *advanced fee* in return for a future benefit. The future benefit never occurs and victim never receives the advanced fee back.

- Airport/railway-station scam: Actor *approaches* victim stating that the *newspaper stand* cannot change his one hundred dollar *bill* and asks the victim for change. Victim provides actor with the change, actor returns to the store to get the one hundred dollar bill back, however, never returns to victim.

- Antitrust fraud includes the use of practices such as *price-fixing* and monopolies to *stifle* competition.

- Bankruptcy fraud is committed by businesses or individuals who conceal assets, mislead creditors, falsely claim bankruptcy, file multiple bankruptcy claims.

- Bribery: When money, goods, services, information or anything else of value is promised to, given to, or taken from an individual or corporation with intent to influence the actions, opinions, or decisions of the taker (passive corrupter). A person may be charged with bribery whether he offers the bribe or accepts it.

- Cellular phone fraud: The unauthorized use, tampering, or manipulation of a cellular phone or service. This can be accomplished by either use of a stolen phone, or where an actor signs up for service under false identification or where the actor clones a valid electronic serial number (ESN) by using an ESN reader and reprograms another cellular phone with a valid ESN number.

- Computer fraud: Where computer hackers steal information sources contained on computers such as: bank information, credit cards, and proprietary information.

- Counterfeiting: Occurs when someone copies or imitates an item without having been authorized to do so and passes the copy off for the genuine or original item. Counterfeiting is most often associated with money however can also be associated with designer clothing, handbags and watches.

- Credit card fraud: The unauthorized use of a credit card to obtain goods of value.

- Embezzlement: When a person who has been entrusted with money or property appropriates it for his or her own use and benefit.

- Forgery: When a person passes a false or worthless instrument such as a check or counterfeit security with the intent to defraud or injure the recipient.

- Government fraud is any fraud committed against the Government or one of its contractors, including public housing, educational programs, and agricultural programs.

- Health care fraud: Where an unlicensed health care provider provides services under the guise of being licensed and obtains monetary benefit for the service.

- Identity fraud refers to the theft of one's personal information so as to use it for opening credit card accounts, applying for loans, purchasing cellular phones, or committing serious crimes.

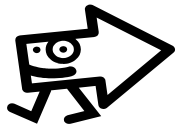
- Insider trading: When a person uses inside, confidential, or advance information to trade in shares of publicly held corporations.

- Insurance fraud is the filing of artificial or exaggerated claims to an insurance company.
- Internet services: charges for services that were supposedly free, payment made online and Internet services that were never provided or were falsely represented.
- Kickbacks are the return of money from a buyer to a seller as part of a collusive agreement.
- Mail fraud involves the use of the Postal Service or another registered mail service to commit a crime.
- Money laundering: The investment or transfer of money from racketeering, drug transactions or other embezzlement schemes so that it appears that its original source either cannot be traced or is legitimate.
- Police impersonation: Actor tells victim that his bank is being operated by fraudulent bank officers. Actor instructs victim to take money out of bank and place it into a good bank. After the money is withdrawn, the actor allegedly takes the money to the police station for safe keeping. The victim never sees the money again.
- Pyramid: An investment fraud in which an individual is offered a distributorship or franchise to market a particular product. The attraction of the pyramid scheme is that it offers an unusually high rate of return on the initial investment. Investors are typically advised that they can get a full return on their money by getting two more “new” investors to make an investment. The new investors must then get two or more new investors and so it goes, on and on. Promoters fail to tell or deliberately conceal that profit from system becomes mathematically impossible for other than the initiators of the scheme.
- Securities fraud: The act of artificially inflating the price of stocks by brokers so that buyers can purchase a stock on the rise.
- Shell game: Actor 1 manipulates a pea beneath three walnut shells or bottle caps. Actor 1 moves the caps around and shows victim the cap with the pea under it. With the encouragement of another player, also Actor 2, victim places larger and larger bets as to which cap contains the pea. The game is ended by Actor 1 when the take is large enough.
- Tax evasion: When a person commits fraud in filing or paying taxes.
- Telemarketing fraud: Actors operate out of boiler rooms and place telephone calls to residences and corporations where the actor requests a donation to an alleged charitable organization or where

the actor requests money up front or a credit card number up front, and does not use the donation for the stated purpose.

- Trade secret fraud is the theft of a confidential plan, formula, idea or collection of information that could benefit a business.

- Web auctions: items bid but never delivered by the sellers.



### 7.3. LEXIS

gain - выгода; доход, прибыль; заработок, нажива

advanced fee - авансированное вознаграждение,

предоплата, предварительная оплата услуг

approach - обращаться (с просьбой, предложением)

newspaper stand - газетный киоск

bill - банкнота, купюра

antitrust - антитрестовский, антимонопольный

price-fixing - искусственное вздувание цен, ценовой сговор

stifle - подавлять, сдерживать, душить

multiple - многократный, множественный; многочисленный

cellular phone - сотовый телефон

clone - делать точные копии, имитировать

reprogram - изменять программу, перепрограммировать

hacker - хакер, взломщик кодов ПО, "взломщик" программ

proprietary - вещно-правовой, защищенный какими-л. правами собственности, частный

pass off - сбывать, подсовывать; выдавать (за кого-л.)

counterfeiting - контрафакция (незаконное использование фирменных обозначений), подделка (товаров), подделка денег, фальшивомонетничество

forgery - подлог, подделка документа (в том числе денежных документов: чеков, банкнот, ценных бумаг, кредитных карточек); подделка товаров; фабрикация улик и свидетельств

worthless - ничего не стоящий; бесполезный, никчемный

instrument - (финансовый) инструмент (ценные бумаги и т.п.)

security - ценная бумага

recipient - реципиент, получатель

provider - провайдер; поставщик услуг

guise - вид, видимость; личина, маска

insider trading - инсайдерные (т.е. незаконные) операции с ценными бумагами на основе внутренней информации о деятельности компании-эмитента

share - акция; доля, пай

kickback - возвращение денег, уплата; взятка; откат; выплата "благодарности", выплата 'под столом'

collusive agreement - соглашение, в основе которого лежит тайный сговор  
 racketeering - шантажирование, вымогательство; бандитизм  
 trace - следить (за кем-л., чем-л.), выслеживать; преследовать  
 allegedly - будто бы, якобы; по утверждению, как утверждают  
 distributorship - оптовое распределение  
 franchise - франшиза, торговая привилегия (лицензия, подтверждающая право пользования торговой маркой (а также технологией и т.д.)  
 investor - инвестор, вкладчик (капитала)  
 investment - вложение денег, инвестирование, инвестиция, капиталовложение, размещение денег  
 initiator - организатор  
 stocks - акции и облигации, акционерный капитал, оборотные средства, фонды  
 shell game - игра "наперсток", мошенничество, обман  
 walnut shells - скорлупа грецких орехов  
 encouragement - содействие  
 bet - ставка (в пари)  
 take - добыча, материальная выгода, барыши, выручка  
 boiler room - "котельная" (название комнаты, в которой работают дилеры, непрерывно обзванивающие потенциальных клиентов и использующие методы психологического давления, чтобы любой ценой уговорить последних)  
 tax evasion - уклонение от уплаты налога  
 residence - дом, квартира; офис  
 up front - авансом, вперёд, предварительно  
 web auction - интернет аукцион  
 bid - выставлять на торги, предлагать цену (на аукционе); принимать участие в торгах



#### 7.4. QUESTIONS

1. What does the term "white-collar crime" refer to?
2. What types and schemes of white-collar crimes does the text describe? Characterize them.
3. Can you describe any other acts of deceiving people not mentioned in the text?



#### 7.5. AGREE OR DISAGREE

1. Antitrust fraud includes the use of practices designed to create reasonable restraints on competition.
2. Bankruptcy fraud may be committed only by businesses.



3. A person may be charged with bribery only if he is one who accepts the bribe.
4. Counterfeiting is possible only with coins or banknotes.



### 7.6. DEBATES

1. The best way to reduce fraud is through increased awareness. The greatest enemy to the perpetrator of fraud is the informed consumer.
2. Most of fraudulent activities appeal to a weakness in human nature - the desire to get something for nothing.



### 7.7. SCANNING

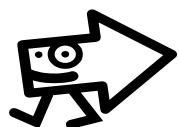
## **Computer Crimes**

1. The explosive growth in the use of computers in the business world in the past few years has brought with it a corresponding increase in computer misuse. Computer crimes fall mainly into three broad categories: simple unauthorized access, theft of information, and theft of funds. Among schemes that have been subjects of litigations are (1) stealing a competitor's computer program; (2) paying an accomplice to delete adverse information and insert favorable false information into the defendant's credit file; (3) a disgruntled ex-employee's inserting a "virus" into his former employer's computer to destroy its records.

2. Some estimate that losses in the USA due to computer misuse may be as high as \$35 to \$40 billion per year (including thefts of funds, losses of computer programs and data, losses of trade secrets, and damage done to computer hardware). These estimates may not be reliable, but it is clear that a substantial amount of computer crime is never discovered and a high percentage of that which is discovered is never reported because:

(a) companies do not want publicity about the inadequacy of their computer controls and

(b) financial institutions, such as banks, fear that reports of large losses of funds, even when insured, are likely to cause depositors to withdraw their funds in the interest of safety.



### 7.8. LEXIS

explosive growth - взрывной, внезапный рост  
 unauthorized access - несанкционированный доступ,  
 получение нарушителем доступа к ресурсу в наруше-

ние установленных в соответствии с политикой безопасности правил разграничения доступа  
 accomplice - сообщник, соучастник (преступления)  
 adverse - неблагоприятный; вредный; негативный  
 insert - вносить, вписывать, вставить, вставлять  
 credit file - кредитное досье, данные по кредитам; картотека кредитной информации  
 disgruntled - раздраженный, рассерженный  
 reliable - заслуживающий доверия, достоверный; правдоподобный  
 publicity - гласность, публичность, огласка  
 inadequacy - несостоятельность, неполноценность, неадекватность, недостаточность, несоответствие (требованиям), дефект, недостаток  
 depositor - вкладчик; вкладчица; депозитор, депонент, инвестор  
 withdraw - брать назад, забирать



### 7.9. QUESTIONS

1. What categories do computer crimes fall into?
2. What computer schemes are known to have been subjects of litigations?
3. What losses can result from computer misuse?
4. Why do American companies and banks try hard to avoid publicity about their losses because of computer crime?
5. What has the explosive growth in the use of computers in the business brought with it?



### 7.10. AGREE OR DISAGREE

1. In the USA losses due to computer misuse may be as high as \$35 to \$40 million per month.
2. A substantial amount of computer crime in America is never discovered.
3. Companies in the USA are interested in reporting computer crimes.



### 7.11. SCANNING

#### **Bribery**

1. Bribery or corruption is a white collar crime in which money, a *favor* or something else *of value* is promised to, given to, or taken from an individual or corporation in an attempt to sway

his or its views, opinions, or decisions. For example, if an electoral candidate offered bottles of liquor in exchange for votes, it would be considered a bribe, and therefore, a crime.

2. The commission of this crime involves participation of two wrongdoers: a corrupter (active perpetrator) and a corruptee (passive actor), where the former offers an advantage and the later accepts it.

3. As far as the actual moment of the commission of the corruption crime is concerned, what matters is the collusive agreement, in the sense that the corruption is perfected when the passive actor does not expressly refuse the advantage offered to him by the corrupter. The fact that the promise is really maintained is not relevant for the purposes of the commitment of the offence. The legal authority has only to prove the abstract relationship between the illegitimate advantage and the performance or violation of the public function. Passive corruption involves the commission or omission of an act on the part of the passive actor.

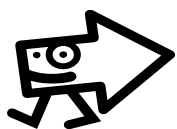
4. Types of corruption include the following:

o Bribery of a public official or a witness: when anyone acting on behalf of state (such as a member of parliament, witness, or juror) demands, receives, or accepts a bribe in exchange for orchestrating an illegal change in his duties.

o Bank bribery: the solicitation of an employee, director, etc. in any capacity in exchange for business and the acceptance of anything (including meals, entertainment, and accommodations during travel) but a legitimate salary, wages and fees from anyone in connection with the bank's business are prohibited.

o Bribery in Sporting Contests: when a sporting official accepts a bribe in exchange for a promise to "fix" a sporting event.

5. With respect to an analysis of the sanctions, it can be noted that there are more severe sanctions for passive corruption since the beneficiary of the bribe holds a public office and therefore represents the state institutions. The penalties that are traditionally applied are pecuniary sanctions and incarceration, the minimum and maximum duration of which vary noticeably from one country to the other. The public official may also be prohibited from holding any political or government office. In addition to the traditional sanctions, several countries envisage confiscation of illicit proceeds.



## 7.12. LEXIS

favor - польза, благосклонность, одолжение, привилегия  
of value - ценный

in exchange for - в обмен на

corrupter - взяткодатель, пытающийся подкупить или склонить  
 другого к совершению преступления либо проступка  
 corruptee - лицо, которое пытаются подкупить или склонить к  
 совершению преступления либо проступка  
 passive actor - взяткополучатель, взяточник  
 perfection - совершать, завершить  
 advantage - преимущество; выгода, польза  
 public official - государственное должностное лицо  
 orchestrate - организовывать, урегулировать  
 solicitation - подстрекательство (к преступлению), обольщение,  
 соблазн  
 in exchange for business - в обмен на выгодную сделку  
 acceptance - получение, принятие, согласие  
 accommodations - услуги по проживанию (в гостинице и т.д.)  
 but - здесь: кроме, за исключением, исключая  
 salary - жалованье, заработная плата служащего; оклад  
 wages - заработная плата рабочих  
 fix - "договориться", фальсифицировать  
 beneficiary - лицо, оказавшееся в выигрыше, к выгоде которого  
 что-л. происходит; выгодоприобретатель, бенефициар, бе-  
 нефициарий  
 pecuniary - денежный, финансовый, монетарный; облагаемый  
 штрафом  
 incarceration - тюремное заключение, взятие под стражу, водво-  
 рение в карцер  
 envisage - предусматривать  
 illicit proceeds - незаконные доходы



### 7.13. QUESTIONS

1. How is "bribery" defined?
2. What is meant by the "collusive agreement"?
3. What does passive corruption involve?
4. What types of corruption do you know? Can you characterize them?
5. Which penalties are traditionally applied to those convicted of corruption? Do they vary noticeably in different countries?



### 7.14. AGREE OR DISAGREE

1. Bribery or corruption is "a blue collar crime".
2. What is really important for corruption to be considered perfectioned is the fact that the promise to give or take money or a favour is really maintained.

3. To prosecute for bribery the legal authority needn't prove the abstract relationship between the illegitimate advantage and the performance or violation of the public function.
4. For passive and active corruption the sanctions are usually the same.

### 7.15. KEY WORDS

actor	incarceration
bribery	kickback
computer crimes	money laundering
confiscation of illicit proceeds	passive actor
corrupter	pecuniary sanctions
corruption	scheme = scam
defraud	tax evasion
fraud	white-collar crime

## Unit 8. Punishment



**8.1. BEFORE READING** learn the following words and phrases which are essential on the topic:

**cautioning** - предостережение, предупреждение о возможных правовых последствиях

**community service** - общественные работы (в порядке наказания за небольшие правонарушения; бесплатный труд на не требующих квалификации работах)

**compensation** - возмещение, компенсация лицу, права которого были нарушены

**conviction** - осуждение (признание виновным); судимость; обвинительный приговор

**corporal punishment** - телесное наказание

**custodial sentence** - приговор к лишению свободы; наказание, связанное с лишением свободы

**death penalty** = capital punishment - смертная казнь

**deterrence** - сдерживание, препятствование; удержание от враждебных или преступных действий, устрашение

**fine** - штраф | налагать штраф, штрафовать

**injunction** - судебный запрет, судебное предписание предпринять или воздержаться от к.-л. действий)

**isolation** - изоляция, изолирование

**non-custodial sentence** - приговор к наказанию, не связанному с лишением свободы

**order** - предписание суда, частное определение | давать указания, давать распоряжение, требовать

**parole** - досрочное, временное или условное освобождение заключенного из тюрьмы; условно-досрочное освобождение под честное слово | условно-досрочно освобождать под честное слово

**penalty** - взыскание; санкция; штраф; пеня, наказание; карательная мера

**prisoner** - заключенный, арестант, узник; арестованный

**probation** - условное осуждение, система испытаний, пробация (вид условного осуждения), освобождение на поруки

**rehabilitation** - реабилитация, восстановление в правах, оправдание, восстановление доброго имени

**restoration** - возмещение, восстановление, реституция, компенсация

**retribution** = revenge = vengeance = requital = reprisal = requital - воздаяние, возмездие, кара, наказание, расплата

**suspended sentence** - приговор, отсроченный в исполнении, условное наказание



## 8.2. SCANNING



### **Possible Reasons for Punishment**

1. What is the purpose of punishment? There are many possible reasons that might be given to justify or explain why someone ought to be punished; here follows a broad outline of typical, possibly *contradictory* justifications.

2. **Deterrence** means *dissuading* someone from future wrongdoing, by making the punishment *severe* enough that the benefit gained from the offence is *outweighed* by the cost (and probability) of the punishment. Deterrence is a very common reason given for why someone should be punished. It is often believed that punishment, especially if made known to or even witnessed by the *punishee's peers*, can also deter them from committing similarly punishable offences.

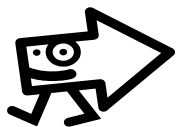
3. **Rehabilitation.** Some punishment includes work to reform and rehabilitate the wrongdoer so that they will not commit the offence again. This is distinguished from deterrence, in that the goal

here is to change the offender's attitude to what they have done, and make them come to accept that their behaviour was wrong.

4. **Isolation.** In the prison system, *imprisonment* has the effect of *confining* prisoners, physically preventing them from committing crimes against those outside, i.e. protecting the community. The most dangerous criminals may be sentenced with life imprisonment or the death penalty with a goal of protecting society.

5. **Restoration.** For minor offences, punishment may take the form of the offender "*righting the wrong*"; for example, a vandal might be made to clean up the mess he has made. In more serious cases, punishment in the form of fines and compensation payments may also be considered a sort of "restoration".

6. **Retribution.** Retribution is the practice of "*getting even*" with a wrongdoer - the suffering of the wrongdoer is seen as good in itself, even if it has no other benefits. One reason for societies to include this judicial element is to diminish the perceived need for street justice and blood revenge. Retribution sets an important standard on punishment - the *transgressor* must get what he *deserves*, but no more. Those who steal from others should be *deprived* of their own property. For those who attack others corporal punishment should be used. Murderers should be subject to the principle "an eye for an eye and a tooth for a tooth" and automatically receive the death penalty. Though sometimes it is said that such views are unreasonable, cruel and *barbaric* and that we should show a more *humane* attitude to punishment and try to understand why a person commits a crime and how society has failed to enable him to live a *respectable, law-abiding* life.



### 8.3. LEXIS

contradictory - противоречивый, противоречащий

dissuade - отговаривать, отсоветовать, разубеждать

severe - суровый, строгий, жестокий

outweigh - перевешивать; быть более влиятельным, важным

punishee's peers - люди из окружения того, кто понёс наказание;  
такие же как и тот, кто был наказан

imprisonment - тюремное заключение, лишение свободы

confine - лишать свободы; заключать в тюрьму

righting the wrong - возмещение нанесенного ущерба, восстановление нарушенного права

getting even - сведение счётов, расплата, воздаяние

transgressor - правонарушитель, нарушитель закона, преступник

deserve - заслуживать, быть достойным чего-л.

deprive - отбирать, отнимать, лишать (чего-л.)

barbaric - грубый, варварский; первобытный

humane - человечный, гуманный

respectable - заслуживающий уважения; допустимый; приемлемый

law-abiding - соблюдающий право, уважающий закон, законопослушный



#### 8.4. QUESTIONS

1. What reasons for criminal punishment are deemed to be legally warranted?
2. What reasons for punishment are described in the text? Which effect is punishment expected to have on the wrongdoer in each case?
3. What is a difference between restoration and retribution as a justification of punishment?



#### 8.5. AGREE OR DISAGREE

1. Punishment always deters the punishee's peers from committing similarly punishable offences.
2. The most dangerous criminals must be sentenced to death with a goal of protecting society.
3. Criminals should be subject to the principle "an eye for an eye and a tooth for a tooth".
4. We should show a more humane attitude to punishment and try to understand why a person commits a crime.



#### 8.6. SCANNING



### **Some Old Forms of Punishment**

1. The earliest known form of punishment for crime was corporal punishment. *Hanging*, *burning to death*, torture, *whipping*, cutting off ears, placing people in the *pillory* and being *chained* to *stocks* where people could *pelt* you with rubbish, *dunking* in a river or *branding* with a hot iron, these and other *gruesome* methods were accepted practice and according to many textbooks were commonly used in the seventeenth and eighteenth centuries. Fortunately for wrong-doers today they were abolished a long time ago.

2. Stocks were wooden boards with holes in which a person's *ankles* were *made fast*. The top board could be lifted and then lowered, after which the two boards were locked together.



3. The pillory was a larger frame of wood on a wooden post. In this frame there were holes through which a person's head and arms were put.

4. Stocks and pillories were set up in public places, often in a market place. The purpose of this form of punishment was not only to make the criminal suffer physical discomfort, but also to put him to shame, and to allow the neighbours to make fun of him for hours.

5. Whipping or caning with various implements and on various body parts was inflicted for serious offences such as robbery with violence and also for vagrancy.

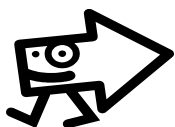
6. Marking via branding or mutilations such as amputation of a finger or arm were used in a case of stealing.

7. Another popular method of punishment was "the ducking stool". It was usually reserved for women, primarily "scolds", and butchers, bakers, apothecaries and brewers who cheated on measures or sold inferior food. The person had to sit in the chair, which was wheeled through town and then submerged in the river, hence the name "ducking stool".

8. An important form of punishment was the confinement of criminals in geographically isolated penal colonies, such as Devils Island.

9. The death penalty was the most drastic form of corporal punishment as it required law enforcement officers to kill the offender. Forms of the death penalty included hanging, crucifixion, the firing squad, burning at the stake, lethal injection, gas chambers, beheading "by guillotine or axe", and starvation, among others.

### 8.7. LEXIS



hanging - смертная казнь через повешение

burning to death - сжигание виновного

whipping - порка (вид уголовного наказания)

pillory - позорный столб (вертикально вкопанная в землю деревянная рама с отверстиями для головы и конечностей)

chain - сковывать; держать в цепях

stocks - колодки

pelt - бросать (в кого-л.), забрасывать (камнями, грязью)

dunk - макать, окунать

branding - клеймение (осуждённого преступника); таврение

grievous - отвратительный, страшный, ужасный

ankle - голеностопный сустав, лодыжка

make fast - закреплять

put to shame - устыдить, пристыдить  
 make fun - высмеивать  
 caning - избиеение палкой  
 implements - инвентарь, оборудование; утварь  
 vagrancy - бродяжничество  
 mutilation - калечение, увечье, калечащее повреждение  
 ducking stool - позорный стул  
 scold - сварливая женщина (которая постоянно ругается)  
 cheat on measures - мошенничать с весами  
 sell inferior food - мошенничать с несоответствующими по качеству продуктами  
 wheel - катить, везти, толкать  
 submerge - окунать; опускать, погружать под воду  
 penal colony - колония для уголовных преступников  
 drastic - решительный; радикальный  
 crucifixion - распятие на кресте (казнь)  
 firing squad - команда, назначенная для произведения расстрела  
 lethal injection - смертельная инъекция (путем введения смертельной дозы быстродействующего барбитурата в сочетании с парализующим химическим препаратом)  
 gas chamber - газовая камера  
 beheading - отсечение головы, обезглавливание  
 starvation - голодная смерть



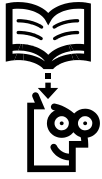
### **8.8. QUESTIONS**

1. Which was the earliest known form of punishment? What were the methods of its application?
2. How was a man made fast in the stocks/pillory/"the ducking stool"? In which was the criminal able to sit and in which was he forced to stand?
3. Were the stocks and the pillory ever used in Russia? If so, when did they go out of use?
4. Where were stocks and pillories usually set up?
5. What forms did the death penalty include?



### **8.9. AGREE OR DISAGREE**

1. Whipping or caning was inflicted for serious offences.
2. Nowadays corporal punishment is still accepted practice.
3. Methods and forms of death penalty do not depend on the level of cultural development of the people.



## 8.10. SCANNING

### **Penalties**

1. **Custodial sentences** include imprisonment and other forms of forced detention (e.g., *involuntary institutional psychiatry*). Imprisonment means putting a convicted into a special building (prison) where he is forced to live as a punishment for a fixed period of time. Prison is not considered to be corporal punishment, although the body is confined, no punishment is inflicted upon the body.

2. **Non-custodial sentences** include:

*Injunction.* A court order that prohibits a party from doing something (restrictive injunction) or compels them to do something (mandatory injunction).

3. Pardon is a government decision to allow a person who has been convicted of a crime, to be free and absolved of that conviction, as if never convicted. It is typically used to remove a criminal record against a good citizen for a small crime that may have been committed during adolescence or young adulthood.

4. *Parole:* an early release from incarceration in which the prisoner promises to heed certain conditions (usually set by a parole board) and under the supervision of a parole officer. Any violation of those conditions would result in the return of the person to prison.

5. *Probation:* a kind of punishment given out as part of a sentence which means that instead of jailing a person convicted of a crime, a judge will order that the person reports to a probation officer regularly and according to a set schedule. It is a criminal offence not to obey a probation order and is cause for being immediately jailed. A court probation order can last between six months and three years. An offender may have to report weekly for the first three months, then fortnightly and, if all is going well, every three to four weeks.

6. *Suspended sentences:* the offender does not go to prison unless he or she commits another offence.

7. *Community service.* Offenders aged 16 or over convicted of imprisonable offences may, with their consent, be given community service orders. The court may order between 40 and 240 hours' unpaid service to be completed within 12 months. Examples of work done include decorating the houses of elderly or disabled people and building adventure playgrounds. Community service punishes

offenders by making them do work and give something back to the community.

8. *Curfew order*. Courts in the *trial areas* can require offenders to remain at home for periods of between two and 12 hours a day. The order can be combined with probation or community service.

9. *Compensation*. The courts may order an offender to pay compensation for personal injury, loss or damage resulting from an offence. In England and Wales courts are required to give reasons for not *awarding* compensation to a victim. Compensation *takes precedence* over fines.

10. *Fines*. About 80 per cent of offenders are punished with a fine. There is no limit to the fine, unless set by statute. When fixing the amount of a fine, courts are required to reflect the seriousness of the offence and to take into account the *financial circumstances* of the offender.

#### 11. **Other Measures.**

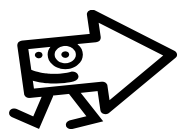
*Cautioning*. The police have discretion whether to charge an offender or formally to caution him or her. Cautioning is a form of warning and no court action is taken. Properly used, it is an effective deterrent to those who have committed minor offences or who have offended for the first time. However, it is an inappropriate response to serious offences.

#### 12. *Socio-economical punishments:*

- o loss of income;
- o confiscation;
- o *demotion*, *suspension* or *expulsion* (especially in a strict hierarchy, such as military service);
- o restriction or loss of *civic* and other rights.

13. *Deportation*: the removal of a foreign national under immigration laws for reasons such as illegal entry or conduct dangerous to the public welfare. The grounds for deportation vary from country to country.

14. *Extradition*: the arrest and delivery of a *fugitive wanted* for a crime committed in another country, usually under the terms of an extradition treaty.



### **8.11. LEXIS**

involuntary institutional psychiatry - принудительное помещение в психиатрическую больницу  
convicted - осуждённый, признанный по суду винов-

НЫМ

restrictive injunction - ограничительное предписание

mandatory injunction - обязывающее решение суда  
 pardon - амнистия, помилование  
 absolve - оправдывать (по суду); освобождать (от ответственности, наказания)  
 heed - обращать внимание, учитывать, принимать во внимание; внимательно следить за чем-л.  
 parole board - совет по условно-досрочному освобождению  
 parole officer - должностное лицо, надзирающее за условно-досрочно освобождённым  
 jailing - заключение в тюрьму  
 probation officer - чиновник, надзирающий за лицами, направленными судом на probation; инспектор, наблюдающий за условно осужденными  
 set schedule - предписанный режим, установленный график  
 obey - выполнять, повиноваться, подчиняться, удовлетворять условиями  
 disabled - нетрудоспособный, искалеченный  
 adventure playground - детская игровая площадка, детский городок  
 curfew order - предписание суда о соблюдении условий "комендантского часа"  
 trial area - судебный округ  
 awarding - присуждение  
 take precedence - иметь преимущественное значение, превосходить по важности  
 financial circumstances - финансовое положение, финансовое состояние  
 demotion - понижение в должности [звании, ранге], перевод на менее квалифицированную работу  
 suspension - временное отстранение от должности, отстранение от работы; дисквалификация  
 expulsion - увольнение (с работы); исключение  
 civic - гражданский  
 fugitive - беженец, дезертир; лицо, скрывающееся от правосудия  
 wanted - разыскиваемый полицией



### 8.12. QUESTIONS

1. What types of punishment are known?
2. What do we refer to as custodial sentences? Can you characterize each of them?
3. What is meant by non-custodial sentences? Can you distinguish them?
4. What are socio-economic forms of punishment?

5. How should the punishment be organized? Substantiate your point of view.



### 8.13. AGREE OR DISAGREE

1. Prison is considered to be corporal punishment.
2. Being on parole doesn't guarantee the person will not return to prison.
3. A court probation order can last from six months to thirteen years.
4. Offenders aged under 16 convicted of summary offences may, with their consent, be given community service orders between 40 and 240 hours' unpaid service.
5. In England and Wales compensation takes precedence over fines.
6. About 30 per cent of offenders are punished with a fine.
7. The grounds for deportation vary from country to country.

### 8.14. KEY WORDS

community service

convicted

conviction

corporal punishment

court order

curfew order

custodial sentence

death penalty = capital punishment

fine

imprisonment

mandatory injunction

non-custodial sentence

parole

penalty

probation

purpose of punishment

restrictive injunction

socio-economical punishments

suspended sentence

## **Unit 9. Law Enforcement**



9.1. BEFORE READING learn the following words and phrases which are essential on the topic:

**apprehend** - задерживать; арестовывать, схватывать

**carry firearms** = carry guns = be armed - носить при себе

огнестрельное оружие

**combat** - сражаться, бороться; вести бой, противодействовать

**crime detection** - 1) расследование или раскрытие преступления;

розыск или обнаружение, идентификация преступника

2) раскрываемость преступлений 3) уголовный розыск; сы-  
ская полиция

**detect** - раскрыть (преступление); разыскать, найти, обнаружить  
(преступника)

**emergency service** - служба ликвидации последствий случайных  
событий, работа в аварийных условиях

**forensic service** - судебная экспертиза, криминалистическая  
экспертиза

**identification** - распознавание, определение, установление,  
идентификация, установление личности (напр., с помощью  
персонального номера, подписи, кода, отпечатков пальцев,  
почерка и т. д.), удостоверение личности (документ)

**internal affairs** - внутренние дела (страны)

**internal security** - внутренняя безопасность

**law and order** - законность и правопорядок

**law enforcement agency** - правоохранительное ведомство

**maintain public order** - обеспечивать общественный порядок

**police force** - полицейские силы, полиция; полицейское подраз-  
деление

**search** - поиски; поиск, розыск, обыск | искать; вести поиски,  
разыскивать, обыскивать; производить обыск (личных ве-  
щей, в доме и т. п.)

**suspected person** = suspect = alleged criminal = supposed criminal -  
заподозренный, подозреваемый (в совершении преступления)



## 9.2. SCANNING

### **The Police Service**

1. Police are the agency of a community or government that is responsible for maintaining public order and preventing and detecting crime. Their basic goals are to apprehend offenders, control *traffic*, maintain order, and deal with emergencies and *disasters*. Most European countries have police forces that are organized on a national basis and are controlled by central Government. Policing in France, for example, is primarily the responsibility of two national law enforcement bodies: the *Gendarmerie Nationale* and the Police Nationale.

2. Militia or Departments of Internal Affairs in Russia are mostly police agencies. Their functions and organization differ significantly from similarly named departments in Western countries, which are usually civil executive bodies headed by *politicians* and

responsible for many other tasks as well as the supervision of law enforcement. The head of MVD is a member of the country's cabinet, but he does not report to the prime minister and parliament, but only to the president. Local militia departments are subordinated to their regional departments, having little accountability before local authorities.

3. The Russian militia currently performs the following functions:

- Criminal Militia Service - the Criminal Investigations Department (Criminal Investigation, Combating Financial Crimes, Combating Organized Crime, Operational Investigation Information);

- Public Security Service - The Uniformed Militia (Public Order Maintenance, State Road Safety Inspection - the Highway patrol or GAI);

- Federal Migration Service (Office for Passports and Visas, Migration Control Office);

- Independent Divisions (Internal Security, Internal Troops, National Central Bureau for Interpol, Forensic Expertise Center; Special Technical Actions - OMON, SOBR).

4. Militia personnel ranks are fully the same as in the Russian Army - from private to colonel general - with only these exceptions: there are no ranks of Army General and Marshal.

Militiamen carry firearms when they are on duty. However, their usage is strictly limited so shooting cases are relatively rare in comparison to countries such as the United States.

5. Britain has no national police force, although police policy is governed by the central Government's Home Office. Instead, there is a separate police force for each of 52 areas into which the country is divided. Each has a police authority - a committee of local county councillors and magistrates.

6. In most countries the police carry guns. The British police generally do not carry firearms, except in Northern Ireland. Only a few police officers are regularly armed - for instance, those who guard politicians and diplomats or who patrol airports. In certain circumstances specially trained police officers can be armed, but only with the signed permission of a magistrate.

7. All members of the police must have gained a certain level of academic qualifications at school and undergone a period of intensive training. Like the army, there are a number of ranks: after the Chief Constable comes the Assistant Chief Constable, Chief Inspector, Inspector, Sergeant and Constable. Women make up about 10 per cent of the police force. The police are helped by a number of

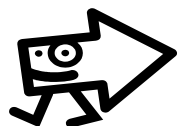


Special Constables - members of the public who work for the police voluntarily for a few hours a week.

8. The US has a fragmented system of police administration comprising some 19,000 separate municipal and county law enforcement agencies and 21,000 additional federal, state, and local agencies with specialized jurisdictions of responsibility. Approximately half the local law enforcement agencies consist of fewer than 10 police officers.

9. The principal law enforcement agency of the federal government in America is the Department of Justice. Its agencies include the Federal Bureau of Investigation, which deals with bank robberies, kidnappings, and violation of other federal laws and provides training, identification, and laboratory services to local police; the Drug Enforcement Administration, which investigates cases involving illicit narcotics and drugs; and the US Marshals Service with responsibilities for safeguarding and transporting federal prisoners and acting as marshals for US courts.

10. There are thousands of private and industrial security forces in the US. These organizations employ a substantial percentage of all persons engaged in police work, and the use of private security by both businesses and individuals is increasing rapidly. Large corporations often maintain security forces to curb internal thefts, shoplifting, robberies, and trespassing.



### 9.3. LEXIS

traffic - движение транспорта; перевозки, транспортный поток

disaster - бедствие, катастрофа

Gendarmerie Nationale - национальная жандармерия

politician - политик, государственный/политический деятель

subordinated - подчинённый

accountability - ответственность, подотчетность

uniformed - одетый в униформу, носящий форму

internal troops - внутренние войска

personnel ranks - воинские звания кадрового состава

private - рядовой (звание)

colonel general - генерал-подполковник

shooting cases - случаи применения огнестрельного оружия

local county councillor - член местного совета графства

guard - защищать; охранять, принимать меры предосторожности

signed permission - письменное разрешение

gain a certain level of academic qualification - получить определенный уровень теоретической подготовки

undergo a period of intensive training - пройти интенсивный курс практического обучения

Chief Constable - начальник полиции

Special Constables - специальные констебли, дружинники

voluntarily - добровольно, свободно; по своему (собственному) желанию или выбору

fragmented system - раздробленная система

Federal Bureau of Investigation - Федеральное Бюро Расследования

Drug Enforcement Administration - Администрация по контролю за соблюдением законов о наркотиках

U.S. Marshals Service - служба судебных исполнителей США

businesses - компании

curb - обуздывать, сдерживать, укрощать, усмирять



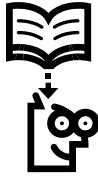
#### **9.4. QUESTIONS**

1. What are basic goals of police?
2. Do all European countries have decentralized police forces?
3. What are the functions and structure of the Russian militia?
4. Is there national police force in GB organized by central Government?
5. What organ performs the function of a police authority in every separate police force in England?
6. Under what conditions can British policemen carry arms?
7. What are the ranks of British policeman?
8. Do police officers require any special qualification?
9. What do you know about Special Constables?
10. How many enforcement agencies are there in the USA?
11. What is the jurisdiction of the FBI?
12. What functions do private security forces have?



#### **9.5. AGREE OR DISAGREE**

1. Policing in France is the responsibility of not one but two national law enforcement bodies.
2. In Russia the head of MVD is a member of the country's cabinet, and he reports directly to the prime minister.
3. Militiamen in Russia carry firearms when they are on duty and their usage is not limited.
4. In Britain members of the police needn't gain any academic qualifications.



## 9.6. SCANNING

### **Scotland Yard**

1. The most famous name connected with the British police is Scotland Yard, informally known as The Yard and NSY. It is the headquarters of the London police force. The name "Scotland Yard" originates from the plot of land adjoining Whitehall Palace where, in about the 14th century, the royalty and nobility of Scotland stayed when visiting the English Court.

2. New Scotland Yard occupies a 20-story office block along Broadway and Victoria Street in Westminster, about 450 meters away from the Houses of Parliament on the Thames Embankment, and its jurisdiction extends over 740 square miles with the exception of the ancient City of London, which possesses its own separate police force.

3. In addition to its regular, uniformed force, Scotland Yard has, over the years, added a number of specialized units:

- Royalty Protection Division is responsible for guarding the neighbourhood of Buckingham Palace, other royal residences in London (Kensington Palace, St James's Palace, Clarence House) and Windsor Castle.

- Diplomatic Protection Group provides protection and support to members of the Diplomatic Community and members of Her (or His) Majesty's Government.

- Specialist Protection Department - Protection of Government officials, other than Royalty.

- National Identification Service (NIS) is a department of the London Metropolitan Police which provides a range of support services on behalf of the Metropolitan Police and other police forces.

- Child Protection (Child Abuse Investigation Team)

- Fraud Squad (Economic and Specialist Crime)

- Serious and Organised Crime

- Forensic Science Laboratory

- Flying Squad (mobile police units). It consists of police members trained in high-speed driving, whose task is to detect and prevent armed robbery and similar crimes.

- Counter Terrorism Command, which brings to justice those engaged in terrorist, domestic extremist and related offences.

4. One of the most successful developments in Scotland Yard's crime detection and emergency service has been the "999 system". On receipt of a call the 999 Room operator ascertains by electronic

device the position of the nearest available police car, which is contacted by radio. Almost instantly, a message is also sent by teleprinter to the police stations concerned, so that within seconds of a call for assistance being received, a police car is on its way to the scene and all neighbouring police stations have been notified.

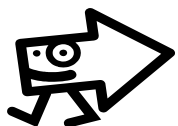
5. Apart from the 999 Room, one of the most interesting places in Scotland Yard is the Map Room. Here is the Central Crime Map, the Deaths by Violence Map, the Accidents Map and the Vehicles Recovered Map.

6. An old-established section of the Metropolitan Police is the Mounted Branch, with its strength of about 200 horses stabled at strategic points. These horses are particularly suited to ceremonial occasions, for they are accustomed to military bands.

7. An interesting branch of Scotland Yard is the branch of Police Dogs. These dogs are an important part of the Force because one dog, for example, can search a warehouse in ten minutes, whereas the same search would take six men an hour.

8. There is also the River Police or Thames Division, which has its own crime investigation officers who handle all crimes occurring within its river boundaries.

9. There are two other departments of Scotland Yard - the Witness Room (known as the Rogues' Gallery) where a photographic record of known or suspected criminals is kept, and the Museum, which contains murder relics, forgery exhibits and coining moulds.



### 9.7. LEXIS

headquarters - штаб; штаб-квартира; орган управления; главное управление, центр; центральный орган (какой-л. организации)

royalty and nobility - члены королевской семьи и дворянство

English Court - королевский двор Англии

Royalty - королевская семья, члены королевской семьи

ascertain - выяснять, обнаруживать, убеждаться, удостоверяться, узнавать, устанавливать

electronic device - электронное оборудование

notify - извещать; объявлять; сообщать; предупреждать

police station - полицейский участок

accident - происшествие, несчастный случай, авария; катастрофа

Vehicles Recovered Map - карта найденных транспортных средств, числящихся в угоне

Mounted Branch - конная полиция

accustomed - привыкший, приученный

warehouse - товарный склад; хранилище, складское помещение  
relics - следы, останки  
exhibit - вещественное доказательство  
coining mould - клише для печатания монет



### 9.8. QUESTIONS

1. Where does the name "Scotland Yard" originate from?
2. What is within the New Scotland Yard jurisdiction?
3. What are the specialized units of Scotland Yard?

What do they deal with?

4. What do they refer to as the "999 system"?
5. What is the Map Room famous for?
6. Do animals serve in any of Scotland Yard sections?
7. What is the River Police responsible for?
8. What is the purpose of the Museum as a department of NSY?



### 9.9. AGREE OR DISAGREE

1. The name "Scotland Yard" dates back to the 14th century.
2. NSY occupies a 10-story office block in the West End.
3. The City of London possesses its own separate police force.
4. One police dog can search a ware house in a day, whereas the same search would take six men an hour.
5. The River Police unfortunately does not have its own crime investigation officers.
6. The Rogues' Gallery is where a photographic record of distinguished Scotland Yard officers is kept.



### 9.10. SCANNING



## **Federal Bureau of Investigation**

1. The Federal Bureau of Investigation (FBI) investigates violations of certain federal statutes, collects evidence in cases in which the United States is or may be an *interested party*, and performs other duties imposed by law or Presidential directive.

2. The FBI Headquarters in Washington, D.C., is the *nerve center* for FBI activities throughout the world. Nationwide, there are 56 FBI *field offices*, each containing an additional number of *satellite offices* that together conduct the day-to-day operations of the FBI. The Bureau also maintains posts abroad in a number of foreign countries.

3. **Jurisdiction.** Emphasis of the FBI investigative activities has been assigned to those areas that affect society the most: organized crime/drugs, anti-racketeering, Atomic Energy Act, bankruptcy, bribery, fraud against the Government, theft of Government property, bank robbery and embezzlement, extortion, foreign counterintelligence, counterterrorism, internal security, ect. The FBI also conducts investigations regarding civil rights violations and applicants for certain positions in the Federal Government.

**The composition** of the FBI:

4. General Investigation Division. The FBI handles over 180 different investigations including Federal criminal violations, internal security matters in which the Government has an interest.

5. Special Investigation Division. Squads of highly trained FBI Agents are devoting their full efforts to bringing the crime lords to justice. The objective is to collect sufficient evidence to build a strong prosecutive case so gang leaders can be brought to justice swiftly. Cooperation is vital in the fight against organized crime - a lawless empire involved in gambling, narcotics, prostitution, extortion, etc. where easy money can be made.

6. Identification Division. A dangerous fugitive, wanted in one state, may be located through fingerprint identification after his arrest on a minor charge under a different name by a police agency in another state. Fingerprints often are the only means of identifying victims of various crimes.

7. Laboratory Division. The FBI Laboratory is a large complex of scientific equipment, staffed with over 300 employees most of whom have technical training. Included in this group are over 100 Special Agents with specialized training in a wide range of scientific fields. Many crimes are solved and many defendants convicted on the basis of material evidence submitted to the laboratory for examination. Laboratory examinations on many occasions have proved the innocence of persons suspected of having committed crimes.

8. Domestic Intelligence Division. The FBI fights against all elements which pose a threat to the security of the people in the United States, to the Nation's security.

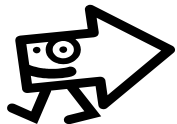
9. Crime Records Division. The personnel of the Crime Records Department has the task of carefully studying the information on crime poured into the Headquarters from the FBI's field officer local police agencies and other sources.

10. Administrative Division. The Administrative Division's major responsibilities are to see that the operations of the Bureau run smoothly and expenditures are kept within the limits of the annual

appropriation granted by Congress. Another duty of this Division is to recruit and assign the personnel necessary to fulfil the various functions of the FBI.

11. Personnel. To carry out its mission, the FBI needs men and women who can fill a variety of demanding positions. To qualify for training as an FBI agent, you must be a US citizen between the ages of 23 and 37. All Special Agent candidates must hold a degree obtained in a four-year resident program at a college or university that is accredited by one of the six regional accrediting bodies of the US Commission on Institutions of Higher Education.

12. Training Division. All FBI Agents are trained at facilities in Washington, D.C., and at the FBI Academy in Quantico, Virginia. The new Agents receive fourteen weeks of instruction. Two-week re-training courses are held periodically for all Agents. The courses range from the Constitution and Federal Criminal Procedure to Investigative Techniques and the Collection, Identification and Preservation of Physical Evidence. Thorough training is given in firearms and defensive tactics in order that an agent may defend himself in those extreme situations where life may be in danger.



### 9.11. LEXIS

interested party - заинтересованная сторона; заинтересованное лицо

nerve center - руководящий центр

field office - местное отделение, периферийное отделение

satellite office - вспомогательная служба

counterintelligence - контрразведка

devote - посвящать, уделять (время, деньги)

crime lords - заправилы криминального мира

gambling - азартная игра, гэмблинг (эксплуатация азартных игр)

fingerprint - отпечаток пальца, дактилоскопический рисунок

solve - решать, разрешать (проблему и т. п.); находить выход

pose a threat - представить угрозу

crime record - регистрация преступлений, досье преступлений

poured - стекающийся, попадающий

run smoothly - проходить благополучно, без сучка без задоринки

expenditures - издержки, расходы

appropriation - ассигнование, выделение, назначение (средств),  
утверждение расходования средств (на конкретную цель)

recruit - привлекать к службе, вербовать

assign - назначать (кого-л. на должность), поручать (задание, работу и т.п.); вменять в обязанность

facilities - здания, материальная база, оборудование

range - простираться; охватывать

preservation of physical evidence - сохранение вещественных доказательств

thorough - исчерпывающий, полный, основательный, всесторонний, доскональный; тщательный

defensive tactics - оборонительная тактика



### 9.12. QUESTIONS

1. What duties does the Federal Bureau of Investigation (FBI) perform?
2. How many offices does the FBI have?
3. Which areas are covered by the FBI investigative activities?
4. What is the composition of the FBI? What does each of the divisions deal with?
5. What requirements are to meet those who wish to become FBI Agents?
6. How are FBI Agents trained?



### 9.13. AGREE OR DISAGREE

1. The FBI Headquarters is in Quantico, Virginia.
2. The Bureau maintains posts and field offices not only in the country but also abroad.
3. The FBI handles over 800 different investigations.
4. The FBI does not conduct investigations regarding civil rights violations.
5. The new Agents receive four weeks of instruction annually.



### 9.14. SCANNING



## **Interpol**

1. The international criminal is by no means a new type of wrongdoer; he came into being with the invention of frontiers. What is relatively new is the speed and facility with which the international criminal may now travel from one country to another. Moreover, political changes in Europe and elsewhere have resulted in extensive migrations and mixing of peoples, which favour international crime.

2. Interpol became necessary mainly because of the need both for a united front for the combating of international crime and for



exchange of ideas and methods between the police forces of the world.

3. Interpol runs a global police communications system, which provides police around the world with a common platform through which they can share crucial information about criminals and criminality. Interpol's databases and services ensure that police worldwide have access to the information and services they need to prevent and investigate crimes. Databases include data on criminals such as names, fingerprints and DNA profiles, and stolen property such as passports, vehicles and works of art.

4. Interpol's five priority crime areas are as follows:

o Drugs and criminal organizations. Interpol's primary drug-control role is to identify new drug trafficking trends and criminal organizations operating at the international level and to assist all national and international law enforcement bodies concerned with countering the illicit production, trafficking and abuse of cannabis, cocaine, heroin and synthetic drugs.

o Financial and High-Tech Crime. Interpol deals with such crimes as currency counterfeiting, money laundering, intellectual property crime, payment card fraud, computer virus attacks and cyber-terrorism, for example, as far as they can affect all levels of society.

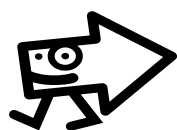
o Fugitives. One of the most important fields of activity of the global law enforcement community today is the apprehension of wanted persons. Fugitives undermine the world's criminal justice systems. They may have been charged with a violation of the law but not been arrested. They may have been released on bail and then fled to avoid prosecution or, perhaps they have escaped from prison. When fugitives flee, cases are not adjudicated, convicted criminals fail to meet their obligations, and crime victims are denied justice.

o Public safety and terrorism. Terrorism poses a grave threat to individuals' lives and national security around the world. Interpol has therefore made available various resources to support member countries in their efforts to protect their citizens from terrorism, including bio-terrorism; firearms and explosives; attacks against civil aviation; maritime piracy; and weapons of mass destruction.

o Trafficking in human beings. Interpol aims to end the abuse and exploitation of human beings for financial gain. Women from developing countries and young children all over the world are especially vulnerable to trafficking, smuggling or sexual exploitation. Human trafficking is distinct from people smuggling in that it in-

volves the exploitation of the migrant, often for purposes of forced labour and prostitution.

5. In general the combating of international crime is divided into three distinct but complementary activities: the exchange of police information; the identification of wanted or suspected individuals; the arrest of those who are wanted on a warrant issued by the judicial authorities.



### 9.15. LEXIS

by no means - отнюдь не; ни в коем случае не  
come into being - возникать, появиться на свет  
extensive - широкий, повсеместный

favour - благоприятствовать, помогать, поддерживать

united front - единый фронт

crucial - ключевой, наиболее значительный, решающий

DNA profile - структура ДНК

priority crime area - приоритетная область борьбы с преступностью

enhance - увеличивать, усиливать, улучшать

undermine - подрывать, тайно вредить

trend - общее направление, тенденция

countering - организация противодействия, меры противодействия

release on bail - освобождать на поруки

flee - убегать, спасаться бегством

adjudicate - судить; решать, выносить решение

deny justice - отказывать в правосудии

available - доступный; имеющийся в распоряжении

resource - возможность, ресурс, способ, средство

explosive - взрывчатое вещество, взрывоопасное вещество

maritime piracy - морской разбой, пиратство на море

weapons of mass destruction - оружие массового уничтожения

vulnerable - восприимчивый; чувствительный, уязвимый

smuggling - контрабанда, провоз контрабандным путём

human trafficking - торговля людьми

people smuggling - содействие незаконной миграция

complementary - взаимодополняющий

warrant - (судебное) предписание, распоряжение, приказ



### 9.16. QUESTIONS

1. What are the origins of international crime?
2. Why did Interpol become necessary?
3. Struggle against international crime combines some complementary activities. What are they?

4. What is the role of Interpol in the combating of international crime?
5. Which areas are covered by Interpol investigative activities? What are its functions in each of them?



### 9.17. AGREE OR DISAGREE

1. The international criminal is quite a new type of wrongdoer.
2. Interpol's databases include the history of this organization and records of its main successful operations.
3. Interpol deals with all crime areas but Financial and High-Tech Crime.
4. One of the most important fields of activity of the global law enforcement community today is the apprehension of suspects.
5. Human trafficking is the same as people smuggling.

### 9.18. KEY WORDS

apprehend a criminal	law enforcement
carry firearms	personnel ranks
combat crime	patrol
crime detection	police authority
crime prevention	police force
crime record	police officer
emergency service	police station
Federal Bureau of Investigation	policing
forensic service	protect law and order
fugitive	Scotland Yard
international crime	Special Constable
Interpol	US Marshal

## **Unit 10. Evidence and Investigation**



**10.1. BEFORE READING** learn the following words and phrases which are essential on the topic:

**arraignment** - формальное предъявление обвинения

**arrest** - арест; наложение ареста, задержание | арестовывать, накладывать арест, задерживать

**booking** - регистрация протокола, заполнение протокола  
**burden of proof** - "бремя доказательств" (в суде)  
**charge with an offence** - обвинять в совершении преступления  
**circumstantial evidence** - косвенные доказательства или улики  
**confession** - признание в совершении преступления; признание вины; покаяние  
**conviction** - обвинение, осуждение, обвинительный приговор  
**corroboration** - подтверждение (дополнительными фактами); подкрепление (одного доказательства другим), дополнительное доказательство  
**criminalistics** - криминалистика; теория и техника расследования преступлений  
**defendant** - ответчик по делу в суде, подсудимый, обвиняемый  
**detective** - детектив, сыщик; сотрудник сыскной, уголовной полиции | детективный, сыскной, уголовный (о полиции)  
**direct evidence** - прямое свидетельское показание, прямое [непосредственное] доказательство  
**documentary evidence** - документально подтвержденное свидетельство  
**instrumentation** - применение технических средств; оснащение инструментальными средствами; инструментовка  
**interrogation** - допрос (свидетелей и подозреваемых)  
**investigative tools** - следственный инструментарий, средства и способы расследования преступлений  
**investigator** - следователь (лицо, ведущее расследование)  
**locate** - устанавливать, определять, обнаруживать точное местонахождение  
**oral evidence** - устные свидетельские показания  
**plaintiff** - истец (лицо, подающее иск), жалобщик  
**prosecution** - судебное преследование; уголовное преследование; обвинение (как сторона в уголовном процессе)  
**real evidence**= exhibit - вещественное доказательство  
**scene of the crime** - место совершения преступления  
**testify** - давать показания, показывать, свидетельствовать, заявлять, утверждать; быть свидетельством, доказательством  
**trace evidence** - трассеологические доказательства, следовая улика  
**unsworn evidence** - показание, не скрепленное присягой  
**witness** - свидетель, понятой; свидетельство, свидетельское показание | давать свидетельские показания; свидетельствовать; подписывать в качестве свидетеля



## 10.2. SCANNING

### **Kinds of Cases**

1. Civil cases are usually disputes between or among private citizens, corporations, governments, government agencies, and other organizations. Most often, the party bringing the suit is asking for money damages for some wrong that has been done. For example, a tenant may sue a landlord for failure to fix a leaky roof, or a landlord may sue a tenant for failure to pay rent. People who have been injured may sue a person or a company they feel is responsible for the injury.

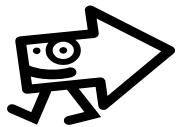
2. The party bringing the suit is called the plaintiff; the party being sued is called the defendant. There may be many plaintiffs or many defendants in the same case. It is up to the plaintiff to prove the case against the defendant. In each civil case the judge tells the jury the extent to which the plaintiff must prove the case. This is called the plaintiff's burden of proof, a burden that the plaintiff must meet in order to win. In most civil cases the plaintiff's burden is to prove the case by a preponderance of evidence, that is, that the plaintiff's version of what happened in the case is more probably true than not true.

3. A criminal case is brought by the state or by a city or county against a person or persons accused of having committed a crime. The state, city, or county is called the plaintiff; the accused person is called the defendant.

4. Since the outcome of a criminal trial may result in the defendant's loss of liberty or even life, the courts evolved a rule which casts upon the prosecution a heavy burden of proof. No rule of criminal law is of more importance than that which requires the prosecution to prove the defendant's guilt and not for the latter to establish his innocence; he is presumed innocent until the contrary is proved.

5. In criminal cases the plaintiff cannot succeed on a mere balance of probabilities. If there is any reasonable doubt whether the accused is guilty, he must be acquitted. An acquittal therefore either means that the jurors believe the accused and are satisfied of his innocence, or that, while not satisfied that he is innocent, they do not feel sure of his guilt. In England there is no middle verdict such as the Scottish verdict of "not proven" to cover this sort of situation; "not guilty" is the only alternative to a conviction.

6. The heavier burden of proof required in criminal trials can also be seen to operate in the rules which provide that in certain cases corroboration is necessary. In some instances the rule is one of law and the absence of corroboration is a bar to conviction. For example, the unsworn evidence of a child must be corroborated. A jury cannot convict on such evidence alone, for the law does not consider it sufficiently reliable to warrant a conviction. In a charge of perjury the jury may not by law convict the accused on the uncorroborated evidence of one witness alone. The falsity of the defendant's evidence cannot be established by the evidence of only one witness, for if this were allowed, it would be merely a case of oath against oath.



### 10.3. LEXIS

tenant - наниматель, арендатор; временный владелец  
landlord - арендодатель; владелец дома, квартиры или земельного участка, сдаваемых внаем

extent - мера, степень, рамки, пределы

meet - удовлетворять, соответствовать

outcome - исход, итог, последствие, результат

evolve - развивать; образовывать

casts upon - подвергать, возлагать на

latter - последний (из двух названных)

not proven - невиновен за отсутствием доказательств

bar to conviction - препятствие для обвинительного приговора

warrant a conviction - подтверждать обвинительный приговор, признавать виновным

falsity - обманчивость; ложность, неверность, неправильность, ошибочность



### 10.4. QUESTIONS

1. What does the party bringing the suit ask for in a civil trial?
2. Who is called "the plaintiff" in criminal cases?
3. Is there a difference of the plaintiff's burden of proof in civil and criminal cases?
4. What does an acquittal mean in criminal cases?



### 10.5. AGREE OR DISAGREE

1. Civil cases are disputes between private citizens.
2. In a civil trial there may be only one plaintiff in the same case.

3. In criminal cases the plaintiff can succeed on a mere balance of probabilities.
4. If there is any reasonable doubt whether the accused is guilty, he or she must be acquitted.
5. In all parts of Great Britain "not guilty" is the only alternative to a conviction.
6. The evidence of a child isn't sufficiently reliable to warrant a conviction.



## 10.6. SCANNING



### **Probable Cause and Other Levels of Proof**

1. Before the various steps of the criminal justice system can be initiated - arrest, booking, arraignment and sentencing - different levels of proof are required. The levels of proof recognized by law are as follows:

2. Suspicion: The lowest level of proof justifying a police action. Suspicion may occur when a police officer has only slight evidence to believe that a crime has been or is in the process of being committed. It permits a police officer to initiate an investigation.

3. Reasonable belief: It is a specific and reasonable conclusion drawn from observable facts. Reasonable belief permits the police to stop and search a person when they have reason to believe they are dealing with an armed and dangerous persons.

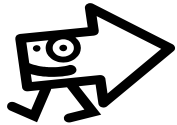
4. Probable cause: This higher level of proof exists when one has sufficient and reliable information that a crime has been committed and that the accused has committed that crime. It is the standard used for arrest, search and arraignment.

5. Preponderance of Evidence: This means that the weight of evidence is greater for one side than for the other. This is sufficient for making a judgment in civil cases, but not enough to convict in criminal cases.

6. Beyond a Reasonable Doubt: This level of proof exists when, after examining the evidence presented, a reasonable person would rely on it. It is the standard needed to convict in a criminal case according to the doctrine of "presumption of innocence".

7. It is difficult to distinguish between each of the levels of the proof described above. Yet the different levels of proof serve as a good illustration of how society attempts to deal with the problem of protecting the state from crime while at the same time guaranteeing and protecting an individual's liberty. The aim is to limit police ac-

tions that are *unreasonable* or *discriminatory* while at the same time making it possible for the police to *enforce the law*. Mere suspicion is not enough to put someone in jail, and proof beyond a reasonable doubt is needed to prove criminal guilt. No person can be found guilty of a criminal offence without proof beyond a reasonable doubt, but a person can be arrested and searched, and formally charged with a crime on the basis of evidence that is less than that required to convict him.



### **10.7. LEXIS**

proof - доказательство; свидетельство

suspicion - подозрение, сомнение

reasonable belief - обоснованное предположение

observable - заметный, различимый, поддающийся наблюдению

probable cause - вероятная причина; правдоподобное основание

preponderance of evidence - наличие более веских доказательств, перевес доказательств

rely on - полагаться на, основываться

doctrine - теория, принцип; учение

unreasonable - неумеренный, чрезмерный; необоснованный

discriminatory - избирательный, селективный, предвзятый, тенденциозный, дискриминационный

enforce the law - обеспечивать соблюдение закона, стоять на страже закона



### **10.8. QUESTIONS**

1. What are the steps of a criminal justice proceeding?
2. What levels of proof do you know? Can you characterize each of them?
3. What aims do different levels of proof serve?



### **10.9. AGREE OR DISAGREE**

1. Suspicion is the highest level of proof justifying a conviction.
2. It is suspicion that permits the police to stop and search a person.
3. For reasonable belief one needs some observable facts.
4. Reasonable belief is the standard used for arrest, search and arraignment.
5. Preponderance of evidence is a maxim of criminal trials.
6. The levels of proof are easily distinguishable.





## 10.10. SCANNING

### **Bail: Freedom between Arrest and Trial in Great Britain**

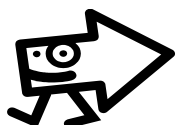
1. When someone has been arrested and charged with an offence, he may be allowed by the police or magistrates to go free on condition that he reports to court or the police station at a fixed date and time. If he fails to do so, he can be arrested without warrant for the separate offence of absconding. The maximum penalties are 3 months' imprisonment and a £1,000 fine in the magistrates court, and 12 months' prison and an unlimited fine in the Crown court.

2. If a person has been arrested on a warrant, the police cannot grant bail unless the warrant specifically allows them to do so. The police are entitled, however, to grant bail at their own discretion if a person has been arrested without a warrant. They are unlikely to do so if a person is charged with a serious offence or has a history of breaking bail.

3. The decision to grant bail must be taken by the officer in charge of the police station to which the arrested person has been taken. A child under 14 must be granted bail unless he is suspected of murder or manslaughter. A person aged between 14 and 17, arrested for anything other than murder or manslaughter, must also be granted bail unless the senior police officer considers it would be in the young person's interest to remain in custody or a serious crime is involved.

4. If the police do not grant bail, the accused should ask for it when he appears before the magistrates for the first time - unless he is acquitted on that first hearing. If the offence is not imprisonable, the magistrates must grant the accused bail unless he has previously absconded and in their view is likely to do so again. If the offence is imprisonable the accused person is always granted bail unless the magistrates have reason to believe that he will abscond, commit an offence or interfere with witnesses.

6. Magistrates sometimes grant bail on certain special conditions: for example, that the accused reports to the police station at stated intervals or surrenders his passport or deposits cash or other assets as security.



## 10.11. LEXIS

report - сообщать; давать отчет, отчитываться

grant bail - отпускать на поруки, выпускать под залог

officer in charge - дежурный офицер  
abscond - скрываться от правосудия, укрываться от правосудия  
interfere with witnesses - вступать в сговор со свидетелями; приставать к свидетелям, создавая препятствия для судебного разбирательства  
surrender - сдавать, передавать, вручать  
security - обеспечение, гарантия; залог



### 10.12. QUESTIONS

1. What do we refer to as releasing a person on bail?
2. On which condition can a person be allowed to go on bail?
3. Who is entitled to grant bail in Great Britain?
4. What are the conditions on which a person can be granted bail?



### 10.13. AGREE OR DISAGREE

1. The maximum penalties for the offence of absconding are 3 years' imprisonment and a £1,000 fine in the magistrates court, and 2 years' prison and an unlimited fine in the Crown court.
2. If a person has been arrested on a warrant, the police cannot grant bail.
3. The person charged with a serious offence or having a history of breaking bail is unlikely to be granted bail.
4. If the police do not grant bail, the accused shouldn't ask for it – he is unlikely to succeed.



### 10.14. SCANNING

#### **Evidence**

1. The term "evidence" as used in English law means statement made by witnesses in court in relation to matters of fact under inquiry (oral evidence), and items produced for the inspection of the court (real and documentary evidence).

2. The weight of evidence has no necessary relation to the number of witnesses who testify to the same thing. The evidence of one witness without corroboration is normally sufficient for a conviction even if it is a case of his word against the word of the accused; the jury has the power to decide which one of the two to believe. But in some exceptional cases corroborative evidence is required by particular statutes.

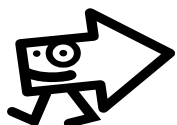
3. Evidence can be divided into direct and circumstantial evidence. "Direct evidence" proves that the accused was seen committing the crime with which he is charged, that is, evidence of the fact in issue. "Circumstantial" means evidence of facts relevant to the issue from which, taken alone or together with other facts, an inference may be drawn that the crime was committed by a particular person. It is a mistake to consider circumstantial evidence to be weaker than direct evidence and that a man should not be convicted on it. Criminals are very often convicted on circumstantial evidence, for they naturally tend not to commit crimes when someone who could later give direct evidence is watching. This form of evidence may indeed be stronger than direct evidence as a witness can lie but circumstances cannot.

4. Trace evidence is an example of circumstantial evidence which links a person (the suspect or defendant) with a place (the scene of the crime) or an object. The link may be direct or indirect. The guiding principle in criminalistics is "Every contact leaves a trace". Identification of the trace may provide evidence of the contact and it is most frequently necessary in such crimes as theft and burglaries. In this case, the following items are to be examined:

- footprints;
- fingerprints;
- impressions reproducing the shape of the objects which made them;
- pieces of wood, metal, glass, etc., which are broken off in committing the crime;
- pieces of clothing, hairs, etc.;
- stains and traces of materials, such as paint, oil, etc.

5. The transfer of traces is often a two-way process. Traces from the crime scene may be carried away on the person, clothing, etc., and at the same time, traces may be left at the crime scene by the criminal.

6. However, the help which the expert can give is limited if no one in particular is suspected or if no arrest has been made, i.e. if only the scene of the crime is available for the examination. But even in this case the detective must make a thorough examination which may help him to discover what size and type of footwear, or what colour and material of clothing the criminal was wearing.



#### 10.15. LEXIS

former - первый из упомянутых ранее

fact in issue - факт, являющийся предметом судебного-

го спора; предмет доказывания  
inference - вывод, заключение, умозаключение  
lie - лгать, обманывать, быть обманчивым  
footprint - отпечаток ступни, след  
impression - отпечаток, оттиск, след; слепок  
stain - пятно, пятнышко  
transfer - перенос, перенесение; перемещение  
two-way process - двусторонний процесс  
footwear - обувь  
clothing - одежда, платье, костюм



### 10.16. QUESTIONS

1. What does the term "evidence" mean in English law?
2. Is there any relation between the weight of evidence and the number of witnesses?
3. What is "corroborative evidence"?
4. What is the difference between direct and circumstantial evidence?
5. What do we refer to as "trace evidence"?



### 10.17. AGREE OR DISAGREE

1. The evidence of one witness without corroboration is not sufficient for a conviction.
2. Direct evidence is stronger than circumstantial evidence.
3. The transfer of traces is a two-way process.
4. Efficiency of an expert in criminal cases is limited.



### 10.18. SCANNING

#### **Investigation**

1. A criminal investigator is a person who collects facts to accomplish a threefold aim: to identify and locate the guilty party and to provide evidence of his guilt. Thus the objectives of the investigator provide a convenient division of the investigation into three phases:

- (i) the criminal is identified;
- (ii) he is traced and located; and
- (iii) the facts proving his guilt are gathered for court presentation.

2. Most crimes can be solved. The investigation will be considered successful if the available physical evidence was competently handled, the witnesses intelligently interviewed, the suspect effectively interrogated, all logical leads properly developed, and the case comprehensively, clearly, and accurately reported.

3. The tools of the investigator are, for the sake of simplicity, referred to as the three "i's," namely, information, interrogation, and instrumentation. By the application of the three "i's" in varying proportions the investigator gathers the facts which are necessary to establish the guilt of the accused in a criminal trial.

4. **Information.** The word "information" is used here to describe the knowledge which the investigator gathers from other persons. There are basically two kinds. The first type of information is acquired from regular sources such as conscientious and public spirited citizens, company records, and the files of other agencies. The second type, which is of particular interest to the criminal investigator, is the knowledge which the experienced investigator gathers from cultivated sources such as paid informants, bartenders, cab drivers and employees in general, former criminals, or acquaintances.

5. **Interrogation**, the second "i", includes the skilful questioning of witnesses as well as suspects. The success of "information" depends on the intelligent selection of informative sources; the effectiveness of interrogation varies with the craft, logic, and psychological insight with which the investigator questions a person who is in possession of information relevant to the case. The term interview may be used to mean the simple questioning of a person who is cooperating with the investigator, while interrogation may be used to describe the vigorous questioning of one who is reluctant to divulge information.

6. **Instrumentation.** The third "i" means the application of the instruments and methods of the physical sciences to the detection of crime. Physics, for example, offers such aids as microscopy, photography, and the optical methods of analysis. Biology and pathology are particularly important in crimes of physical violence.

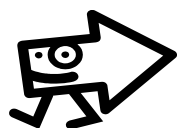
7. The sum of these sciences insofar as they are applied to crime detection is called criminalistics. Their utility is associated mainly with physical evidence. By their means a part of the corpus delicti may be established in certain crimes - the cause of death in a homicide or the nature of the drug in a narcotics violation. They may be used to link the suspect to the scene of the crime by showing that clue materials found at the scene possess the same consti-

tuents as materials associated with the suspect. The same procedure is employed in identifying the criminal by tracing a substance found at the scene to a source that can be immediately associated with the suspect.

8. Instrumentation, however, embraces rather more than criminalistics. It includes also all the technical methods by which the fugitive is traced and examined and, in general, the investigation is advanced. Thus, fingerprint systems, modus operandi files, the lie detector, communication systems, surveillance equipment such as telephoto lenses and detective dyes, searching apparatus such as the X-ray unit and the metal detector, and other investigative tools are contained within the scope of the term.

9. It is a common misconception that every crime is soluble; that there is always sufficient evidence available to reveal the identity of the criminal; that the perpetrator always leaves traces at the crime scene which, in the hands of a discerning investigator or technician, will lead inevitably to his door.

10. Many crimes are not susceptible of solution by reason of the fact that the evidence is insufficient. The absence of eye-witnesses, discernible motives, and physical clues will obviously prohibit a solution unless the malefactor confesses. Often, the corpus delicti or fact that a crime was committed cannot be established, and even a confession is of little value.



### 10.19. LEXIS

accomplish - совершать, выполнять; достигать

threefold - тройной, триединый

objective - цель; задача; проблема

competently - квалифицированно

handle - обращаться с, прорабатывать; обсуждать, разбирать

(вопрос); управляться, справляться с кем-л., чем-л.

intelligently - с толком

interview - проводить опрос, расспрашивать

interrogate - опрашивать, допрашивать

lead - ключ (к разгадке чего-либо); подсказка

conscientious - добросовестный, сознательный, честный

public spirited - движимый заботой об интересах общества, проникнутый духом гражданственности

experienced - опытный, знающий; квалифицированный

cultivated - специально созданный, поддерживаемый

paid informant - информатор, осведомитель, доносчик

former criminal - ранее судимый, отбывший своё наказание

acquaintance - знакомый человек  
craft - ловкость, умение, искусство; сноровка  
insight - интуиция, понимание, проницательность  
in possession of information - владеющий информацией, информированный  
skilful questioning - искусное опрашивание  
vigorous - интенсивный, сильный, энергичный, напористый  
reluctant - делающий что-л. с большой неохотой, по принуждению; сопротивляющийся  
divulge - разглашать, раскрывать, обнародовать, сообщать  
utility - полезность, практичность; эффективность  
clue materials - ключевые предметы, наиболее существенные улики  
constituents - компонент, состав, составная часть  
substance - вещество; материал  
embrace - включать, заключать в себе, содержать  
advance - двигаться вперед, продвигаться  
modus operandi file - картотека преступных "почерков"  
lie detector - детектор лжи (полиграф)  
surveillance equipment - технические средства наблюдения, разведывательная аппаратура  
detective dyes - красители, используемые для получения отпечатков  
X-ray unit - рентгеновская установка  
misconception - неправильное представление, недоразумение  
soluble - раскрываемый, объяснимый; разрешимый, имеющий решение, поддающийся решению  
reveal - выявлять, обнаруживать, показывать, разоблачать  
discerning - умеющий распознавать, различать; проницательный; догадливый; прозорливый; с острым умом  
inevitably - неизбежно, неминуемо  
technician - технический специалист, эксперт  
susceptible - допускающий; поддающийся  
insufficient - недостаточный; несоответствующий, неподходящий; неудовлетворительный; неполный  
discernible motive - видимый повод, мотив  
malefactor - правонарушитель, преступник, злоумышленник



### 10.20. QUESTIONS

1. What are the objectives of an investigator?
2. What makes the investigation successful?
3. Which tools are available for an investigator?
4. What are the two kinds of information?

5. Is there any difference between the terms “interview” and “interrogation”?
6. What can make a crime insoluble?



### 10.21. AGREE OR DISAGREE

1. Every crime is soluble.
2. Instrumentation is regarded to be the same as criminalistics.
3. Information acquired from regular sources is of particular interest to the criminal investigator

### 10.22. KEY WORDS

absconding	instrumentation
arraignment	interrogation
arrest	investigator
circumstantial evidence	levels of proof
confession	modus operandi file
corroboration	oral evidence
criminalistics	regular sources of information
cultivated sources of information	scene of crime
detective	surveillance equipment
direct evidence	testify
documentary evidence	trace and locate a suspect
fingerprint system	trace evidence
grant bail	witness

## **Unit 11. Judiciary**



**11.1. BEFORE READING** learn the following words and phrases which are essential on the topic:

**acquit** - оправдать, признать невиновным (в совершении преступления) | оправданный

**acquittal** - оправдание; судебное решение об оправдании; оправдательный вердикт, приговор

**court of appeal** = court of appeals = appeal court = appellate court = court of appellate jurisdiction - апелляционный суд (вторая инстанция)

**court of cassation** = cassational court = court of review = court of errors - кассационная инстанция, кассационный суд



**court of trial** = court of original jurisdiction = trial court = court of first instance - суд, в котором дело рассматривается по первой инстанции; суд, рассматривающий дело по существу

**court session = sitting of the court** - судебное заседание, сессия суда

**equity** - право справедливости; субъективное право, основанное на нормах права справедливости (система законодательных актов, существующая наряду с обычными законодательными актами и замещающая их в случае несоответствия их друг другу; такая система действовала в Англии с 14 в., и раньше разбирательства на основе норм права справедливости осуществлялись в специальных судах, отдельно от разбирательств на основе общего права)

**general jurisdiction** - общая юрисдикция

**higher court** = court of superior jurisdiction = superior court - суд вышестоящей инстанции, вышестоящий суд

**judge** = adjudicator = bench = bencher = gentlemen of the robe = justice - судья

**judicial review** - судебный контроль; судебный надзор; судебный пересмотр, обзор судебной практики

**judiciary** - суд; судебная власть; судебная система, судоустройство; лица судебной профессии; судьи; судейский корпус

**justice** - справедливость, вознаграждение по заслугам; правосудие; юстиция, судья; отправление правосудия

**lower court** = minor court = inferior court = court of inferior jurisdiction - суд низшей инстанции, нижестоящий суд



## 11.2. SCANNING



### **Judicial System of the Russian Federation**

1. In all legal systems there are institutions for modifying, interpreting and applying the law. Usually these take the form of a hierarchy of courts as a branch of government established to administer justice. The role of each court and its capacity to make decisions is strictly defined in relation to other courts. There are two main reasons for having a variety of courts. One is that a particular court can specialize in particular kinds of legal actions (for example, family courts). The other is that a person who feels his case was not fairly treated in a lower court can appeal to a higher court for reassessment. The decisions of a higher court are binding upon lower courts.

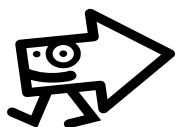
2. The structure of our judicial system and the sphere of activities of its various parts are determined by the Constitution and federal constitutional laws. There are three main elements within this system: the Constitutional Court, the Supreme Court and the Higher Arbitration Court.

3. The Constitutional Court of the RF considers cases relating to the compliance of the federal laws, normative acts of the President, the Council of the Federation, the State Duma, the Government, constitutions of republics, charters and other normative acts of the subjects of the RF with the country's Constitution. There is a separate system of the constitutional courts (or charter courts) of the republics and other subjects of the Federation.

4. The Supreme Court is the highest judicial body of the four-tiered system of courts of general jurisdiction: civil, criminal, administrative and military cases. Lower courts are district, city and regional courts. After the reestablishment of the Justices of the Peace in 2000 magistrate's courts have become an integral part of the system of courts of general jurisdiction. The activity of all these courts may be classified as follows: a court of trial, a court of appeal, a court of cassation.

5. The Higher Arbitration Court is the supreme judicial body within the system of courts competent to settle economic disputes. The basic judicial organs in that system are arbitration courts of the subjects of the Federation.

6. Each court has its staff which usually consists of legally qualified judges, clerks and bailiffs. The participants of the legal procedure may be the following: a plaintiff – the party bringing a lawsuit, a defendant – a party being sued, a jury – a group of ordinary people summoned to pass a verdict, a prosecutor - the lawyer for the plaintiff in a criminal case, an advocate - a lawyer for defence or just a legal counsel in civil cases, witnesses - people who give testimony, experts - they express their own opinions.



### 11.3. LEXIS

modifying - изменение, доработка

capacity - возможность, способность, компетентность

be fairly treated – быть рассмотренным должным обра-

зом

reassessment – пересмотр ранее вынесенного решения

binding decision – решение суда, имеющее обязательную силу для нижестоящих судов

compliance - выполнение, соблюдение (правовых норм)

charter court - уставной суд  
 four-tiered system - четырёхуровневая система  
 reestablishment - восстановление  
 staff - штат служащих; служебный персонал; личный состав  
 legally qualified judge - судья с юридическим образованием  
 clerk - секретарь суда  
 bailiff - судебный пристав, бейлиф; служащий, в обязанности которого входит следить за порядком в зале суда  
 prosecutor - лицо, возбуждающее и осуществляющее уголовное преследование; прокурор  
 lawyer - юрист; адвокат; юрисконсульт  
 advocate - адвокат, защитник  
 legal counsel - юрист-консультант, юрисконсульт



#### 11.4. QUESTIONS

1. What does the judiciary administer?
2. What are the reasons for having a variety of courts?
3. What is the legal basis for the activities of our judicial system?
4. What does the jurisdiction of the Constitutional Court cover?
5. What is the highest tribunal in the system of general jurisdiction courts?
6. How can courts of general jurisdiction be classified?
7. What courts deal with economic issues?
8. What is a typical composition of court?
9. Who participates in legal procedures?



#### 11.5. AGREE OR DISAGREE

1. There are four main components within the judicial system of the Russian Federation.
2. The republics and other subjects of the Federation have a separate system of local courts.
3. The Justices of the Peace were established in 2005 for the first time in the history of our country.



#### 11.6. SCANNING

### **English Judiciary**

1. **The Civil Courts.** Civil actions take place between two or more individuals in dispute. These disputes can take many forms, for example between neighbours, families, companies, con-

sumers and manufacturers. It is the function of the civil courts to adjudicate on these disputes.

2. The lowest court in a civil action is a county court, of which there is one in every town in England and Wales. There are some 250 county courts. Each court is assigned at least one circuit judge and one district judge. The circuit judge usually hears the high-value claims and matters of greater importance or complexity. The district judge hears uncontested matters, mortgage repossession claims and small-value claims. The circuit judge deals with appeals from decisions by the district judge.

3. The jurisdiction of the county courts covers: actions founded upon contract and tort; trust and mortgage cases; action for the recovery of land; disputes between landlords and tenants, complaints about race and sex discrimination; admiralty cases (maritime questions and offences) and patent cases; divorce cases and other family matters. The general limit in such cases heard before the county court is 25,000 pounds.

4. Cases involving larger amounts of money are heard by one of the divisions of the High Court. This court has unlimited civil jurisdiction and consists of three branches:

- the Queen's Bench Division, which is concerned with contract and tort cases, and deals with applications for judicial review;

- the Chancery Division, which deals with corporate and personal insolvency, disputes in the running of companies, between landlords and tenants and in intellectual property matters; and the interpretation of trusts and contested wills, and

- the Family Division, which is concerned with family law, including adoption and divorce.

Judges in the County Courts are circuit judges who rank equally with those who sit in the Crown Court. They are assisted by district judges.

5. Appeals in matrimonial, adoption, guardianship and child care proceedings heard by magistrates courts go to the Family Division of the High Court. The Chancery Division hears appeals about bankruptcy and company insolvency decisions. The Queen's Bench Division exercises jurisdiction in respect of habeas corpus cases. Appeals from the High Court and county courts are heard in the Court of Appeal (Civil Division), which is presided over by the Master of the Rolls.

The Court of Appeal normally consists of three judges. Each one delivers a judgment, and the majority opinion prevails. The

Court has the power to order a new trial or the reversal or variation of a judgment.

6. In accordance with the Constitutional Reform Act 2005, the judicial functions of the House of Lords as of the final national court of appeal in civil and criminal cases are set to be transferred in 2009 to a new Supreme Court of the United Kingdom. This Supreme Court of the UK shall consist of 12 judges appointed by the Monarch by letters patent. One of the judges becomes President and one is appointed to be Deputy President of the Court. The judges other than the President and Deputy President are styled "Justices of the Supreme Court".

The first Supreme Court judges are the current twelve Lords of Appeal in Ordinary but the new members of the Court will not take the peerage.

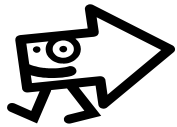
**7. The Criminal Courts.** There are two main types of court, magistrates' courts (or courts of first instance), which deal with about 95 per cent of criminal cases, and Crown Courts for more serious offences. All criminal cases above the level of magistrates' courts are held before a jury.

8. There are about 700 magistrates' courts in England and Wales, served by - approximately 28,000 unpaid or lay' magistrates or Justices of the Peace (JPs), who have been dealing with 'minor crimes for over 600 years. JPs are ordinary citizens chosen from the community. These people are not legally qualified but receive some basic training in court procedures, the examination of pre-sentence reports and penalties for certain offences. Lay magistrates usually sit in groups of three. The more senior magistrate sits in the middle and plays the leading role. They should not all be of the same sex. Serving members of the lay magistracy are entitled to use the letters 'JP' after their names meaning that they are Justices of the Peace.

Magistrates' courts may not impose a sentence of more than six months imprisonment or a fine of more than £2,000, and may refer cases requiring a heavier penalty to the Crown Court.

9. The most serious crimes are tried and sentenced in the Crown Court. These crimes are known as indictable offences. All judges, sitting in the Crown Court have unlimited sentencing powers subject to the legal maximum. The judge presides over the Crown Court and passes sentence (if the defendant is found guilty). In a Crown Court trial there are twelve jurors. These are ordinary members of the public between the ages of 18 and 70 who are selected at random from electoral register. The main function of the jury is to judge the guilt or innocence of the defendant.

10. A person convicted in a magistrates' court may appeal against its decision to the Crown Court. An appeal against a decision of the Crown Court may be taken to the Court of Appeal (Criminal Division), but it is seldom successful. Judges in the Court of Appeal may confirm, reverse or vary the original sentence. The Criminal Division of the Court of Appeal is headed by the Lord Chief Justice.



### 11.7. LEXIS

county court – суд графства  
circuit judge - окружной судья  
uncontested - неоспоренный, неоспариваемый  
mortgage repossession - передача банку недвижимого имущества, служившего залогом по ипотеке  
recovery of land - взыскание земельного участка в судебном порядке  
admiralty case - дело, подлежащее рассмотрению морским судом  
pound - фунт стерлингов  
High Court - Высокий суд  
Queen's Bench Division - Отделение Королевской Скамьи  
Chancery Division - Отделение Лорда Канцлера  
insolvency - неплатёжеспособность, банкротство  
running of company - функционирование компании  
Family Division – Отделение по делам семьи  
matrimonial - супружеский; брачный, матримониальный  
habeas corpus case - дело о выяснении правомерности содержания человека под стражей  
Master of the Rolls - председатель Апелляционного суда, начальник судебных архивов, хозяин свитков  
deliver a judgment - выносить решение  
majority opinion - мнение большинства  
reversal - отмена; аннулирование  
variation - изменение; перемена  
set to be transferred - решено передать  
letters patent - жалованная грамота  
style - титуловать; величать; именовать, называть  
Lord of Appeal in Ordinary - назначаемые члены палаты лордов по рассмотрению апелляций  
peerage - звание пэра  
lay magistrate – мировой судья без юридического образования  
magistracy - должность мирового судьи; магистрат  
at random - наугад

electoral register - список избирателей

confirm - подтверждать, утверждать, санкционировать

reverse - аннулировать, отменять

vary - изменять

Lord Chief Justice – лорд главный судья



### 11.8. QUESTIONS

1. What are the two main reasons for having a variety of courts in England and Wales?
2. What is the lowest English court in a civil action?
3. What judges sit in the County Court?
4. What is the general limit of a County Court jurisdiction?
5. What is the function of the High Court with its three branches?
6. How many judges preside over each case in the Court of Appeal?
7. What is the basic judicial organ for criminal cases in England?
8. Are lay magistrates legally qualified?
9. What do letters JP mean?
10. Where are indictable offences tried?
11. What can you say about jurors?
12. Are the Law Lords elected by people?



### 11.9. AGREE OR DISAGREE

1. Civil disputes can take many forms.
2. In England and Wales there are some 550 county courts.
3. Both circuit and district judges hear the same sort of claims and matters.
4. The general limit in cases heard before the county court is £5,000.
5. The High Court has unlimited civil and criminal jurisdiction.
6. Judges in the County Courts rank equally with those who sit in the Crown Court.
7. Magistrates' courts deal with about 50 per cent of criminal cases.
8. Magistrates' courts may not order imprisonment.



### 11.10. SCANNING

#### **The Judicial Branch in the USA**

1. Courts in the United States are subdivided into two principal systems: the federal courts, referred to as United States courts, and the state courts. There is the Supreme Court of the

United States, the members of which are appointed for life by the president with the Senate approval and federal courts which are created by the Congress. The Supreme Court is composed of nine judges, who are called justices. It is the highest court in the nation. It interprets the laws and reviews them to determine whether they conform to the U.S. Constitution. If the majority of justices rule that the law in question violates the Constitution, the law is declared unconstitutional and becomes invalid. This process is known as judicial review. All lower courts follow the rulings of the Supreme Court.

2. Judges of federal courts are appointed for life by the president with the approval of the Senate. These courts are the district courts, tribunals of general original jurisdiction; the courts of appeals, exercising appellate jurisdiction over the district courts. A district court functions in each of the more than 90 federal judicial districts. A court of appeals functions in each of the 11 federal judicial circuits and in the District of Columbia; there is also a more specialized court with nationwide jurisdiction known as the court of appeals for the federal circuit.

3. Federal Courts have the power to rule on both criminal and civil cases. Criminal action under federal jurisdiction includes such cases as treason, destruction of government property, counterfeiting, hijacking, and narcotic violations. Civil cases include violations of other people's rights, such as damaging property, violating a contract, or making libelous statements. If found guilty, a person may be required to pay a certain amount of money, called damages, but he or she is never sent to prison. A convicted criminal, on the other hand, may be imprisoned. The Bill of Rights guarantees a trial by jury in all criminal cases. A jury is a group of citizens - usually 12 persons - who make the decision on a case.

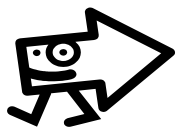
4. Each state has an independent system of courts operating under the constitution and laws of the state. The character and names of the courts differ from state to state but as a whole they have general jurisdiction and handle criminal and other cases that do not come under federal jurisdiction.

5. The state court systems include a number of minor courts with limited jurisdiction. These courts dispose of minor offenses and relatively small civil actions. Included in this classification are police and municipal courts in cities and the courts presided over by justices of the peace in rural areas. Between the lower courts and the supreme appellate courts, in a number of states, are intermediate appellate courts. Courts of last resort, the highest appellate



tribunals of the states in criminal and civil cases and in law and equity, are generally called supreme courts.

6. In some states, judges are publicly elected, in others they are appointed, by state governors or by special bodies such as judicial councils - though except at the lowest levels only lawyers are eligible for election or appointment. Some judges hold office for fixed periods, but others are installed for life or up to a retiring age; or there may be provision for 'recall'. Under this arrangement a group of people dissatisfied with a judge may collect signatures on a 'recall' petition, and if the signatures reach the required number the people of the state (or county) vote 'yes' or 'no' to the question whether the impugned judge should be confirmed in office.



### 11.11. LEXIS

state court - суд штата

justices - судьи Верховного суда

interpret - объяснять, толковать, интерпретировать

invalid – не имеющий юридической силы

judicial circuit - судебный округ

nationwide - общенациональный

destruction - уничтожение, приведение в непригодное состояние

imprison - заключать в тюрьму

dispose of - рассматривать дело, урегулировать

preside over - председательствовать на

rural area - сельская местность

intermediate - промежуточное звено | промежуточный; средний

hold office - занимать пост, занимать должность

install - официально вводить в должность

retiring age - возраст, установленный для выхода в отставку

recall - отозвание (судьи и т.п.), отзыв с должности

dissatisfied - неудовлетворенный, недовольный

impugned - вызвавший недовольство, оспариваемый



### 11.12. QUESTIONS

1. How many levels is the US Judiciary divided into?
2. Whom are all federal judges appointed by?
3. What is the jurisdiction of the US Supreme Court?
4. How many district and circuit courts are on the federal level?
5. What criminal cases are under federal jurisdiction?
6. Are most state judges appointed for life?
7. What is the hierarchy of state courts?



### 11.13. AGREE OR DISAGREE

1. The US Supreme Court is composed of six judges, who are called Law Lords.
2. Any law can become invalid if the majority of justices rule that it violates the Constitution.
3. The rulings of the Supreme Court are binding for all lower courts.
4. The Bill of Rights guarantees a trial by jury in some exceptional cases.
5. A jury is a group of three, five or sometimes seven persons.
6. Some of the states have their own independent systems of courts.
7. The names of the courts are the same throughout the country.
8. In all states judges are elected and hold office for fixed periods.



### 11.14. SCANNING

#### **The US Supreme Court and Its Procedures**

A Term of the Supreme Court begins, by statute, on the first Monday in October. Usually Court sessions continue until late June or early July. The Term is divided between "sittings," when the Justices hear cases and deliver opinions, and intervening recesses, when they consider the business before the Court and write opinions. Sittings and recesses alternate at approximately two-week intervals.

With rare exceptions, each side is allowed 30 minutes argument and generally 22 to 24 cases are argued at one sitting. Since the majority of cases involve the review of a decision of some other court, there is no jury and no witnesses are heard. For each case, the Court has before it a record of prior proceedings and printed briefs containing the arguments of each side.

During the intervening recess period, the Justices study the argued and forthcoming cases and work on their opinions. Each week the Justices must also evaluate more than 110 petitions seeking review of judgments of state and federal courts to determine which cases are to be granted full review with oral arguments by attorneys.

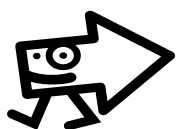
When the Court is sitting, public sessions begin promptly at 10 a.m. and continue until 3 p.m., with a one-hour lunch recess starting at noon. No public sessions are held on Thursdays or Fridays.

On Fridays during and preceding argument weeks, the Justices meet to discuss the argued cases and to discuss and vote on petitions for review.

When the Court is in session, the 10 a.m. entrance of the Justices into the Courtroom is announced by the Marshal. Those present, at the sound of the gavel, arise and remain standing until the robed Justices are seated following the traditional chant: "The Honorable, the Chief Justice and the Associate Justices of the Supreme Court of the United States. Oyez! Oyez! Oyez! All persons having business before the Honorable, the Supreme Court of the United States, are admonished to draw near and give their attention, for the Court is now sitting. God save the United States and this Honorable Court!"

Prior to hearing oral argument, other business of the Court is transacted. On Monday mornings this includes the release of an Order List, a public report of Court actions including the acceptance and rejection of cases. Opinions are typically released on Tuesday and Wednesday mornings and on the third Monday of each sitting, when the Court takes the Bench but no arguments are heard.

The Court maintains this schedule each Term until all cases ready for submission have been heard and decided. In May and June the Court sits only to announce orders and opinions. The Court recesses at the end of June, but the work of the Justices is unceasing. During the summer they continue to analyze new petitions for review, consider motions and applications, and must make preparations for cases scheduled for fall argument.



### 11.15. LEXIS

term - (судебная) сессия

intervening recess - промежуточный перерыв в работе или в заседаниях

alternate - сменять друг друга; чередоваться, перемежаться

argument - краткое содержание, краткое изложение дела; обсуждение, прения, спор

brief - краткое письменное изложение дела с привлечением фактов и документов, с которым сторона выступает в суде

forthcoming - предстоящий, грядущий

entrance - вход (в помещение), приход

gavel - молоток (судьи)

robed - облаченный в мантию

chant - монотонное произнесение текста (на манер церковного псалма); произнесение нараспев

honorable - достойный

ouyez - "слушайте!" (трижды повторяемое слово, знаменующее начало судебного заседания; оно также произносится перед объявлением приговора)

admonish - напоминать; сообщать, предупреждать

draw near - подходить, приближаться

prior to - прежде чем, до, перед, раньше

transact - вести, провести

release - опубликование, выпуск, издание

order list - список заявок, обращений

recess - делать перерыв (в работе); прерывать(ся) (о заседаниях)

unceasing - безостановочный, непрерывный, беспрестанный, непрекращающийся, непрерывный

scheduled - запланированный, предусмотренный графиком

fall - осенний



### **11.16. QUESTIONS**

1. What does a Term of the Supreme Court traditionally include?
2. How are cases usually considered by the Court?
3. What is the ceremony opening each day when the Court is in session?
4. Can you describe the traditional schedule that the Court maintains each Term?



### **11.17. AGREE OR DISAGREE**

1. The US Supreme Court may sit as a court of trial.
2. A Term of the Supreme Court begins, by statute, on the first Monday in September.
3. When the Court is sitting, public sessions begin promptly at 10 a.m. and continue until 5 p.m.
4. Usually on Thursdays or Fridays public sessions are held.
5. Besides hearing oral arguments, the Court also has some other business to transact.
6. An Order List is a public report of Court actions.
7. The Justices recess for summer.

### **11.18. KEY WORDS**

adjudicate

administer justice

bailiff

hierarchy of courts

Higher Arbitration Court

higher court

clerk	judge
confirm, reverse or vary the original sentence	judicial circuit
Constitutional Court	judiciary
county court	jurisdiction
court of appeal	Justice of the Peace
court of cassation	lawyer for defence
court of trial	lower court
Crown Court	magistrates' court
district court	prosecutor
divisions of the High Court	reporter
general jurisdiction	sitting of the court
	Supreme Court

## Unit 12. Jury service



**12.1. BEFORE READING** learn the following words and phrases which are essential on the topic:

**adjudication** - 1) признание, установление, объявление (в судебном порядке) 2) рассмотрение спора, разрешение дела, вынесение судебного решения; судебное решение или приговор

**contempt of court** - неуважение к суду; оскорбление суда; преднамеренное нарушение нормального хода судебного заседания, нарушения порядка вызывающим поведением, неявка в суд в случае вызова в суд в качестве свидетеля по делу, дача ложных показаний под присягой и т.п.; наказывается штрафом или тюремным заключением, в зависимости от тяжести или количества правонарушений

**credibility of witnesses** - убедительность свидетелей; надёжность свидетелей; правдоподобность свидетельских показаний

**deliberations on a verdict** - обсуждение решения присяжных заседателей

**foreman** - старшина присяжных

**instructions** - наказ (судьи) присяжным

**jury room** - совещательная комната присяжных

**jury service** - отправление функций присяжного заседателя; выполнение гражданского долга выступать в качестве присяжного заседателя

**jury summoning officer** - работник суда, отвечающий за рассылку повесток потенциальным присяжным

**jury box** - место присяжных заседателей в суде, скамья присяжных

**majority verdict** - вердикт, вынесенный большинством присяжных

**objection** - возражение (может заявляться в ходе судебного процесса представителем одной из сторон на выступление представителя (или свидетеля) другой стороны)

**summons** - вызов в суд, приказ о явке в суд; извещение; судебная повестка

**unanimous verdict** - вердикт, вынесенный единогласно



## 12.2. SCANNING

### **In the Jury Box**

1. Jury service in Great Britain isn't optional: a person receiving a summons can be fined up to £400 for ignoring it. Jury service usually involves a criminal trial but coroners' courts and civil courts can use juries too.

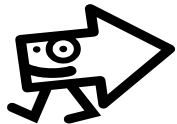
2. Juries are chosen randomly, using a system approved by the Royal Statistical Society. A person may never be chosen, or he could be chosen more than once. An Englishman can be summoned only if he is on the electoral register. To serve he must be at least 18 and under 65 on the date his jury service starts, and must have lived in the UK for at least five years. If he doesn't qualify because of his age or short residency in the UK, he should say so on the form accompanying the summons and return it within seven days.

3. A potential juror **could ask to be excused**. The jury summoning officer has discretion to excuse a person in some circumstances, e.g. if he or she:

- has got work commitments or he runs a one-person business;
- has booked a holiday;
- is sitting exams;
- is moving home;
- has moved from the area;
- is a parent with a young child;
- is looking after a sick relative;
- has suffered a bereavement;
- is in poor health, blind or deaf;
- doesn't speak English very well, or is illiterate.

4. Some people are **entitled to be excused**, though can serve if they want. This includes:

- people who've done jury service (excluding coroners' court juries) during the past two years, and people who've been specifically excused for longer;
  - practicing doctors, dentists, nurses, pharmacists, etc.;
  - members of the armed forces (if the commanding officer agrees);
  - MPs, peers, members of the European Parliament.
5. The person is ***ineligible*** if he/she is:
- mentally ill or *mentally handicapped*;
  - a *regular minister* of any religious denomination;
  - part of the administration of justice (such as a judge, barrister, solicitor, court official, magistrate);
  - part of the prison system (from prison governors to probation officers);
  - a police officer (or special constable), a civilian employee of the police, a member of a police authority, or an employee of a forensic lab.
6. Anyone could be ***disqualified***, sometimes for life, if he/she has got a *criminal record*.



### 12.3. LEXIS

optional - по желанию, произвольный; необязательный

coroner's court - коронерский суд; суд, производящий дознание в случаях насильственной или скоропостижной смерти

summon - вызывать; вручать приказ о явке в суд

residency - проживание; пребывание

accompanying - сопровождающий, сопроводительный

commitment - обязательство, обязанность

run a one-person business - вести собственный бизнес, являться частным предпринимателем

book a holiday - заказывать билеты для проведения отдыха

sit exams - сдавать сессию в учебном заведении

move home - менять место жительства

bereavement - тяжёлая утрата; потеря, вызванная смертью близкого человека

blind - слепой

deaf - глухой, лишенный слуха, тугой на ухо

illiterate - неграмотный, необразованный, безграмотный

ineligible - не имеющий права (на что-л. ввиду несоответствия требованиям); неподходящий, непригодный, негодный

mentally handicapped - с умственными недостатками

regular minister - служитель

disqualified - 1) дисквалифицированный 2) лишённый прав(а);  
ограниченный в праве или в правах 3) признанный непра-  
воспособным или недееспособным

criminal record - прежняя судимость



#### 12.4. QUESTIONS

1. What courts can use juries?
2. What are the requirements a person should meet to be summoned to serve as a juror?
3. What circumstances let a potential juror ask to be excused?
4. Who are those people who are entitled to be excused?
5. In which case is a person considered to be ineligible?



#### 12.5. AGREE OR DISAGREE

1. Jury service in Great Britain is optional.
2. Juries are chosen randomly.
3. No person could be chosen more than once.
4. A person of 72 can be summoned.
5. If the person doesn't qualify for some reasons he should return a special form within two weeks.
6. It is impossible to be disqualified because jury service in GB is both the right and the duty of every citizen.



#### 12.6. SCANNING



### **What Happens During the Trial**

1. Events in a trial usually happen in a particular order, though the order may be changed by the judge. The usual order of events is set out below.

Step One: **Selection of the Jury**. From a large group of potential jurors 12 are chosen and sworn in.

2. Step Two: **Opening Statements**. The lawyers for each side will discuss their views of the case that the court is to hear and will also present a general picture of what they intend to prove about the case. What the lawyers say in their opening statements is not evidence and, therefore, does not help prove their cases.

3. Step Three: **Presentation of Evidence**. All parties are entitled to present evidence. The testimony of witnesses who testify at trial is evidence. The questioning of your own witness under oath is called



examination-in-chief. Each party may also question the other's witnesses - it is a "cross-examination". Evidence may also take the form of physical exhibits, such as a gun or a photograph. On occasion, the deposition - written testimony of people not able to attend the trial - may also be evidence in the case.

4. Many things presented during the trial are not evidence. For example, what the lawyers say in their opening and closing statements is not evidence. Physical exhibits offered by the lawyers, but not admitted by the judge are also to be disregarded, as is the testimony that the judge orders stricken of the record.

5. Many times during the trial the lawyers may make objections to evidence presented by the other side or to questions asked by the other lawyer. Lawyers are allowed to object to these things when they consider them improper under the laws of evidence. It is up to the judge to decide whether each objection was valid or invalid, and whether, therefore, the evidence can be admitted or the question allowed. If the objection was valid, the judge will sustain the objection. If the objection was not valid, the judge will overrule the objection. These rulings do not reflect the judge's opinion of the case or whether the judge favours or does not favour the evidence or the question to which there has been an objection.

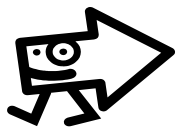
6. It is the duty of a jury to decide the weight or importance of evidence allowed by the judge. Jurors are also the sole judge of the credibility of witnesses, that is, of whether their testimony is believable. In considering credibility, the jury may take into account the witnesses' opportunity and ability to observe the events about which they are testifying, their memory and manner while testifying, the reasonableness of their testimony when considered in the light of all the other evidence in the case.

7. Step Four: **The Instructions**. Following presentation of all the evidence, the judge instructs the jury on the laws that are to guide the jury in their deliberations on a verdict. A copy of the instructions will be sent to the jury room for the use of jurors during their deliberations. All documents or physical objects that have been received into evidence will also be sent to the jury room.

8. Step Five: **Closing Arguments**. The lawyers in the closing arguments summarize the case from their point of view. They may discuss the evidence that has been presented or comment on the credibility of witnesses. The lawyers may also discuss any of the judge's instructions that they feel are of special importance to their case. These arguments are not evidence.

9. Step Six: **Jury Deliberation.** The jury retires to the jury room to conduct the deliberations on the verdict in the case they have just heard. The jury first elects a foreman who will see to it that discussion is conducted in a sensible and orderly fashion, that all issues are fully and fairly discussed, and that every juror is given a fair chance to participate.

10. Step Seven: **Adjudication.** When a verdict has been reached, the foreman signs it and informs the bailiff. The jury returns to the courtroom, where the foreman presents the verdict. The judge then discharges the jury from the case and passes his sentence.



### 12.7. LEXIS

swear in - приводить к присяге

examination-in-chief - главный опрос или допрос, первоначальный опрос или допрос свидетеля выставившей стороной

cross-examination - перекрёстный допрос (свидетеля противной стороны)

deposition - письменное показание под присягой; приобщение к материалам дела

disregard - не обращать внимания, не придавать значения, игнорировать, пренебрегать

stricken of the record - вычеркнутый, изъятый из протокола заседания суда

it is up to - (что-либо) зависит, исполняется, делается (кем-то)

sustain the objection - поддерживать возражение, протест

overrule the objection - отклонить протест, возражение

believable - вероятный, возможный, правдоподобный

reasonableness - справедливость (довода); разумность; резонантность; разумная необходимость; обоснованность

sensible and orderly fashion - целесообразный и последовательный способ проведения

fair chance - равный шанс

discharge - освободить от (выполняемых) обязанностей



### 12.8. QUESTIONS

1. What is the usual order of events during a trial? What happens at each of these steps?

2. What can cause lawyers to make objections during the trial? Whose duty is it to decide whether each objection was valid or invalid?

3. Who can decide the weight of evidence and the credibility of witnesses?



### 12.9. AGREE OR DISAGREE

1. Events in a trial usually happen in a particular order, which may never be changed.
2. At the stage of selection 20 persons are chosen from a large group of potential jurors.
3. Everything the lawyers say in their opening statements is evidence.
4. Many things presented during the trial are not evidence.
5. In considering credibility, the jury may not take into account the witnesses' opportunity and ability to observe the events about which they are testifying.
6. It is the judge who will see in the jury room to it that discussion is conducted in a sensible and orderly fashion.
7. After presenting the verdict the jurors also participate in the deliberation and passing the sentence.



### 12.10. SCANNING



## **A Step-by-Step Guide to Your Rights as a Juror in Court.**

1. When you get to court, you'll find that you're a member of a large panel of jurors. First, there'll be a talk from a senior court official, explaining what happens at a trial, what jurors have to do and what expenses you can claim. You'll be told that your main task is to decide on the facts, i.e. what actually happened. It's the judge who decides on the law. You'll be warned against talking to anyone about the case. Loose talk could put you in contempt of court, and the whole trial in jeopardy.

2. **Choosing twelve jurors.** You'll be taken into a court-room with a group of other potential jurors, and 12 will be sworn in. For several reasons, you may not get on to a particular jury:

- you may be 'challenged'. The defendant, or his or her barrister, can object to up to three potential jurors without giving a reason (and more than three 'with cause'). You have no say in the matter, but shouldn't take offence. The barrister may, for instance, simply think that too many women will worsen the defendant's chances in a rape case;

- you may be asked to 'stand by for the Crown'. This is the prosecution's way of objecting to you without giving a reason. They can also challenge "with cause" if they've got 'information' about you. Jury panels are sometimes vetted where cases involving terrorism or national security are coming up. The records of police special branches can be consulted, but only with permission of the Attorney-General, who also decides what prosecution lawyers can be told. Defence lawyers get no 'information', only an indication from the prosecution why a potential juror might be hostile to their client;

- you may discover that you have a link with the case. Perhaps you know the defendant or, say, one of the barristers. Disclose your connection when you're called to the jury box, before you're actually sworn in. If you discover a link as the trial progresses (e.g. you know a witness), pass a note to the judge;

- the trial may be a long one. If it's known that a case is likely to last more than ten days, you'll be asked whether this will cause any problems (if, say, you've booked a holiday) - and you might be excused.

3. **Being sworn in.** You should be told that there are several ways of being sworn in. If your particular holy book isn't there for you to 'take the oath', you'll be asked to 'affirm' instead. And if you've no religious beliefs, you can affirm anyway.

4. **You can take notes ...**

Once the jury has been sworn in, the trial can start. You're allowed to take notes, and you'll probably find them useful later.

... **and you can ask questions.**

If you're unclear on any points, write down your question and get it passed to the judge, who'll say whether the question can be put.

5. **Ending the trial early.** A jury can end a trial after hearing only the prosecution case, if it feels there's no case to answer and wishes to acquit. You may not be told this, but if necessary, take the initiative and raise the point with the judge.

6. **Going absent.** You can be excused during the course of your jury service for a good reason - for instance, if you're ill. And you can ask a judge to excuse you when a case goes on longer than expected, if you've got a good reason. Trials can continue with juries of fewer than 12 people (the minimum is in fact nine).

7. **Reaching a verdict.** When the prosecution and defence have put their arguments and the witnesses have been heard, the judge will sum up, and ask the jury to retire to reach its verdict.

You should never tell anyone what happens in your jury room. You'll have to elect a foreman or woman to chair the jury and speak on its behalf. There'll be no court officials in the jury room, but you can return to the judge if you need guidance or clarification.

If you can't reach a unanimous verdict after at least a couple of hours, the judge can ask you to reach a majority verdict instead; if at least ten (out of 12) can't agree, the case will be retried. And if a different jury can't reach a verdict, the defendant will be acquitted.

8. **Staying in a hotel.** The judge sometimes orders a jury to stay in a hotel, and have no contact with other people, if it can't reach a verdict by the end of the day.

9. **Finding guilty of a lesser offence.** A jury may find a defendant guilty, but of a less serious offence, e.g. manslaughter instead of murder. The judge will often tell you about this in his summing up.

10. **After the trial.** The trial is over for the jury once the verdict has been delivered. After a particularly difficult case, the judge may excuse the jury from further service for a set number of years - sometimes even for life. But normally, you'd rejoin the panel of jurors and wait for another case, if your ten days' service isn't yet up.

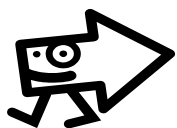
11. You can get some money as a compensation for your efforts:

**Loss of income.** You'll get a 'loss of earnings certificate' with your summons. Put down how much income you'll be losing, ask your employer to sign it, and bring it along on your first day. If you're self-employed, ask the court what evidence of lost earnings they'll need. You can claim £27.50 a day for the first ten days of jury service, £55 a day after that.

**Subsistence allowance.** You can get this to cover the extra expense of meals and so on. If you're away from home for up to five hours, it's £1.50; for up to ten hours - £2.85; for over ten hours - £6.25.

**The cost of travel.** You can claim the cost of a second class bus or rail ticket between your home or workplace and the court. You may be able to claim the cost of your own transport.

**Child-minding.** If you need to use a child-minder when you wouldn't normally, get receipts - you can reclaim the costs.



### 12.11. LEXIS

panel - список лиц, перечень

senior court official - старший по званию судебный чиновник

expenses - расход, издержки, трата, затрата

claim - требовать; предъявлять требования на возмещение  
 loose talk - безответственная болтовня, пустопорожние разговоры  
 in jeopardy - под угрозой срыва, в рискованном положении  
 challenge - заявлять отвод присяжному (со стороны защиты)  
 ask to 'stand by for the Crown' - заявлять отвод присяжному (со стороны обвинения)  
 have no say - не участвовать в решении какого-л. вопроса, не иметь голоса при решении какого-л. вопроса  
 take offence - обидеться  
 vet - исследовать, изучать, рассматривать; проверять; проверять благонадежность  
 Attorney-General - министр юстиции и генеральный прокурор  
 indication - указание; обозначение  
 hostile - враждебный, неприязненный, недружелюбный  
 say - например  
 progress - двигаться вперед, двигаться дальше  
 holy book - священная, религиозная книга  
 take the oath - принять присягу  
 affirm instead - торжественно заявлять, присягать как-либо иначе  
 religious beliefs - религиозные верования  
 take notes - делать заметки  
 there's no case to answer - нет оснований для предъявления иска  
 raise the point - ставить вопрос, наводить справки  
 sum up - резюмировать; суммировать; обобщать; подводить итог  
 retire - удаляться на совещание (о составе суда или присяжных)  
 reach the verdict - вынести вердикт  
 return - вновь обращаться  
 clarification - разъяснение, уточнение  
 rejoin - вновь присоединиться  
 loss of earnings certificate - бланк письменного свидетельства о потере заработка  
 self-employed - работающий не по найму; лица, занимающиеся индивидуальной трудовой и предпринимательской деятельностью  
 subsistence allowance - суточные продовольственные деньги  
 child-minding - присмотр и уход за детьми  
 receipt - расписка, квитанция



## **12.12. QUESTIONS**

1. What is the typical procedure of enrolling a person into a large panel of jurors?
2. Can it happen so that a potential juror may not get

- on to a particular jury? For what reasons can it be?
3. Are there many ways of being sworn in?
  4. Can a person be excused during the course of his jury service?
  5. What happens if the jury can't reach a unanimous verdict after at least a couple of hours?
  6. What happens after the verdict has been delivered?
  7. Can a person get money as a compensation for his/her efforts as a juror?



### **12.13. AGREE OR DISAGREE**

1. A juror's main task is to decide on the law, not on the facts.
2. During the trial jurors cannot talk to anyone about the case.
3. If a person has a link with the case, he/she must disclose it before being sworn in.
4. Jurors are not allowed to take notes or ask questions.
5. A jury can end a trial after hearing only the prosecution case.
6. Trials cannot continue with juries of fewer than 12 people.

### **12.14. KEY WORDS**

copy of the instructions	jury box
be asked to 'stand by for the Crown'	jury room
be challenged	jury service
be chosen at random	loss of earnings certificate
be disqualified	majority verdict
be excused	objection
be sworn in	objection overruled
contempt of court	objection sustained
court-room	panel of jurors
credibility of witnesses	potential juror
deliberations on a verdict	raise objections
eligible	reach a verdict
foreman	summons
ineligible	unanimous verdict

## Грамматический комментарий

**Сослагательное наклонение (Subjunctive Mood)**, в отличие от изъявительного наклонения, выражает *предполагаемое или желаемое* действие. В русском языке для выражения значений сослагательного (условного) наклонения используется форма глагола, похожая на прошедшее время, с частицей *бы* (*принес бы, читал бы* и т.п.). В английском языке эти значения передаются в основном с помощью двух синтетических и двух аналитических форм глагола. Каждая из этих форм имеет свои особенности как по структуре, так и по употреблению.

### Формы сослагательного наклонения.

По способу образования сослагательного наклонения в английском языке различают **Subjunctive I** (аналитическая форма, которая образуется при помощи вспомогательных глаголов **should** и **would** и инфинитива) и **Subjunctive II** (синтетическая форма, образованная путем изменения основы глагола).

В грамматике форма глагола в **Subjunctive II** (или **Past Subjunctive**, что переводится как "сослагательное прошедшее") совпадает с формой глагола в каком-либо времени Past:

*I wish he **took** part in the cross-examination.* - Я бы хотел, чтобы он принял участие в перекрестном допросе.

*They wish the policeman **had apprehended** the criminal.* - Им бы хотелось, чтобы полицейский уже задержал преступника. (Они сожалеют о том, что полицейский не задержал преступника.)

Примечание: глагол **to be** в форме **Past Subjunctive** имеет одну форму **were** вне зависимости от числа подлежащего.

Сослагательное прошедшее (**Subjunctive II**) употребляется:

а) в придаточной части условных предложений второго типа:

*If he **were** here, he would help us.* - Если бы он был здесь, он помог бы нам.

*If I **were** you, I would accept their offer.* - Если бы я был на вашем месте, я бы принял их предложение.

б) в придаточных предложениях образа действия, начинающихся с союза **as if**:

*He spoke **as if he were** a specialist on the subject.* - Он говорил, как если бы он был специалистом по этому вопросу.



в) в придаточных предложениях после оборота **it is time (it is high time)**:

*It is time they interrogated him.* – Пора бы им допросить его.

*It is high time you learned these grammar rules.* – Давно пора тебе **учить** эти грамматические правила.

г) в дополнительных придаточных предложениях, зависящих от глагола **to wish**:

*I wish he were with us!* - Как я хотел бы, чтобы он был с нами!

*I wish she took part in cross-examination.* – Хотел бы я, чтобы она **приняла участие** в перекрестном допросе.

Другая форма сослагательного наклонения **Subjunctive I** (или **Present Subjunctive**, то есть "сослагательного настоящего") образуется следующим образом:

1. При помощи вспомогательного глагола **should** и инфинитива смыслового глагола без частицы **to** (при этом в американском варианте английского языка глагол **should** может опускаться, то есть лишь подразумеваться). Эта форма употребляется:

а) **в придаточных предложениях**, начинающихся с союза **that** после безличных оборотов типа **it is necessary** необходимо, **it is important** важно, **it is desirable** желательно, **it is impossible** невозможно, **it is improbable** невероятно, **it is better** лучше, **it is surprising** удивительно, **it is annoying** досадно, **it is strange** странно, **it is a pity** жаль и т. п. Такие придаточные предложения переводятся на русский язык придаточными предложениями, которые вводятся союзом **чтобы**, с глаголом в сослагательном наклонении. Например:

*It is desirable that he (should) be there at five o'clock.* - Желательно, чтобы он был здесь в пять часов.

*It was necessary that the question (should) be settled without delay.* - Было необходимо, чтобы вопрос был разрешен без промедления.

Если же в придаточном предложении надо выразить предшествующее действие, то употребляется форма Perfect. Сравните:

*It is strange that he (should) behave so.*- Странно, что он так себя **ведет**.

*It is strange that he (should) have behaved so.*- Странно, что он так себя **вел**.

б) **в дополнительных придаточных предложениях**, зависящих от глаголов, выражающих решимость, требование, совет, предложение, договоренность, приказание. К таким глаголам относятся: **to decide** *решать*; **to demand, to require** *требовать*; **to insist** *настаивать*; **to advise** *советовать*; **to recommend** *рекомендовать*; **to suggest, to propose** *предлагать*; **to agree** *соглашаться, договариваться*; **to arrange** *договариваться*; **to order, to command** *приказывать*.

Например:

*He ordered that the goods (should) be sent immediately.* - Он дал указание, чтобы товары были отправлены немедленно.

*He suggested that the case should be postponed.* - Он предложил, чтобы дело было отложено.

в) **в придаточных предложениях цели** после союза **lest**; *They covered the trace evidence with canvas lest it (should) be damaged by rain.* - Они покрыли следы-улики брезентом, чтобы они не были повреждены дождем.

Кроме этого, вспомогательный глагол **should** употребляется в дополнительных придаточных предложениях, когда сказуемое главного предложения выражает чувство сожаления, удивления, негодования, радости и т. п. **Should** в этом случае употребляется со всеми лицами единственного и множественного числа, независимо от времени, в котором стоит глагол главного предложения. Например:

*I am sorry that you should think so.* - Жаль, что вы так думаете.

*I regret that you should not know it.* - Я сожалею, что вы этого не знаете.

Если в придаточном предложении надо выразить действие, относящееся к тому же времени, к которому относится глагол в главном предложении, то употребляется **should** с инфинитивом в форме **Indefinite**. Если же в придаточном предложении надо выразить предшествующее действие, то употребляется инфинитив в форме **Perfect**. Например:

*I am disappointed that he should work so little at his English.* - Я разочарован, что он так мало работает над английским языком.

*I was surprised that he should have behaved so.* - Я был удивлен, что он так себя вел.

2. При помощи вспомогательного глагола **would** и инфинитива вспомогательного глагола без частицы **to**. Эта форма сослагательного наклонения **Subjunctive I** употребляется в следующих случаях:

- в простом самостоятельном предложении, например:

*To lose a moment **would be fatal**.* - Было бы неоправимо упустить момент.

- в главном предложении при наличии придаточного условного, например:

*If I were you I **would not go** there.* - Если бы я был на вашем месте, я бы не ходил туда.

Желательные или предполагаемые действия могут выражаться также сочетаниями глаголов **could, might** с инфинитивом, которые выполняют, таким образом, функцию сослагательного наклонения в современном английском языке, образуя аналитическую конструкцию.

Например:

*I **could** give you a car if you wanted.* - Я бы мог одолжить тебе свою машину, если хочешь.

Важно отметить, что существует различие в значении форм сослагательного наклонения, которое основано на противопоставлении **перфектных** и **неперфектных форм**.

Все неперфектные формы выражают такие нереальные действия, которые рассматриваются либо как одновременные другим действиям (ситуациям), либо как будущие по отношению к ним.

Например:

*I wish he **were** with us now.* - Хотела бы я, чтобы он был сейчас с нами. **Were** выражает нереальное действие (состояние), одновременное с действием, выраженным глаголом **to wish**, и относится к настоящему времени, так как глагол **to wish** употреблен в Present Indefinite.

*I wished he **were** with us.* - Мне хотелось бы, чтобы он был с нами в тот момент. - (Жаль, что его не было с нами в тот момент.) **Were** выражает действие (состояние), одновременное с прошлым действием, выраженным глаголом **to wish**, который употреблен в Past Indefinite.

*If he **were** with us now, he **would explain** everything.* - Если бы он был здесь, он бы все объяснил. **Were** и **would explain** выражают одновременные нереальные действия (состояния), относящиеся к настоящему.

Перфектные формы в сослагательном наклонении выражают предшествование, т. е. употребляются для выражения такого нереального действия, которое предшествует другому действию (или ситуации) и является по отношению к этому действию прошлым.

Например:

*I wish you **had come** earlier.* – А я хотела бы, чтобы вы пришли раньше. (Жаль, что вы не пришли раньше.) **Had come** выражает нереальное, но воображаемое действие, предшествующее настоящему моменту (состоянию), который выражен глаголом **to wish** в Present Indefinite.

*I wished he **had come** earlier.* – В тот момент я пожалела, что он не пришел раньше. **Had come** выражает нереальное действие, но воображаемое действие, предшествующее действию (состоянию) в прошлом, выраженному глаголом **to wish** в Past Indefinite, тем самым здесь **had come** выражает предпрошедшее воображаемое действие.

## УПРАЖНЕНИЯ

**ЗАДАНИЕ 1.** Спишите и переведите предложения, подчеркните в каждом глагол в сослагательном наклонении, укажите случай употребления и объясните способ образования.

1. I suggest that he should testify at the trial. 2. I wish every student took part in this seminar. 3. It is important the evidence should be written down. 4. They treat him as if he were a criminal. 5. We insist the witness be interviewed without delay. 6. I wish you had consulted this experienced lawyer. 7. He demands that the judge should announce the verdict. 8. It was undesirable that this information be given away before the trial. 9. This could have been proved by the testimony of the eye-witness. 10. I wish this expert had been invited to take part in the investigation. 11. The absence of legal regulation would lead to a considerable disorganization and would entail the most serious consequences for all states. 12. It is inevitable those candidates be nominated by this party. 13. Make haste lest you should be late. 14. We insist that he inform us of the exact date on which the goods will be delivered. 15. It is highly desirable that the form and method of payment be clearly specified in the offer. 16. The experts recommended that the agreement be extended for 3 years. 17. It is necessary that the arbitrator have an exact knowledge of all the

facts of the case. 18. Unnecessary punishment would be both irresponsible and harmful to society. 19. It is strange the search-warrant should not be issued. 20. There would be no life without water. 21. The judge proposed the eye-witness identify the robber. 22. It is desirable that legal knowledge should become the element of the education of the younger generation. 23. They insist the issue should be excluded from the agenda. 24. It is necessary that you should search the scene of the crime. 25. It is desirable these people take part in the cross-examination. 26. I wish the interrogation were over. 27. Society requires that its members should help each other. 28. I wish the policeman had apprehended the criminal.

**ЗАДАНИЕ 2.** Выберите правильный вариант из трёх данных, обоснуйте свой ответ. Запишите и переведите предложения.

1. The judge demanded that the audience ..... order.  
A. *kept*                                      B. *keep*                                      C. *will keep*
2. It is time the treaty ... into force.  
A. *came*                                      B. *come*                                      C. *should come*
3. He wished the accused .... imprisoned after the trial yesterday.  
A. *would be*                                      B. *had been*                                      C. *be*
4. The public agreed that the lawyer ..... him at the trial.  
A. *represented*                                      B. *will represent*                                      C. *should represent*
5. It is not surprising that the accused ..... acquitted.  
A. *was*                                      B. *be*                                      C. *were*
6. It's high time the verdict ..... by the jury.  
A. *be reached*                                      B. *reached*                                      C. *were reached*
7. She suggested that I ..... for another solicitor.  
A. *should look*                                      B. *looked*                                      C. *will look*
8. I wish I ... what to do.  
A. *knew*                                      B. *know*                                      C. *should know*
9. The investigator talked to me as if I ..... a suspect.  
A. *should be*                                      B. *am*                                      C. *were*
10. It's desirable that all students ..... seminars.  
A. *attended*                                      B. *will attend*                                      C. *should attend*

**ЗАДАНИЕ 3.** Вставьте глагол в соответствующей форме сослагательного наклонения. Переведите предложения.

1. I wish I (to know) the truth a week ago. 2. It's high time we (to solve) our problems. 3. It is strange that the eye-witness (not

to be interviewed). 4. The police inspector looked at me as if I (to be) a criminal. 5. I wish everyone (to know) the laws. 6. Society requires that every citizen (to keep) law and order. 7. It's time we (to come) to agreement. 8. It's important that all evidence (to be put) down. 9. I wish the interrogation (to be) over. 10. The judge suggested that the trial (to be delayed). 11. We wish we (not leave) the door open. Some of our papers have been stolen. 12. If I (be) older, I could have a driving license. 13. I would tell you her name if I (to know) it. 14. He kept silence as if he (not, to hear) my question. 15. Where ... you (to go) if you need to buy a camera?

**ЗАДАНИЕ 4.** Вставьте модальные глаголы **could** (*would be able to*) и **might** (*would perhaps*). Переведите предложения.

1. If it were not raining, we (play) tennis. 2. If he was not so bad-tempered, I (go) out with him. 3. If I had more money, I (get) better apartments. 4. If you spoke more slowly, I (understand) you better. 5. If you cooked it in butter, it (taste) better. 6. If we talked to him, he (change) his mind.

## Грамматический комментарий

**Условное придаточное предложение** является частью сложноподчиненного предложения, где главное предложение выражает следствие условия, заключенного в придаточном. Условные предложения могут выражать реальное и нереальное условие, а главное предложение, соответственно, может выражать реальное или нереальное следствие. И условие, и следствие могут относиться к настоящему, прошедшему и будущему.

В английском языке выделяются следующие типы условных предложений:

- реальное условие (1 тип, изъявительное наклонение);
- маловероятное или проблематичное условие (2 тип, сослагательное наклонение); и
- условие, нереализованное в прошлом (3 тип, сослагательное наклонение в предпрошедшем (Past Perfect) времени).

Каждый тип обладает своими особенностями в использовании форм наклонения.

Основной союз, характерный для всех видов условных предложений, - это союз **if** *если*. Кроме него условные предло-

жения могут вводиться союзами: **in case** в случае если, на тот случай если; **suppose (that)** предположим, что; **on condition (that)** при условии что; **provided (that)** при условии что; **sobeit** если только и др.

Например:

*Take an umbrella **in case** it rains.* - Возьмите зонтик на тот случай, если пойдет дождь.

***Suppose** it rains, what shall we do?* - Предположим, пойдет дождь, что будем делать?

Среди союзов, вводящих условные предложения, выделяется союз **unless**, так как он имеет отрицательное значение *если... не*:

*You can't become a lawyer **unless** you've got experience.* – Нельзя стать адвокатом, **если** у тебя **нет** опыта работы

*Don't promise anything **unless** you are 100 per cent sure.* – Не давай обещаний, **если не** уверен на все 100 процентов.

**Первый тип условных предложений.** Условные предложения первого типа выражают вполне реальные, осуществимые предположения и соответствуют в русском языке условным предложениям с глаголом в изъявительном наклонении. Такие условные предложения чаще всего выражают предположения, относящиеся к настоящему и будущему времени.

Например:

*If the offender **is** under 14 he **is not sentenced** to imprisonment.* – Если преступник моложе 14 лет, то его не приговаривают к тюремному заключению.

*If he **is** here, he **is probably working** in the library.* - Если он здесь, то он, вероятно, работает в библиотеке.

*If he **called on** them yesterday, they **gave** him your letter.* - Если вчера он заходил к ним, то они отдали ему ваше письмо.

Условные предложения такого рода, однако, встречаются значительно реже, чем предложения, выражающие предположения, относящиеся к будущему.

В условных предложениях первого типа, относящихся к будущему, глагол в придаточном предложении (условии) употребляется в **Present Indefinite**, а в главном предложении (следствии) в **Future Indefinite**. На русский язык они переводятся глаголами в будущем времени.

Например:

*If the weather **is** fine to-morrow, we **shall go** to the country. - Если завтра **будет** хорошая погода, мы **поедем** за город.*

В придаточном предложении иногда встречается сочетание **will** с инфинитивом. Глагол **will**, однако, не является в этом случае вспомогательным глаголом, а служит для выражения просьбы.

Например:

*We'll be grateful **if you will send** us the model questionnaire. - Мы будем благодарны, если вы нам пришлете (будете любезны прислать нам) образец анкеты.*

**Второй тип условных предложений.** Условные предложения второго типа выражают проблематичные или маловероятные предположения. Они относятся к настоящему или будущему времени и соответствуют в русском языке условным предложениям с глаголом в сослагательном наклонении (т. е. с глаголом в форме прошедшего времени с частицей *бы*). В условных предложениях второго типа в придаточном предложении (условии) употребляется форма **Subjunctive II** (то есть форма глагола в каком-либо времени Past), а в главном предложении (следствии) - **Subjunctive I** (то есть **would** с инфинитивом смыслового глагола без частички **to**).

Например:

*If my brother **had** time now, he **would help** them. - Если бы у моего брата было время сейчас, он бы помог им. (Это предположение также проблематично, поскольку у брата нет времени сейчас и он поэтому не может помочь им.)*

*If we **received** the documents to-morrow, we **would start** the case on Monday. - Если бы мы получили документы завтра, мы начали дело в понедельник. (Говорящий считает, что получение документов маловероятно и что дело поэтому вряд ли будет начато в понедельник.)*

Напомним, что глагол **to be** в придаточном условном предложении традиционно употребляется в форме **were** со всеми лицами единственного и множественного числа. Однако в современном языке, особенно в разговорной речи, наряду с **were** с 1-м и 3-м лицом единственного числа употребляется **was**:

*If he **were/was** here, he **would help** us. - Если бы он был здесь, он помог бы нам.*



*If I **were/was** a ruler, I **would establish** some new public holidays.* – Если бы я был правителем, я бы учредил несколько новых общенациональных праздников.

**Третий тип условных предложений.** Условные предложения третьего типа выражают предположения, относящиеся к прошедшему времени и являющиеся поэтому невыполнимыми. Как и условные предложения второго типа, они соответствуют в русском языке условным предложениям с глаголом в сослагательном наклонении (то есть с глаголом в форме прошедшего времени с частицей *бы*).

В условных предложениях третьего типа в придаточном предложении (условии) употребляется форма **Subjunctive II**, совпадающая с **Past Perfect**, а в главном предложении (следствии) – форма Subjunctive I в виде сочетания **would** с перфектным инфинитивом (Perfect Infinitive) смыслового глагола без частицы **to**. Например:

*If Michael **had seen** her yesterday, he **would have asked** her about it.* - Если бы Миша увидел её вчера, он спросил бы её об этом.

В условных предложениях второго и третьего типов в главном предложении вместо **would** может употребляться сочетание **could** или **might** с инфинитивом. В соответствующих русских предложениях употребляются сочетания *мог бы, могли бы* с инфинитивом:

*He **could do** it if he tried.* - Он мог бы это сделать, если бы он постарался.

*He **could have done** it if he had tried.* - Он бы уже смог сделать это, если бы постарался.

*You **might find** him there if you called at six o'clock.* - Вы могли бы застать его там, если бы вы зашли в шесть часов.

*You **might have found** him there if you had called at six o'clock.* - Вот если бы вы зашли в шесть часов, то тогда бы вы его застали.

*He **could have passed** the exams, if he **had worked** hard.* – Он бы **справился с прошедшими** экзамены, если бы серьезно **занимался**.

На русский язык II и III типы условных предложений переводятся одинаково, но в предложениях III типа могут дополнительно использоваться такие фразы и слова как *прошлый, тогда, в тот раз, уже*.

**Бессоюзные условные предложения.** Союз **if** может быть опущен в условных предложениях всех трех типов, такое изменение порядка слов называется инверсия, которая применяется для усиления эмоционального воздействия сообщения.

В условных предложениях первого типа союз **if** может быть заменен на глагол **should**, который тем самым ставится перед подлежащим, но не образует вопроса, а лишь усиливает воздействующий эффект сообщения:

**Should** he come (=If he **comes**), ask him to wait. - Если он всё-таки придет, попросите его подождать.

**Should** need arise (=If need **arises**), we'll communicate with you again. - Если возникнет необходимость, мы снова свяжемся с вами.

В условных предложениях второго типа союз **if** может быть опущен, когда в придаточном предложении имеются глаголы **had, were, could**. В таких случаях эти глаголы ставятся перед подлежащим:

**Had** I time, I'd go to the club. = If I had time, I'd go to the club. - Если бы у меня было время, я пошел бы в клуб,

**Were** he here, he would help us. = If he were here, he would help us. - Если бы он был здесь, он помог бы нам.

**Could** he come to-night, we should be very glad. = If he could come to-night, we should be very glad. - Если бы он мог придти сегодня вечером, мы были бы очень рады.

В условных предложениях третьего типа при пропуске союза **if** глагол **had** ставится перед подлежащим.

Например:

**Had** I seen him yesterday, I would have asked him about it. = If I had seen him yesterday, I would have asked him about it. - Если бы я видел его вчера, я спросил бы его об этом,

**Had** he known it, he would not have gone there. = If he had known it, he would not have gone there. - Если бы он это знал, он не пошел бы туда.

## УПРАЖНЕНИЯ

**ЗАДАНИЕ 5.** Спишите предложения. Определите тип условия и переведите предложения.

1. If offenders are under 14, they are not sentenced to imprisonment. 2. If I had seen his criminal record, I would never have offered him such a job. 3. If young people had more leisure cen-

tres, it would reduce crime. 4. If we had not have helped him, he would have been convicted. 5. If an eye-witness wants to give information, he will have an opportunity to do so. 6. They might not be robbed, if they had a burglar alarm. 7. If the police officers had used better equipment, they would solve crimes quicker. 8. If the witness were not ill, he would be present at the trial. 9. The prisoner wouldn't have escaped, if his wife had not helped him. 10. If I were a judge, I would pass tougher punishment. 11. If you come I shall give you this book. 12. When you see him, tell him to come here. 13. He will speak to you before you go out. 14. As soon as I come home, I shall begin to work.

**ЗАДАНИЕ 6.** *Раскройте скобки, используя соответствующее время глаголов.*

1. If it (to rain) we'll stay at home. 2. I'd go to the dentist if I (to be) you. 3. If he (to come), tell him that we were in a hurry. 4. If we (to know) that before we would not have come. 5. I would go at once if he (to say) that. 6. If you (to read) the book you would know the answer. 7. If I (to know) I would tell you. 8. I think you would have got permission if you (to ask) me.

**ЗАДАНИЕ 7.** *Переведите предложения на русский язык, обращая внимание на форму глагола в придаточных предложениях.*

1. If you told the truth, people would trust you more. 2. If you were telling the truth, you would be looking me straight in the eye. 3. If you had told the truth, you wouldn't have blushed like that. 4. If you had told the truth, you would not have been punished. 5. If you had met him before, I am sure he would have recognized you. 6. If we went out, we would only get soaking wet. 7. If we were playing tennis, we wouldn't be able to finish our work.

**ЗАДАНИЕ 8.** *Спишите и переведите предложения, обращая внимание на инверсию.*

1. Were the offender under 14, he would be tried by a juvenile court. 2. Had these facts been fully appreciated by the judge, the trial would have taken a different course. 3. Were he a good lawyer, he wouldn't make such mistakes. 4. Had the investigator made the cross-examination with greater thoroughness, he would

have been more successful. 5. Had they taken measures in time, many people would have been saved.

**ЗАДАНИЕ 9.** Выберите правильный вариант и переведите предложения:

1. He would give you the money if he (had/has) it. 2. I wish they (stopped/would stop) making so much noise so that I could concentrate. 3. We could go for a drive if today (were/had been) Saturday. 4. It seemed as though he (knew/had known) it long ago. 5. He speaks French as if he (were/is) a Frenchman. 6. I wish you (had seen/saw) the play. It was a great success. 7. I don't know how to address him. I wish I (would know/knew) his name. 8. I could understand the English teacher if she (speaks/spoke) more slowly.

**ЗАДАНИЕ 10.** Употребите нужную форму глагола в условных предложениях I и II типов. Переведите предложения.

1. If he (to pay) me tonight, I (to have) enough money for the tickets. 2. I (to climb) over the wall if there (not to be) so much broken glass on the top of it. 3. If the house (to burn) down, we (can claim) the compensation. 4. If you (not to believe) what I say ask your brother. 5. He (to look) better if he (to shave) more often. 6. If he (to clean) the windscreen he (to be able) to see where he was going. 7. Someone (to steal) your car if you (to leave) it unlocked. 8. Why don't you get a cat? If you (to keep) a cat, the mice (not to run) about everywhere. 9. If you (to give) your evidence today, the jury (to find) him not guilty. 10. If someone (to say), "I'll give you 500 pounds to go into the court and swear that this statement is true," what you (to say)?

**ЗАДАНИЕ 11.** Преобразуйте предложения по образцу. Переведите предложения:

*Модель:*

I didn't see the signal, so I didn't stop.

If I had seen the signal, I would have stopped. - Если бы тогда я увидел знак, я бы остановился.

1. I didn't know your number, so I didn't call. 2. We came by bus because there were no taxis. 3. We didn't visit the museum because we hadn't time. 4. I didn't work hard at school, so I didn't get a good job when I left. 5. He was deep in his thoughts

and didn't notice the "No parking" sign. 6. She didn't know you were in hospital, so she didn't visit you. 7. There were so many people there that nobody noticed his absence. 8. They got the children back alive only because they paid the ransom at once. 9. A huge black cloud appeared from behind the forest, so we had to turn back and hurry home. 10. You cannot enjoy this merry party because you have a toothache.

**ЗАДАНИЕ 12.** *Употребите нужную форму глагола в условных предложениях III типа.*

1. If you (to arrive) ten minutes earlier, you (to have got) a seat. 2. I (not to believe) it if I (not to see) it with my own eyes. 3. If I (to ask) you, you (to accept) it? 4. If I (to realize) what a bad driver you were, I (not to come) with you. 5. If you (to tell) me that he never paid his debts, I (not to lend) him the money. 6. If he (to know) the whole story, he (not to be so angry). 7. You (not to get) into trouble if you (to follow) my instructions. 8. You (to save) me a lot of trouble if you (to tell) me where he was going. 9. If my friend (to try) harder, he (to succeed). 10. If her alarm clock (to ring), she (to be) on time for work this morning.

## Грамматический комментарий

**Правило согласования (последовательности) времен** (Sequence of Tenses) распространяется в основном на употребление времен в дополнительных придаточных предложениях.

В русском языке нет правил согласования времен в том виде, как это существует в английском языке. Как видно из примеров, представленных ниже в таблице, в русском языке время глагола в придаточном дополнительном предложении соотносится по значению с реальным действием, но показывает всегда одно и то же значение независимо от времени глагола в главном предложении.

Главное предложение		Придаточное дополнительное	
Я	думаю, знаю, говорю,	что	он хорошо рисует ( <i>одновременное действие</i> ) он хорошо рисовал в детстве ( <i>предшествующее</i> ) он будет хорошо рисовать со временем ( <i>будущее</i> )
Я	думал, знал, говорил,	что	он хорошо рисует ( <i>одновременное действие</i> ) он хорошо рисовал в детстве ( <i>предшествующее</i> ) он будет хорошо рисовать со временем ( <i>будущее</i> )

Правило согласования времен в английском языке заключается в том, что употребление времени глагола-сказуемого в придаточном дополнительном предложении зависит от времени глагола-сказуемого главного предложения.

Если сам глагол-сказуемое главного предложения стоит в одной из форм настоящего или будущего времени, то глагол-сказуемое в придаточном дополнительном предложении может стоять в любом времени в зависимости от смысла:

Главное предложение	Придаточное дополнительное	
<p>know I suppose say</p>	<p>that</p>	<p>he draws well. he is drawing in the next room. he has drawn his brother's portrait. he has been drawing since morning. he drew well in his childhood. he was drawing. he had drawn the picture by the end of the week. he had been drawing the picture for a week before he showed it to us. he will draw a new picture. he will be drawing a new picture all day long. he will have drawn the picture by the end of the week.</p>

*Перевод:*

<p>знаю (буду знать), Я думаю (подумаю), говорю (скажу),</p>	<p>что</p>	<p>он хорошо рисует. он рисует в соседней комнате. он нарисовал портрет брата. он рисует с утра. он хорошо рисовал в детстве. он рисовал. он нарисовал картину к концу недели. он рисовал картину уже неделю, до того как показал нам. он нарисует новую картину. он будет рисовать весь день. он нарисует картину к концу недели.</p>
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Если глагол-сказуемое в главном предложении стоит в одной из форм прошедшего времени (чаще всего в Past Indefinite), то глагол-сказуемое придаточного дополнительного предложения может быть употреблен только в одной из форм прошедшего времени:

Главное предложение	Придаточное дополнительное	
I knew I supposed I said	that	he drew well. he was drawing in the room. he had drawn his brother's portrait. he had been drawing since morning. he had drawn well in his childhood. he had drawn the picture by the end of the week. he had been drawing the picture. he had been drawing the picture for a week before he showed it to us. he would draw a new picture. he would be drawing all day long. he would have drawn the picture by the end of the week.

*Перевод:*

Я знал, предполагал, сказал,	что	он хорошо рисует. он рисует в соседней комнате. он нарисовал портрет брата. он рисует с утра. он хорошо рисовал в детстве. он нарисовал картину к концу недели. он рисовал картину. он рисовал картину целую неделю, до того как показал ее нам. он будет рисовать новую картину. он будет рисовать весь день. он нарисует картину к концу недели.
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В данном случае действуют следующие правила:

1. Для выражения действия, одновременного с действием главного предложения, глагол придаточного предложения употребляется в **Past Indefinite** или **Past Continuous**.

Например:

*I was sure that you **knew** her address.* - Я был уверен, что вы знаете ее адрес.

*I thought that he **was waiting** for me in the entrance hall.* - Я думал, что он ждет меня в вестибюле.

**Примечание.** Иногда для выражения одновременного действия в придаточном предложении употребляется Past Perfect или Past Perfect Continuous:

а) *I knew that he **had been** ill for a long time.* - Я знал, что он давно болен.

Если бы в главном предложении стояло настоящее время, то в придаточном была бы употреблена форма Present Perfect: *I know that he has been ill for a long time.*

б) *I knew that he **had been living** in Orenburg for five years.* - Я знал, что он живет в Оренбурге пять лет.

Если бы в главном предложении стояло настоящее время, то в придаточном была бы употреблена форма Present Perfect Continuous: *I know that he has been living in Moscow for five years.*

2. Для выражения действия, предшествующего действию главного предложения, глагол придаточного предложения употребляется в Past Perfect.

Например:

*I **was** sure that he **had left** Orenburg.* - Я был уверен, что он уехал из Оренбурга.

*He **said** that he **had lost** his watch.* - Он сказал, что он потерял свои часы.

*They **informed** us that they **had sent** a copy of this document.* - Они сообщили нам, что уже отослали копию документа.

Предшествующее действие может быть выражено также в Past Indefinite или Past Continuous, когда время совершения действия определено, или такими обозначениями времени как **in 1925, two years ago, yesterday**, или же другим придаточным предложением обстоятельства времени. Например:

*I thought that he **graduated** from the University in 1990.* - Я думал, что он окончил университет в 1990 г.

*She said that he **left** Moscow two years ago.* - Она сказала, что он уехал из Москвы два года тому назад.

*He said that he **went** to the theatre yesterday.* - Он сказал, что он был вчера в театре.

*I knew that she **saw** him when she **was** in Orenburg.* - Я знал, что она видела его, когда была в Оренбурге.

*She said that she **was working** when I **rang** her up.* - Она сказала, что она работала, когда я ей позвонил по телефону.

Однако с такими указаниями времени, как **the day before, three days before, two years before** и т. п., выражающими прошедшее время по отношению к другому прошедшему моменту, употребляется Past Perfect.



Например:

*He said that he had gone to the theatre **the day before**.*- Он сказал, что он был в театре накануне.

3. Для выражения будущего действия по отношению к действию главного предложения глагол в придаточном предложении употребляется в одной из форм будущего в прошедшем (Future-in-the-Past), выражающих будущее действие по отношению к прошедшему моменту.

Например:

*I hoped that I **should find** him at home.*- Я надеялся, что застану его дома.

*He said that he **would try** to come in time.*- Он сказал, что постарается прийти во-время.

*I was sure that they **would arrive** in the evening.*- Я был уверен, что они приедут вечером.

Когда глагол главного предложения стоит в прошедшем времени, Future-in-the-Past употребляется и в том случае, когда время действия является будущим также и по отношению к моменту речи:

*He said that he **would return** as soon as possible.*- Он сказал, что возвратится как можно скорее.

Перевод на русский язык:

1. Формы Past Indefinite и Past Continuous в дополнительном предложении обозначают действия, одновременные с действием глагола-сказуемого главного предложения. Они переводятся на русский язык глаголом в настоящем времени.

2. Формы Past Perfect и Past Perfect Continuous в дополнительном придаточном предложении обозначают действия, предшествующие действию глагола-сказуемого главного предложения. Они переводятся на русский язык глаголом в прошедшем времени.

3. Формы Future-in-the-Past в дополнительном придаточном предложении передают действия, которые следуют за действием, выраженным глаголом-сказуемым в главном предложении. Они переводятся на русский язык глаголом в будущем времени.

Более подробно остановимся на грамматической форме, которая называется **будущим временем в прошедшем** (Future-in-the-Past). Если формы глагола во всех обычных будущих временах обозначают будущие действия с точки зрения

настоящего, то формы Future-in-the-Past обозначают действия, которые рассматриваются как будущие с точки зрения прошлого. Как правило, это будущие действия, выраженные глаголами в придаточном предложении, следующем за главным предложением, в котором действие обозначено глаголом в прошедшем времени. В русском языке Future-in-the-Past соответствует будущему времени.

Например:

*He told them he **would visit** them that evening.* - Он сказал, что придет к ним в гости вечером.

Future-in-the-Past имеет те же видовременные формы глагола, что и Future Tenses:

<i>Future Indefinite-in-the-Past</i>	<i>he <b>would work</b></i>
<i>Future Continuous-in-the-Past</i>	<i>he <b>would be working</b></i>
<i>Future Perfect-in-the-Past</i>	<i>he <b>would have worked</b></i>
<i>Future Perfect Continuous-in-the-Past</i>	<i>he <b>would have been working</b></i>

Все формы Future-in-the-Past образуются аналогично соответствующим формам Future, только вместо вспомогательных глаголов **shall, will** употребляются формы их прошедшего времени **should** и **would**.

В разговорной речи **should** и **would** употребляются в сокращенной форме:

<i><b>I should = I'd</b></i>	<i><b>I should not = I shouldn't</b></i>
<i><b>he would = he'd</b></i>	<i><b>he would not = he wouldn't</b></i>

Употребление Future-in-the-Past соответствующих форм совершенно аналогично употреблению параллельных форм Future.

Например:

*She **says** she **will come** late.* - Она говорит, что придет поздно.

*She **said** she **would come** late.* - Она сказала, что придет поздно.

*She **says** the cars **will have been going** for 3 hours by eleven.*  
- Она говорит, что к одиннадцати машины будут ехать (в пути) уже три часа.

*She **said** the cars **would have been going** for 3 hours by eleven.* - Она сказала, что к одиннадцати машины будут в пути уже три часа.

Аналогично формам Future формы Future-in-the-Past не употребляются в обстоятельственных предложениях времени и условия, вместо них употребляются соответствующие формы прошедшего времени:

*I **thought** that you **would write** to me if I **went** away.* - Я думала, что ты мне напишешь, если я уеду.

*He **was afraid** that he **wouldn't find** anybody at home when he **came**.* - Он боялся, что он не застанет никого дома, когда придет.

Изученный ранее материал позволяет выделить три основные функции глаголов **should** и **would** в английском языке:

1. вспомогательный глагол при образовании конструкции **Future-in-the-Past**;

2. вспомогательный глагол при образовании сослагательного наклонения **Subjunctive I**;

3. глагол **should** как модальный глагол, выражающий совет, рекомендацию.

Например:

*He said that they **would** investigate her case.* - Он сказал, что они будут расследовать её дело. (**would** служит для образования конструкции Future-in-the-Past)

*If the victim came, the trial **would** start.* - Если бы потерпевший явился, судебное заседание началось бы. (**would** служит для образования конструкции сослагательного наклонения)

*You **should** learn Legal Theory hard.* - Вам следует усердно изучать теорию государства и права. (**should** в качестве модального глагола)

## УПРАЖНЕНИЯ

**ЗАДАНИЕ 13.** Спишите и переведите предложения, учитывая правило согласования времен, подчеркните сказуемые главного и придаточного предложений, установите время придаточного.

Модель:

I heard that you would work as a judge.- Я слышал, что вы будете работать судьей.

1. I knew that he would teach criminal law at the Law Institute. 2. The judge said that the witness had already been interviewed. 3. I was sure I should become a lawyer. 4. We wanted to know how many cases were tried by each judge monthly. 5. When

the judge had finished his summing up, he asked the jury to consider their verdict. 6. The student was interested to know if solicitors had the same examinations to pass as barristers. 7. The judge told us what crime the accused would be guilty of, if the evidence supplied by the prosecution was true. 8. Everybody believed that man would be brought to trial. 9. My friend wondered what he was supposed to do, if he got into trouble with the law in England. 10. He said that he had represented professional interests of the police service in a trade union last year.

**ЗАДАНИЕ 14.** *Раскройте скобки, употребляя глаголы в Past Indefinite, Past Perfect, Past Perfect Continuous.*

1. He (to work) there some time when that dreadful accident (to happen). 2. He told us they (to live) in this district since they had left Paris. 3. Obviously she was affronted because she (not to be taken) fully into her husband's confidence. 4. The poor woman complained she (to have) trouble with her eldest son for a long time. 5. The waiter assured me that he (to look) for the watch everywhere. 6. They (to walk) in the garden for an hour when the storm broke out. 7. The old lady (to be) sound asleep when the shell exploded. 8. When we (to come) home, we (to find) that someone (to break) into the garage and (to steal) the car. 9. The young girl who (to look) at me ever since I had come into the room, suddenly rose and left. 10. How your boss (to find) out that you (to come) to work so late? 11. By that time the twins already (to sleep) for two hours.

**ЗАДАНИЕ 15.** *Раскройте скобки, употребляя глаголы в Future-in-the-Past. Переведите предложения.*

1. It seemed that there (to be) no end of questions. 2. She thought they (to come) in time. 3. We knew he (to come) back to get his money. 4. I couldn't remember who (to be) the first to call. 5. He told me he (to return) your book tomorrow. 6. I asked when he (to try) to work better. 7. She asked me when I (to ring up) to my brother.

**ЗАДАНИЕ 16.** *Спишите и переведите предложения, укажите функции глаголов **should/would**.*

*Модель:*

You should be more attentive when searching the scene of the crime. - Вам следует быть более внимательным, когда вы осматриваете место преступления. (**Should** – модальный глагол)

1. The evidence of this witness should be examined carefully. 2. He shouldn't have objected to the advocate representing him at the trial. 3. The procurator demands that the man should be arrested immediately. 4. We were informed that we should be granted retrial. 5. Had I known this I should have passed the exam. 6. My lawyer promised that I shouldn't be interviewed. 7. If I were you I should attend all seminars. 8 The judge said that the accused would be sent to prison. 9. If the weather had been nice the accident wouldn't have happened.

*Учебное издание*

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для студентов 2-го курса  
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