**Иностранный язык, 2 курс**

1. **Прочитайте и письменно переведите текст.**

**Criminal Procedure**

PRE-TRIAL STAGE. A criminal case passes through several phases before trial. At the first stage the crime is reported and investigated. Then, if there is “probable cause”, i.e. reasonable grounds (something more than mere suspicion to believe that a particular person committed the crime) the person can be arrested. An arrest warrant is necessary unless the pressure of time requires immediate action (e.g. before the suspect flees).

Finally, criminal charges must be lodged against the defendant. Depending on the state, the charges are called either an indictment (by a grand jury) or information (by a magistrate or police officer).They must be based on probable cause, preponderance of evidence, or prosecutor’s evidence that supports a belief in the defendant’s guilt.

BURDEN OF PROOF. At the trial there is crucial difference between criminal and civil cases in the level of proof required. A civil plaintiff merely needs a preponderance of the evidence; the judge only needs to find that the evidence favours the plaintiff over the defendant. A successful criminal prosecution requires proof of guilt beyond a reasonable doubt. The prosecuting counsel opens the case with a short description of the events of the crime and calls his witnesses. After taking an oath by the witness the prosecuting counsel begins his examination by asking the witness his/her name, profession, place of domicile.

THE ORDER OF PROCEEDINGS. The session is opened by the court called to order by the Clerk of the Court. The judge enters. The clerk says: “All rise”. Everyone stands up and waits for the judge to take his seat. The accused is brought into the dock and the clerk asks for his or her name. The accused answers with the appropriate plea. In English law a person is innocent until proven guilty. This means that in a trial the burden of proof is on the prosecution and if the prosecution cannot establish a reasonable cause for conviction the court must acquit the accused. Both the defence and prosecution give their closing arguments, the prosecution going first. The judge sums up the evidence and instructs the jury on their duties. He reminds the jury that if there is any doubt at all in their minds they must acquit the defendant. The jury retires to the jury room to consider the verdict. The verdict “not guilty” does not necessarily mean that the judge or jury believe the defendant to be innocent. It is simply a finding that there was insufficient evidence to prove guilt beyond a reasonable doubt.

EVIDENCE. Criminal trial courts have numerous, complex rules about what evidence is admissible, and how it may be introduced. The rules are supposed to exclude irrelevant, unreliable, or unfairly prejudicial matters, especially in jury cases. The jury’s verdict is to be based solely on the evidence properly brought out at the trial. Otherwise proper, highly relevant evidence may be excluded because it was obtained in violation of a defendant’s constitutional rights. Criminal appeals are often decided on such so-called technical issues.

APPEALS. The appeal is a petition for review of a case that has been decided by a court of law. The petition made to a higher court for the purpose of overturning the lower court’s decision. The specific procedures for appealing can vary greatly depending on the type of case and jurisdiction where the case was prosecuted. The appeal system is mostly for the benefit of the defendant, but it is possible for the prosecution to appeal for a retrial. Appellate courts cannot overturn a verdict simply because they disagree with it – e.g., with how the jury weighed the evidence and decided to believe one witness more than another witness. Appeals tend to focus on problems in the trial, judge’s legal ruling, the instructions to the jury, and the trial procedures, not simply in the judge’s factual interpretations.

1. **Найдите соответствия в тексте на английском языке, запишите и выучите наизусть.**
2. преступление констатируется и расследуется; 2) разумные основания; 3) конкретное лицо совершило преступление; 4) ордер на арест; 5) до того, как подозреваемый скроется; 6) уголовные обвинения; 7) обвинительный акт; 8) вероятная причина; 9) вера в вину подсудимого; 10) различия между уголовными и гражданскими делами; 11) доказательство вины при отсутствии обоснованного сомнения; 12) краткое описание обстоятельств преступления; 13) разумное основание для осуждения; 14) оправдать обвиняемого; 15) суммирует доказательства; 16) исключить не относящиеся к делу, ненадежные или несправедливо наносящие ущерб вопросы; 17) нарушение конституционных прав обвиняемого; 18) ходатайство о рассмотрении дела; 19) отмена решения нижестоящего суда; 20) апелляция для повторного рассмотрения.